



FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

ELLIS LOGISTICS CENTER PROJECT

DPR 22-00018

(SCH No. 2023040144)

September 2024

Lead Agency:

City of Perris
101 North D Street
Perris, CA 92570-1998

Prepared By:

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1.0 INTRODUCTION

This Final Environmental Impact Report (Final EIR) has been prepared by the City of Perris, as Lead Agency, in accordance with the California Environmental Quality Act (CEQA) and Section 15132 of the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines). The Final EIR contains comment letters and emails submitted to the City by agencies, organizations, and individuals during the public review period of the Ellis Logistics Center Project (project) Draft EIR (State Clearinghouse Number 2023040144). The Draft EIR was released for public review and comment by the City of Perris for a 45-day review period that occurred between May 17, 2024 and July 1, 2024. In accordance with State CEQA Guidelines Section 15088, the City of Perris, has evaluated all substantive comments received on the Draft EIR, and has prepared written responses to these comments.

Under State CEQA Guidelines Section 15132, the Final EIR shall consist of:

1. The Draft EIR or a revision of the Draft.
2. Comments and recommendations received on the Draft EIR.
3. A list of persons, organizations, and public agencies commenting on the Draft EIR.
4. The responses to environmental points raised in the review process.
5. Any other information added by the Lead Agency.

1.1 Format

The Final EIR for the Ellis Logistics Center Project consists of the Draft EIR and its technical appendices; the Responses to Comments included herein; other written documentation prepared during the EIR process; and those documents which may be modified by the City of Perris Planning Commission at the time of consideration of certification of the Final EIR. The Planning Commission would also consider adoption of a Mitigation Monitoring and Reporting Program, a Statement of Findings of Fact and Statement of Overriding Considerations as part of the approval process for the project.

This Final EIR document is organized as follows:

Section 1 Provides a brief introduction to the Final EIR.

Section 2 Identifies the commenters on the Draft EIR.

Section 3 Provides the letters and emails submitted by the commenters and the City's responses to the substantive comments. Responses are provided in the form of individual responses to the comment letters received. Comment letters are followed immediately by the responses to each letter.

Section 4 Presents clarifications to the Draft EIR, identifying revisions to the text of the Draft EIR.

1.2 CEQA Requirements Regarding Comments and Responses

State CEQA Guidelines Section 15204(a) directs persons and public agencies to focus their review of a Draft EIR:

“on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. ...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

State CEQA Guidelines Section 15204(c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204(d) states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” State CEQA Guidelines Section 15204(e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

State CEQA Guidelines Section 15088(a) states that the “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.” Section 15088(c) notes that “The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information or does not explain the relevance of evidence submitted with the comment.” In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least ten days prior to certifying the Final EIR by the City of Perris Planning Commission.

2.0 LIST OF DRAFT EIR COMMENTERS

In accordance with State CEQA Guidelines Section 15132, the following is a list of public agencies, organizations, and individuals that submitted comments on the Draft EIR received as of close of the public review period on July 1, 2024. Comments have been numbered and responses have been developed with corresponding numbers.

Agencies

Federal Agencies

None.

State Agencies

None.

Local Agencies

South Coast Air Quality Management District, June 12, 2024

South Coast Air Quality Management District, June 27, 2024

City of Menifee

Riverside Transit Agency

Riverside County Flood Control and Water Conservation District

Organizations

Agua Caliente Band of Cahuilla Indians

Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy, June 19, 2024

Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy, July 1, 2024

Blum, Collins & Ho LLP on behalf of Golden State Environmental Justice Alliance

Individuals

None.

3.0 RESPONSES TO ENVIRONMENTAL COMMENTS

This section is formatted so that the respective comment letters are followed immediately by the corresponding responses. Comment letters and specific comments are given numbers and letters, respectively, for reference purposes. Changes to the text of the Draft EIR are shown in underlined text for additions and ~~strikeout~~ for deletions.

Agencies

Letter A: South Coast Air Quality Management District, June 12, 2024

Letter B: South Coast Air Quality Management District, June 27, 2024

Letter C: City of Menifee

Letter D: Riverside Transit Agency

Letter E: Riverside County Flood Control and Water Conservation District

Organizations

Letter F: Agua Caliente Band of Cahuilla Indians

Letter G: Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy, June 19, 2024

Letter H: Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy, July 1, 2024

Letter I: Blum, Collins & Ho LLP on behalf of Golden State Environmental Justice Alliance

Letter J: Advocates for the Environment

3.1 Agencies

Comment Letter A: South Coast Air Quality Management District (June 12, 2024)

From: Sahar Ghadimi <sghadimi@aqmd.gov>
Sent: Wednesday, June 12, 2024 10:35 AM
To: Alfredo Garcia <algarcia@cityofperris.org>
Cc: Sam Wang <swang1@aqmd.gov>
Subject: Technical data request for the Ellis Logistics Center Project

Dear Brandi Jones,

South Coast AQMD staff received a Notice of Availability of a Draft Environmental Impact Report for the Ellis Logistics Center Project (South Coast AQMD Control Number: RVC240522-09). Staff is currently in the process of reviewing the Draft EIR.

Please provide an electronic copy of any live modeling and emission calculation files (complete files, not summaries) that were used to quantify the air quality impacts from construction and/or operation of the Proposed Project as applicable, including the following:

CalEEMod, Input Files (.csv files).

Live EMFAC output files.

- Any emission calculation file(s) (live version of excel file(s); no PDF) used to calculate the Project's emission sources. (i.e., truck operations).

You may send the above-mentioned files via a Dropbox link in which they may be accessed and downloaded by South Coast AQMD staff. Without all files and supporting documentation, South Coast AQMD staff will be unable to complete a review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.

If you have any questions regarding this request, please contact me.
Thank you.

Sincerely,

Sahar Ghadimi

Air Quality Specialist, CEQA IGR

Planning, Rule Development & Implementation

South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765

(909) 396-2392

sghadimi@aqmd.gov

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Response to Comment Letter A: South Coast Air Quality Management District (June 12, 2024)

A-1: This is an introductory comment which states the South Coast Air Quality Management District (AQMD) is in the process of reviewing the Draft EIR for the proposed project during the time of writing. The commenter requested that the City provide an electronic copy of any live modeling calculations files. The City supplied the requested files on June 25, 2024. This comment does not question the content or conclusions of the Draft EIR and has been noted for the record.

Comment Letter B: South Coast Air Quality Management District (June 27, 2024)



SENT VIA E-MAIL:
algarcia@cityofperris.org
 Alfredo Garcia, Associate Planner
 City of Perris, Planning Department
 135 North "D" Street
 Perris, CA 92570

June 27, 2024

**Notice of Availability of a Draft Environmental Impact Report (EIR) for the
 Ellis Logistics Center Project (Proposed Project)
 [SCH #: 2023040144]**

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The City of Perris is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments which are organized by topic of concern.

South Coast AQMD Staff's Summary of Project Information in the Draft EIR

Based on the Draft EIR, The proposed project consists of a 40-foot-tall "high-cube" logistics warehouse building of approximately 643,419 square feet (sf). The project site consists of two assessor parcels (APN), 330-090-006 (28.13 acres) and 330-090-007 (6.39 acres), totaling 34.52 acres.¹ Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residential development) is located 830 feet to the west of the project site.² The project would be constructed over approximately 13 months, conservatively estimated in this EIR to begin in March 2024. It is located near the southeast corner of East Ellis Avenue and Case Road.³

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South Coast AQMD Staff's Comments

Warehouse Cold Storage Land Use and the Associated Emissions from Transport Refrigeration Units (TRU)

The project description in the Draft EIR does not specify whether the Proposed Project includes allocating warehouse land for cold storage. Cold storage warehouses typically utilize more trucks and trailers equipped with TRUs compared to those without cold storage. Therefore, it is recommended that the Lead Agency revise the project description in the Final EIR to clarify if cold storage would be a part of the Proposed Project, and additionally, the Final EIR should provide an estimate for the number of TRU trucks and trailers that would be involved in the operation of the warehouses with cold storage. If TRUs are planned to be used, the Lead Agency should also

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¹ Draft EIR, Page 11.
² *Ibid*, Page 93.
³ *Ibid*, Page 58.

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update the emissions calculations in the Final EIR to include the emissions from the TRUs in addition to the those from truck operation.

Moreover, based on an aerial photograph review, South Coast AQMD staff identified a railroad adjacent to the project site in a northwest-southeast orientation. The CEQA document should explain whether transportation by railroad will be utilized for this project. If so, locomotive emissions should be included in the air quality analysis and Health Risk Assessment (HRA) in the revised CEQA document.

Assessment of TRU Idling Durations and Potential Health Impacts at the Proposed Project Site

Based on South Coast AQMD reviews of the AERMOD modeling files provided in Appendix D2-HRA analysis, the duration for on-site TRU truck idling in the Proposed Project site is 30 minutes. According to the California Air Resource Board (CARB)'s Proposed Amendments to the Airborne Toxic Control Measure (ATCM) for In-Use Diesel-Fueled TRUs, a TRU-equipped vehicle enters the facility fully loaded (inbound) and exits the facility fully loaded (outbound), with each loading and unloading process taking 2 hours—totaling 4 hours. Given this, the loading and unloading of goods during a single visit can result in up to 4 hours of idling on-site. By assuming a 30-minute TRU idling duration, the Lead Agency may have underestimated the potential exposure of nearby residents to diesel exhaust emissions, which could pose a significant cancer risk to the community. Therefore, South Coast AQMD staff recommends that the Lead Agency either include a project design feature in the DEIR to limit TRU idling within the Project site to less than 30 minutes or revise the Project's HRA to reflect a reasonable TRU idling duration supported by substantial evidence.

Moreover, upon reviewing the AERMOD HRA modeling files, South Coast AQMD staff identified that a unit emission rate of 1 g/s was used for off-site trucks, whereas the actual emission factors from the on-site truck running and idling exhaust were applied to all other sources in the modeling. It is crucial to scale the modeled predicted ground-level concentrations to the actual ground-level concentration by using the actual emission rate and then determine the actual cancer risks from the off-site trucks. The Lead Agency should verify that the estimated cancer risks from off-site trucks and the on-site truck running and idling exhaust are combined to calculate the total cancer risks.

Cumulative Impacts during Operation

Based on the Draft EIR, the Proposed Project consists of construction of a 643,419 square foot warehouse on 34.53 acres, the Proposed Project is within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area.⁴ The PVCCSP was adopted by the City of Perris pursuant to a certified Environmental Impact Report (EIR) on 1/10/2012.⁵ Prior to certification of the PVCCSP, a Draft EIR was released for public review and comment between 7/20/2011 – 9/6/2011.⁶ During this public review period, South Coast AQMD submitted a comment

⁴ Draft EIR, Page 243.
⁵ ORDINANCE NUMBER 1284.
Accessed at: <https://www.cityofperris.org/home/showpublisheddocument/2923/637250482796800000>
⁶ Perris Valley Commerce Center Specific Plan Final EIR, 9.0 Introduction, Public Review Summary, Page 9.0-1
Accessed at: <https://www.cityofperris.org/home/showpublisheddocument/2645/637455522835370000>



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recommending that the Lead Agency include a more robust analysis of cumulative impacts in the Final EIR. Specifically, South Coast AQMD asked that the Lead Agency revisit the estimated number of trucks projected to serve the site, provide additional analysis demonstrating that the project will not significantly impact sensitive receptors during operation and that it will not cause a significant air quality and air toxics impact, and to evaluate additional mitigation measures to further reducing any significant air quality and air toxics impacts. The PVCCSP has been revised and amended many times since 2012, and the most recent Perris Valley Commerce Center Specific Plan Amendment No. 12 was approved on January 11, 2022.⁷ However, the cumulative impacts from the revised projects in PVCCSP are not updated, and a robust analysis of cumulative air quality and air toxics impacts from all the projects in PVCCSP is not included in the PVCCSP or this Draft EIR.

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According to the City of Perris webpage under Planning – Environmental Documents for Public Review,⁸ other development projects are located near the Proposed Project site. Such as the Draft EIR for the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project⁹ (prepared in September 2023), Ramona Gateway Project¹⁰ (prepared in October 2022), OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project in 135 North D street, 643,419 square foot, Ethanac Logistics Center in 101 North D street, IS/MND for Redlands Avenue East Industrial Project¹¹ (prepared in September 2022) and IS/MND for Development Plan Review 22-00008 project. Per CEQA Guidelines Section 15065(a)(3), South Coast AQMD staff is primarily concerned with the cumulative air quality impacts from increased concentrations of air toxics in the PVCCSP region. Pursuant to CEQA, which requires an analysis of direct, indirect, and cumulative impacts, South Coast AQMD has initiated a public process to develop additional guidance for evaluating cumulative air quality impacts from increased concentrations of air toxics for projects. To date, there have been five working group meetings (WGMs) dedicated to proposed cumulative impact policy development. For more general information on the WGMs, please visit South Coast AQMD's webpage.¹²

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Therefore, South Coast AQMD staff recommends that, at minimum, the Lead Agency perform a qualitative analysis to provide the potential cumulative impacts from air toxics in consideration by listing all surrounding past, present, and probable future projects. The Lead Agency may also perform a more detailed and robust quantitative analysis of cumulative air toxic and potential health risk implications to be included in the Final EIR.

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Rule 2305: Warehouse Indirect Source Rule - Warehouse Actions and Investments To Reduce Emissions (WAIRE) Program

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⁷ Perris Valley Commerce Center Specific Plan Amendment No. 12, approved January 11, 2022, available at <https://www.cityofperris.org/home/showpublisheddocument/2647/637799977032200000>

⁸ City of Perris, Planning – Environmental Documents. Access at: <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review>.

⁹ OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project. <https://www.cityofperris.org/home/showpublisheddocument/17150/638296920955929505>.

¹⁰ Ramona Gateway Project. <https://www.cityofperris.org/home/showpublisheddocument/15530/638023987310626068>

¹¹ Redlands Avenue East Industrial Project. Access at: <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-/folder-328>

¹² South Coast AQMD's Cumulative Impacts from Air Toxics for CEQA Projects: [https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-\(new\)](https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new))

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On May 7, 2021, South Coast AQMD’s Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of a 643,419 square foot warehouse, the Proposed Project’s warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation¹³. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD’s WAIRE Program webpage.¹⁴

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South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project requires the use of new stationary and portable sources, including but not limited to emergency generators (for the hotel building), fire water pumps (for the warehouse building), boilers, etc., air permits from South Coast AQMD will be required. The final CEQA document, whether a MND or EIR, should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for example, Rule 201 – Permit to Construct,¹⁵ Rule 203 – Permit to Operate,¹⁶ Rule 401 – Visible Emissions,¹⁷ Rule 402 – Nuisance,¹⁸ Rule 403 – Fugitive Dust,¹⁹ Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,²⁰ Rule 1113 – Architectural Coating,²¹ Rule 1166 – VOC

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¹³ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xcii/r2305.pdf>.

¹⁴ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

¹⁵ South Coast AQMD. Rule 201 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>.

¹⁶ South Coast AQMD. Rule 203 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>.

¹⁷ South Coast AQMD. Rule 401 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>.

¹⁸ South Coast AQMD. Rule 402 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>.

¹⁹ South Coast AQMD. Rule 403 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>.

²⁰ South Coast AQMD. Rule 1110.2 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf.

²¹ South Coast AQMD. Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>.

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Contaminated Soil Excavation,²² Rule 1179 – Publicly Owned Treatment Works Operation,²³ Regulation XIII – New Source Review,²⁴ Rule 1401 – Air Toxics,²⁵ Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,²⁶ Rule 1470 – Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines,²⁷ etc. It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

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CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project description and analysis in its current form in the Draft EIR is inadequate to be relied upon for this purpose.

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For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at <https://www.aqmd.gov/home/permits>.

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Conclusion

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations

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²² South Coast AQMD. Rule 1166 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>
²³ South Coast AQMD. Rule 1179 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1179.pdf>
²⁴ South Coast AQMD. Regulation XIII available at <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>
²⁵ South Coast AQMD. Rule 1401 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>
²⁶ South Coast AQMD. Rule 1466 available <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>
²⁷ South Coast AQMD. Rule 1470 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

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provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

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Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Sahar Ghadimi, Air Quality Specialist, at sghadimi@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

SW:SG
RVC240522-09
Control Number

Response Comment Letter B: South Coast Air Quality Management District (June 27, 2024)

- B-1:** The comment provides a summary of the proposed project. Please refer to project information as stated in *Chapter 3, Project Description*, of the Draft EIR, as well as pages 4.2-5 and 4-2.20 of the Draft EIR, where sensitive receptors and estimated construction timeline, respectively, are stated with respect to the air quality analysis. Because this comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.
- B-2:** The comment advises clarification of the proposed project's inclusion of cold storage and subsequent changes to emission calculations to reflect use of cold storage (and TRUs) if it is included in the project. Project inclusion of cold storage was addressed in *Chapter 3.6, Proposed Project*, of the Draft EIR, on page 3-11, where it was stated, "The warehouse facility would not be used for cold storage." Therefore, no changes to emission calculations with respect to inclusion of cold storage or TRUs are required.

The comment advises that locomotive emissions be included in the air quality analysis and health risk assessment (HRA) should transportation by railroad be utilized for the project, as there is a railroad adjacent to the project site.

The comment states that the HRA underestimated on site TRU truck idling time and requests that either a project design feature be included to limit TRU idling time or the idling time used in the model be substantiated. As previously stated, in *Chapter 3.6, Proposed Project* of the Draft EIR, on page 3-11, the project does not include warehouse cold storage and, therefore, would not utilize TRUs. Therefore, TRU emissions were not analyzed and no change to emission calculations with respect to TRUs is required.

The comment states that a unit emission rate of 1 gram per second (g/s) was used for off-site trucks in the HRA AERMOD files, as opposed to the actual emission factors for on-site trucks used for all other sources, and requests verification that estimated cancer risks from off-site and on-site trucks are combined in determining total cancer risks. The HRA used a unitized emission rate for all sources. This means that each source in AERMOD was modeled using a unitized emission rate, or 1 gram per second (g/s), to estimate ground level concentrations in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) at each receptor. The AERMOD output concentrations were used as dispersion factors (or scaling factors). The dispersion factor ($\mu\text{g}/\text{m}^3$ at [1 g/s]) represents the AERMOD output concentration based on an emission rate of 1 g/s. The dispersion factor ($[\mu\text{g}/\text{m}^3]/ [1 \text{ g/s}]$) and the actual emission rate of the source (in g/s) were multiplied together to estimate the ground level concentration (in $\mu\text{g}/\text{m}^3$) at each receptor. Refer to Appendix C2: Health Risk Assessment Modeling Data for calculations to convert unitized emission rates to emissions concentrations from on-site trucks, idling, and off-site truck activities as well as an emergency generator per building, forklifts, and yard trucks.

The proposed extension of the rail spur is conceptual in nature and any future development of the rail spur would require review and approval by the Southern California Regional Rail Authority (Metrolink), BNSF Railway, and the California Public Utilities Commission. The project would also be required to comply with all conditions of approval imposed by the California Public Utilities Commission.

The existing railroad is adjacent to the proposed project site. The proposed rail spur is located within the project site and is no closer to any sensitive receptors than the existing Metrolink/BNSF rail line or other onsite project improvements. The rail spur would not cross any other properties adjacent to the project site or in the surrounding area. Construction of the rail spur would be similar in nature to the other onsite improvements analyzed in the Draft EIR.

The Draft EIR analyzed unrefrigerated warehouse with rail as the CalEEMod land use input per the CalEEMod User Guide Version 2022.1¹. The mobile source emissions calculations in the Draft EIR do not include the anticipated reduction in truck trips anticipated to result from rail service. One rail car can hold three to four truckloads worth of freight.² With up to four rail cars anticipated to deliver to the project 2-3 times per week, this equates to a reduction of approximately 70-90 truck trips per week. Therefore, the mobile emissions calculations provide a conservative analysis of potential mobile emissions.

The use of the rail spur was included in the Draft EIR's operational emissions analysis and localized emissions analysis. Additionally, in April 2023, the California Air Resources Board (CARB) approved the In-Use Locomotive Regulation. The In-Use Locomotive Regulation will achieve emission reductions from diesel-powered locomotives and increase the use of zero-emission technology. Starting in 2030, only locomotives less than 23 years old will be able to be used in California, unless operated in a zero-emission configuration. Switch, industrial, and passenger locomotives with an original engine build date of 2030 and beyond will be required to operate in a zero-emission configuration to operate in California.³

The 2005 CARB/Railroad Statewide Agreement places specific limits on locomotive idling times.⁴ This agreement states that all locomotives with automatic shutoff devices will not be permitted to idle longer than 15 minutes, unless for an exempt reason. Exemptions align with those described by the U.S. Environmental Protection Agency (EPA) and will be granted for reasons like maintaining air brake pressure or keeping the driver cabin heated or air conditioned.⁵

¹ ICF, April 2022, *CalEEMod Version 2022.1 User Guide*, <https://www.caleemod.com/user-guide>, accessed September 10, 2024.

² Iowa Department of Transportation, *Selecting Rail As A Mode of Transportation*, page 16.

https://iowadot.gov/iowarail/railroads/industry/iowatoolkit/Toolkit_Selectingpdf.pdf

³ California Air Resources Board, <https://ww2.arb.ca.gov/our-work/programs/reducing-rail-emissions-california/locomotive-fact-sheets>, accessed August 14, 2024.

⁴ <https://ww2.arb.ca.gov/resources/documents/rail-emission-reduction-agreements>; accessed August 15, 2024.

⁵ ARB/Railroad Statewide Agreement, June 2005. <https://ww2.arb.ca.gov/sites/default/files/2020-06/2005%20MOU%20Remediated%2003102020.pdf>, accessed August 15, 2024.

Locomotives not equipped with anti-idling devices shall be manually limited to no more than 15 consecutive minutes of idling.

Nonetheless, the City acknowledges that additional mitigation regarding potential rail emissions would ensure that potential impacts from rail emissions are minimized. Mitigation Measure AQ-2 relating to potential rail operations has been added to the Final EIR. With the implementation of this mitigation measure, potential impacts stemming from locomotives serving the site would be reduced to less than significant levels, particularly when taking into account the considerable reduction of truck traffic that would likely result from the project's addition of the rail spur, although the Draft EIR analysis does not rely on any such reduction.

The following mitigation measure will be added to *Section 4.2.5, Air Quality*, page 4.2-36 of the Draft EIR.

AQ-2: All locomotives with automatic shutoff devices will not be permitted to idle longer than 15 minutes, unless for an exempt reason. Exemptions align with those described by U.S. EPA and will be granted for reasons like maintaining air brake pressure or keeping the driver cabin heated or air conditioned. Locomotives not equipped with anti-idling devices shall be manually limited to no more than 15 consecutive minutes of idling.

B-3: The comment claims that the Draft EIR does not account for the most recent updates to the projects within Perris Valley Commerce Center Specific Plan (PVCCSP) area in analyzing cumulative air quality and air toxics impacts. The proposed project site is not located within the PVCCSP area of the City of Perris. The boundaries of the PVCCSP are approximately 3 miles north of the project site. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

B-4: The comment mentions information about other projects located near the project site. The South Coast AQMD has initiated a public process to develop guidance for evaluating cumulative air quality impacts but to date there have been five working group meetings and no final methodologies or thresholds have been adopted. The comment suggests a more robust cumulative analysis but does not indicate the appropriate approach or thresholds based on substantial evidence.

The nature of air emissions is largely a cumulative impact. As such, the South Coast AQMD developed the thresholds of significance based on the level above which individual project emissions would result in a cumulatively considerable contribution to air basin's existing air quality conditions.⁶ Therefore, a project that generates emissions that exceed the South Coast AQMD operational thresholds of significance would also generate a cumulatively considerable contribution to a significant cumulative impact and, inversely, emission volumes below the South

⁶ South Coast Air Quality Management District, *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D*, 2003.

Coast AQMD operational thresholds of significance are not cumulatively considerable. The analysis follows the approach in South Coast AQMD's *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*.

The cumulative projects identified in the comment are also subject to CEQA and are required to mitigate potential impacts to the extent feasible. These projects (as with the proposed project) are also required to comply with all applicable South Coast AQMD rules and regulations, which would minimize emissions. Draft EIR *Table 4.2-10: Construction Related Emissions* and *Table 4.2-11: Long-Term Operational Emissions* show that the project would not exceed the South Coast AQMD's thresholds of significance. Therefore, the project's emissions would not result in a cumulatively considerable increase in these pollutants. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

- B-5:** As discussed in Response B-4 above, South Coast AQMD has not finalized or adopted guidance or thresholds on preparing cumulative analysis. The analysis in the Draft EIR includes a quantitative analysis of the proposed projects air quality emissions. On Draft EIR page 4.2-27, operational emissions were compared to the South Coast AQMD's thresholds of significance and were found to be less than significant. On page 4.2-29, the Draft EIR discusses how the South Coast AQMD operational threshold for an individual project having a cumulatively considerable impact is exceeding the project-level thresholds. The analysis follows the South Coast AQMD's current guidance for evaluating cumulative impacts. As noted in the Draft EIR, the project would not exceed the South Coast AQMD's thresholds of significance and, therefore, cumulative impacts would not be cumulatively considerable. As the project would not exceed individual thresholds of significance, it would not have a cumulatively significant impact. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.
- B-6:** The comment discusses the adopted South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule, which applies to all warehouse operators in buildings with greater than 100,000 square feet of floor area that may be used for warehousing and who operate at least 50,000 square feet of the warehouse for warehousing activities. As discussed on Draft EIR page 4.10-7 and page 4.7-14, the project would be required to comply with Rule 2305 since it is over 100,000 square feet in size. Compliance with South Coast AQMD Rule 2305 is also part of the City of Perris Good Neighbor Guidelines for Siting New and/or Modified Industrial Facilities. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.
- B-7:** As noted on Draft EIR pages 4.2-20, the proposed warehouse is speculative and no end user has been identified; however, a backup generator and fire water pump were assumed in the air quality, health risk, and GHG analyses to be conservative. The project applicant has no plans at this time to install emergency generators. However, the proposed project modeling conservatively includes emergency generators (see Draft EIR pages 4.2-20, 4.2-26, 4.2-27, 4.7-19, and Appendix C1) in order to analyze a worst-case scenario. Following project construction, any future tenant that requires the use of a generator or stationary equipment with an internal

combustion engine would be required to obtain South Coast AQMD permits prior to installation. The South Coast AQMD rules relevant to the project are listed on Draft EIR page 4.2-9. The South Coast AQMD has been identified as a Responsible Agency on Draft EIR pages 2-8 and 3-21. The comment has been noted for the record and no changes to the Draft EIR have been made or are required. The City agrees that if air permits are required from the South Coast AQMD, then the project sponsor would coordinate.

- B-8:** See Response B-7 above. As noted above, the South Coast AQMD has been identified as a Responsible Agency on Draft EIR pages 2-8 and 3-21. Descriptions of potential backup generators that may require South Coast AQMD permits are provided on pages 4.2-20 and 4.2-27.
- B-9:** See Responses B-7 and B-8 above. Emergency generators were conservatively included in the model. As noted above, the proposed warehouse is speculative and no end user and no stationary equipment has been identified for the project. However, the South Coast AQMD has been identified as a Responsible Agency on Draft EIR pages 2-8 and 3-21.
- B-10:** The comment requests that the City comply with CEQA when responding to South Coast AQMD's comments. As requested, the City's responses to the South Coast AQMD's comments will be provided to the South Coast AQMD as part of the Final EIR distribution prior to certification of Final EIR. As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the project's environmental effects, no further response is warranted.

Comment Letter C: City of Menifee



29844 Haun Rd. Menifee CA. 92586
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cityofmenifee.us

July 1, 2024

Alfredo Garcia,
Associate Planner
City of Perris, Development Services Department
135 North "D" Street
Perris, CA 92570-2200

RE: City of Perris Project – Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the Ellis Logistics Center Project – Development Plan Review (DPR) 22-00018 (SCH#2023040144)

Dear Mr. Garcia,

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the above proposal to construct a 643,419 square-foot industrial building on a 34.52-acre project site located south of Ellis Avenue, north of Case Road between Goetz Road and the I-215 Freeway. The City has reviewed the project and offers the following comments:

- As part of Menifee’s Project comments provided on May 8, 2023, the Menifee’s Engineering Department/Traffic Engineer requested the opportunity to review the Traffic Impact Analysis (TIA) for the Project and the opportunity to provide early input in the scoping of the TIA for the Project. For the record, Menifee was not offered the opportunity to review the TIA or participate in the scoping of the TIA.
- The Traffic Analysis section of the DEIR states the following:

The vehicles and trucks accessing and leaving the project site would be limited to using the existing designated truck routes. In January 2022, the City Council approved the Perris Comprehensive General Plan 2030 Circulation Element Existing Designated Truck Routes map, as an update to the City’s designated truck routes. The updated Truck Route map eliminated the truck route designation of Redlands Avenue to the north and left Ellis Avenue to Case Road southwest to the I-215/State Route 74 East interchange as the designated truck route available to the project site vicinity.

The DEIR has determined that project impacts related to transportation & traffic to be less than significant; however, the City of Menifee is concerned with traffic impacts resulting from the large number of truck trips generated by the proposed project and other warehouse projects in Perris being directed to the south towards Menifee to access the I-215 Freeway at the I-215/SR 74 interchange. The established truck route via Ellis Avenue and Case Road involves very tight turning movements at Case Road & Ellis Avenue and railroad crossings at two separate locations

C-1

C-2

Bill Zimmerman Mayor	Dean Deines Mayor Pro Tem District 4	Bob Karwin Councilmember District 1	Ricky Estrada Councilmember District 2	Lesia A. Sobek Councilmember District 3	Armando G. Villa City Manager
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along Case Road. Therefore, vehicles, including trucks, will likely use less constrained/impacted routes such as Goetz, Murrieta and Ethanac Roads, resulting in potential significant traffic impacts to the City of Menifee. Related to this traffic concern, please see the attached City of Menifee Public Works/Engineering Department comments related to the TIA.

↑ C-2
Cont'd
C-3

- Finally, please provide all future environmental notices/documents to the City of Menifee Planning Department for review once they become available.

We appreciate your consideration of these comments and thank you again for the opportunity to provide comments. We respectfully look forward to discussing these items further prior to the approval of this project. If you have questions, please contact me at 951-723-3744 or by e-mail at ddarnell@cityofmenifee.us

Sincerely,

Doug Darnell

Doug Darnell, AICP
Principal Planner

- Cc: Kenneth Phung, City of Perris Director of Development Services
 Patricia Brenes, City of Perris Planning Manager
 Cheryl Kitzerow, AICP City of Menifee Community Development Director
 Nick Fidler, City of Menifee Public Works Director
 Orlando Hernandez, City of Menifee Deputy Community Development Director
 Alberto Paiva, City of Menifee Deputy Public Works Director

Enclosure: City of Menifee Public Works/Engineering Dept. Comments – July 1, 2024

Bill Zimmerman Mayor	Dean Deines Mayor Pro Tem District 4	Bob Karwin Councilmember District 1	Ricky Estrada Councilmember District 2	Lesa A. Sobek Councilmember District 3	Armando G. Villa City Manager
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PUBLIC WORKS/ENGINEERING DEPARTMENT

DATE: July 1, 2024

TO: Doug Darnell, AICP, Principal Planner

HJF FROM: Haile Ford, PE, Senior Engineer

CC: Steven Strapac, PE, PLS, QSD, Assistant City Engineer
Chet Robinson, PE, GE, Principal Engineer

RE: City of Perris' Newcastle Ellis Warehouse – DPR 22-00018 – PC2 Engineering Comments

The PC2 comments noted herein are for the review of the following:

- Preliminary Drainage Study, prepared by SDH & Associates, Inc., dated May 23, 2022
- Traffic Study, prepared by Kimley Horn, dated July 2023

Public Works / Engineering has reviewed the referenced documents and has the following comments:

Preliminary Drainage Study:

1. Engineering has no comments on this submittal.] C-4

Traffic Study:

1. The following intersections and road segments should also be analyzed for traffic impacts:] C-5
 - a. The intersection of Ellis Avenue and Goetz Road.
 - b. The segment of Goetz Road that runs south to Ethanac Road.
 - c. The segment of Murrieta Road that runs south to Ethanac Road.
 - d. The segment of Ethanac Road that runs between Goetz Road and I-215.

General Comments:

1. The applicant / developer and the City of Perris should coordinate with Caltrans for the necessary right-of-way required for future interchange widening and improvements.] C-6

The City of Perris is advised to prepare a response letter in the next submittal, responding back to each comment in this Memo. Any questions can be directed to Haile Ford at (951) 723-1774 (office), (213) 215-6772 (cell), or by email at hford@cityofmeniffee.us.

Response to Comment Letter C: City of Menifee

C-1: This is an introductory comment which states that the City of Menifee has reviewed the Draft EIR for the project. The comment states that the City of Menifee provided comments on May 8, 2023, during the Notice of Preparation (NOP) comment period at which time the City of Menifee requested for an opportunity to participate in the scoping and review the Traffic Impact Analysis. The City of Menifee states that the opportunity was not provided, and the Traffic Impact Analysis was not shared with them (prior to circulation of the Draft EIR and other supporting technical reports and studies to the public).

As noted on page 2-3 through 2-4 of *Chapter 2.0, Introduction of the Draft EIR*, the NOP was circulated for public comment and review. The NOP was prepared and circulated in accordance with State CEQA Guidelines Section 15082 and provided sufficient information to enable responsible and trustee agencies and other interested parties to provide comments and request certain topics and issues be discussed in the Draft EIR. Accordingly, the NOP contained sufficient information to enable the City of Menifee and other interested parties or agencies the opportunity to make a meaningful response and request certain issues be discussed within the scope of the Traffic Impact Analysis.

The May 8th, 2023 NOP response letter did request an opportunity to review the Traffic Impact Analysis stating, "The City's Engineering Department requests the opportunity to review the Traffic Impact Analysis (TIA) for any potential impacts to Menifee streets." The comment letter also requested the potential for floodplain overlap be discussed and the City of Menifee requested environmental notices and documents be provided once they become available.

The NOP response letter did not specifically request the opportunity to provide "early input," but the City of Menifee was provided review opportunity during the circulation of the Draft EIR. In any case, it would not have been appropriate for the City to share a preliminary draft of the Traffic Impact Analysis, any other technical report, or section of the Draft EIR, prior to its formal publication during the 45-day public review period from May 17, 2024 to July 1, 2024.

Thus, the City of Menifee was provided an opportunity to review the Traffic Impact Analysis and provide comments in accordance with State CEQA Guidelines when the Draft EIR was circulated for public review.

The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

C-2: The commenter discusses concerns about truck trips generated by the project and other warehouse projects in the City of Perris. The commenter states these trips could potentially result in significant traffic impacts to the City of Menifee. The commenter states that truck drivers will likely use Goetz Road, Murrieta Road, and Ethanac Road instead of Case Road to get from the I-215 Freeway to Ellis Avenue and the project site.

The City disagrees with this assessment of potential truck trip distribution. The City prohibits heavy trucks operating within the South Perris Area from using Case Road south of the Jacinto River and Ethanac Road from Barnett Road to the west. This is implemented as conditions of approval for projects in this area. The routes that would be used by trucks traveling to and from the project site are shown in the Traffic Impact Analysis that was included as Appendix K and circulated as part of the Draft EIR. This is consistent with the discussion on page 4.13-3 in *Section 4.13, Transportation and Traffic*, in the Draft EIR. These segments of Ethanac Road and Goetz Road provide a connection to the streets listed in the comment. Thus, because trucks would no longer be allowed to travel on them, this would eliminate trucks use of the listed roads in the City of Menifee.

These facts are considered in the Traffic Impact Analysis which discusses project trip distribution and assignment. The trip distribution assumptions for the site were developed in consideration of the proposed site uses, exiting travel patterns, available routes to and from the freeway system, and location and linkages from truck routes. As shown in Figures 6 and 7 in the Traffic Impact Analysis which show the project trip distribution and project related traffic volumes, the vast majority of trips would access I-215 via Case Road to the southeast and Redland Avenue to the north.

The Traffic Impact Analysis discusses and evaluates the transportation changes that are projected to occur at the intersection of Case Road and Ellis Avenue. The commenter questions if this will induce trucks and vehicles to use less constrained routes including Goetz Road, Murrietta Road, and Ethanac Road. As discussed above, and to reiterate, the project would be conditioned to restrict trucks from Ethanac Road and the southerly segment of Goetz Road between the San Jacinto River and Ethanac Road on the south.

Furthermore, due to the intersection configuration the westbound lanes of Ellis Avenue provide a longer distance and radius that provides adequate room for truck turning movements from westbound Ellis Avenue to southeast bound Case Road. Further, the northbound turn lane from Case Road to Ellis Avenue is wider than standard, approximately 40 feet, and is sufficient to enable safe turning for trucks and would not dissuade drivers from using this designated access way to the project site.

The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

- C-3:** The comment requests that all future environmental notices and documents be provided to the City of Menifee Planning Department for review when available. The City of Perris will accommodate this request. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

- C-4:** This comment states that City of Menifee Public Works/Engineering Department has reviewed the Preliminary Drainage Study and has no comments. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.
- C-5:** This comment states that analysis of traffic impacts is needed for the following: the intersection of Ellis Avenue and Goetz Road, the segment of Goetz Road from Ellis Avenue to Ethanac Road, the segment of Murrieta Road from Case Road to Ethanac Road, and the segment of Ethanac Road from Goetz Road to I-215. For the intersection of Ellis Avenue and Goetz Road, the project is anticipated to assign only a small amount of traffic to this intersection (i.e., 5 AM/PM peak hour trips, which is well below both the City of Perris & City of Menifee 50-peak hour trip threshold for needing to analyze an intersection). Furthermore, the City of Perris does not require a roadway segment LOS analysis unless the project is forecast to generate a significant amount of daily traffic, potentially exceeding the capacity of a roadway. In this case, the project is forecast to generate 1,693 total PCE trips, which would not trigger the need to perform a roadway segment LOS analysis.

In regard to the three road segments identified, the City of Menifee's standard for needing to analyze a roadway segment is if the project assigns 500 or more daily trips to a segment. In this case, that would require a minimum of 29-30% of project traffic. For these three segments, the percentage of project traffic would be minimal, if any, and well below this threshold. Therefore, an analysis of the additional identified intersection and roadways would not be required.

Please refer to Response C-2, above regarding project trip distribution and potential use of roadways in the City of Menifee. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

- C-6:** This comment is a general comment stating that the applicant/developer and the City of Perris should coordinate with Caltrans for any necessary right-of-way requirements for any future interchange widening and improvements. The City of Perris concurs with this statement and the applicant/developer would comply with right-of-way requirements for interchange widening and improvements should this be necessary for the proposed project.

The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

Comment Letter D: Riverside Transit Agency

Comment Letter 1: Riverside Transit Agency (May 30, 2024)

From: Mauricio Alvarez <malvarez@riversidetransit.com>
Sent: Thursday, May 30, 2024 12:08 PM
To: Alfredo Garcia <algarcia@cityofperris.org>
Subject: DEIR Ellis Logistics Center Project DPR22-00018

Hello Alfredo,

Thank you for including RTA in the development review of DPR22-00018. After reviewing the plans, there are no comments to provide for this particular project at this time.

1A

Thank you,

Mauricio Alvarez, MBA

Planning Analyst

Riverside Transit Agency

p: 951.565.5260 | e: malvarez@riversidetransit.com

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

[1825 Third Street, Riverside, CA 92507](#)

Response to Comment Letter D: Riverside Transit Agency

D-1: The Riverside Transit Agency thanks the City of Perris for the opportunity to review the Draft EIR and concludes they have no comments on the project. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

Comment Letter E: Riverside County Flood Control and Water Conservation District

JASON E. UTLEY
General Manager-Chief Engineer



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www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

June 25, 2024

256746

City of Perris
Planning Department
135 North D Street
Perris, CA 92570

Attention: Alfredo Garcia

Re: DPR 22-00018 (SCH #2023040144)
Ellis Logistics Center Project
APNs 330-090-006 and 330-090-007

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

E-1

The District's review is based on the above-referenced project transmittal, received May 20, 2024. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.
- If this project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of

E-2

City of Perris
Re: DPR 22-00018 (SCH #2023040144)
Ellis Logistics Center Project
APNs 330-090-006 and 330-090-007

- 2 -

June 25, 2024

256746

the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

E-2
Cont'd

This project is located within the limits of the District's Perris Valley San Jacinto River Homeland/Romoland Line A Homeland/Romoland Line B Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

E-3

An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, San Jacinto River Channel, Stage 1. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.

E-4

The District's previous comments are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

E-5

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

E-6

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

E-7

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

E-8

Very truly yours,

AMY MCNEILL
Engineering Project Manager

EM:blj

Response to Comment Letter E: Riverside County Flood Control and Water Conservation District

E-1: This is an introductory comment stating the role of the Riverside County Flood Control and Water Conservation District and the basis for providing comments and recommendations. The Flood Control and Water Conservation District notes that their review of the Draft EIR was not done in detail and does not constitute or imply any sort of approval of the project of the Draft EIR in relation to flood hazard, public health and safety, or any other related issue.

The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

E-2: This comment states that the Flood Control and Water Conservation District would consider accepting ownership on written request by the City for any channels, storm drains larger than 36 inches in diameter, or other facilities that could potentially be regional in nature and/or a logical extension of a District's facility. The project does not propose a channel or storm drain larger than 36 inches in diameter. The City and project applicant understand that all applicable permits for facilities would be submitted for Flood Control and Water Conservation District approval and there would be no undue constraints on the Flood Control and Water Conservation District or its ability to operate. Lastly, it is noted that all drainage improvements would occur within the project footprint, and thus, the potential environmental effects have been analyzed in the Draft EIR.

E-3: This comment notes that the project is located within the limits of the Flood Control and Water Conservation District's San Jacinto River Area Drainage Plan in which applicable drainage fees have been adopted for projects proposing to create additional impervious surface area. This comment does not question the adequacy or request clarification of any conclusions in the Draft EIR and does not address an environmental issue. The commenter is correct that payment of all applicable development impact fees would be made prior to issuance or grading, or buildings permits. Payment of fees would be required and occur during and as part of the project review and approval process. Should the project be approved, payment of fees will be at the rate in effect at the time of permit issuance.

The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

E-4: This commenter discusses that an encroachment permit must be obtained if project construction activities occur within right of way or facilities within the Flood Control and Water Conservation District facilities, specifically the San Jacinto River Channel. The San Jacinto River Channel is located approximately 0.25 mile to the southeast of the project site and there are no project related activities that would occur within this area.

The commenter also discusses that mitigation may be required if an encroachment permit is required and the proposed storm drain connections could exceed the hydraulic performance of

the existing drainage facilities. As mentioned in *Section 4.9, Hydrology*, the proposed project would control on-site generated runoff with above- and below-ground drainage facilities that would control and direct water to an underground storage facility in the southwest portion of the site. Furthermore, as mentioned in *Chapter 3.0, Project Description*, the landscaped areas and vegetated swales would also reduce the volumes of runoff from entering the storm drainage system. Accordingly, while the project would increase the impervious surfaces on the project site, as noted on page 4.9-10 of *Section 4.9, Hydrology and Water Quality*, the project design would result in post-project drainage characteristics similar to existing conditions. Thus, the project would not exceed the capacity of existing or planned stormwater drainage systems.

The comment has been noted for the record and no changes to the EIR have been made or are required.

- E-5:** This comment notes that the project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board and that any grading, recordation, or other final approval shall not be given until the City has determined the project has been granted a permit or is shown to be exempt. Page 4.9-8 of *Section 4.9, Hydrology and Water Quality*, discusses the requirement to obtain an NPDES permit. The City of Perris concurs with this statement, and the applicant/developer would obtain a NPDES permit if necessary.

It should be noted that the Draft EIR states that NPDES General Permit No. CAS000002, Order No. 2009-0009-DWQ would be obtained. On September 8, 2022, the State Water Resources Control Board adopted Order WQ 2022-0057-DWQ NPDES NO. CAS000002, which supersedes Order 2009-0009 DWQ. This order would require the applicant to comply with all requirements of Division 7 of the California Water Code (commencing with Section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act and regulations and guidelines adopted thereunder.

The change in the NPDES number and project compliance with the new permit would not result in any change to any conclusions or impact significance or result need for new mitigation that could have an impact on the environment.

- E-6:** This comment notes that the City should require the project applicant to provide all studies, calculations, plans, and other information required to meet Federal Emergency Management Agency (FEMA) requirements if the project involves a FEMA mapped floodplain. Additionally, the comment elaborates that, if the project involves a FEMA mapped floodplain, the applicant must obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy. As discussed in *Section 4.9, Hydrology and Water Quality*, in the Draft EIR, the proposed project site is not located in, and the project would not impact, any FEMA Floodway including the area located near the southeasterly corner of the project site. This area would remain in its existing condition with no development proposed. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

- E-7:** The comment states that the project proponent shall bear the responsibility of complying with all applicable mitigation measures defined in the CEQA document. The City of Perris concurs, and the project proponent shall comply with all mitigation measures listed in the EIR and the Mitigation Monitoring and Reporting Program.
- E-8:** The comment states that the City of Perris should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from the previously mentioned requirements if a natural watercourse or mapped floodplain is impacted by the project. The City of Perris does not concur with this statement. Section 1602 Agreement applies to rivers, streams, and lakes and the Clean Water Act Section 404 Permit does not apply because the floodplain is not a relatively permanent, standing, or continuously flowing body of water. The comment also states that the project must secure a Clean Water Act Section 401 permit is required prior to the issuance of a Section 404 Permit.

As discussed on page 4.3-23 in *Section 4.3, Biological Resources*, the project site does not contain any waters subject to Section 401 or 404 regulation. See also page 7-3, *Chapter 7.0, Effects Found Not to Be Significant*. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

Comment Letter F: Agua Caliente Band of Cahuilla Indians



July 01, 2024

[VIA EMAIL TO: al.garcia@cityofperris.org]
 City of Perris
 Mr. Alfredo Garcia
 135 N. D Street
 Perris, California 92570-2200

Re: Ellis Logistics Center Project DEIR

Dear Mr. Alfredo Garcia,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Ellis Avenue Warehouse project. We have reviewed the documents and have the following comments:

*The presence of an approved Cultural Resource Monitor(s) during any ground disturbing activities (including archaeological testing and surveys). Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer.

*The Records Search for this project resulted in a lithic scatter site being either directly adjacent or within the SE corner of the project area. This indicates that the site probably extends further into the project area. The SLF search was also Positive, indicating that the project is located within a sensitive area. Because of these things I strongly believe it is necessary to have a Tribal Monitor on site during all ground disturbing activities.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 423-3485. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

Xitlaly Madrigal
 Cultural Resources Analyst
 Tribal Historic Preservation Office
 AGUA CALIENTE BAND
 OF CAHUILLA INDIANS

F-1

Response to Comment Letter F: Agua Caliente Band of Cahuilla Indians

F-1: This comment includes a request for an approved Cultural Resource Monitor during all site ground disturbing activities, noting that a portion of the project area may potentially have tribal cultural resources. The request also asks that destructive construction halt if buried cultural deposits are encountered, and a Qualified Archaeologist be notified to investigate and prepare a mitigation plan for the State Historic Preservation Officer if investigation deems necessary.

Pursuant to the request of the commenter, the proposed project has revised Mitigation Measure CUL-1. The revised text of the mitigation measures is shown in part below. The full text of the updated mitigation measure is shown in *Section 4.0, Clarifications and Revisions* below in this Final EIR.

Revised text of Mitigation Measure CUL 1 is shown in underline text as follows:

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 project proponent/developer also shall coordinate to have a Native American tribal monitor on site for ground disturbing activities and to accompany the professional archaeologist for additional archaeological testing or surveys in preparation for and during construction efforts. The primary task of the consulting archaeologist and Native American tribal monitor 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...

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~~ an agreed upon amount of 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.

Changes or revisions have been made as a result of this comment. The changes or revisions do not and do not have the potential to change the significance findings of any impact that would occur because of the project or implementation of mitigation. No additional disclosures are needed, and recirculation is not required.

3.2 Organizations

Comment Letter G: Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy (June 19, 2024)

ADAMS BROADWELL JOSEPH & CARDOZO
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ARIANA ABEDIFARD
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KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSEPIAN
DARION N. JOHNSTON
RACHAEL E. ROSS
ADAN P. MARSHALL
TARA C. RENGIFO

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

June 19, 2024

VIA EMAIL AND U.S. MAIL

Kenneth Phung, Director
Development Services Department
City of Perris
135 N. D Street
Perris, CA 92570
Email: kphung@cityofperris.org;
dsplanning@cityofperris.org

Nancy Salazar, City Clerk
Perris City Hall
101 N. D Street
Perris, CA 92570
Email: cityclerk@cityofperris.org

VIA EMAIL ONLY

Alfredo Garcia, Associate Planner
Email: algarcia@cityofperris.org

Heidi Flores, MPA, Administrative Technician
Email: hflores@cityofperris.org

Re: Request for Immediate Access to Documents Referenced in the Draft Environmental Impact Report – Ellis Logistics Center Project (SCH No. 2023040144; Development Plan Review DPR 22-00018)

Dear Mr. Phung, Ms. Salazar, Mr. Garcia, and Ms. Flores:

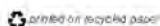
We are writing on behalf of Californians Allied for a Responsible Economy (“CARE CA”) to request **immediate access** to any and all documents referenced, incorporated by reference, and relied upon in the Draft Environmental Impact Report (“DEIR”) prepared for the Ellis Logistics Center Project (SCH No. 2023040144; Development Plan Review DPR 22-00018) (“Project”), proposed by CRP NC South Perris Owner LLC (“Applicant”). **This request includes, but is not limited to, a copy of Appendix C2: Health Risk Assessment Modeling Data.** *This request excludes a copy of the DEIR and any documents that are currently available on the City of Perris website.*¹

G-1
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The Project proposes to develop an approximately 643,419-square-foot industrial warehouse facility on 34.52 acres in the City of Perris, Riverside County, California. The project site is bordered by Ellis Avenue to the north and the BNSF/SCRRA railway and Case Road to the southwest and consists of two Assessor Parcels Numbers: 330-090-006 and 330-090-007.

¹ Accessed https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-/folder-367?docid=1206_1313_479 on June 19, 2024.

7305-003acp



June 19, 2024
Page 2

Our request for ***immediate access*** to all documents referenced in the DEIR is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced, incorporated by reference, and relied upon in an environmental review document be made available to the public for the entire comment period.²

Please use the following contact information for all correspondence:

U.S. Mail

Sheila M. Sannadan
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

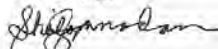
Email

ssannadan@adamsbroadwell.com

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G-1
Cont'd
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If you have any questions, please call me at (650) 589-1660 or email me at ssannadan@adamsbroadwell.com. Thank you for your assistance with this matter.

Sincerely,

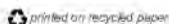


Sheila M. Sannadan
Legal Assistant

SMS:acp

² See Public Resources Code § 21092(b)(1) (stating that "all documents referenced in the draft environmental impact report" shall be made "available for review"); 14 Cal. Code Reg. § 15087(c)(5) (stating that all documents incorporated by reference in the EIR "... shall be readily accessible to the public"); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442, as modified (Apr. 18, 2007) (EIR must transparently incorporate and describe the reference materials relied on in its analysis); *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 ("[W]hatever is required to be considered in an EIR must be in that formal report. ..."), internal citations omitted.

7305-003acp



Response to Comment Letter G: Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy (June 19, 2024)

G-1: This comment contains a request for immediate access to all documents referenced, incorporated by reference, and relied upon in the Draft EIR for the project. This comment specifically highlights their request for a copy of Appendix C2, Health Risk Assessment Modeling Data. The City of Perris provided the requested items on June 25, 2024. The comment also clarifies the name of the project, the applicant, and project details. The comment reiterates that this request in subject to CEQA requiring all documents referenced, incorporated by reference, and relied upon in an environmental review document be made available to the public for the entire comment period. This comment does not raise a substantive issue on the content of the Draft EIR analysis. Therefore, the comment has been noted for the record and no changes to the document have been made or are required.

Comment Letter H: Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy (July 1, 2024)

ARIANA ABEDIFARD
KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSEPIAN
DARION N. JOHNSTON
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July 1, 2024

Via Email and Overnight Mail

Alfredo Garcia, Associate Planner
City of Perris Planning Department
135 North D Street,
Perris CA 92570
Email: algarcia@cityofperris.com

Via Email Only

Patricia Brenes, Planning Manager
Email: pbrenes@CityofPerris.org

Kenneth Phung, Director of
Development Services
Email: kphung@cityofperris.org

**Re: Comments on Ellis Logistics Center Project – Draft
Environmental Impact Report (DPR 22-00018; SCH No. 2023040144)**

Dear Mr. Garcia, Ms. Brenes, and Mr. Phung:

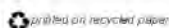
On behalf of Californians Allied for a Responsible Economy (“CARE CA”), we submit these comments on the Draft Environmental Impact Report (“DEIR”) (SCH No. 2023040144) prepared by the City of Perris (“City”) for the Ellis Logistics Center Project (DPR 22-00018) (“Project”) pursuant to the California Environmental Quality Act (“CEQA”).¹ The Project is proposed by CRP NC South Perris Owner LLC (“Applicant”). The Applicant proposes to develop an approximately 643,419-square-foot (“SF”) industrial warehouse facility in the City of Perris, Riverside County. The Project site consists of two assessor parcels (APN) 330-090-006 (28.13 acres) and 330-090-007 (6.39 acres) totaling 34.52 acres. The net project site area is approximately 33.51 acres, excluding land reserved for public rights-of-way. The project site has a General Plan land use designation of Light Industrial (LI) and is zoned Light Industrial (LI).

H-1

CARE CA reviewed the DEIR, its technical appendices, and reference documents with assistance of its expert consultants. CARE CA’s comments on air quality, public health, GHG emissions, and hazardous materials were prepared with the assistance of air quality and GHG expert James Clark, PhD., whose

H-2

¹ Pub. Res. Code §§ 21000 et seq. 7305-004acp



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Page 2

comments (“Clark Comments”) and curriculum vitae (“CV”) are attached hereto as **Exhibit A**. CARE CA’s comments on noise and vibration were prepared with the assistance of acoustics, noise, and vibration expert Ani Toncheva of Wilson Ihrig. Ms. Toncheva’s Comments (“Toncheva Comments”) and Ms. Toncheva’s CV are attached hereto as **Exhibit B**.

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H-2
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Based on our review of the DEIR and supporting documentation, we conclude that the DEIR fails to comply with the requirements of CEQA. As explained more fully below, the DEIR fails to provide an accurate Project description and environmental baseline upon which to measure the whole Project’s reasonably foreseeable impacts. The consequences of these defects are far-reaching and require the revision of the DEIR. The DEIR does not accurately disclose potentially significant air quality, GHG, health risk, noise, and transportation impacts. As a result of its shortcomings, the DEIR lacks substantial evidence to support its conclusions and fails to properly mitigate the Project’s significant environmental impacts. Further, the City cannot make the required findings to support the approval of the Development Plan Review until the Project’s significant environmental impacts are mitigated to the greatest extent feasible. The City cannot approve the Project until the errors and omissions in the DEIR are remedied, and a revised DEIR is recirculated for public review and comment which fully discloses and mitigates the Project’s potentially significant environmental and public health impacts.

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H-3

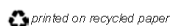
I. STATEMENT OF INTEREST

CARECA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental impacts of the Project. The coalition includes Riverside residents Brett Sanchez, Alejandro Villalobos and Jorge Suarez, Southern California Pipe Trades District Council 16 and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Perris and Riverside County.

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H-4
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CARECA advocates for protecting the environment and the health of their communities’ workforces. CARECA seeks to ensure a sustainable construction industry over the long-term by supporting projects that offer genuine economic and employment benefits, and which minimize adverse environmental and other impacts on local communities. CARECA members live, work, recreate, and raise their families in the City of Perris and Riverside County and surrounding communities. Accordingly, they would be directly affected by the Project’s environmental and health and safety impacts. Individual members may also work

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Page 3

on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

In addition, CARECA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

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II. LEGAL BACKGROUND

CEQA has two basic purposes, neither of which the DEIR satisfies. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.² CEQA requires that an agency analyze potentially significant environmental impacts in an EIR.³ The EIR should not rely on scientifically outdated information to assess the significance of impacts, and should result from “extensive research and information gathering,” including consultation with state and federal agencies, local officials, and the interested public.⁴ To be adequate, the EIR should evidence the lead agency’s good faith effort at full disclosure.⁵ The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.”⁶ “Thus, the EIR protects not only the environment but also informed self-government.”⁷

H-5

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures.⁸ The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly

² CEQA Guidelines, § 15002, subd. (a)(1).

³ See Pub. Resources Code, § 21000; CEQA Guidelines, § 15002.

⁴ *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm.* (“*Berkeley Jets*”) (2001) 91 Cal.App.4th 1344, 1367.; *Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612, 620.

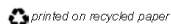
⁵ CEQA Guidelines, § 15151; see also *Laurel Heights Improvement Assn. v. Regents of University of California* (“*Laurel Heights I*”) (1988) 47 Cal.3d 376, 406.

⁶ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

⁷ *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564 (citations omitted).

⁸ CEQA Guidelines, § 15002, subd. (a)(2)-(3); *Berkeley Jets*, *supra*, 91 Cal.App.4th at 1354.

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Page 4

reduced.”⁹ If a project has a significant effect on the environment, the agency may approve the project only upon a finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible,” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081.¹⁰

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. *A clearly inadequate or unsupported study is entitled to no judicial deference.*”¹¹ As the courts have explained, “a prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.”¹² “The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail ‘to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’”¹³

As these comments will demonstrate, the DEIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project. It fails in significant aspects to perform its function as an informational document that is meant “to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment” and “to list ways in which the significant effects of such a project might be minimized.”¹⁴

The use of inaccurate and flawed information on which the DEIR bases its conclusions results in underestimated Project impacts. This, in turn, leads to a failure to comply with CEQA’s requirement that an agency mitigate “all significant environmental impacts to the greatest extent feasible, and that any remaining significant environmental impacts are acceptable due to overriding



H-5
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⁹ CEQA Guidelines, § 15002, subd. (a)(2).

¹⁰ *Id.*, subd. (b)(2)(A)-(B).

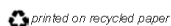
¹¹ *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.

¹² *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.

¹³ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, quoting *Laurel Heights*, 47 Cal.3d at 405.

¹⁴ *Laurel Heights I, supra*, 47 Cal.3d at p. 391.

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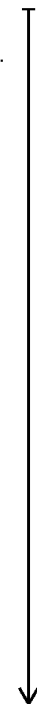
considerations.”¹⁵ Mitigation of impacts to the fullest extent feasible requires an agency to accurately quantify the severity of Project impacts. Because the DEIR’s analyses underestimate the severity of the Project’s impacts, the City has failed to comply with CEQA and thus cannot approve the Project based upon the DEIR’s unsupported analyses and conclusions.



H-6
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III. THE PROJECT DESCRIPTION IS INADEQUATE

The DEIR does not meet CEQA’s requirements because it fails to include an accurate and complete Project description, rendering the entire analysis inadequate. California courts have repeatedly held that “an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”¹⁶ CEQA requires that a project be described with enough particularity that its impacts can be assessed.¹⁷ California courts have repeatedly held that “an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”¹⁸ Without a complete, stable and accurate project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project’s impacts and undermining meaningful public review.¹⁹



H-7

CEQA Guidelines section 15378 defines “project” to mean “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.”²⁰ “The term “project” refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term project does not mean each separate governmental approval.”²¹ Courts have explained that a complete description of a project must “address not only the immediate environmental consequences of going forward with the project, but also all “*reasonably foreseeable* consequence[s] of the initial project.”²² “If a[n]... EIR... does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the

¹⁵ CEQA Guidelines, §§ 15090, 15091.

¹⁶ *Stoepthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* (“*CBE v. Richmond*”) (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.

¹⁷ 14 CCR § 15124; see, *Laurel Heights I*, *supra*, 47 Cal.3d 376, 192-193.

¹⁸ *Stoepthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment*, 184 Cal.App.4th at 85–89; *County of Inyo*, 71 Cal.App.3d at 193.

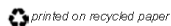
¹⁹ *Stoepthemillenniumhollywood.com*, 39 Cal.App.5th at 17.

²⁰ CEQA Guidelines § 15378.

²¹ *Id.*, § 15378(c).

²² *Laurel Heights I*, 47 Cal. 3d 376, 398 (emphasis added); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.

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project, informed decisionmaking cannot occur under CEQA and the final EIR is inadequate as a matter of law.”²³

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H-7
Cont'd

A. The DEIR Fails to Identify Reasonably Foreseeable Uses of the Project Site

CEQA is concerned with a project’s environmental impacts, regardless of who ultimately uses or operates a project.²⁴ However, courts have held that where the tenant or type of business is foreseeable and there is evidence that an impact unique to that tenant or type of business will result, an EIR must disclose that information.²⁵ An EIR must include an analysis of the environmental effects of a proposed future use or action at a project site if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.²⁶ A failure to describe anticipated project operations can result in a flawed impact analysis, in violation of CEQA.²⁷ An EIR is required to “adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project,” otherwise, informed decisionmaking is precluded and the EIR may be deemed inadequate as a matter of law.²⁸

H-8

Here, the DEIR fails to describe or analyze all reasonably foreseeable uses at the Project site. The Project is being designed and developed for future high cube warehouse uses, even though the DEIR does not disclose a specific tenant. High cube warehouses can be used for a variety of uses as recognized by the Institute of Transportation Engineer’s *Trip Generation Manual*, 11th Edition. The *Trip Generation Manual* includes several classifications: transload facility, short-term storage, cold storage, fulfillment center, parcel hub.²⁹ These classifications generate different types of impacts. For example, fulfillment centers and parcel hub warehouses have significantly higher trip generation rates than transload, short-term, and cold storage warehouses.

²³ *Riverwatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal. App. 4th 1186, 1201.

²⁴ *Maintain Our Desert Env’t v. Town of Apple Valley* (2004) 124 CA4th 430.

²⁵ *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 CA4th 1184, 1213.

²⁶ *Laurel Heights I*, 47 Cal. 3d 376, 396.

²⁷ See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722.

²⁸ *Id.*; *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454-1455.

²⁹ See also Institute of Transportation Engineers, High-Cube Warehouse Vehicle Trip Generation Analysis (Oct. 2016) p. 4-6 (discussing high-cube warehouse classifications), available at <https://www.ite.org/pub/?id=a3e8679a%2De3a8%2Dbf38%2D7f29%2D2961baedd498>.

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The DEIR’s omission of information about the reasonably foreseeable higher intensity uses at the Project site is similar to the EIR’s omission of critical operational analysis in *Bakersfield Citizens for Local Control v. City of Bakersfield*. In *Bakersfield*, the court found that an EIR’s simple statement that “no stores have been identified” for the subject shopping center “without disclosing the type of retailers envisioned for the proposed project is not only misleading and inaccurate, but it hints at mendacity.”³⁰ Since the Project is being designed to be capable of supporting a variety of high-cube warehouse uses, including higher intensity warehouse uses, the DSEIR must be revised to analyze the impacts of the most intensive reasonably foreseeable uses of the Project site. For example, high intensity uses would have greater *inter alia* air quality, GHG, noise, and transportation impacts than analyzed in the DEIR, which assumed impacts from lower-intensity uses. The DEIR’s failure to provide information about the reasonably foreseeable use causes the DEIR to fail as an informational document.

H-9

IV. THE DEIR FAILS TO ADEQUATELY ESTABLISH THE EXISTING BASELINE

CEQA requires that a lead agency include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time environmental review commences.³¹ As numerous courts have held, the impacts of a project must be measured against the “real conditions on the ground.”³² The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project’s impacts.³³ Use of the proper baseline is critical to a meaningful assessment of a project’s environmental impacts.³⁴ An agency’s failure to adequately describe the existing setting contravenes the fundamental purpose of the environmental review process, which is to determine whether there is a potentially substantial, adverse change compared to the existing setting.

H-10

Baseline information on which a lead agency relies must be supported by substantial evidence.³⁵ The CEQA Guidelines define “substantial evidence” as

³⁰ *Bakersfield Citizens for Local Control v. City of Bakersfield* (“*Bakersfield*”) (2004) 124 Cal.App.4th 1184, 1213.

³¹ CEQA Guidelines, § 15125, subd. (a).

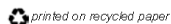
³² *Save Our Peninsula Com. v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121-22; *City of Carmel-by-the Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 246.

³³ CEQA Guidelines, § 15125, subd. (a).

³⁴ *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Ca.4th 310, 320.

³⁵ *CBE v. SCAQMD*, *supra*, 48 Ca.4th at 321 (stating “an agency enjoys the discretion to decide [...] exactly how the existing physical conditions without the project can most realistically be measured,

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“enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion.”³⁶ “Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts ... [U]nsubstantiated opinion or narrative [and] evidence which is clearly inaccurate or erroneous ... is not substantial evidence.”³⁷

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H-10
Cont'd

A. The DEIR’s Baseline Noise Analysis is Unsupported

The California Supreme Court, in *Communities for a Better Environment v. South Coast Air Quality Management District* (“*CBE v. SCAQMD*”),³⁸ recognized that “the baseline ‘normally’ consists of ‘the physical environmental conditions in the vicinity of the project, as they exist at the time ... environmental analysis is commenced....’”³⁹ An approach using hypothetical conditions as the baseline, results in “illusory” comparisons that “can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,” a result which contravenes CEQA's intent.⁴⁰

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H-11

Here, the DEIR fails to provide an adequate baseline associated with traffic noise surrounding the Project area. The sample time measurements used to support the DEIR’s noise analysis includes only 15-minutes for all locations, which does not capture the time-variable nature of traffic noise on Ellis Avenue.⁴¹ These 15 minutes represent only 1% of the potential 12-hour construction work day (7 A.M. – 7 P.M.) per the City of Perris Municipal Code Section 7.34.060.⁴² The DEIR does not substantiate that this sample is representative of baseline existing traffic noise conditions surrounding the Project site. Environmental noise can vary widely throughout the day and relying on measurements that represent less than 1% of the daytime hours results in an inadequate baseline against which to measure the Project’s operational and construction noise impacts.

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H-12

Further, Ms. Toncheva determined that noise measurement locations Site Number ST-3 at 353 Ellis Avenue and Site Number ST-1 at the intersection of

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subject to review, as with all CEQA factual determinations, for support by substantial evidence”); see *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.

³⁶ CEQA Guidelines §15384.

³⁷ Pub. Resources Code § 21082.2(c).

³⁸ (2010) 48 Cal. 4th 310, 321.

³⁹ *CBE v. SCAQMD*, *supra*, 48 Ca.4th 310, 327–328, citing Guidelines, § 15125, subd. (a)

⁴⁰ *Environmental Planning Information Council v. County of El Dorado* (1982) 76 Cal.App.4th 931, 955.

⁴¹ Toncheva Comments, p. 3.

⁴² *Id.*

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Redlands Avenue and Ellis Avenue measured levels which differ by 17 dB, even though the locations are only 500 feet apart.⁴³ The DEIR fails to account for this significant difference.⁴⁴ Appendix J of the DEIR indicates that there was construction noise associated with cement truck and pouring taking place during the measurement at ST-1, making it unrepresentative of typical existing noise at the closest single-family residence.⁴⁵ The DEIR's baseline analysis is therefore unsupported and must be revised in a recirculated EIR.

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H-13
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Moreover, the DEIR provides that the Project will be operational up to 24 hours a day.⁴⁶ Ms. Toncheva determined that the DEIR's failure to analyze the baseline noise environment at night results in an inadequate analysis of the Project's ambient noise environment.⁴⁷ The DEIR must be revised and recirculated to adequately analyze the Project's impacts associated with noise emissions above the baseline nighttime noise environment.

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H-14

V. THE DEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE POTENTIALLY SIGNIFICANT AIR QUALITY IMPACTS

An EIR must fully disclose all potentially significant impacts of a Project and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency's significance determination with regard to each impact must be supported by accurate scientific and factual data.⁴⁸ An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.⁴⁹

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H-15
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Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.⁵⁰ Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.⁵¹ In reviewing challenges to an

⁴³ DEIR, p. 4.11-11.

⁴⁴ Toncheva Comments, p. 3.

⁴⁵ DEIR, Appendix J, p. 1.

⁴⁶ DEIR, p. 4.12-7.

⁴⁷ Toncheva Comments, p. 3.

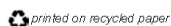
⁴⁸ 14 CCR § 15064(b).

⁴⁹ *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.

⁵⁰ *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.

⁵¹ *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.

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agency’s approval of an EIR based on a lack of substantial evidence, the court will “determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements.”⁵²

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.’⁵³

H-15
Cont'd

A. The DEIR Fails to Adequately Analyze and Mitigate Potentially Significant Human Health Risks from Release and Exposure to Valley Fever Spores at the Project Site

The Project may result in potentially significant impacts from Valley Fever. But the DEIR makes no mention of Valley Fever, and the DEIR’s air quality analysis fails to analyze health risk impacts from exposure and inhalation of Valley Fever.

There is substantial evidence demonstrating that Valley Fever exposure in Riverside County may pose a significant health risk to construction workers and nearby sensitive receptors when soil is disturbed during Project construction. Riverside University Health System, in their Coccidioidomycosis Yearly Summary Report 2015 found that half (52.3%) of reported Valley Fever Coccidioidomycosis cases were reported among residents living in Western Riverside County.⁵⁴ And 5.6% of cases occurred in the City of Perris.⁵⁵ The incidents of Valley Fever in the area are significant, but the DEIR fails to make any mention of the potentially significant risk from Project construction and its resultant disturbance of soil which may contain Valley Fever spores.

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Valley Fever is caused by microscopic fungus known as *Coccidioides immitis*, which lives in the top 2 to 12 inches of soil in many parts of the state of California.⁵⁶ When soil is disturbed by activities such as digging, grading, or driving, or is disturbed by environmental conditions such as high winds, fungal spores can become airborne and can potentially be inhaled. The infectious dose is very low,

⁵² *Id.*, *Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.

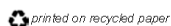
⁵³ *Berkeley Jets*, 91 Cal.App.4th at 1355.

⁵⁴ Riverside University Health System, Coccidioidomycosis Yearly Summary Report 2015 Riverside University Health System – Public Health Disease Control Epidemiology & Program Evaluation.

⁵⁵ *Id.*

⁵⁶ Cal. Lab. Code § 6709(a).

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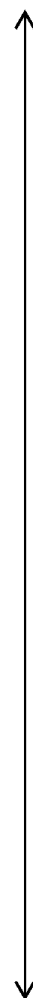
typically less than 10 spores.⁵⁷ The most at-risk populations are construction and agricultural workers.⁵⁸ Outbreaks of coccidioidomycosis have been linked to a variety of activities involving disturbance of impacted soils.⁵⁹

Disturbance of the soil on the Project site may result in significant health risk impacts from Valley Fever to workers and the surrounding community. Construction workers are at significant risk of developing Valley Fever. “Labor groups where occupation involves close contact with the soil are at greater risk, especially if the work involves dusty digging operations.”⁶⁰ However, the potentially exposed population is much larger than construction workers because the non-selective raising of dust during Project construction will carry the very small spores, 0.002-0.005 millimeters (“mm”), into off-site areas, potentially exposing large non-construction worker populations.⁶¹

1. The DEIR Fails to Adequately Analyze the Health Risk from Valley Fever

Since 2015, the number of cases of Valley Fever in Riverside County has increased from 34 in 2015 to 255 in 2019 (an increase of 750 percent), as reported by the California Department of Public Health (CDPH).⁶² In 2021, the number of cases of Valley Fever in Riverside County reached a new high of 353. In the first 8 months of 2023, Riverside County reported 310 cases, representing a nearly 564% increase over the baseline year of 2015 in only three quarters of the year. Since Valley Fever cases are directly related to the disturbance of soils in the area, the City must analyze and mitigate the impacts of Valley Fever from the Project’s construction phase on the workers and surrounding community.

Dr. Clark confirmed that Valley Fever impacts from Project construction may be significant on construction workers and the neighboring community. Windblown dust from Project-disturbed soils is a particular concern at this site due to desert winds, which occur in the area.⁶³ Desert winds can raise significant amounts of dust, even when conventional dust control methods are used, often prompting alerts



H-16
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⁵⁷ Jennifer McNary and Mary Deems, Preventing Valley Fever in Construction Workers, March 4, 2020, pdf 10.

⁵⁸ Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation’s Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3.

⁵⁹ Clark Comments, p. 7.

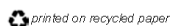
⁶⁰ *Ibid.*, p. 110.

⁶¹ Clark Comments, p. 6.

⁶² CDPH. 2019. Epidemiologic Summary of Valley Fever (Coccidioidomycosis) In California, 2019. Surveillance and Statistics Section, Infection Diseases Branch, Division of Communicable Disease Control, Center For Infectious Diseases, California Department of Public Health.

⁶³ Clark Comments, p. 7.

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from air pollution control districts.⁶⁴ If these winds occurred during grading, cut and fill, or soil movement, or from bare graded soil surfaces (even if periodically wetted), significant amounts of PM₁₀, PM_{2.5}, and associated Valley Fever spores as well as silica dust would be released.⁶⁵

Many of the Project components, for example, are in the vicinity of sensitive receptors, including residential areas, and schools, resulting in significant public health impacts. Valley fever spores can be carried on the winds into surrounding areas, students at nearby schools, and residents adjacent to the construction site.⁶⁶ Valley Fever spores, for example, have been documented to travel as much as 500 miles⁶⁷ and, thus, dust raised during construction could potentially expose a large number of people hundreds of miles away. The DEIR failed to identify this significant risk to sensitive receptors.

Dr. Clark found that “Given the wide range of public health impacts from coccidioidomycosis infection/exposure it is clear that Valley Fever would result in a potentially significant health risk for nearby residents and residents at a distance from the Project Site.”⁶⁸ Further, Dr. Clark concludes that the EIR must be revised to disclose the impacts of the Project’s ground disturbing construction activities on the closest receptors, and to incorporate effective Valley Fever mitigation for off-site receptors to ensure that public health.

2. The Mitigation Measures Proposed for Valley Fever Impacts are Inadequate

Dr. Clark confirmed that the standard fugitive dust mitigation measures listed in the DEIR are not adequate to protect construction workers and nearby sensitive receptors from the risk of exposure to Valley Fever spores.⁶⁹ Conventional dust control measures are not sufficient to prevent the spread of *Coccidioides immitis*, (*cocci*) and are not effective at controlling Valley Fever because they largely focus on visible dust or larger dust particles—the PM₁₀ fraction—not the very fine particles where the Valley Fever spores are found.⁷⁰ The use of PM₁₀ and visible dust as a measure of the potential exposure to *Coccidioides immitis*, (*cocci*) fails to consider the size of the spores (5 times smaller than the visible dust).



H-16
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⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Clark Comments, p. 6.

⁶⁷ David Filip and Sharon Filip, Valley Fever Epidemic, Golden Phoenix Books, 2008, p. 24.

⁶⁸ Clark Comments, p. 8.

⁶⁹ *Id.* at 11.

⁷⁰ *Id.*

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Dr. Clark provided substantial evidence that standard fugitive dust mitigation such as watering of soils would not provide sufficient protection to on-site workers, nor would they prevent the spread of *Coccidioides immitis* from the site to receptors farther away. Compliance with SCAQMD Rule 403 would also fail to prevent the exposure of workers on- and off-site to *Coccidioides immitis* impacted soils.⁷¹ Sampling for and removal of impacted soils is the best solution to *Coccidioides immitis* spores.⁷²

The City must revise the DEIR to disclose and analyze the potential for release of Valley Fever spores during Project construction, the resultant health risk from human exposure, and revise the DEIR's mitigation plan to include mitigation measures which require the Applicant to implement the following feasible mitigation measures to actively suppress the spread of Valley Fever at the Project site:

1. Include specific requirements in the Project's Injury and Illness Prevention Program (as required by Title 8, Section 3203) regarding safeguards to prevent Valley Fever.
2. Control dust exposure:
 - Apply chemical stabilizers at least 24-hours prior to high wind event;
 - Apply water to all disturbed areas a minimum of three times per day. Watering frequency should be increased to a minimum of four times per day if there is any evidence of visible wind-driven fugitive dust;
 - Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
 - Half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
 - Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
 - Avoid outdoor construction operations during unusually windy conditions or in dust storms.
 - Consider limiting outdoor construction during the fall to essential

H-16
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⁷¹ *Id.*

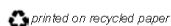
⁷² *Id.*

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- jobs only, as the risk of cocci infection is higher during this season.
3. Prevent transport of cocci outside endemic areas:
 - Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
 - Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate;
 - Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable cover.
 - Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
 - Clothing should be changed after work every day, preferably at the work site.
 - Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
 - Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
 4. Improve medical surveillance for employees:
 - Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
 - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.
 - Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
 - Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.
 - If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

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These mitigation measures would feasibly reduce the Project’s significant impacts from Valley Fever and have been shown to reduce Valley Fever during construction of solar and wind projects in endemic areas. Dr. Clark recommends the City implement each of these measures as additional mitigation in a revised DEIR.

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H-16
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B. The DEIR’s Operational Air Quality Analysis Relies on Erroneous Emissions Calculations Factors

The DEIR’s air quality analysis for operational emissions relies on erroneous data to support its calculations. The DEIR’s analysis of operational emissions for onsite off-road vehicles uses emission factors that are out of date and which rely on the use of “airport ground support” cargo equipment emissions data.⁷³ The City fails to analyze the appropriate cargo equipment, which Dr. Clark determines will result in more significant emissions than the airport ground support cargo equipment analyzed.⁷⁴ The DEIR’s operational air emissions data and conclusions are therefore unsupported by substantial evidence. The DEIR must be revised and recirculated to accurately calculate the Project’s operational emissions associated with cargo handling equipment before the Project can lawfully be approved.

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H-17

C. The DEIR Fails to Adequately Analyze Air Quality Impacts by Underestimating Truck Trip Lengths

The DEIR’s air quality modeling relies on an average truck trip length of approximately 40 miles.⁷⁵ The 40-mile average underestimates the reasonably foreseeable truck trip lengths and results in underestimation of Project air quality impacts. A one-way trip from the Project site to the Port of Los Angeles would be 81 miles⁷⁶, and a one-way trip from the Project site to the Port of Long Beach would be 79 miles.⁷⁷ These figures would be quadrupled for the foreseeable minimum of two roundtrips per day.

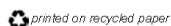
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H-18

Dr. Clark estimated that using an 80-mile a day truck trip average (the approximate distance from the Project site to the Ports of Los Angeles and Long Beach) would nearly double the daily emissions of pollutants associated with the Project, and would result in a potentially significant impact.⁷⁸

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H-19

⁷³ Clark Comments, p. 11-12.
⁷⁴ *Id.* at 12.
⁷⁵ DEIR, p. 5.2-35.
⁷⁶ Google Maps, 2024.
⁷⁷ Google Maps, 2024.
⁷⁸ Clark Comments, p. 10.

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The DEIR’s failure to analyze the accurate truck trip lengths results in an underestimation of Project air quality and greenhouse gas emissions. The DEIR must be revised and recirculated to accurately reflect the Project’s proposed truck trips between the Port of Los Angeles and the Port of Long Beach and the warehouse and resultant emissions before the Project can be approved.

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D. The DEIR Fails to Implement All Feasible Mitigation to Reduce Significant NOx Emissions

Substantial evidence presented in Dr. Clark’s comments demonstrate that, when truck trips are calculated based on Project-specific data, the Project results in significant unmitigated NOx emissions from Project operation.⁷⁹ Dr. Clark demonstrated that the largest sources of NOx are mobile emissions from heavy duty vehicles using the site.⁸⁰ The DEIR substantially underestimates NOx emissions due to undercalculated trip distances. He concludes that emissions are significant and unmitigated when properly calculated and relying on existing mitigation in the DEIR.

H-21

The DEIR provides that all medium-heavy duty (MHDT) and heavy-heavy duty (HHDT) vehicles entering or operation on the Project site be model year 2010 or later must be updated to include newer year models.⁸¹ However, this measure is not a binding mitigation measure, and is instead listed as a “Goal” in the DEIR.⁸² Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.⁸³ Failure to include enforceable mitigation measures is considered a failure to proceed in the manner required by CEQA.⁸⁴ Dr. Clark explains that the 2010 model year assumption must be updated in the Project’s mitigation plan to include newer year models in order to effectively reduce on road emissions. The mitigation measures must be incorporated directly into the EIR to be enforceable.⁸⁵

H-22

Dr. Clark calculated that if the DEIR revised the minimum allowable model year from 2010 to 2018, it would result in:

H-23

- 1) 44% reduction in NOx emissions from HHDT vehicles operating on site.

⁷⁹ Clark Comments, p. 16.

⁸⁰ *Id.*

⁸¹ DEIR, p. 4.2-13.

⁸² *Id.*

⁸³ *Id.* at §15126.4(a)(2).

⁸⁴ *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 672.

⁸⁵ *Lotus v. Dept of Transportation* (2014) 223 Cal. App. 4th 645, 651-52.

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- 2) A 37% reduction in diesel particulate matter (DPM) emissions from HHDT vehicles measured as particulate matter less than 2.5 microns (PM_{2.5}) operating on site.
- 3) A 37% reduction in diesel particulate matter (DPM) emissions from HHDT vehicles measured as particulate matter less than 10 microns (PM₁₀) operating on site.
- 4) A 47% reduction in reactive organic gases (ROGs) from HHDT vehicles operating on site.
- 5) A 45% reduction in NOx emissions from MHDT vehicles operating on site.
- 6) A 41% reduction in diesel particulate matter (DPM) emissions from MHDT vehicles measured as particulate matter less than 2.5 microns (PM_{2.5}) operating on site.
- 7) A 41% reduction in diesel particulate matter (DPM) emissions from MHDT vehicles measured as particulate matter less than 10 microns (PM₁₀) operating on site.
- 8) A 47% reduction in reactive organic gases (ROGs) from MHDT vehicles operating on site.

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H-23
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The DEIR should be revised to include all feasible mitigation to reduce the Project's operational air quality emissions, including the following:

- Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2018 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2023.
- Contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
- Reduce idling times to no more than 2 minutes.

H-24

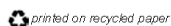
These measures would feasibly reduce the Project's operational air emissions and should be included in a revised and recirculated DEIR before the Project is approved.

VI. THE DEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE POTENTIALLY SIGNIFICANT CUMULATIVE IMPACTS

The Project results in significant cumulative impacts with respect to air quality, public health, and greenhouse gas emissions that were not adequately

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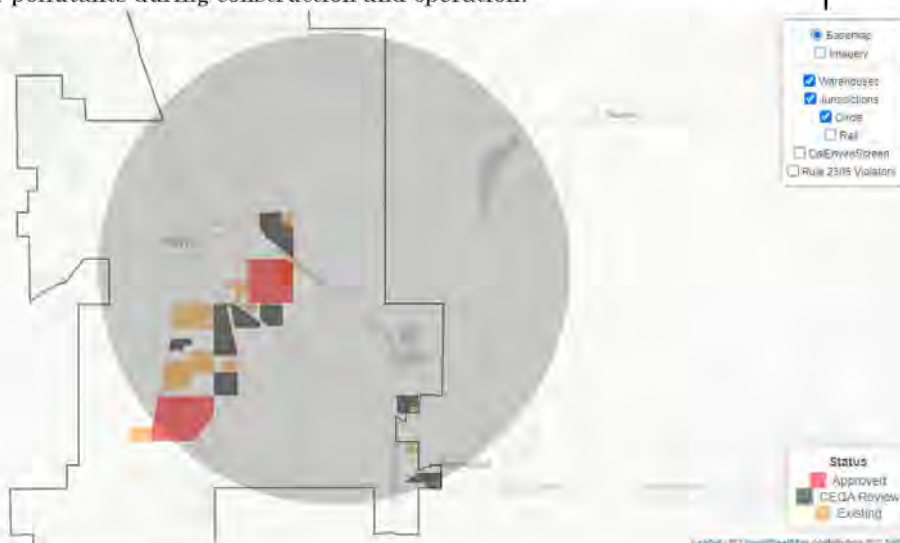
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analyzed or mitigated in the DEIR. CEQA mandates agencies analyze the cumulatively considerable effects of “an individual project... in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”⁸⁶ The DEIR fails to include a list of past, current and future projects against which to measure the Project’s cumulative impacts, in violation of CEQA.

H-25
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There are 17 existing warehouse projects with another 7 projects approved or undergoing CEQA review within a 3-mile radius of the Project Site.⁸⁷ The 17 existing projects represent 5,900,0000 square feet of floor space and account for 4,000 daily truck trips.⁸⁸ They release 5.5 pounds of diesel particulate matter⁸⁹ and 623 pounds of oxides of nitrogen (NOx – a precursor to smog formation) daily.⁹⁰ The seven additional projects (which includes the Ellis Logistics Project) will add another 9,600,000 square feet of warehouse space to the area, along with 8.3 pounds of DPM and 935 pounds of NOx.⁹¹ The proposed projects will also contribute additional air pollutants during construction and operation.⁹²

H-26



⁸⁶ Pub. Resources Code § 21088(b)(2)
⁸⁷ Clark Comments, p. 19.
⁸⁸ *Id.*
⁸⁹ Warehouse Cumulative Impact Tool for Community (CITY). 2024. <https://radicalresearch.shinyapps.io/WarehouseCITY/> accessed 4/25/2024.
⁹⁰ Clark Comments, p. 19.
⁹¹ *Id.*
⁹² *Id.*

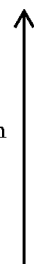
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Figure 1: Existing And Approved Warehouse Projects Within 5-Km Of Project Site

The Project may result in cumulatively considerable effects when analyzed in connection with all other current projects, along with the effects of probable future projects. The City must analyze the cumulative effects of other past, current, and probable future projects in the Project vicinity in a revised and recirculated DEIR before the Project can lawfully be approved.



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VII. THE DEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE THE POTENTIALLY SIGNIFICANT NOISE IMPACTS OF THE PROJECT

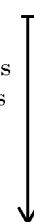
A. The DEIR’s Conclusion that Construction Noise Emissions Will Be Less Than Significant Is Not Supported by Substantial Evidence

CEQA was enacted to promote the goal of providing Californians with “freedom from excessive noise.”⁹³ The Project will result in potentially significant impacts from excessive construction noise that the DEIR fails to adequately quantify and analyze.⁹⁴ The DEIR may have artificially reduced the construction noise impacts from individual pieces of equipment at the nearest sensitive receptors.⁹⁵ The DEIR’s conclusion are not supported by sufficient evidence supporting the construction calculations to confirm the City’s conclusion that construction noise impacts will be less than significant. The DEIR’s conclusion that the Project would not exceed the noise standard identified in Perris Municipal Code Section 7.34.060 and noise impacts would be less than significant is therefore not supported by substantial evidence. The DEIR must be revised and recirculated to accurately quantify construction noise impacts to nearby sensitive receptors and to mitigate those impacts, before the Project can be approved.



H-27

Ms. Toncheva found that construction noise will result in a nearly 10 dB increase above the measured daytime ambient level of 49 dBA.⁹⁶ The DEIR provides that “a 10-dB increase is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.”⁹⁷ This large of an increase above ambient noise levels will result in a significant impact under CEQA. The DEIR must be revised and recirculated to accurately



H-28

⁹³ PRC § 21001(b).

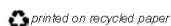
⁹⁴ Toncheva Comments, p. 4.

⁹⁵ *Id.*

⁹⁶ *Id.* at 3.

⁹⁷ DEIR, p. 4.11-5

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quantify the Project’s significant construction noise and adequately mitigate such significant impacts.

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H-28
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B. Operation of the Project Will Result in Significant Noise Impacts

The DEIR fails to analyze the Project’s significant impact associated with its generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in local general plan or noise ordinance, or applicable standards of other agencies.

The Project is anticipated to operate 24 hours a day.⁹⁸ Commenters’ expert noise consultant found that Project operational noise would not attenuate to below 61, resulting in an exceedance of the 60 dBA exterior noise threshold in the General Plan.⁹⁹ Ms. Toncheva’s comments provide substantial evidence that operation of the Project, in particular the HVAC unit will result in an exceedance of the General Plan Noise Element’s threshold and results in a significant impact under CEQA.¹⁰⁰ The DEIR must be revised and recirculated to accurately reflect the Project’s significant operational noise impact and mitigate the impact to the greatest extent feasible.

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H-29

C. The City Must Include All Feasible Measures to Reduce the Project’s Significant Noise and Vibration Impacts in a Revised EIR

The DEIR fails to implement all feasible mitigation to reduce noise and vibration impacts to less than significant levels. As shown above, noise impacts from construction and operation are significant, and unmitigated. The DEIR includes only “varying parapet heights...used to conceal rooftop mechanical equipment and minimize noise.”¹⁰¹ The DEIR fails to include noise buffers or sound walls which would feasibly reduce construction noise impacts.¹⁰²

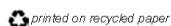
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H-30

The DEIR fails to implement noise buffers even though the Environmental Justice Element of the General Plan requires that noise barriers, and sound buffers be implemented where incompatible uses cannot be separated.¹⁰³ The Environmental Justice Element provides:

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H-31
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⁹⁸ DEIR, p. 4.12-7.
⁹⁹ Toncheva Comments, p. 4.
¹⁰⁰ *Id.*
¹⁰¹ DEIR, p. 1-2.
¹⁰² Toncheva Comments, p. 4.
¹⁰³ DEIR, p. 5.10-8.

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Goal 3.1 A community that reduces the negative impacts of land use changes, environmental hazards and climate change on disadvantaged communities. Continue to ensure new development is compatible with the surrounding uses by collocating compatible uses and using physical barriers, geographic features, roadways or other infrastructure to separate less compatible uses. When this is not possible, impacts may be mitigated using: noise barriers, building insulation, sound buffers, traffic diversion.¹⁰⁴

H-31
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The DEIR's failure to provide sufficient mitigation in the form of noise barriers and sound buffers not only violates CEQA, but violates the City's Environmental Justice Element, as well. The DEIR should be revised and recirculated to remedy this issue and adequately analyze significant Project impacts.

H-32

VIII. THE CITY CANNOT MAKE THE REQUIRED FINDINGS TO SUPPORT APPROVAL OF THE LAND USE ENTITLEMENTS

A. The City Cannot Make the Required Findings to Support the Approval of the Development Plan Review

The Perris Municipal Code provides that "development plan review is required to protect the health, safety and welfare of the citizens of the city and to ensure that all development proposed within the city is consistent with the city's general plan, applicable specific plans, and zoning."¹⁰⁵ "The purpose of the development plan review is to protect the health, safety, and welfare of the citizens of the city; to ensure that all development proposed within the city is consistent with the city's general plan, zoning, any applicable specific plan, and city requirements to protect and enhance the built and natural environment of the city, identifying and mitigating potential impacts that could be generated by the proposed use, such as traffic, noise, smoke, dust, fumes, vibration, odors, other hazards, or community impacts."¹⁰⁶ The Project's significant impacts from air pollution, dust, noise, hazards and community impacts, as described below, contravenes the purpose of the development plan review. The Planning Commission cannot approve the development plan review absent substantial additional mitigation.

H-33

¹⁰⁴ Perris General Plan Environmental Justice Element, p. 39, <https://www.cityofperris.org/home/showpublisheddocument/14502/637677498851330000>.

¹⁰⁶ City of Perris Municipal Code Sec. 19.50.010.

¹⁰⁵ City of Perris Municipal Code Sec. 19.54.040(f).

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B. The City Cannot Make the Required Findings to Support the Approval of the Development Plan Review

In order to approve a Development Plan Review, the Planning Commission must determine "is consistent with the city's general plan, zoning, any applicable specific plan, and city requirements to protect and enhance the built and natural environment of the city, identifying and mitigating potential impacts that could be generated by the proposed use, such as traffic, noise, smoke, dust, fumes, vibration, odors, other hazards, or community impacts."¹⁰⁷

H-34

The Project contravenes the Perris Comprehensive General Plan 2030 which requires that "[f]or all private and public projects involving new construction, substantial grading, or demolition, including infrastructure and other public service facilities, staff shall require appropriate surveys and necessary site investigations in conjunction with the earliest environmental document prepared for a project."¹⁰⁸ The General Plan Noise Element provides that sound levels that exceed 40 to 45 dBA are excessive for sleeping areas within a residence.¹⁰⁹

H-35

The Project is anticipated to operate 24 hours a day, seven days a week.¹¹⁰ Commenters' expert noise consultant found that Project operational noise would not attenuate to 61, resulting in an exceedance of the 60 dBA exterior noise threshold in the General Plan and Municipal Code.¹¹¹ Ms. Toncheva's comments provide substantial evidence that operation of the Project, in particular the HVAC unit will result in an exceedance of the General Plan Noise Element's threshold and results in a significant impact under CEQA.¹¹² The Project's nonconformance with the General Plan precludes the City from making the necessary findings to support approval of the Specific Plan Amendment, without first revising and recirculating the DEIR to adequately analyze the Project's potentially significant impacts.

H-36

IX. CONCLUSION

For the foregoing reasons, the City must fulfill its responsibilities under CEQA by preparing a legally adequate EIR to address the significant omissions and deficiencies described in this comment letter and the attached expert comments. The DEIR must be revised and recirculated to adequately inform the decision-

H-37

¹⁰⁷ *Id.* at § 19.54.040(f).

¹⁰⁸ General Plan Conservation Element p. 47.

¹⁰⁹ General Plan Noise Element, p. 3,

<https://www.cityofperris.org/home/showpublisheddocument/461/637208133725000000>.

¹¹⁰ DEIR, p. 4.12-7.

¹¹¹ Toncheva Comments, p. 4.

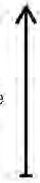
¹¹² *Id.*

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makers and public of the Project's significant environmental impacts and feasible mitigation measures. The DEIR must also be revised and recirculated to enable the City to make the necessary findings for approval of the Development Plan Review, Tentative Parcel Map, and Specific Plan Amendment.



H-37
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Thank you for your attention to these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelilah D. Federman".

Kelilah D. Federman

Attachments
KDF:acp

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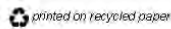
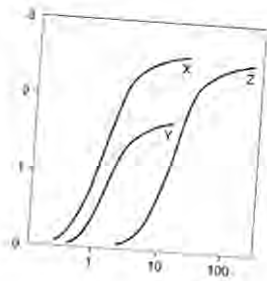


EXHIBIT A



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June 27, 2024

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Attn: Ms. Kelilah Federman

Subject: Comments On Draft Environmental Impact Report (DEIR) For The Ellis Logistics Center Project DPR 22-00018 (SCH No. 2023040144)

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the May 2024 City of Perris (the City) DEIR of the above referenced project.

Clark’s review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description:

According to the DEIR, the proposed project would develop an approximately 643,419-square-foot industrial warehouse facility in the City of Perris, Riverside County. The project site consists of two assessor parcels (APN) 330-090-006 (28.13 acres) and 330-090-007 (6.39 acres) totaling 34.52 acres. The net project site area is approximately 33.51 acres, excluding land reserved for public rights-of-way.

The proposed structure would be a concrete tilt up warehouse building and would have a roof line of approximately 40 feet in height but have altering parapets between 43 feet and 49 feet. The varying parapet heights are used to conceal rooftop mechanical equipment and minimize noise.

H-38



Figure 1: Regional Location Map



H-38
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Figure 2: Proposed Project

According to the DEIR,¹ the property to the north across East Ellis Avenue was previously vacant land (as of January 2021) but is currently being developed with a new light industrial warehouse facility. Properties to the west of the Project Site include a vacant parcel and one developed with a plastics recycling business (this property was vacant through 1992 but has since operated as a truck yard, mobile home safety products, lumber sales, and fabrication). Immediately to the south is the BNSF/Metrolink railway, Case Road, and undeveloped vacant land. Directly bordering the project site to the east is the Action Star Paintball Park and conservation land dedicated to the Regional Conservation Authority of Western Riverside County.

¹ Kimley-Horn. 2024. Draft Environmental Impact Report For The Ellis Logistics Center Project DPR 22-00018 (SCH No. 2023040144). Prepared by Kimley-Horn and Associates, Inc. for City of Perris. Dated May 2024. Pg 3-7

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Immediately across Ellis Avenue from the project site is the Phase 3 site of the approved South Perris Industrial Project. The South Perris Industrial Project was approved by the City in July 2010 and the Phase 3 site is currently under construction. A Major Modification for the Phase 3 site was approved by the City in 2021 to include up to 2,840,838 square feet of industrial space in 3 buildings.²

The interior site circulation from the truck access from Ellis Avenue would lead trucks to the guard shack or gated entrance along the easterly side of the structure. From the gate, access to the northerly dockyard would be provided. The northern dockyard would provide 55 trailer stalls and 38 dock positions. Using the easterly ring road, which leads to the guard shack, trucks also would have access to the southerly dockyard, which would include 172 trailer stalls and 49 dock positions.

Construction is expected to take approximately 13 months. The project would be constructed in one comprehensive phase and would follow a conventional construction sequence of demolition, site preparation, grading/earthwork, paving, building construction, and architectural coating. It is anticipated that construction would typically occur five days a week (Monday through Friday) beginning at 7:00 a.m. and possibly extending as late as 7:00 p.m. Operations at the Project Site are anticipated to begin in the third quarter of 2025.

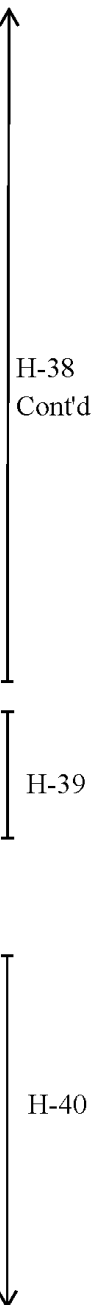
The DEIR’s conclusions that the construction and operational phases of the Project will have no significant adverse impacts on the environment after mitigation is unsupported. That conclusion is not born out in the data provided in the DEIR.

Specific Comments

- 1. The DEIR Fails To Address Impacts from Exposure to *Coccidioides Immitis* (Valley Fever Coccì) From Particulate Matter Released From Site During Construction Activities of The Project.**

The DEIR fails to adequately address the known presence/issue of *Coccidioides Immitis* (Valley Fever Coccì) in Southern California. Dust exposure is one of the primary risk factors for contracting Valley Fever (via *Coccidioides imimitis (cocci)* exposure). When soil containing the *cocci* spores

² *ibid*



are disturbed by construction activities, the fungal spores become airborne, exposing construction workers and other nearby sensitive receptors.

The fungus lives in the top 2 to 12 inches of soil. When soil containing this fungus is disturbed by activities such as digging, vehicles, construction activities, dust storms, or during earthquakes, the fungal spores become airborne. The most at-risk populations are construction and agricultural workers.³ Here, construction workers are the very population that would be most directly exposed by the Project. A refereed journal article on occupational exposures notes that “[l]abor groups where occupation involves close contact with the soil are at greater risk, especially if the work involves dusty digging operations.”⁴

The potentially exposed population in areas surrounding the Project site is much larger than just its construction workers because the nonselective raising of dust during Project construction will carry the very small spores, 0.002–0.005 millimeters (“mm”), into nonendemic areas, potentially exposing large non-Project-related populations.^{5, 6} These very small particles are not controlled by conventional construction dust control mitigation measures.

Since 2015, the number of cases of Valley Fever in Riverside County has increased from 34 in 2015 to 255 in 2019 (an increase of 750 percent), as reported by the California Department of Public Health (CDPH).⁷ In 2021, the number of cases of Valley Fever in Riverside County reached a new high of 353. In the first 8 months of 2023, Riverside County reported 310 cases, representing a nearly 564% increase over the baseline year of 2015 in only three quarters of the year. Since Valley Fever cases are directly related to the disturbance of soils in the Project area, the City must

H-40
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³ Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation's Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1>.

⁴ *Ibid.*, p. 110.

⁵ Schmelzer and Tabershaw, 1968, p. 110; Pappagianis and Einstein, 1978.

⁶ Pappagianis and Einstein, 1978, p. 527 (“The northern areas were not directly affected by the ground level windstorm that had struck Kern County but the dust was lifted to several thousand feet elevation and, borne on high currents, the soil and arthrospores along with some moisture were gently deposited on sidewalks and automobiles as ‘a mud storm’ that vexed the residents of much of California.” The storm originating in Kern County, for example, had major impacts in the San Francisco Bay Area and Sacramento).

⁷ CDPH. 2019. Epidemiologic Summary of Valley Fever (Coccidioidomycosis) In California, 2019. Surveillance and Statistics Section, Infection Diseases Branch, Division of Communicable Disease Control, Center For Infectious Diseases, California Department of Public Health. <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2019.pdf>

Windblown dust from Project-disturbed soils is a particular concern at this site due to desert winds, which occur in the area. Desert winds can raise significant amounts of dust, even when conventional dust control methods are used, often prompting alerts from air pollution control districts. If these winds occurred during grading, cut and fill, or soil movement, or from bare graded soil surfaces (even if periodically wetted), significant amounts of PM₁₀, PM_{2.5}, and associated Valley Fever spores, as well as silica dust, would be released.

According to scientific research on Valley Fever, outbreaks in populations with intense exposure to aerosolized arthroconidia are at greater risk for infection. These groups include agricultural or construction workers, or persons who participate in outdoor activities such as hunting or digging in the soil. Outbreaks of coccidioidomycosis have been linked to a variety of activities involving disturbance of impacted soils.^{10,11,12} Since Valley Fever cases are directly related to the disturbance of soils in the area, the City must directly address the impacts that the project’s construction phase will have on the community.

Valley fever is the initial form of coccidioidomycosis infection. The acute form of Valley Fever can develop into a more serious disease, including chronic and disseminated coccidioidomycosis. The initial, or acute, form of coccidioidomycosis is often mild, with few or no symptoms. Signs and symptoms occur one to three weeks after exposure. They tend to be similar to flu symptoms.

If the initial coccidioidomycosis infection doesn't completely resolve, it may progress to a chronic form of pneumonia. This complication is most common in people with weakened immune systems

The most serious form of the disease, disseminated coccidioidomycosis, is uncommon. It

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¹⁰ Brown. Et al. 2013. Coccidioidomycosis: epidemiology. *Clinical Epidemiology*. 5:185-197.

¹¹ Rafael Laniado-Laborin, Expanding Understanding of Epidemiology of Coccidioidomycosis in the Western Hemisphere, *Annals of the New York Academy of Sciences*, v. 111, 2007, pp. 20–22, available at <https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.004>; Frederick S. Fisher, Mark

W. Bultman, Suzanne M. Johnson, Demosthenes Pappagianis, and Erik Zaborsky, Coccidioides Niches and Habitat Parameters in the Southwestern United States, a Matter of Scale, *Annals of the New York Academy of Sciences*, v. 111, 2007, pp. 47–72 (“All of the examined soil locations are noteworthy as generally 50% of the individuals who were exposed to the dust or were excavating dirt at the sites were infected.”), available at <https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.031>.

¹² Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation’s Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1>.

occurs when the infection spreads (disseminates) beyond the lungs to other parts of the body. Most often these parts include the skin, bones, liver, brain, heart, and the membranes that protect the brain and spinal cord (meninges). Signs and symptoms of disseminated disease depend on the body parts affected and may include:

- Nodules, ulcers and skin lesions that are more serious than the rash that sometimes occurs with initial infection
- Painful lesions in the skull, spine or other bones
- Painful, swollen joints, especially in the knees or ankles
- Meningitis — an infection of the membranes and fluid surrounding the brain and spinal cord

Given the wide range of public health impacts from coccidioidomycosis infection/exposure, its prevalence in the Project vicinity, and the likelihood that Valley Fever spores may be disturbed during Project construction, it is clear that Valley Fever would result in a potentially significant health risk to construction workers, nearby residents and workers, and residents and workers located at a distance from the Project Site.

The EIR must be revised to disclose the potentially significant impacts of the Project’s ground disturbing construction activities on the closest receptors, and to incorporate effective Valley Fever mitigation for off-site receptors to ensure that public health.

2. The DEIR Fails To Propose Any Mitigation Measures To Address Potentially Significant Impacts from Exposure to *Coccidiodes Immitis* (Valley Fever Cocci) From Particulate Matter Released From Site.

Standard fugitive dust mitigation measures are not adequate to protect construction workers and nearby sensitive receptors from the risk of exposure to Valley Fever spores. Conventional dust control measures do nothing to prevent the spread of *Coccidiodes immitis*, (*cocci*) and are not effective at controlling Valley Fever¹³ because they largely focus on visible dust or larger dust particles—the PM₁₀ fraction—not the very fine particles where the Valley Fever spores are found. The use of PM₁₀ and visible dust as a measure of the potential exposure to *Coccidiodes immitis*, (*cocci*) fails to consider the size of the spores (5 times smaller than the visible dust). The larger PM₁₀ particles will settle out



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¹³ See, e.g., Cummings and others, 2010, p. 509; Schneider et al., 1997, p. 908 (“Primary prevention strategies (e.g., dust-control measures) for coccidioidomycosis in endemic areas have limited effectiveness.”).

of the air column much quicker than the very fine spores. This fact allows the spores to spread in over a much greater area than the dust particles. Standard Air Quality Mitigation Measures such as watering of soils would not provide sufficient protection to on-site workers nor would they prevent the spread of *Coccidioides immitis* from the site to receptors farther away. Compliance with SCAQMD Rule 403 would still fail to prevent the exposure of workers on- and off-site to *Coccidioides immitis* impacted soils. Sampling for and removal of impacted soils is the best solution to *Coccidioides immitis* spores. Since *Coccidioides immitis* resides in soils and are not subject to degradation, entrainment of the potentially impacted soils may cause additional issues to further development of the site.

The City should require that the Applicant implement mitigation measures to actively suppress the spread of Valley Fever, including:

1. Include specific requirements in the Project’s Injury and Illness Prevention Program (as required by Title 8, Section 3203) regarding safeguards to prevent Valley Fever.
2. Control dust exposure:
 - Apply chemical stabilizers at least 24-hours prior to high wind event;
 - Apply water to all disturbed areas a minimum of three times per day. Watering frequency should be increased to a minimum of four times per day if there is any evidence of visible wind-driven fugitive dust;
 - Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
 - Half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
 - Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
 - Avoid outdoor construction operations during unusually windy conditions or in dust storms.
 - Consider limiting outdoor construction during the fall to essential jobs only, as the risk of cocci infection is higher during this season.
3. Prevent transport of cocci outside endemic areas:



H-40
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- Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
 - Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate;
 - Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable cover.
 - Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
 - Clothing should be changed after work every day, preferably at the work site.
 - Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
 - Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
4. Improve medical surveillance for employees:
- Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
 - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.
 - Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
 - Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.
 - Skin testing is not recommended for evaluation of Valley Fever.¹⁴

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¹⁴ Short-term skin tests that produce results within 48 hours are now available. See Kerry Klein, NPR for Central California, New Valley Fever Skin Test Shows Promise, But Obstacles Remain, November 21, 2016; available at <http://kvpr.org/post/new-valley-fever-skin-test-shows-promise-obstacles-remain>.

- If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

The mitigation measures identified in this comment, based on actual experience during construction of solar and wind projects in endemic areas, should be required for the Project. The City must include concrete measures like the ones listed above in an Environmental Impact Report (EIR) of the Project.

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3. The DEIR's Analysis Of Mitigated And Unmitigated Operational Emissions Uses Emission Factors From Airport Ground Support Equipment Instead Of Industrial Forklifts.

The DEIR's analysis of operational emissions for onsite off-road vehicles uses emission factors that are out of date (the analysis used OFFROAD2021 v.1.0.4). The current database is version OFFROAD2021 v1.0.7. In addition, the DEIR's analysis of operational emissions is based on airport ground support vehicles (cargo loaders and cargo tractors) rather than using industrial forklifts which are most typically utilized in warehouse facilities.

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Model Output: OFFROAD2021 (v1.0.4) Emissions Inventory
 Region Type: County
 Region: Riverside
 Calendar Year: 2025
 Scenario: All Adopted Rules - Exhaust
 Vehicle Classification: OFFROAD2021 Equipment Types
 Units: tons/day for Emissions, gallons/year for Fuel, hours/year for Activity, Horsepower-hours/year for Horsepower-hours

Region	Calendar Year	Vehicle Category	Model Year	Horsepower	Fuel	HC_tpd	NOx_tpd	CO2_tpd	TOG_tpd
Riverside	2025	Airport Ground Support - Cargo Loader	Aggregate	Aggregate	Diesel	1.84344E-05	2.23056E-05	2.65455E-05	
Riverside	2025	Airport Ground Support - Cargo Tractor	Aggregate	Aggregate	Diesel	3.12004E-05	3.77525E-05	4.49286E-05	
Riverside	2025	Airport Ground Support - Misc - Cargo Tractor	Aggregate	Aggregate	Gasoline	0.000653887	0.000628119	0.000751475	

The baseline emissions from the industrial forklifts are two orders of magnitude higher for the industrial forklifts.

Model Output: OFFROAD2021 (v1.0.7) Emissions Inventory
 Region Type: Sub Area
 Region: Riverside (SC), Riverside (SS), Riverside (MD/SCANDM), Riverside (MD/MDACMD)
 Calendar Year: 2025
 Scenario: All Adopted Rules - Exhaust
 Vehicle Classification: OFFROAD2021 Equipment Types
 Units: tons/day for Emissions, gallons/year for Fuel, hours/year for Activity, Horsepower-hours/year for Horsepower-hours

Region	Calendar Year	Vehicle Category	Model Year	Horsepower	Fuel	HC_tpd	NOx_tpd	CO2_tpd	TOG_tpd	PM10_tpd	PM2.5_tpd	SOx_tpd
Riverside	2025	Industrial - Forklifts	Aggregate	Aggregate	Diesel	3.255E-03	3.566E-03	4.026E-03	5.116E-03	3.486E-03	8.086E-03	1.276E-03
Riverside	2025	Industrial - Forklifts	Aggregate	Aggregate	Diesel	8.91E-04	1.066E-03	1.286E-03	1.386E-03	5.336E-03	2.776E-03	3.766E-03
Riverside	2025	Industrial - Forklifts	Aggregate	Aggregate	Unltd	4.444E-05	3.276E-05	6.396E-05	6.926E-04	4.756E-04	1.226E-04	1.886E-05
Riverside	2025	Industrial - Forklifts	Aggregate	Aggregate	Diesel	2.556E-05	3.056E-05	3.686E-05	3.916E-04	3.756E-04	2.086E-04	5.916E-05

The City’s baseline of emissions from the airport ground support vehicles are significantly lower than the actual emissions from the appropriate class of cargo loading vehicles. The City must revise the Air Quality Analysis portion of the EIR to include the appropriate vehicle class and present the results in a revised EIR of the Project.

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4. Mitigation Measures That Assume The Fleet of Heavy Duty Trucks Entering the Site Will Be From Year 2010 Or Later Must Be Updated To Include Newer Model Years To Reduce The Operational Emissions From The Project Site.

The City’s requirements (under Goal #2 of the City of Perris Good Neighbor Guidelines for Siting New and/or Modified Industrial Facilities as cited in the DEIR)¹⁵ that all medium-heavy duty (MHDT) and heavy-heavy duty (HHDT) vehicles entering or operation on the project site be model year 2010 or later must be updated in the Project’s mitigation plan to include newer year models in order to effectively reduce onroad emissions. Using the California Air Resources Board’s (CARB) Emission FACTor (EMFAC) model, it is possible to estimates the emissions from onroad mobile sources in California, including but not limited to heavy duty trucks. The model calculates emissions factors and emissions inventories for:

- Carbon monoxide (CO)
- Nitrogen oxides (NOx)
- Hydrocarbons (HC): HC can be expressed as TOG (total organic gases), ROG (reactive organic gases), THC (total hydrocarbon), or CH4 (methane). The TOG class includes all organic gases emitted into the atmosphere. The ROG class is same as EPA’s VOC (volatile organic compounds) definition and does not contain compounds exempt from regulation.
- Particulate matter (PM): PM estimates are provided for total suspended particulates for particulate matters 10 microns or less in diameter (PM10), and particulate matters 2.5 microns or less in diameter (PM2.5).
- Sulfur oxides (SOx): Emissions of oxides of sulfur are a function of the sulfur content of fuel. The model calculates these emissions by multiplying the fuel consumption by the weight fraction of sulfur in a gallon of fuel.

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¹⁵ Kimley-Horn. 2024. Draft Environmental Impact Report For The Ellis Logistics Center Project DPR 22-00018 (SCH No. 2023040144). Prepared by Kimley-Horn and Associates, Inc. for City of Perris. Dated May 2024. Pg 3-7

- Greenhouse Gases (GHG): GHG emissions are consisted of complete combustion CO₂, Nitrous Oxide (N₂O) and Methane (CH₄). These are the greenhouse gases that are now included in the EMFAC2017 but not in EMFAC2014 or prior versions
In my analysis the emissions for NO_x, PM_{2.5} as exhaust, PM₁₀ as exhaust, and ROG_s for vehicles with model years 2010 through 2024 are presented in the table below.

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Table 4: EMFAC Emission Estimates For MHDY And HHDY Vehicles For Model Years 2010 Through 2024

Region	Calendar Year	Vehicle Category	Model Year	Speed	Fuel	NOx RUNEX	NOx IDLEX	NOx STREX	PM2.5 RUNEX	PM2.5 IDLEX	PM10 IDLEX	ROG RUNEX	ROG IDLEX
Riverside (SS)	2024	HHDY	2010	Aggregate	Diesel	6.42E+00	1.91E+01	4.24E-02	4.39E-03	4.43E-02	4.59E-03	1.45E-01	1.06E+00
Riverside (SC)	2024	HHDY	2010	Aggregate	Diesel	5.94E+00	1.85E+01	3.09E-02	4.26E-03	3.23E-02	4.45E-03	1.17E-01	1.03E+00
Riverside (MD/SCAQMD)	2024	HHDY	2010	Aggregate	Diesel	7.25E+00	2.41E+01	6.90E-02	5.55E-03	7.22E-02	5.80E-03	1.55E-01	1.34E+00
Riverside (MD/MDAQMD)	2024	HHDY	2010	Aggregate	Diesel	7.27E+00	2.41E+01	6.93E-02	5.55E-03	7.25E-02	5.80E-03	1.62E-01	1.34E+00
Riverside (SC)	2024	HHDY	2011	Aggregate	Diesel	2.96E+00	1.43E+01	3.51E-02	4.34E-03	3.67E-02	4.53E-03	7.00E-02	1.06E+00
Riverside (MD/SCAQMD)	2024	HHDY	2011	Aggregate	Diesel	4.77E+00	1.82E+01	8.03E-02	5.55E-03	8.39E-02	5.80E-03	1.09E-01	1.36E+00
Riverside (MD/MDAQMD)	2024	HHDY	2011	Aggregate	Diesel	4.85E+00	1.82E+01	8.06E-02	5.55E-03	8.42E-02	5.80E-03	1.11E-01	1.36E+00
Riverside (SS)	2024	HHDY	2011	Aggregate	Diesel	4.14E+00	1.81E+01	5.81E-02	5.49E-03	6.07E-02	5.74E-03	1.08E-01	1.35E+00
Riverside (SC)	2024	HHDY	2012	Aggregate	Diesel	3.76E+00	2.97E+01	3.69E-02	1.02E-02	3.85E-02	1.07E-02	2.18E-02	2.52E+00
Riverside (MD/SCAQMD)	2024	HHDY	2012	Aggregate	Diesel	4.73E+00	6.80E+01	5.59E-02	2.34E-02	5.84E-02	2.45E-02	2.57E-02	5.75E+00
Riverside (MD/MDAQMD)	2024	HHDY	2012	Aggregate	Diesel	4.83E+00	6.78E+01	5.59E-02	2.34E-02	5.85E-02	2.44E-02	2.61E-02	5.74E+00
Riverside (SS)	2024	HHDY	2012	Aggregate	Diesel	4.08E+00	5.60E+01	4.14E-02	1.72E-02	4.33E-02	1.80E-02	2.31E-02	4.23E+00
Riverside (MD/SCAQMD)	2024	HHDY	2013	Aggregate	Diesel	4.43E+00	8.09E+01	5.44E-02	2.79E-02	5.69E-02	2.91E-02	2.58E-02	6.85E+00
Riverside (MD/MDAQMD)	2024	HHDY	2013	Aggregate	Diesel	4.52E+00	8.11E+01	5.46E-02	2.79E-02	5.70E-02	2.92E-02	2.61E-02	6.86E+00
Riverside (SS)	2024	HHDY	2013	Aggregate	Diesel	3.86E+00	7.07E+01	4.07E-02	2.43E-02	4.25E-02	2.54E-02	2.29E-02	5.98E+00
Riverside (SC)	2024	HHDY	2013	Aggregate	Diesel	3.54E+00	3.58E+01	3.58E-02	1.23E-02	3.74E-02	1.29E-02	2.14E-02	3.03E+00
Riverside (MD/SCAQMD)	2024	HHDY	2014	Aggregate	Diesel	2.39E+00	8.73E+01	4.25E-02	3.01E-02	4.44E-02	3.15E-02	2.52E-02	7.39E+00
Riverside (MD/MDAQMD)	2024	HHDY	2014	Aggregate	Diesel	2.47E+00	8.75E+01	4.26E-02	3.01E-02	4.45E-02	3.15E-02	2.55E-02	7.40E+00
Riverside (SS)	2024	HHDY	2014	Aggregate	Diesel	2.29E+00	7.88E+01	3.17E-02	2.71E-02	3.31E-02	2.84E-02	2.05E-02	6.67E+00
Riverside (SC)	2024	HHDY	2014	Aggregate	Diesel	2.12E+00	3.83E+01	2.66E-02	1.42E-02	2.78E-02	1.38E-02	1.85E-02	3.24E+00
Riverside (MD/SCAQMD)	2024	HHDY	2015	Aggregate	Diesel	1.95E+00	8.78E+01	3.93E-02	3.03E-02	4.11E-02	3.16E-02	2.48E-02	7.43E+00
Riverside (MD/MDAQMD)	2024	HHDY	2015	Aggregate	Diesel	2.02E+00	8.73E+01	3.93E-02	3.01E-02	4.11E-02	3.14E-02	2.51E-02	7.39E+00
Riverside (SS)	2024	HHDY	2015	Aggregate	Diesel	1.95E+00	7.54E+01	2.92E-02	2.60E-02	3.05E-02	2.72E-02	1.97E-02	6.38E+00
Riverside (SC)	2024	HHDY	2015	Aggregate	Diesel	1.80E+00	3.87E+01	3.38E-02	1.33E-02	2.48E-02	1.89E-02	1.73E-02	3.27E+00
Riverside (MD/SCAQMD)	2024	HHDY	2016	Aggregate	Diesel	1.96E+00	1.03E+02	3.97E-02	3.54E-02	4.15E-02	3.70E-02	2.49E-02	8.69E+00

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Region	Calendar Year	Vehicle Category	Model Year	Speed	Fuel	NOx RUNEX	NOx IDLEX	NOx STREX	PM2.5 RUNEX	PM2.5 IDLEX	PM10 IDLEX	ROG RUNEX	ROG IDLEX
Riverside (MD/MDAQMD)	2024	HHDY	2016	Aggregate	Diesel	2.04E+00	1.03E+02	3.98E-02	3.54E-02	1.16E-02	3.70E-02	2.52E-02	8.69E+00
Riverside (SS)	2024	HHDY	2016	Aggregate	Diesel	1.98E+00	9.91E+01	3.03E-02	3.41E-02	3.16E-02	3.57E-02	2.01E-02	8.38E+00
Riverside (SC)	2024	HHDY	2016	Aggregate	Diesel	1.81E+00	5.69E+01	2.54E-02	1.96E-02	2.65E-02	2.05E-02	1.76E-02	4.81E+00
Riverside (MD/SCAQMD)	2024	HHDY	2017	Aggregate	Diesel	1.86E+00	9.52E+01	3.69E-02	3.38E-02	3.86E-02	3.43E-02	2.40E-02	8.05E+00
Riverside (MD/MDAQMD)	2024	HHDY	2017	Aggregate	Diesel	1.93E+00	9.35E+01	3.70E-02	3.22E-02	3.87E-02	3.37E-02	2.43E-02	7.91E+00
Riverside (SS)	2024	HHDY	2017	Aggregate	Diesel	1.88E+00	8.87E+01	2.81E-02	3.06E-02	2.93E-02	3.19E-02	1.93E-02	7.50E+00
Riverside (SC)	2024	HHDY	2017	Aggregate	Diesel	1.72E+00	4.91E+01	2.44E-02	1.69E-02	2.55E-02	1.77E-02	1.71E-02	4.15E+00
Riverside (MD/SCAQMD)	2024	HHDY	2018	Aggregate	Diesel	1.77E+00	1.04E+02	3.47E-02	3.60E-02	3.62E-02	3.76E-02	2.32E-02	8.84E+00
Riverside (MD/MDAQMD)	2024	HHDY	2018	Aggregate	Diesel	1.84E+00	1.04E+02	3.47E-02	3.57E-02	3.63E-02	3.73E-02	2.35E-02	8.76E+00
Riverside (SS)	2024	HHDY	2018	Aggregate	Diesel	1.79E+00	9.67E+01	2.62E-02	3.33E-02	2.74E-02	3.48E-02	1.86E-02	8.18E+00
Riverside (SC)	2024	HHDY	2018	Aggregate	Diesel	1.65E+00	5.51E+01	3.21E-02	1.90E-02	2.31E-02	1.98E-02	1.65E-02	4.66E+00
Riverside (MD/SCAQMD)	2024	HHDY	2019	Aggregate	Diesel	1.66E+00	1.06E+02	3.19E-02	3.66E-02	3.33E-02	3.82E-02	2.22E-02	8.99E+00
Riverside (MD/MDAQMD)	2024	HHDY	2019	Aggregate	Diesel	1.73E+00	1.05E+02	3.19E-02	3.62E-02	3.34E-02	3.78E-02	2.25E-02	8.89E+00
Riverside (SS)	2024	HHDY	2019	Aggregate	Diesel	1.68E+00	9.81E+01	2.41E-02	3.38E-02	2.52E-02	3.53E-02	1.78E-02	8.30E+00
Riverside (SC)	2024	HHDY	2019	Aggregate	Diesel	1.56E+00	5.70E+01	2.05E-02	1.96E-02	2.14E-02	2.05E-02	1.59E-02	4.82E+00
Riverside (MD/SCAQMD)	2024	HHDY	2020	Aggregate	Diesel	1.54E+00	1.07E+02	2.87E-02	3.70E-02	3.00E-02	3.87E-02	2.11E-02	9.09E+00
Riverside (MD/MDAQMD)	2024	HHDY	2020	Aggregate	Diesel	1.61E+00	1.06E+02	2.88E-02	3.66E-02	3.01E-02	3.83E-02	2.14E-02	9.00E+00
Riverside (SS)	2024	HHDY	2020	Aggregate	Diesel	1.56E+00	9.93E+01	2.17E-02	3.42E-02	2.27E-02	3.58E-02	1.70E-02	8.41E+00
Riverside (SC)	2024	HHDY	2020	Aggregate	Diesel	1.45E+00	5.81E+01	1.84E-02	2.00E-02	1.93E-02	2.09E-02	1.51E-02	4.92E+00
Riverside (MD/SCAQMD)	2024	HHDY	2021	Aggregate	Diesel	1.42E+00	1.10E+02	2.53E-02	3.77E-02	2.64E-02	3.95E-02	2.00E-02	9.27E+00

Note: Units: g/mile for RUNEX, g/vehicle/day for IDLEX

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Based on the averaged emissions from the table above it is clear that changing the minimum allowable model year from 2010 to 2018 would result in:

- A 44% reduction in NOx emissions from HHDT vehicles operating on site. (Average of 2010 to 2025 = 2.38; Average of 2018 to 2025 = 1.33; and reduction equal to 43.9% $(1-(1.33/2.38))$).
- A 37% reduction in diesel particulate matter (DPM) emissions from HHDT vehicles measured as particulate matter less than 2.5 microns (PM_{2.5}) operating on site. (Average of 2010 to 2025 = 3.13E-02; Average of 2018 to 2025 = 1.96E-02; and reduction equal to 37.3% $(1-(1.96E-02/3.13E-02))$).
- A 37% reduction in diesel particulate matter (DPM) emissions from HHDT vehicles measured as particulate matter less than 10 microns (PM₁₀) operating on site. (Average of 2010 to 2025 = 3.28E-02; Average of 2018 to 2025 = 2.05E-02; and reduction equal to 37.3% $(1-(2.05E-02/3.28E-02))$).
- A 47% reduction in reactive organic gases (ROGs) from HHDT vehicles operating on site. (Average of 2010 to 2025 = 3.23E-02; Average of 2018 to 2025 = 1.70E-02; and reduction equal to 47.3% $(1-(1.70E-02/3.23E-02))$).
- A 45% reduction in NOx emissions from MHDT vehicles operating on site. (Average of 2010 to 2025 = 1.18; Average of 2018 to 2025 = 0.648; and reduction equal to 45.3% $(1-(0.648/1.18))$).
- A 41% reduction in diesel particulate matter (DPM) emissions from MHDT vehicles measured as particulate matter less than 2.5 microns (PM_{2.5}) operating on site. (Average of 2010 to 2025 = 1.33E-02; Average of 2018 to 2025 = 7.85E-03; and reduction equal to 41.2% $(1-(7.85E-03/1.33E-02))$).
- A 41% reduction in diesel particulate matter (DPM) emissions from MHDT vehicles measured as particulate matter less than 10 microns (PM₁₀) operating on site. (Average of 2010 to 2025 = 1.39E-02; Average of 2018 to 2025 = 8.21E-03; and reduction equal to 41.2% $(1-(1.39E-02/8.21E-03))$).
- A 47% reduction in reactive organic gases (ROGs) from MHDT vehicles operating on site. (Average of 2010 to 2025 = 1.32E-02; Average of 2018 to 2025 = 7.06E-03; and reduction equal to 46.7% $(1-(7.06E-03/1.32E-02))$).

From the DEIR’s air quality assessment of criteria pollutants, it is clear the largest sources of NOx are mobile emissions from heavy duty vehicles using the site. As explained below, the DEIR



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underestimates the reasonably foreseeable length of onroad truck trips, resulting in underestimated operational NOx emissions (as well as other truck emissions). Implementing this one change in the mitigation measures would bring the NOx emissions substantially lower and closer to compliance with the SCAQMD thresholds when truck trip lengths are accurately calculated.

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5. The DEIR Underestimates The Average Truck Trip Length By Relying on 39.9 Mile- Length Trips In The Air Quality Analysis.

The City asserts that SCAQMD requires the use of the 39.9-mile trip length based on the SCAQMD’s Final Environmental Assessment and Adoption of Proposed Rule 2305 – Warehouse Indirect Source Rule (WAIRE), for which the trip length for Class 8 trucks (heavy duty multi-axle trucks) was assumed to travel 39.9 miles per trip based on modeling conducted for the 2016 Regional Transportation Plan (RTP) from SCAG and the 2016 Air Quality Management Plan (AQMP).¹⁶

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The DEIR’s reliance on the approximate 40-mile trip length does not comport with the reality of where warehoused materials will ship from in the region. It must be pointed out that the largest source(s) of containerized products, and therefore the primary sources of heavy-duty truck traffic, on the West Coast of the United States are the Ports of Los Angeles and Long Beach, located approximately 80 miles away from the Project Site. “In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade. The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day. Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years”,¹⁷ citing Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent Units)¹⁸ from 2020, the Ports of Los Angeles,

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¹⁶ SCAQMD. 2021. BOARD MEETING DATE: MAY 7, 2021 AGENDA NO. 27 pg 815. <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf>

¹⁷ Available at <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>

¹⁸ <https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/>

Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide.¹⁹

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SCAQMD has also rejected the approach used in this DEIR to calculate truck trips based on the 40-mile average trip distance for warehouses located at similar distances from the Ports of Los Angeles and Long Beach. For example, in November 2023, SCAQMD commented on the SEIR prepared for the Hemlock Warehouse Development Project, located approximately 70 miles from the Ports of Los Angeles and Long Beach, that the city’s reliance on the same 40-mile trip length used in the Ellis Project DEIR resulted in an underestimation of truck trip emissions, and recommended calculating emissions using project-specific data.²⁰

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In this case, using Project-specific data would increase the trip length by 100% (80 miles, the approximate distance from the Project site to the Ports). At this length, truck emissions would create an even greater NOx problem for the Region. The City must revise the DEIR’s air quality analysis to accurately calculate emissions using fact-based, reasonably foreseeable truck trip lengths.

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6. The City’s Cumulative Impact Analysis Fails To Incorporate A Quantitative Analysis To The Substantial Impacts From Nearby Warehouse Projects.

The City concludes that the Project will not lead to substantial cumulative impacts without performing any quantitative analysis of the current and future planned projects. There are 17 existing warehouse projects with another 7 projects approved or undergoing CEQA review within 5-kilometer radius of the Project Sites. The 17 existing projects represent 5,900,000 square feet of floor space and account for 4,000 daily truck trips. They release 5.5 pounds of diesel particulate matter²¹ and 623 pounds of oxides of nitrogen (NOx – a precursor to smog formation) daily. The seven additional projects (which includes the Ellis Logistics Project) will add another 9,600,000 square feet of warehouse space to the area, along with 8.3 pounds of DPM and 935 pounds of NOx. The proposed

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¹⁹ U.S. Dept. of Transportation, Federal Highway Administration, FHWA Operations Support – Port Peak Pricing Program Evaluation (2020), available at <https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm>

²⁰ City of Fontana, Hemlock Warehouse Development Project (SCH 2009091089), SEIR SCAQMD comments, FSEIR p. 2-6, available at <https://www.fontana.gov/DocumentCenter/View/43908/Hemlock-Final-SEIR-Feb-2024>.

²¹ Warehouse Cumulative Impact Tool for Community (CITY). 2024. <https://radicalresearch.shinyapps.io/WarehouseCITY/> accessed 4/25/2024.

projects will also contribute additional air pollutants during construction and operation.



Figure 4: Existing And Approved Warehouse Projects Within 5-Km Of Project Site

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It is clear from the analysis above that the Project will add to the already heavily impacted regional problem of NOx and toxic air contaminants (TACs). The Project should be evaluated in a revised DEIR to assure the public that the cumulative air quality and health impacts from the Project have been fully evaluated and mitigated.

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed. A revised environmental impact report should be prepared to address these substantial concerns.

H-48

Sincerely,

EXHIBIT B



WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #24-001.37

June 26, 2024

Kelilah D. Federman
Adam Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

**SUBJECT: Ellis Logistics Center Project
City of Perris, California
Review and Comment on Noise Study**

Dear Ms. Federman,

Per your request, Wilson Ihrig has reviewed the information and noise impact analysis in the following documents:

*Ellis Logistics Center Project
Draft Environmental Impact Report, May 2024 (DEIR)
Appendix J Noise Modeling Data (Appendix J)*

The Proposed Ellis Logistics Center Project (Project) would result in the construction and operation of a new 643,419-square-foot high-cube industrial warehouse building. The warehouse building would include 10,000 square feet of office space, a 455-square-foot fire pump house, and a rail spur connection extension. The project is surrounded by industrial uses, some rural single-family residences, and a multi-family residential development to the west.

H-49

This letter reports our comments on the Noise Analysis in Section 4.11 of the Draft Environmental Impact Report and the Noise Modeling Data in Appendix J. Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 57 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

H-50

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Ellis Logistics Center
Review and Comment on Noise Report

Adverse Effects of Noise¹

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

H-51

¹ More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (<https://www.who.int/docstore/peh/noise/Comnoise-1.pdf>)

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Review and Comment on Noise Report

Baseline Noise is Not Properly Established

The manner in which the Noise Study has determined the existing noise environment at sensitive receptors is unsupported. As shown in Table 4.11-5 and Figure 4.11-1 [DEIR, page 4.11-11 and 4.11-12], existing noise was measured at four locations, three along Ellis Avenue and one at Hunt Club Apartments. Sample time for noise measurements was only 15-minutes for all locations, which does not capture the time-variable nature of traffic noise on Ellis Avenue. These 15 minutes represent only 1% of the potential 12-hour construction work day (7 A.M. – 7 P.M.) per the City of Perris Municipal Code. The DEIR provides no evidence that these measurements are typical and representative of the quieter periods of the day as measurements were not taken at other times of the day.

H-52

Further, ST-3 and ST-1 measured levels differ by 17 dB, even though the locations are only 500 feet apart. Some of this difference can be accounted for by traffic turning onto S. Redlands Ave. (Table 4.11-9 shows a 1.6 dB difference in estimated existing traffic noise for the two segments), but the rest is unaccounted for in the DEIR narrative. The field sheets in Appendix J indicate that there was construction taking place during the measurement at ST-1, making it unrepresentative of typical existing noise at the closest single-family residence.

H-53

Further, no nighttime measurements were made to assess the increase over ambient noise from warehouse operations such as on-site truck movement and HVAC equipment. Nighttime measurements are necessary to determine ambient noise for residential receivers of interest, and full 24-hour measurements are consistent with the methodology stated in the FTA Manual [FTA page 225]. **The Project must conduct properly documented ambient measurements near sensitive receptors that capture the typical baseline conditions during quiet period of the day and night to determine impact.**

H-54

Construction Noise Lacks Evaluation of Substantial Increase

The California Environmental Quality Act Guidelines state that impacts to noise would be significant if the proposed project would result in “generation of a substantial temporary or permanent increase in ambient noise levels” [DEIR, page 4.11-14]. The DEIR lacks a significance threshold for “substantial increase” for construction noise. Measured 15-minute Leq² ambient levels at the project site ranged from 49 dBA (ST-3) to 66 dBA (ST-1) [DEIR, page 4.11-11]. As discussed above, the ST-1 measurement is affected by ongoing construction noise and is not representative of the quietest levels at the nearest sensitive receptor. The DEIR does not provide combined levels for construction activities anticipated and does not conduct an Leq construction noise analysis, but one is possible using the RCNM model utilized by the report. Based on equipment usage factors provided by the RCNM model, the total Leq from typical activities on site at the nearest sensitive receptor would be 52 to 59 dBA. This calculation uses the distances from receiver to construction assumed by the DEIR. These levels are up to 10 dB above the measured daytime ambient level of 49 dBA. As stated in the DEIR, “a 10-dB increase is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response” [DEIR, page 4.11-5]. **The Project will therefore result in construction noise increase over ambient levels at sensitive receptor locations, the Project must provide mitigation to reduce the impacts to less than significant.**

H-55

² The “Leq” is the *equivalent level*, the constant noise level that contains the same amount of acoustical energy as the actual, time-varying noise level. The Leq may be thought of as the average level.

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At these levels, a temporary sound wall at sections of the property that face sensitive receivers should be considered to help mitigate construction noise levels.

Table 1: Estimated Construction Noise Levels

Phase	Equipment	Lmax at 50ft (dBA) ¹	Distance to Receiver (ft) ²	Lmax at Closest Receiver (dBA) ³	RCNM Usage Factor (%)	Leq at Closest Receiver (dBA)	Increase Over Ambient (dB)
Site Preparation and Grading	dozer	85	830	61	40	57	
	back-hoe	80	830	56	40	52	
	front end loader	80	830	56	40	52	
	Total:						59
Building Construction	crane	81	830	57	16	49	
	manlift	75	830	51	20	44	
	backhoe	80	830	56	40	52	
	front end loader	80	830	56	40	52	
Total:						56	7
Paving	paver	85	830	61	50	58	
	roller	85	830	61	20	54	
Total:						59	10
Architectural Coating	air compressor	80	830	56	40	52	
	Total:						52

1. Reference Lmax levels based on DEIR Table 4.11-8 and RCNM
2. Distance per DEIR
3. $20 \cdot \log(\text{distance} / 50)$

H-56

Construction Noise Analysis Contains Errors

The DEIR provides estimated maximum construction noise levels in Table 4.11-8 [DEIR, page 4.11-17], ranging between 50 dBA and 61 dBA, for individual pieces of equipment at the nearest sensitive receptor. Several of the levels calculated at 830 feet appear to be 1 dB lower than the standard $20 \times \text{LOG}(\text{ref. distance} / \text{rec. distance})$. **The Project must correct this error and provide proper documentation for construction calculations.**

H-57

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Operational Noise Impact Analysis Underestimates HVAC

The operational noise analysis includes only one HVAC unit, with a reference level of 69 dBA Lmax at 50 feet [DEIR, page 4.11-18]. The DEIR cites a data sheet for another project, but does not attach it or provide a unit model. The most common large unit size for warehouses is 25 tons with a typical sound power level of 85-95 dBA³. At the receptor distance of 830 feet used in the DEIR, only one such unit would attenuate to 61 dBA. This is above the City of Perris 60 dBA exterior noise criteria and 12 dB above the closest daytime ambient measurement unaffected by construction noise (ST-3). This results in a significant noise impact which must be analyzed and mitigated in a revised EIR.

H-58

For warehouses, the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) minimum ventilation rate is 0.06 CFM per square foot, per person, which must be adjusted for occupancy rates, indoor air quality, and other factors.⁴ According to the DEIR, the warehouse facility will be 643,419 square feet [DEIR, page 1-1]. A warehouse of this size would need at least 103 25-ton units (spread out across the roof) to properly ventilate the space. **The HVAC noise predictions should be updated to reflect realistic equipment assumptions.**

H-59

$$643,419 \text{ sq. ft} \div 250 \text{ sq. ft. per ton} = 2574 \text{ ton load}$$
$$2574 \text{ ton load} \div 25 \text{ tons per unit} = 103 \text{ units}$$

Further, there was no nighttime ambient measurement to assess the impact of nighttime operation of mechanical equipment. The DEIR provides that the Project will operate 24 hours a day [DEIR, page 4.12-7].

Finally, the attenuation provided by the parapet wall on the roof [DEIR, page 1-2] should be calculated to show feasibility of mitigation for HVAC noise. Additional feasible mitigation such as sound buffers and barriers should also be considered to mitigate HVAC noise.

H-60

Traffic Noise Analysis Contains Omissions and Errors

The traffic noise analysis shows a significant impact at the single-family residence on Ellis Avenue [DEIR, page 4.11-20]. The DEIR claims, with no evidence, that repaving the road with rubberized or open-grade asphalt would not be feasible due to cost. The DEIR fails to mention that the road is in already poor condition, likely to deteriorate further with increased use by heavy trucks. **The Project should provide evidence why repaving the road is not feasible.**

H-61

Further, the traffic noise analysis contains a number of errors. The existing traffic community noise equivalent levels (CNEL) shown in Table 4.11-9 [DEIR, page 4.11-20] and Appendix J were not calibrated using ambient measurements, per standard FHWA and Caltrans practice.^{5,6} Validation is especially important when road conditions do not match the average pavement used in the FHWA Noise Prediction Model. Measured short-term levels along Ellis Avenue range from 49 dBA to 66 dBA, as discussed above. It is unknown if this variation is due to traffic volume, non-traffic sources such as

H-62

³ <https://www.shareddocs.com/hvac/docs/1005/Public/00/50FCQ-17-28-01PD.pdf>

⁴ https://www.ashrae.org/file%20library/technical%20resources/standards%20and%20guidelines/standards%20and%20guidelines/62_1_2013_p_20150707.pdf

⁵ https://www.fhwa.dot.gov/environment/noise/resources/tm_best_practices/fhwahep16018.pdf

⁶ <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/traffic-noise-protocol-april-2020-a11y.pdf>

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ongoing construction, or other such as road condition [DEIR, page 4.11-11]. It appears that the modeled existing levels shown in Table 4.11-9 are from the Office Alternative calculations in Appendix J. The Office Buildings Alternative, described in the Executive Summary [DEIR, page 1-5], is not mentioned in Section 4.11. It's not addressed in the DEIR or Appendix J why the traffic mix for existing conditions would be different in this alternative versus the main design or why it was used for the traffic noise analysis. Further, the existing with project CNEL shown in Table 4.11-9 does not match the data shown in Appendix J. The Change from Project Conditions is as high as 5.1 dB in all of the alternatives presented in Appendix J. **The Project should clarify which alternative should be used for the operational noise analysis. Project should correct analysis errors and compare updated predictions to threshold of significance.**

H-62
Cont'd

Incomplete Operational Noise Analysis

The DEIR uses the City of Perris Municipal Code 7.34.040 nighttime noise level limit of 60 dBA as a threshold of significance for truck activity [DEIR, page 4.11-18]. The DEIR states that loading dock activity is expected to be 50 dBA at the nearest sensitive receptor, based on an Lmax of 78 dBA at 50 feet. Since only short-term measurements were done on site, there is no existing baseline nighttime level to compare this prediction to and assess the impact of trucks coming in and out of the site. Project should properly evaluate the Leq increase over ambient levels from warehouse operations at sensitive receptor locations.

H-63

Conclusion

The Project may result in potentially significant construction and operational noise impacts. The DEIR relies on an inadequate baseline because ambient measurements have not been properly documented and may not represent traffic variation at sensitive buildings near the site. Finally, the DEIR does not properly evaluate the nighttime impact of warehouse loading dock and may underestimate operational noise impacts.

H-64

Please feel free to contact me with any questions on this information.

Very truly yours,
Ani Toncheva, Senior Consultant, WILSON IHRIG



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Response to Comment Letter H: Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy (July 1, 2024)

- H-1:** This comment is introductory in nature. The comment restates the project description. The introductory comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. The comment has been noted for the record and no changes to the document have been made or are required.
- H-2:** This comment is introductory in nature. The introductory comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Responses to the Clark Comments and the Toncheva Comments contained in Exhibit A and Exhibit B, respectively, are addressed separately herein in Responses H-38 to H-64.
- H-3:** The commenter makes generalized statements that the Draft EIR fails as an informational document and uses outdated scientific information. The commenter claims that the project description and baseline are not adequate and require revisions to the Draft EIR. The commenter states that the Draft EIR is deficient in analysis for air quality, greenhouse gas, health risk, noise, and transportation impacts but does not provide any evidence of the stated shortcomings listed in this comment.

The Draft EIR has been prepared in compliance with CEQA. The commenter is referred to page 2-1 of *Chapter 2.0, Introduction and Purpose*, of the Draft EIR which discusses the purpose of an EIR including discussion of potential significant impacts, mitigation to avoid or lessen impacts, and disclosure of significant unavoidable impacts. State CEQA Guideline Section 15126.4(a)(1) discusses the requirement of an EIR to describe feasible mitigation measures to minimize impacts. Consistent with this requirement, each Section discusses mitigation, as required and as feasible, to reduce potentially significant impacts. The commenter is referred to *Section 4.1, Aesthetics*, through *Section 4.15, Utilities* for discussions on the recommended mitigation, timing for implementation, and responsible parties. In all cases, except for operational noise (please refer to Responses H-29 through H-32 for additional discussion), it was found there would be no impact, less than significant impacts, or impacts would be less than significant with mitigation. All conclusions were made consistent with the State CEQA Guidelines and feasible mitigation measures were proposed to reduce potentially significant impacts as required.

All chapters are based on substantial evidence from public data sources or information contained in technical reports and/or technical data sets used to support the applicable analysis. The Draft EIR also includes an evaluation of a reasonable range of alternatives to the proposed project, and the commenter is referred to the discussion in *Chapter 5.0, Alternatives*, of the Draft EIR.

Regarding substantial evidence, which the commenter also notes in the comment, the commenter is referred to pages 1 and 2 of this Final EIR entitled *Chapter 1.2, CEQA Requirements Regarding Comments and Responses*. As discussed there, State CEQA Guidelines Section 15204(c) states, "Reviewers should explain the basis for their comments, and should submit data or

references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments.” As noted at the beginning of this response, the commenter has made generalized statements regarding claimed deficiencies of the Draft EIR but does not provide substantiating evidence, studies, or facts.

Furthermore, the commenter notes that the environmental baseline is inadequate. However, according to State CEQA Guidelines Section 15125, Environmental Setting, the baseline normally constitutes the “baseline physical conditions by which a lead agency determines whether an impact is significant” and may consist of “both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.” *Chapter 3.0, Project Description* of the Draft EIR provides the existing setting and *Section 4.1, Aesthetics*, through *Section 4.15, Utilities*, and includes an environmental setting pertaining to each environmental resource and uses substantial evidence to establish the baseline conditions. Therefore, the Draft EIR provides a clear baseline for the analysis of project impacts.

Thus, no further response is necessary and no changes to the Draft EIR have been made or are required as a result of this comment.

H-4: This comment is introductory in nature. The comment provides a description of the commenter CARECA. The introductory comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. The comment has been noted for the record and no changes to the document have been made or are required.

H-5: The commenter restates basic tenets of CEQA, citing the State CEQA Guidelines and case law. The City concurs with the commenter’s recitation of the State CEQA Guidelines and recognizes the cited cases. The City also concurs with the commenter’s statement regarding State CEQA Guidelines 15002, General Concepts, and the commenter’s paraphrasing of this section, the basic purpose of CEQA, mitigation, and alternatives. The City also concurs that an EIR should rely on scientifically relevant data and, in accordance with State CEQA Guidelines 15151, makes a good faith effort to fully disclose impacts to the public and decision makers.

No further response is necessary, and no changes to the Draft EIR have been made or are required as a result of this comment.

H-6: The City does not concur with this comment. The commenter makes generalized statements regarding the Draft EIR not complying with the requirements of CEQA related to disclosure of information, effects on the environment, way to lessen impacts, and use of flawed information but the comment does not present any substantial evidence that the Draft EIR omits environmental impacts or in any other way is flawed. The commenter is referred to Responses H-3 and H-5, which discusses substantial evidence in relation to generalized comments that are not backed by evidence, facts, or studies. Comments in the letter are related to air quality, GHG, health risk, noise, and transportation.

The City disagrees with the commenter's use of and the context in which they refer to "...the greatest," and "to the fullest," extent feasible in relation to mitigation. State CEQA Guidelines Sections 21156, 21159.2, and 15189, use the terminology "greatest extent feasible" in relation to Master EIR's and also in reference to performance standards. More specifically, State CEQA Guidelines Section 15175, Master EIR, states, "Accordingly, a Master EIR shall, to the greatest extent feasible, evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects both of which may inherently lack specificity due to unknown future situations." Accordingly, these terms are used when there is a higher degree of uncertainty regarding the potential for impacts and hence mitigation. This is CEQA, in essence, using these terms to require Lead Agencies, when a high degree of uncertainty exists, to put forth additional analysis and effort to enable a full disclosure of impacts. This is not the case under the proposed project. The proposed project is definitive and has a complete project description including footprint and areas of disturbance and the impacts, mitigation, and findings are backed by site specific studies and substantial evidence.

Further, as stated in *Sierra Club v. County of Fresno* (2018) as cited by the commenter, "The foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.'" The City adds emphasis to the terminology, "...within the reasonable scope of the statutory language."

Thus, counter to the commenter's claims, the project is compliance with State CEQA Guidelines Section 15126.4, Consideration and Discussion of Mitigation Measures Proposed to Minimize significant Effects, and Section 15370, Mitigation, as it avoids, minimizes, rectifies, reduces or eliminates, or compensates for significant impacts that would result from the implementation of the project. The City does note that a single significant and unavoidable impact associated with operational noise would result. This impact was properly disclosed in the Draft EIR, and the City has made the appropriate findings in relation to mitigation. Regarding making findings, the City has complied with State CEQA Guidelines Section 21081.5, Feasibility of Mitigation Measure or Project Alternatives; Basis for findings, "In making the findings required by paragraph (3) of subdivision (a) of Section 21081, the public agency shall base its findings on substantial evidence in the record."

The commenter is referred to the CEQA Findings prepared consistent with Sections 15091 and 15093 of the State CEQA Guidelines related to the City's meeting the requirements of written findings documenting the City's determination to approve the project with the listed significant and unavoidable impact. These findings are a separate document that are included under separate cover from the will be considered by the City concurrently with the Final EIR.

No further response is necessary, and no changes to the Draft EIR have been made or are required as a result of this comment.

- H-7:** The City concurs with the commenter citing State CEQA Guidelines Sections 15090 and 15091 regarding requirements of a project description. The City also concurs with the commenter's recitation of State CEQA Guidelines Section 15378 related to the "whole of the action," and its relation to physical changes on the environment and its applicability to discretionary actions.

The City, however, does not concur with the commenter's generalized statement that the Draft EIR Project Description does not provide adequate information to consider reasonably foreseeable consequences of the project. Please refer to Responses H-3 and H-5 about generalized comments and substantial evidence.

The commenter also is referred to *Chapter 3.0, Project Description*, of the Draft EIR, which complies with State CEQA Guidelines Section 15124 and associated requirements. In this chapter, the Project Description contains information regarding the precise project location, precise project boundaries, a topographic map, clearly written project objectives, the purpose of the project and benefits, the project's technical, economic, and environmental characteristics, a clear site plan, environmental setting, the intended use of the EIR, lists of agencies whose approval or oversight may be applicable, needed permits, and all information needed for members of the public, interested parties, and decision makers needed to make an informed decision. Thus, the Draft EIR includes all required information to enable interested parties to evaluate and analyze project impacts and reasonably foreseeable consequences during project construction and operation should it be implemented.

No further response is necessary, and no changes to the Draft EIR have been made or are required as a result of this comment.

- H-8:** The City does not concur with this comment. The comment states that the Draft EIR fails to identify reasonably foreseeable uses of the project site. The comment states that the environmental effect of the project uses must be analyzed based on reasonably foreseeable consequences of the initial project and/or if the project scope will require a future expansion that would change the environmental effects. As mentioned previously in Response H-7, the project analysis is based on a stable and finite project.

This project was evaluated in the Traffic Impact Assessment which was based on the Scoping Agreement for Traffic Study Impact agreed to with the City as shown in Appendix A of Appendix K to the Draft EIR.

- H-9:** The City does not concur with this comment. The Draft EIR does not omit critical operational assumptions, *Chapter 3.0, Project Description* of the Draft EIR outlines the project's proposed operations. The analysis presented in the document and relied upon for the technical reports prepared for the project is based on reasonably foreseeable assumptions associated with the proposed use as a light industrial warehouse facility for shipping and receiving of goods and/or a fulfillment center. The project is not proposed for higher intensity warehouse uses.

H-10: The City agrees with the commenter’s recitation of the general elements of, and CEQA requirements related to, existing physical environmental conditions, setting, and baseline. The City also concurs that, when properly defined, and when using substantial evidence, establishing a proper baseline will enable an EIR to adequately determine and disclose a projects impact during the environmental review process. In part, conformance with these requirements of CEQA is what has enabled the City to prepare the CEQA compliant EIR for the Ellis Logistics Center Project.

The City also concurs with the commenter’s general summary of what constitutes the baseline based on State CEQA Guideline Section 15125, which addresses the project baseline in relation to the environmental setting. More specifically, Section 15152(a) states “An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.”

The City, however, disagrees with the commenter’s heading to the comment that the Draft EIR fails to adequately establish the existing baseline. The comment notes that baseline information must be supported in the Draft EIR; which it is. The comment states that substantial evidence should include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. As mentioned in Response H-3, the Draft EIR provides an adequate environmental baseline outlined for each section that is founded on substantial evidence. The Commenter is referred to *Sections 4.1* through *Section 4.15* of the Draft EIR, each of which contains an introduction that explains the analysis and the environmental setting that typically describes the regional and local settings, resource applicable surrounding, and site settings, as well as any regulatory baselines by which the project may be evaluated.

Further, the commenter is referred to Response H-6, which discusses that the Draft EIR is based on project-specific technical studies prepared by qualified professionals with the professional training and experience in their specific fields which informs the discussion of the baseline and also constitutes substantial evidence.

No further response is necessary and no changes to the Draft EIR have been made or are required as a result of this comment.

H-11: This comment is introductory in nature. The comment provides a background of “baseline” conditions. The introductory comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. The comment has been noted for the record and no changes to the document have been made or are required.

H-12: The comment claims that the Draft EIR fails to provide an adequate baseline associated with traffic noise surrounding the project area. State CEQA Guidelines’ criteria for noise impacts focus on an increase in ambient noise levels in excess of established standards. The Draft EIR’s noise analysis uses existing ambient noise levels and the City’s noise standards to evaluate on-site stationary noise (see Draft EIR pages 4.11-17 through 4.11-19). Off-site traffic noise is evaluated based on

the project-related traffic noise increase over existing traffic noise (see Draft EIR pages 4.11-19 through 4.11-20). The Draft EIR's stationary source noise analysis showed that the project would not exceed the City's noise standards. Therefore, the project would not result in an ambient noise increase in excess of established standards. Additionally, the traffic noise is based on the increase of "With Project" traffic noise levels compared to "Without Project" traffic noise levels in order to capture the project's increase above the baseline condition. "With Project" traffic noise is also compared to the City's thresholds of significance to determine if the project's incremental increase is significant.

As shown on Draft EIR page 4.11-11, four noise measurements were taken for representative daytime ambient measurements. Noise measurements were collected during off-peak hours in order to avoid influences (i.e., noise increases) from traffic or other peak-hour activities. The measurements are a representative sample of ambient conditions. Perris Municipal Code Chapter 7.34 (Noise Control) defines ambient noise as the level obtained when the noise level is averaged over a period of five minutes without inclusion of noise from isolated identifiable sources at the location and time of day near that at which a comparison is to be made. The comment incorrectly assumes the noise measurements were intended to capture roadway noise. The data was not utilized for traffic noise analysis or extrapolated to nighttime or 24-hour measurements. Instead, as shown on Draft EIR page 4.11-13, RD-77-108 was utilized to calculate traffic noise using average daily roadway segment volumes prepared by the project's traffic engineers.

- H-13:** As the commenter notes and as stated in the Draft EIR and in Appendix J, there was existing construction activity while noise measurements were being taken. Therefore, to capture the ambient representative data in the area the noise analyst moved 500 feet east for a second measurement to compare. The noise measurements are intended to be accurate representation of existing ambient noise at the site. Construction occurs regularly in this area as do other typical noisy sources. As the noise measurement with construction is disclosed in the analysis, but not used for any of the impact determination, the commenter's interpretation that the baseline analysis is unsupported is incorrect. Also refer to Response H-12, above, regarding the noise analysis' impact criteria.
- H-14:** Please refer to Responses H-12 and H-13 above regarding the baseline noise environment and to Response H-54 for an explanation of why nighttime noise measurements were not conducted.
- H-15:** This comment is introductory in nature. The commenter discusses their view of the basic purpose of CEQA and requirements to disclose all potentially significant impacts of a project and to implement all feasible mitigation. This comment does not directly question the adequacy of the Draft EIR. No additional comment is required. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.
- H-16:** The commenter suggests that the Draft EIR does not adequately analyze the health impacts from Valley Fever. Valley Fever is caused by the fungus *Coccidioides immitis*, which grows in soils in areas of low rainfall, high summer temperatures, and moderate winter temperatures. These

fungal spores become airborne when the soil is disturbed by winds, construction, farming, and other activities. The commenter notes that Valley Fever has been reported in Riverside County and the project is located in Riverside County. The commenter notes that 53 percent of Riverside County's Valley Fever cases occurred in Western Riverside County and indicates that the incidents of Valley Fever in the area are significant. However, the report cited in the comment also notes that the incidence rate for confirmed cases in Riverside County was 2.9 per 100,000 population, or 0.003 percent. The report cited in the comment does not indicate that the incidence rate in the County is significant and the commenter's claim that Valley Fever incidences is significant is not substantiated.

However, an EIR is only required to identify and focus on the significant effects of a proposed project on the environment. Environment is defined as the "physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, noise, [and] objects of historic or aesthetic significance." (State CEQA Guidelines Section 21060.5 and 15360). As such, effects that are subject to review under CEQA must be related to a change to the physical environment. (State CEQA Guidelines Section 15358(b)). This is further outlined in State CEQA Guidelines Section 15126.2, which states that in assessing impacts of a project on the environment, the lead agency is required to "limit its examination to changes in the existing physical conditions." Valley Fever is not a physical condition as defined in State CEQA Guidelines Section 21060.5 and is therefore outside the purview of CEQA.

Although the analysis of Valley Fever impacts on the project itself are not required, existing South Coast AQMD Rules associated with dust particulates would reduce the risk of Valley Fever exposure. South Coast AQMD Rules 403 and 404 require the implementation of best available dust control measures during active operations capable of generating fugitive dust and particulate matter. Further, requirements imposed by federal and state Occupational Safety and Health Administrations (OSHA and Cal/OSHA) would also reduce effects of Valley Fever. For example, when exposure to dust is unavoidable, as would be the case during construction of the project, contractors must develop and implement a respiratory protection program in accordance with Cal/OSHA's Respiratory Protection standard (8 CCR 5144) and would have to provide National Institute for Occupational Safety and Health-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA (high efficiency particulate air).

The commenter then states that the Draft EIR does not include any Valley Fever-specific mitigation. However, as noted above, South Coast AQMD rules regarding fugitive dust and particulate matter (which are not considered mitigation because they are already required by law) would reduce the spread of Valley Fever, while respiratory protection required by Cal/OSHA would directly protect workers from Valley Fever. Therefore, no additional mitigation is necessary.

H-17: This comment states that the Draft EIR air quality analysis for operational emissions relies on erroneous data to support its calculations. The commenter incorrectly states that the Draft EIR

relies on onsite off-road vehicles uses emissions factors that are out of date. As shown on page 48 of Appendix C, Air Quality Modeling Data, the project's forklift emissions were based on CARB's OFFROAD2021 model "Industrial Forklift" equipment category within Riverside County. The project's "cargo equipment" emissions, which are cited in comment H-17, were used to estimate the project's yard truck emissions and not the project's forklift emissions; refer to page 49 of Appendix C, Air Quality Modeling Data. Additionally, Mitigation Measure AQ-1 identified in the Draft EIR, requires all cargo handling equipment to be zero emission. Therefore, emissions associated with the project's cargo handling equipment would be reduced to zero. As such, no revisions to the Draft EIR are necessary.

H-18: The comment challenges the use of a 40-mile average truck trip length, citing the approximately 80-mile distance between the project site to the Ports of both Los Angeles and Long Beach. Page 47 of Appendix C, Air Quality Modeling Data in the Draft EIR states that the average truck trip length was updated from the default 6.9 miles to 40 miles to be consistent with the average heavy truck trip length from the South Coast Air Quality Management District (AQMD) documents for the implementation of the Facility-Based Mobile Source Measures adopted in the 2016 Air Quality Management Plan. South Coast AQMD's warehouse emission calculations cites a 39.9-mile trip length for heavy-heavy trucks, a 14.2-mile trip length for medium-heavy trucks, and a 15.3-mile trip length for light-heavy trucks based on SCAG's Heavy-Duty Truck Regional Travel Demand Model.⁷ The project's emissions modeling conservatively assumed 40 miles for each truck trip (i.e., each way) for all trucks.

The CalEEMod methodology uses average trip lengths, which accounts for some longer trips (e.g., to/from the Ports or other location) and some shorter trips (e.g., to/from other facilities or warehouses in the area). Goods movement can involve several steps (i.e., origin and destination) between the port and a particular warehouse, intermodal facility, or other facility. Each step would be a separate trip. As such, not all truck trips would originate from the Ports; some trips may be from intermodal facilities, storage warehouses, cross-dock warehouses, distribution centers, retail stores, etc. Truck trips would likely be redistributed from other existing locations. As described above, the South Coast AQMD's truck trip lengths used in the Air Quality Assessment are based on substantial evidence and representative of warehouse truck trips to/from the Ports and various other locations in the South Coast Air Basin (i.e., the region where the project site is located).

H-19: See Response H-18 above.

H-20: See Response H-18 above.

⁷ South Coast AQMD, *Second Draft Staff Report Proposed Rule 2305 – Warehouse Indirect Source Rule - Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305*, April 2021.

- H-21:** See Response H-18 above. As described in the response above, the average truck trip lengths modeled for the project are based on substantial evidence and representative for the project region. Therefore, the Draft EIR's NOx emissions are not underestimated.
- H-22:** The comment incorrectly states that the Draft EIR analysis should have modeled medium-heavy duty and heavy-heavy duty vehicles as model years 2010 or newer. The Draft EIR conservatively analyzes the fleet mix that CalEEMod and EMFAC include for the region. It should be noted that the CARB Truck and Bus Regulation required trucks to be upgraded to 2010 or new model year engines. The Truck and Bus regulation has been in effect since December 2008 and the final deadline for the last replacement phase of the regulation was January 1, 2023. The CARB Truck and Bus Regulation applies to all trucks registered in California. Therefore, mitigation requiring model year 2010 trucks is not necessary because it is already required by CARB regulation (Title 13, California Code of Regulations, Article 4.5, § 2025).
- H-23:** See Response H-22, above. The suggested revisions are not necessary as the project would not exceed the South Coast AQMD's emissions thresholds of significance. State CEQA Guidelines Sections 15041 and 15126.4(a)(4) require mitigation of significant impacts to be consistent with the nexus and rough proportionality standards. State CEQA Guidelines Section 15126.4(a)(3) states that mitigation measures are not required for effects which are not found to be significant. Therefore, the suggested revisions are not required.
- H-24:** See Responses H-22 and H-23, above. The suggested revision is not necessary as the project would not exceed the South Coast AQMD's emissions thresholds of significance.
- H-25:** See Responses B-4 and B-5, above, regarding cumulative air quality. The analysis follows the South Coast AQMD's current guidance for evaluating cumulative impacts. As noted in the Draft EIR, the project would not exceed South Coast AQMD's thresholds of significance and therefore cumulative impacts would not be cumulatively considerable. The commenter incorrectly states that the Draft EIR failed to include a list of cumulative projects; as stated on Draft EIR page 4-2, a total of 31 cumulative projects were included within Table 4 and Figure 9 in the Traffic Study, included as Appendix K to the Draft EIR. Past projects are properly accounted for as part of the existing baseline. The cumulative projects are also subject to CEQA review and are required to mitigate potentially significant impacts to the extent feasible. These projects (as with the proposed project) are also required to comply with all applicable South Coast AQMD rules and regulations (including Rule 2305, Warehouse Indirect Source Rule), which would minimize emissions.
- H-26:** See Response H-25 above.
- H-27:** This is an introductory comment. As shown below in Responses H-28 through H-32 and H-49 through H-64, noise impacts were thoroughly evaluated for the project. On Draft EIR page 4.11-15, see description of methodology used for the noise analysis. The Perris Municipal Code standard of 60 dBA L_{max} was utilized for nighttime construction analysis and 80 dBA L_{max} during

the daytime. As shown in Draft EIR *Table 4.11-8: Typical Construction Noise Levels*, construction noise would remain below 61 dBA L_{max} during daytime construction activities at the nearest residential receiver. Responses to specific comments are provided below; no further response is required.

H-28: See Response H-12, above. The comment incorrectly states that the construction noise increase will result in a significant CEQA impact. As noted above, the State CEQA Guidelines' criteria for noise impacts focus on an increase in ambient noise levels in excess of established standards. The Construction noise analysis uses the City's 80 dBA L_{max} construction noise threshold (Perris Municipal Code Section 7.34.060). Draft EIR pages 4.11-16 through 4.11-17 shows that project construction would not exceed the City's construction noise standard. Therefore, project construction would not result in a substantial increase in excess of City standards.

H-29: The commenter's noise consultant incorrectly calculates HVAC noise levels to support the comment. The comment identifies an HVAC reference level of 85-95 dBA based on equipment specifications. However, the equipment specifications cited in the comment identify sound power levels ranging from 84.1 dBA to 85.9 dBA. The specifications cited in the comment do not identify sound power levels of 95 dBA. Sound power is the total airborne sound energy radiated by a sound source per unit of time. The sound power level of 85.9 dBA (i.e., the maximum sound power in the specifications) would attenuate to 27 dBA at 830 feet and not the 61 dBA that is identified in the comment. Therefore, project HVAC noise would not exceed the City's noise standard.

Additionally, as noted in the comment, the proposed project would include multiple HVAC units. However, the proposed warehouse is speculative and no end user has been identified. Therefore, the number of HVAC units and their location is not currently known. Typically, warehouses only provide air conditioning for the office areas of the buildings and the warehouse areas are not cooled. Even if the warehouse area is air conditioned, HVAC units would be distributed evenly throughout the building's roof. As the units would be evenly distributed, the noise from each unit's would attenuate before combining with noise levels from adjacent units. Furthermore, each unit would cycle on and off and not all units would operate simultaneously or be located at the closest distance from a sensitive receptor. However, conservatively assuming simultaneous operation of all HVAC units and simultaneous operation, the noise level from 103 HVAC units (as estimated by the commenter's consultant) would be 47 dBA at 830 feet. As noted above, the project is speculative, and the actual number of HVAC units has not yet been identified. Furthermore, the warehouse roof would have a parapet wall that would attenuate noise levels by at least 5 dBA, resulting in 42 dBA at the receptors 830 feet away. Therefore, the comment incorrectly states that HVAC noise is underestimated. The Draft EIR's analysis of mechanical equipment/HVAC noise is conservative, no significant impacts would occur, and mitigation is not necessary.

H-30: Refer to Responses H-28 and H-29, above. The comment's evaluation of construction and operational stationary noise is incorrect. As discussed in the responses above, potential impacts

would be less than significant and additional mitigation is not required. Draft EIR page 4.11-23 shows that project operational noise levels would not exceed applicable thresholds. Therefore, noise mitigation such as noise buffers and sound walls are not necessary.

H-31: See Response H-30 above. Construction and operational stationary noise impacts would be less than significant and mitigation is not necessary.

H-32: See Response H-30 above.

H-33: The City concurs with the commenters recitation of the Perris Municipal Code Sections 19.50.010 and 19.54.040(f). These sections relate to the development plan review process and project consistency with the General Plan, applicable specific plans, and zoning. As a general note, the Draft EIR identified and analyzed in *Section 4.10, Land Use and Planning* project consistency with the applicable policies from the City of Perris General Plan and other applicable plans that have been adopted for the purpose of avoiding or mitigating an environmental effect. The commenter is referred to Responses I-14 and I-15, regarding the requirements related to project consistency with the General Plan goals, policies, and implementation measures in addition to applicable plans and zoning. As noted in that response, a project is consistent with the underlying general plan if, considering all its aspects, it will further the objectives and policies of the General Plan and will not obstruct their attainment.

The City, however, disagrees with the balance of the comment and the commenters general assertion that impacts from traffic, noise, smoke, dust, fumes, vibration, odors, other hazards, and community impacts would be significant. With the exception of operational noise, all potential impacts associated with the listed resources would result in no impact, a less than significant impact, or a less than significant impact with mitigation. The commenter is referred to the Draft EIR, specifically *Section 4.1, Aesthetics, Section 4.2, Air Quality, Section 4.8, Hazards and Hazardous Materials, and Section 4.11, Noise* for a discussion of the project impacts to the resources listed. All potential impacts to those resources were disclosed and mitigated consistent with the State CEQA Guidelines. This includes the findings related to operational noise which were found to be significant and unavoidable, and for which a Statement of Overriding Considerations has been prepared. The City of Perris Planning Commission will need to adopt the Statement of Overriding Considerations if it elects to approve the project. The commenter is referred to Responses H-29 through H-32 for additional discussion.

Although outside the environmental process as required by CEQA, the City concurs that the project will be discussed by the Planning Commission in relation to Perris Municipal Code Section 19.54.040(f) during the public hearing for the project. This discussion may include the comments raised by the commenter in this letter.

No further discussion is required and no changes to the Draft EIR have been made because of this comment.

H-34: The City concurs with this comment. Approval of a Development Plan Review requires consistency with the City of Perris General Plan, zoning, any applicable specific plan, and other City requirements. See also the response above in Response H-33.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

H-35: The City concurs with the commenter's recitation of Implementation Measure IV.A.1 of the City of Perris General Plan Conservation Element (page 47) regarding Cultural Resources. The implementation measure, however, is not in relation to Noise as alluded to by the commenter but is on page 47 under Goal IV- Cultural Resources – Protection of historical, archaeological and paleontological sites.

The commenter is referred to the *Section 4.4, Cultural Resources, Section 4.6, Geology and Soils, and Section 4.14, Tribal Cultural Resources*, which discuss the potential for the project to impact these resources and mitigation to reduce any impacts. The commenter also is referred to *Section 4.11, Noise*. Regarding the necessary surveys and site investigations, the commenter is referred to Appendix E, which contains the Cultural Resources Study; Appendix G, which contains the Geology Engineering Investigation, which helps inform the discussion regarding paleontological resources, and Appendix J; which contains the Noise Measurement Data that informs the analysis in the Draft EIR.

With regard to Noise, the General Plan Noise Element (page 3) states, "In general...Sound levels that exceed 40 to 45 dBA are generally considered to be excessive for sleeping areas within a residence." It should be noted that this statement is referring to an interior noise level not an exterior noise level and that this statement is not a noise threshold of the General Plan or for the City of Perris. Exterior noise thresholds are established by the General Plan Noise Element are, "Noise impacted projects" are defined as residential projects, or portions thereof, which are exposed to an exterior noise level of 60 dBA CNEL or greater" (page 6) and Exhibit N-1, Land Use/Noise Compatibility Guidelines (page 7). These guidelines are included as *Table 4.11-4: Land Use Compatibility Guidelines for Community Environments* in *Section 4.11, Noise*, of the Draft EIR (page 4.11-8). The analysis in the Draft EIR notes that:

Noise levels on project area roadways under "With Project" conditions would range between 62.1 dBA CNEL and 68.0 dBA CNEL at 100 feet from the centerline, and the project would result in a maximum increase of 4.1 dBA CNEL along Ellis Avenue. While noise levels would increase above three decibels, the surrounding land uses are primarily industrial uses and the local area is zoned as industrial as shown in the Perris Zoning Map and Downtown Perris Specific Plan (DTSP). Therefore, the normally acceptable level would be 70 dBA CNEL and traffic noise would remain below the normally acceptable level for most land uses. However, there is one residential use located within 100 feet of Ellis Avenue from Case Road to Redlands Avenue that would experience noise levels above the normally acceptable

residential threshold due to increases above 3 dBA. Therefore, noise impacts from off-site traffic would be significant at this one location.

No further discussion is required and no changes to the Draft EIR have been made because of this comment.

H-36: Refer to Response H-29 above. As described above, the comment about project noise attenuating to 61 dBA is incorrect and is based on errors in the commenter's calculations. Therefore, the comment does not provide substantial evidence demonstrating any new impacts. Response H-29 and Draft EIR page 4.11-18 show that these noise levels would be less than significant. Lastly, the City disagrees with the commenter's statement that the Draft EIR must be recirculated. Requirements for recirculation of an environmental document are discussed in State CEQA Guideline Section 15088.5. According to the listed guideline, recirculation is required when significant new information, such as changes in the project or environmental setting as well as additional data or other information, is added to an EIR and that information is considered to be substantive, and disallowed reasoned public input, results in previously undisclosed impacts, or results in other changes necessitating the Draft EIR to be recirculated.

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. More specifically, conditions requiring recirculation as a result of previously undisclosed significant information can arise from new significant undisclosed impacts, new impacts resulting from new mitigation; a substantial increase in the severity of a previously disclosed impact; or the introduction of a feasible project alternative or one that is substantially different from those previously proposed. A Draft EIR can also be required to be recirculated if it is so fundamentally flawed it disallowed meaningful review and comment.

H-37: This comment questions the adequacy of the Draft EIR and suggests that the Draft EIR must be recirculated. The Draft EIR includes an analysis of potential impacts according to the State CEQA Guidelines. See Responses H-3, H-5, and H-36. No recirculation is required. No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

Clark & Associates Comments, Exhibit A

H-38: The comment restates *Chapter 3.0, Project Description*, of the Draft EIR. The City concurs with this comment. No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

H-39: The commenter states that the Draft EIR concludes there would be no significant impacts after mitigation and this is not supported by data provided. The City disagrees with this statement. The

Draft EIR determined that all potential impacts with the exception of operational noise impacts were found to result in no impact, a less than significant impact, or less than significant impact with mitigation. Operational noise impacts were found to be significant and unavoidable, and in accordance with State CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared. The City of Perris Planning Commission will need to adopt the Statement of Overriding Considerations if it elects to approve the project. The commenter also is referred to Responses H-29 through H-32 for additional discussion of this topic. The discussion in the Draft EIR complies with CEQA requirements, specifically State CEQA Guidelines Section 15126 regarding the consideration and discussion of environmental impacts. Accordingly, all potential impacts were disclosed, consistent with the State CEQA Guidelines, and feasible mitigation was included as required to reduce potentially significant impacts. Please also refer to Response H-3.

No further response is necessary and no changes to the Draft EIR have been made or are required as a result of this comment.

H-40: See Response H-16 above.

H-41: See Response H-17 above.

H-42: See Response H-22 above.

H-43: See Response H-18 above.

H-44: See Response H-18 above.

H-45: See Response H-18 above.

H-46: See Response H-18 above.

H-47: This comment relates to cumulative air quality impacts; refer above to Response H-25.

H-48: This comment concludes that James J. J. Clark has reviewed the EIR and believes that the project could result in significant impacts if allowed to proceed. The City disagrees with this statement as discussed in the preceding responses. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

Wilson Ihrig Comments, Exhibit B

H-49: This comment is introductory in nature. The comment restates the project description. The introductory comment does not raise a specific issue with the adequacy of the Draft EIR or raise

any other CEQA issue. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

H-50: This comment is introductory in nature. This is a general comment stating the experience of the commenter. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

H-51: This comment is introductory in nature. This comment provides a general background description of the adverse effects of noise. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

H-52: See Responses H-12 and H-13.

H-53: See Responses H-12 and H-13.

H-54: See Response H-12 and H-13. As noted above, the State CEQA Guidelines' criteria for noise impacts focus on an increase in ambient noise levels in excess of established standards. The Draft EIR's on-site noise analysis (see Draft EIR pages 4.11-17 to 4.11-19) showed that the project would not exceed the City's noise standards. Therefore, the project would not result in an ambient noise increase in excess of established standards. As a result, nighttime noise measurements are not necessary. However, according to the Federal Highway Administration (FHWA), typical nighttime ambient noise levels range from 30 to 40 dB (and up to 50 dBA in urban areas) and are approximately 10 dB lower than daytime noise levels. As shown on Draft EIR *Table 4.11-5: Noise Measurements*, daytime noise levels range from 49.2 to 60.4 dBA (excluding measurement ST-1, which included construction noise). Therefore, nighttime ambient noise levels would range from 39.2 to 50.4 dBA. As discussed on Draft EIR pages 4.11-17 to 4.11-19, on-site noise levels would range from 43 to 44 dBA at the closest sensitive receptors. These noise levels are consistent with the nighttime ambient levels and are below the residential nighttime limit of 60 dBA presented in Perris Municipal Code Sections 7.34.050 and 7.34.040. Therefore, the project would not generate a substantial increase in noise in excess of the City's standards.

H-55: See Responses H-12 and H-13. The Draft EIR's construction noise analysis (see pages 4.11-16 to 4.11-17) showed that the project would not exceed the City's noise standard. Therefore, the project would not result in an ambient noise increase in excess of established standards. Additionally, as noted in response H-13 the measurement affected by construction noise is disclosed in the analysis, but not used for any of the impact determination, the commenter's interpretation that the baseline analysis is unsupported is incorrect. Construction noise is typically louder than ambient levels. However, as construction noise would not exceed City standards, impacts would be less than significant.

H-56: See Response H-55, temporary sound wall fencing is not necessary as construction noise levels would remain below City standards.

H-57: The comment incorrectly identifies an error in Draft EIR *Table 4.11-8: Typical Construction Noise Levels*. The discrepancy identified between the numbers on Draft EIR *Table 4.11-8: Typical Construction Noise Levels* and numbers calculated by the commenter is due to rounding. For example, the dozer noise level at 50 feet is 81.7 dBA and was rounded to 82 dBA in Draft EIR *Table 4.11-8: Typical Construction Noise Levels*. When calculating distance attenuation, 81.7 dBA attenuates to 57.3 dBA (rounds to 57 dBA) at 380 feet, while 82 dBA attenuates to 57.6 dBA (rounded to 58 dBA) at 830 feet. Therefore, the construction noise analysis does not include errors and no revisions are necessary.

H-58: See Response H-29, above. As discussed above, the comment incorrectly calculates HVAC noise levels. The Draft EIR's analysis of mechanical equipment/HVAC noise is conservative and no significant impacts would occur and mitigation is not necessary.

H-59: See Response H-29, above.

H-60: See Response H-29, above.

H-61: Draft EIR page 4.11-20 notes that typical mitigation measures for off-site roadway noise impacts includes repairing the roads with rubberized asphalt and developing sound walls or attenuation barriers to minimize noise impacts. However, this mitigation can only be imposed on on-site roadways since the project applicant would not have authorization or control to make off-site improvements. Additionally, rubberized asphalt could be considered by the City's Public Works Department in the future as part of scheduled maintenance funding, but it would not be roughly proportional to impose paving costs on the project for an imperceptible sound level increase.

As noted on page 4.11-19 of the Draft EIR, there is one residential use located within 100 feet of the roadway with an increase above 3 dBA (5.1 dBA) that would experience noise levels above the normally acceptable residential threshold. According to the Caltrans Traffic Noise Analysis Protocol, page 3-2, a substantial noise increase is considered to occur when the project's predicted worst-hour design-year noise level exceeds the existing worst-hour noise level by 12 dBA or more. Therefore, the use of rubberized asphalt would not be proportional to the project related traffic noise increase and is not required. The one affected residence would still be within the Caltrans Traffic Noise Analysis Protocol's noise standards and the City's 65 dBA CNEL conditionally acceptable noise standard. Additionally, the residence is a pre-existing nonconforming use located within the Light Industrial zone of the Perris Downtown Specific Plan and is currently experiencing noise levels above normally acceptable levels based on the noise measurements shown in Draft EIR *Table 4.11-5: Noise Measurements*. Therefore, implementation of off-site mitigation would also not be considered roughly proportional to the impact of the project.

H-62: This comment suggests that the traffic noise model should be validated and references guidance from the FHWA Traffic Noise Model (TNM). However, the Draft EIR did not utilize the FHWA TNM for traffic noise modeling and instead utilized the FHWA's RD-77-108 traffic noise model.

Additionally, average daily traffic (ADT) were received from the traffic engineers with existing counts as well as project ADT. These data points were input in the RD-77-108 model to calculate roadway noise. The TNM methodology cited in the comment is not applicable to the RD-77-108 model.

Truck percentages used in the “Existing” and “No Project” scenarios in the RD-77-108 traffic noise modeling were based on traffic count data from the project Traffic Study (Draft EIR Appendix K). As the project would potentially include a higher proportion of truck trips than other land use types, truck percentages are adjusted (increased) in the “With Project” scenarios to account for the potential effects the project may have on overall truck percentages. However, these adjustments would not be necessary for the Office Alternative because office uses would not generate a higher proportion of truck trips. Note that upon review of the public review noise appendix (Draft EIR Appendix J) it became apparent that some of the data is incorrect/from a previous version due to a document production error. However, the data within Draft EIR *Section 4.11* (including *Tables 4.11-6: Existing Traffic Noise, 4.11-9: Existing Plus Project Traffic Noise Levels, 4.11-11: Cumulative Plus Project Conditions Predicted Traffic Noise Levels, 6.1, and 6.2*) include the correct traffic noise data and results. Therefore, the conclusions in the Draft EIR remain unchanged and no new impacts would occur. The latest traffic noise data is provided as **Appendix A** to this Final EIR for disclosure purposes.

- H-63:** See Responses H-12, H-13, H-54, and H-55, above. The Draft EIR includes project-specific analysis with comparison to the applicable standards. As noted above, the State CEQA Guidelines’ criteria for noise impacts focus on an increase in ambient noise levels in excess of established standards. The Draft EIR’s on-site noise analysis (including on-site trucks, see pages 4.11-17 to 4.11-19) showed that the project would not exceed the City’s noise standards. Although the City does not have an applicable incremental noise standard, potential impacts would be less than significant because the City’s absolute noise standards would not be exceeded. Refer also to Response H-54.
- H-64:** The commenter restates concerns related to the operational noise impacts and the baseline that was used to determine the severity of impacts and do not capture traffic variations, to include the noise generated from nighttime loading. The commenter is referred to Responses H-52 through H-54, and H-63 regarding nighttime noise limits and baseline and the commenter is referred to Responses H-58 through H-60 regarding operational noise impacts.

No further response is necessary and no changes to the Draft EIR have been made or are required as a result of this comment.

Comment Letter I: Blum, Collins, & Ho LLP on behalf of Golden State Environmental Justice Alliance

BLUM, COLLINS & HO LLP

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June 26, 2024

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Perris, California 92570

VIA EMAIL TO:
algarcia@cityofperris.org

SUBJECT: COMMENTS ON ELLIS LOGISTICS CENTER EIR (SCH NO. 2023040144)

Dear Mr. Garcia,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Ellis Logistics Center. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

I-1

1.0 Summary

The project proposes the construction and operation of one 643,419 square foot (sf) industrial warehouse building on an approximately 34.52 acre site. The building includes 10,000 sf of office mezzanine space and 633,419 sf of warehouse area. The building is designed as a cross-dock fulfillment center with 87 truck/trailer loading dock doors (39 docks on the north side of the building and 48 on the south side of the building), and the site provides 174 passenger car parking stalls and 227 truck/trailer parking stalls (67 truck/trailer parking stalls are arranged in a tandem configuration on the south side of the building).

3.0 Project Description

The EIR does not include a floor plan, detailed building elevations, detailed site plan, or a conceptual grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. For example, the EIR states that, “The proposed project would also include an approximately 455-square-foot

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June 26, 2024
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fire pump house,” but does not identify the fire pump house within the key notes on the Site Plan, and also does not provide any analysis or information regarding the need for an onsite fire pump house. Figure 3-6: Proposed Building Elevations does not provide any useful or meaningful information such as building height (to the highest overall point of the building on each elevation), building colors, or materials. The EIR has also excluded a grading plan from public review. The EIR states that, “Based on the existing topography grading of the project site would involve approximately 8,600 cubic yards of cut and approximately 150,000 cubic yards of fill. Project development would require the import of approximately 140,000 cubic yards of fill soil,” yet there is no method for the public to verify this claim. Providing the grading plan and earthwork quantity notes is vital as this directly informs the quantity of necessary truck hauling trips due to soil import/export during the grading phase of construction. A revised EIR must be prepared to include wholly accurate and unedited detailed floor plan, grading plan, site plan, elevations, and project narrative for public review.

I-3
I-4
I-5

4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions

Please see the attachment for a full technical commentary and analysis from SWAPE.

I-6

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. According to CalEnviroScreen 4.0¹, CalEPA’s screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project’s census tract (6065042620) is highly burdened by pollution. The surrounding community, including sensitive receptors such as Park Place Mobile Home Park (adjacent to the west) and Camper Resorts of America (adjacent to the east), bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicator measured by CalEnviroScreen. For example, the project census tract ranks in the 98th percentile for ozone burden, the 53rd percentile for particulate matter (PM) 2.5 burden, and 82nd percentile for traffic burden. All of these environmental factors are attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure². Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births³.

I-7

¹ https://experience.arcgis.com/experience/11d2f52282a54cccbeac7428e6184203/page/CalEnviroScreen-4_0/

² OEHHA Ozone <https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone>

³ OEHHA Traffic <https://oehha.ca.gov/calenviroscreen/indicator/traffic-density>

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The census tract also bears more impacts from cleanup sites than 69% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water⁴.

I-8

Further, the project's census tract is a diverse community including 69% Hispanic, 13% African-American, and 7% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 75% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community also has a high rate of poverty, meaning 65% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care⁵. Poor communities are often located in areas with high levels of pollution⁶. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution⁷. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 91st percentile for incidence of cardiovascular disease and 66th percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 53% of the census tract speaks little to no English and faces further inequities as a result.

I-9

Additionally, the project census tract (6065042620) and the census tracts adjacent to the project site (6065046700 (north), 6065048800 (north), and (6065042010) west) are identified as SB 535 Disadvantaged Communities⁸. This indicates that cumulative negative impacts of development and environmental impacts in the area are disproportionately impacting these communities. The EIR does not discuss that the surrounding area is a disadvantaged community and does not utilize this information in its analysis. The EIR has not considered the environmental impacts in relation to the SB 535 status of the project census tract and surrounding area. The negative environmental, health, and quality of life impacts of the warehousing and logistics industry in the area have become distinctly inequitable. The severity of environmental impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR.

I-10

The State of California lists three approved compliance modeling softwares⁹ for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved

I-11

⁴ OEHHA Cleanup Sites <https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites>

⁵ OEHHA Poverty <https://oehha.ca.gov/calenviroscreen/indicator/poverty>

⁶ Ibid.

⁷ Ibid.

⁸ OEHHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

⁹ California Energy Commission 2022 Energy Code Compliance Software <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1>

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software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, it cannot conclude the project will generate less than significant impacts and a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

I-11
Cont'd

4.8 Hazards and Hazardous Materials

The EIR states, "As shown in Map PV-1 of the Perris Valley Airport Land Use Compatibility Plan, the project site is located within Compatibility Zone E, defined as 'other airport environs' and does not have a limit on development intensities." The EIR is inadequate as an informational document as Map PV-1 of the Perris Valley Airport Land Use Compatibility Plan¹⁰ (PV ALUCP) depicts the project site located within Compatibility Zones D and E.



I-12

¹⁰ <https://rcaluc.org/sites/g/files/aldnop421/files/migrated/Portals-13-19-20--20Vol.-201-20Perris-20Valley-20-Final-Mar.2011-.pdf>

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The project site is also located within March Air Reserve Base (MARB)/Inland Port Airport Compatibility Zones D and E. T The EIR does not provide any information regarding required review by the Riverside County Airport Land Use Commission (RCALUC).

I-12
Cont'd

Implementation Measures of the General Plan require MARB/RCALUC review and comment prior to making any land use decisions:

1. Land Use Element Implementation Measure V.C.I. Circulate all development plans within the Clear Zone and Accident Potential Zones of the March Air Reserve Base/Inland Port Plan to Department of the Air Force, MARCH Air Reserve Base to provide recommendations and guidance on land use compatibility in accordance with the policies of the most recent Air Force Instruction (AFI) 32-7063.
2. Safety Element Implementation Measure I.D.2 Continue to notify March Air Reserve Base of new development project applications and consider their input prior to making land use decisions.

I-13

The EIR is misleading to the public and decision makers by excluding the required review by MARB/RCALUC. Delaying MARB/RCALUC review until after the CEQA process is implementation of the project prior to CEQA review and deferred mitigation in violation of CEQA. An EIR must be prepared which includes a review and comment letter regarding the proposed development plans from MARB/RCALUC.

4.10 Land Use

A revised EIR must be prepared to provide a quantified analysis of the project’s growth within the General Plan buildout scenario to determine if it exceeds the buildout scenario for its Planning Area within General Plan, in accordance with Table LU-28: Building Area by Land Use Designation, Table LU-29: General Plan Population Projections, and Table LU-30: General Plan Employment Projections of the City’s General Plan Land Use Element, including all cumulative development and projects “in the pipeline.”

I-14

Table 4.10-2: City of Perris General Plan Consistency Analysis does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project has significant potential to conflict with many of these items, including but not limited to the following from the General Plan:

I-15

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- 1. Policy HC 1.5 On an ongoing basis, identify and address health inequities in Perris (i.e. unjust barriers that result in differences in environmental conditions and health outcomes) and strive to provide a high quality of life for all residents, regardless of income, age or ethnicity. I-16
 - 2. Policy HC 1.6 Encourage the attraction and retention of high quality grocery stores and other healthy food purveyors as an economic development strategy for the City. Healthy food outlets include full-service grocery stores, regularly-held farmer’s markets, fruit and vegetable markets, and convenience stores or corner stores that sell a significant proportion of healthy food. I-17
 - 3. Policy HC 2.4 Promote development patterns and policies that: Reduce commute times. I-18
 - 4. Policy HC 2.6 Encourage land use and urban design to promote physical activity, provide access to nutritious foods, and reduce air pollution. I-19
 - 5. Goal HC-5: Healthy Economy – Encourage businesses to provide meaningful employment opportunities to residents. I-20
 - 6. Policy HC 5.1 Develop programs to attract and retain industries that can provide a living wage, provide health insurance benefits, and meet existing levels of workforce education. I-21
 - 7. Land Use Element Implementation Measure V.C.I. Circulate all development plans within the Clear Zone and Accident Potential Zones of the March Air Reserve Base/Inland Port Plan to Department of the Air Force, MARCH Air Reserve Base to provide recommendations and guidance on land use compatibility in accordance with the policies of the most recent Air Force Instruction (AFI) 32-7063. I-22
 - 8. Safety Element Implementation Measure I.D.2 Continue to notify March Air Reserve Base of new development project applications and consider their input prior to making land use decisions. I-23
 - 9. Environmental Justice Goal 6.2 Policy 2: Discourage development in proximity to sensitive land uses (e.g., schools, hospitals, homes, and long-term care facilities) near source point pollution sources that impact health, including freeways and hazardous waste sites. I-24
- A revised EIR must be prepared to include an analysis of the project’s potential inconsistency with these goals and policies. The revised EIR must also include information and analysis regarding the fact that the project site is identified as a Disadvantaged Community in Figure 1 of the Environmental Justice Element of the General Plan. I-25

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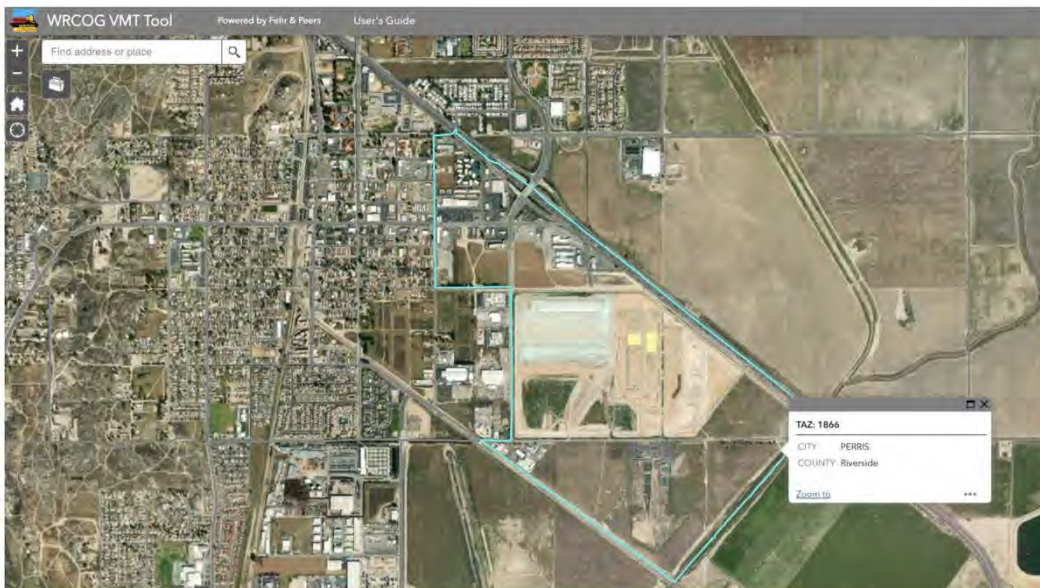
Table 4.10-1: SCAG Policy Consistency Analysis provides a misleading and erroneous consistency analysis with SCAG’s 2020-2045 Connect SoCal RTP/SCS. Due to errors in modeling and modeling without supporting evidence (as noted throughout this comment letter and attachments), the proposed project is directly inconsistent with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. The EIR must be revised to include revised, accurate modeling and consistency analysis with all goals of SCAG’s 2020-2045 Connect SoCal RTP/SCS.

I-26

4.13 Transportation and Traffic

The project’s VMT impacts are misrepresented by the VMT modeling. The EIR relies upon a VMT screening analysis which concludes that the proposed project site is located in a low VMT-generating Traffic Analysis Zone (TAZ) which results in less than significant Transportation impacts. The project site is located in TAZ ID 1866 which is San Jacinto Avenue to the north, the I-215 highway to the east, Redlands Avenue/G Street to the west, Case Road and the riverbed/flood control channel to the south.

I-27



The TAZ is primarily comprised of vacant land with a few strip shopping centers and an apartment complex. The proposed project is unique in that the TAZ in which the Project site is located does not contain any other operational warehouse buildings and is over 50% vacant land. The VMT

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screening analysis does not adequately or accurately represent the VMT impacts of the proposed project and a revised EIR must be prepared with a project-specific VMT analysis. The Fehr and Peer’s WRCOG SB 743 Implementation Pathway Document Package¹¹ states that the exemption for projects in low VMT areas, “may not be appropriate if the project land uses would alter the existing built environment in such a way as to increase the rate or length of vehicle trips.” The proposed project will generate 1,693 average daily trips and daily operations as a warehouse involves extremely high VMT rates during the course of business. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed distribution facility, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a distribution facility, which will drastically increase project-generated VMT. The project’s truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity and remove the applied VMT exemption.

I-28

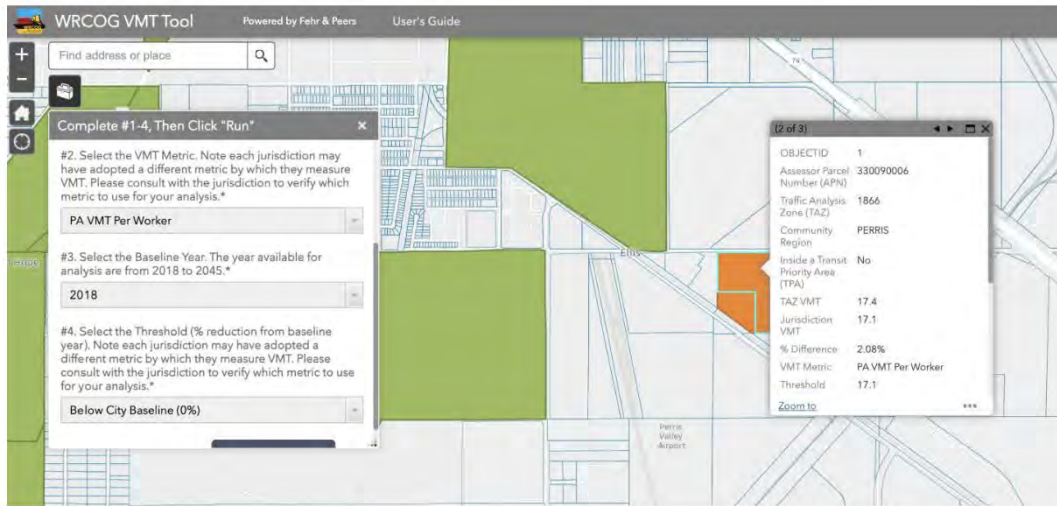
Further, Fehr and Peer’s WRCOG SB 743 Implementation Pathway Document Package¹² states “that a per capita or per employee VMT that is fifteen percent below that of existing development” is a reasonable threshold to determine that a project would have a less than significant VMT impact. Attachment E: VMT Scoping Form within Appendix K: Transportation depicts that the Citywide employment based VMT per employee is 11.62 VMT and the Project TAZ rate is 11.29 VMT per employee, which is 0.33 VMT lower than the City average. This does not meet the Implementation threshold of a 15% below existing VMT because it is only a 2% less than the TAZ VMT. However, the EIR nor its appendices provide any input/output modeling information to support any of these claims. This does not comply with CEQA’s requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Excluding the VMT input/output modeling information contributes directly to analysis of the problem at hand. A revised EIR must be prepared to include these items for review by the public and decision makers.

I-29

¹¹ WRCOG SB 743 Implementation Pathway Document Package <https://www.fehrandpeers.com/wp-content/uploads/2019/12/WRCOG-SB743-Document-Package.pdf>

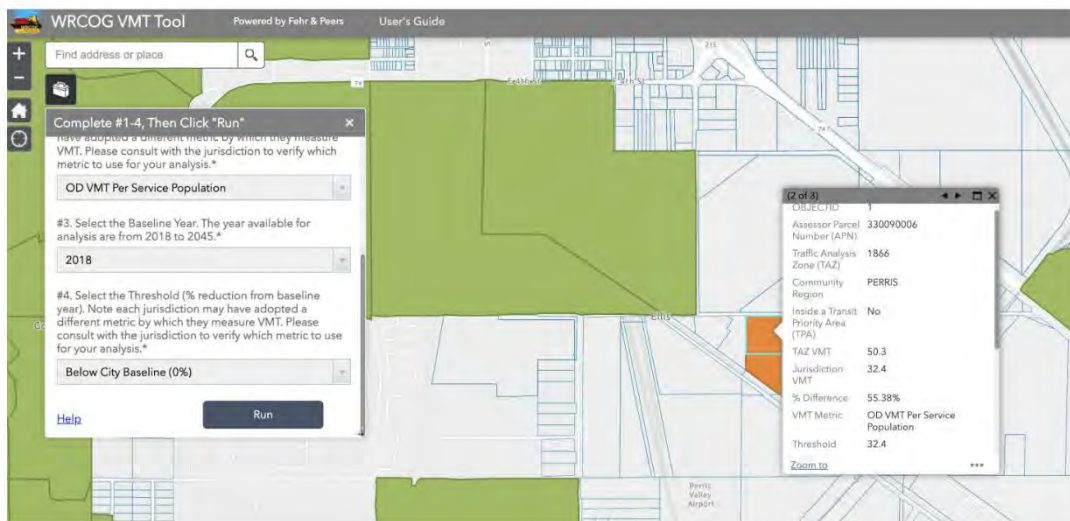
¹² WRCOG SB 743 Implementation Pathway Document Package <https://www.fehrandpeers.com/wp-content/uploads/2019/12/WRCOG-SB743-Document-Package.pdf>

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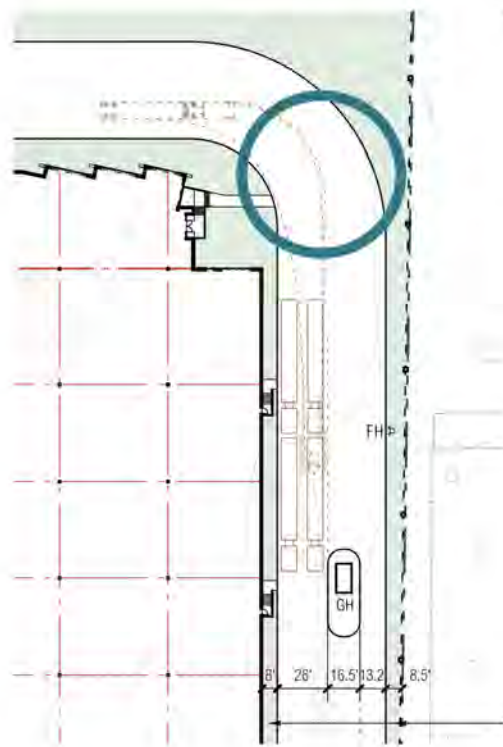
As shown below, modeling the project site is not located in a low VMT TAZ and the TAZ VMT exceeds the jurisdiction VMT threshold in both PA VMT and OD VMT per worker scenarios:

I-30



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The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits adequately depicting the available maneuvering and queuing space for trucks/trailers at the intersection of the project driveways and the adjacent streets. For example, the Site Plan does not clearly state if WB-67 sized trucks were utilized for maneuvering modeling. The EIR states that, "Inbound vehicle queues and delays are not *expected* to be *significant* issues," but has not provided any meaningful evidence to substantiate this claim. The internal circulation of the site presents several areas of conflicts, queues, and delays. For example, trucks accessing the truck/trailer loading dock court on the south side of the building must traverse through a narrow turn to pass the gate house. The Site plan only models a single truck utilizing the curved internal road to access the gate house and excludes modeling of two trucks simultaneously entering and exiting the site via the gate house area. This is likely because there is not adequate maneuvering space for two trucks to simultaneously utilize this curved area and significant unavoidable impacts exist.



I-31

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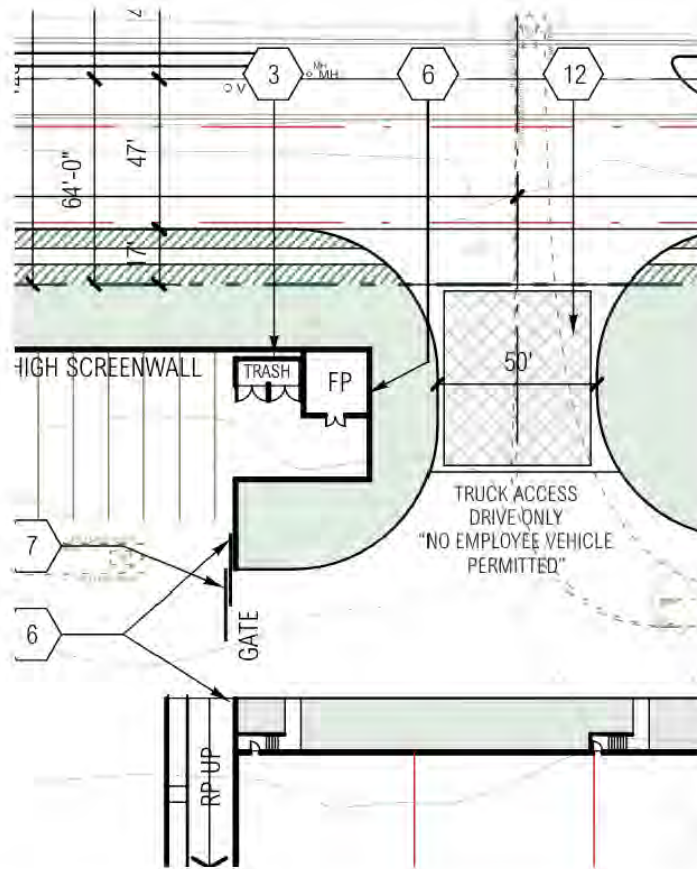
Further, the Site Plan depicts truck/trailer parking stalls located in a tandem configuration adjacent to the truck/trailer loading dock courts on the south side of the building. These parking stalls may be in use at any time and further restrict truck/trailer movement, including increasing truck idling times as tandem parked trucks require additional time to maneuver, which will also result in increased queuing duration and associated need for increased queuing area for trucks/trailers. The EIR has not provided any exhibits demonstrating that there is sufficient backup space for trucks/trailers to utilize these spaces. A revised EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts.

I-32

There are also no exhibits depicting emergency vehicle access and maneuvering. The EIR states that, “it is *assumed* that fire apparatus vehicles would stage in the project parking lots or Ellis Avenue. Existing fire hydrants along the project frontage would provide direct fire water access for emergency personnel.” However, the EIR does not provide any meaningful evidence to support these declared assumptions. Notably, this section of analysis does not provide any information regarding the proposed 455 square foot onsite fire pump house. The fire The proposed project would also include an approximately 455-square-foot fire pump house house is not clearly identified on the Site Plan, but if it is depicted as “FP” as shown below (keynote 6 refers to the adjacent fencing), access may be limited due to several design features, including the adjacent truck driveway, gate, trash enclosure, and truck/trailer parking stalls that impede access to this point. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA’s requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared for the proposed project with truck turning exhibits and emergency access exhibits and associated analysis/requirements in order to provide an adequate and accurate environmental analysis.

I-33

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Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the project driveways and adjacent streets. Sight distance is the continuous length of street ahead visible to the driver. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared with this analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements.

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5.2 Significant and Irreversible Environmental Changes, 5.3 Growth Inducing Impacts, and 5.4 Mandatory Significance Findings

The EIR relies upon erroneous Energy modeling to determine that the project will meet sustainability requirements. As noted above, the EIR did not model the project’s energy consumption in compliance with Title 24 modeling software. The EIR must be revised to include a finding of significance due to the an inaccurate and erroneous analysis regarding the project’s Air Quality, Greenhouse Gas, and Energy impacts.



I-35

A revised EIR must be prepared to provide a quantified analysis of the project’s growth within the General Plan buildout scenario to determine if it exceeds the buildout scenario for its Planning Area within General Plan, in accordance with Table LU-28: Building Area by Land Use Designation, Table LU-29: General Plan Population Projections, and Table LU-30: General Plan Employment Projections of the City’s General Plan Land Use Element, including all cumulative development and projects “in the pipeline.”

The EIR has not provided an adequate or accurate cumulative analysis discussion to demonstrate the impact of the proposed project in a cumulative setting. SCAG’s Connect SoCal Demographics and Growth Forecast¹³ notes that the City will add 10,300 jobs between 2016 - 2045. Utilizing SCAG’s Employment Density Study calculation of 1,112 employees, the project represents 10.8% of the City’s employment growth from 2016 - 2045. A single project accounting for this amount of the projected employment over 29 years represents a significant amount of growth. An EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects “in the pipeline” to determine if the project will exceed SCAG’s employment growth forecast for the City or General Plan growth analysis. For example, other recent industrial projects such as Patterson Commerce Center (256 employees), First Industrial at Wilson DPR 22-017 (194 employees), Duke Warehouse Patterson and Nance (1,333 employees) Harley Knox Commerce Center (152 employees), PVCCSP Amendment No. 13 (603 employees), Core 5 Rider Warehouse (432 employees), First Industrial Warehouse at Rider (562 employees), Perris and Morgan 3 Industrial Buildings (494 employees), First Industrial at Wilson 1 (526 employees), First Industrial at Wilson 2 (276 employees), IDI Rider Warehouses 2 and 4 (1,313 employees), Ramona-Indian Warehouse (440 employees), Redlands East Warehouse (442 employees), Redlands West Warehouse (592 employees), Ramona-Brennan Warehouse (287 employees), Ramona Gateway (997 employees), First March Logistics (538 employees), OLC3 (892 employees), Distribution Park Commercial and Industrial (386 employees), and Perris DC 11



I-36

¹³ SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020
https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial_demographics-and-growth-forecast.pdf?1606001579

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(536 employees) combined with the proposed project’s 1,112 employees will cumulatively generate 13,798 employees, which is 133% of the City’s SCAG employment growth forecast over 29 years. These totals increase exponentially when commercial development activity is added to the brief list of recent industrial activity above. An EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption, 2016 (SCAG), and projects “in the pipeline” to determine if the proposed project will exceed the employment/population growth forecasts by SCAG and/or the City’s General Plan.

I-36
Cont'd

6.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required “No Project/No Development” alternative and only two others - Two Building Alternative and Office Buildings Alternative. The EIR does not include an alternative that meets the project objectives and also eliminates all of the project’s significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a project that reduces all of the proposed project’s significant and unavoidable impacts to a less than significant level, and a mixed-use project that provides affordable housing and exclusively local-serving commercial uses that may reduce VMT, GHG emissions and simultaneously improve Air Quality.

I-37

7.8 Effects Found Not to be Significant: Population and Housing

The EIR does not provide any calculation of the construction or operational employees generated by the proposed project. SCAG’s Employment Density Study¹⁴ provides the following applicable employment generation rates for Riverside County:

- 1 employee per 581 sf of warehouse area
- 1 employee per 481 sf of office area

Application of these ratios results in the following calculation:

Warehouse: 633,419 sf / 581 sf = 1,091 employees
 Office: 10,000 square feet / 481 sf = 21 employees
 Total: 1,112 employees

I-38

¹⁴ SCAG Employment Density Study
<http://www.mwecog.org/file.aspx?A=OTTTTR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6IXOU%31D>

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SCAG’s Connect SoCal Demographics and Growth Forecast¹⁵ notes that the City will add 10,300 jobs between 2016 - 2045. Utilizing SCAG’s Employment Density Study calculation of 1,112 employees, the project represents 10.8% of the City’s employment growth from 2016 - 2045. A single project accounting for this amount of the projected employment over 29 years represents a significant amount of growth. An EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects “in the pipeline” to determine if the project will exceed SCAG’s employment growth forecast for the City. For example, other recent industrial projects such as Patterson Commerce Center (256 employees), First Industrial at Wilson DPR 22-017 (194 employees), Duke Warehouse Patterson and Nance (1,333 employees) Harley Knox Commerce Center (152 employees), PVCCSP Amendment No. 13 (603 employees), Core 5 Rider Warehouse (432 employees), First Industrial Warehouse at Rider (562 employees), Perris and Morgan 3 Industrial Buildings (494 employees), First Industrial at Wilson 1 (526 employees), First Industrial at Wilson 2 (276 employees), IDI Rider Warehouses 2 and 4 (1,313 employees), Ramona-Indian Warehouse (440 employees), Redlands East Warehouse (442 employees), Redlands West Warehouse (592 employees), Ramona-Brennan Warehouse (287 employees), Ramona Gateway (997 employees), First March Logistics (538 employees), OLC3 (892 employees), Distribution Park Commercial and Industrial (386 employees), and Perris DC 11 (536 employees) combined with the proposed project’s 1,112 employees will cumulatively generate 13,798 employees, which is 133% of the City’s SCAG employment growth forecast over 29 years. These totals increase exponentially when commercial development activity is added to the brief list of recent industrial activity above. An EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption, 2016 (SCAG), and projects “in the pipeline” to determine if the proposed project will exceed the employment/population growth forecasts by SCAG and/or the City’s General Plan.

I-39

The EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impacts to population and housing. For example, the EIR concludes that impacts to population and housing will not be significant because, “The workforces for both construction and operation are *anticipated to be limited* and workers are *anticipated to come from the local population and other nearby cities in the region*,” without providing any quantified analysis or meaningful evidence to support this claim. The geographic boundaries of the “local population” and the “nearby cities in the region” are undefined. The EIR provides a list of total populations for adjacent cities Menifee and Moreno Valley, but the total population includes individuals that are not part of the workforce (children,

I-40

¹⁵ SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020
https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579

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elderly, disabled population), and does not provide any information about the unemployed/available workforce, such as their qualifications for or interest in work in the industrial sector.

I-40
Cont'd

Relying on the entire labor force within the greater Inland Empire region to fill the project's construction and operational jobs will increase VMT and emissions during all phases of construction and operations and a revised EIR must be prepared to account for longer worker trip distances. This is vital as the VMT analysis improperly "screened out" the project from providing a project-specific VMT analysis. For example, the City is approximately 85 miles from Coachella and approximately 66 miles from Victorville while the EIR relies upon a Citywide VMT per employee of 11.62 VMT and the project TAZ VMT per employee is 17.4 VMT. The EIR must be revised to include a finding of significance as the construction worker and operational worker employment analysis has not provided meaningful evidence to support a less than significant finding.

I-41

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

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Sincerely,



Gary Ho
Blum, Collins & Ho LLP

Attachment: SWAPE Analysis



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June 25, 2024

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Subject: Comments on the Ellis Logistics Center Project (SCH No. 2023040144)

Dear Mr. Ho,

We have reviewed the May 2024 Draft Environmental Impact Report (“DEIR”) for the Ellis Logistics Center Project (“Project”) located in the City of Perris (“City”). The Project proposes to construct 643,419-square-feet (“SF”) of warehouse space including 10,000-SF of office space, 174 automobile parking spaces, and 317 truck parking spaces on the 33.51-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project’s air quality impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report (“EIR”) should be prepared to adequately assess and mitigate the potential air quality impacts that the project may have on the environment.

I-43

Air Quality

Failure to Provide Complete CalEEMod Output Files

Land use development projects under the California Environmental Quality Act (“CEQA”) typically evaluate air quality impacts and calculate potential criteria air pollutant emissions using the California Emissions Estimator Model (“CalEEMod”).¹ CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be

I-44

¹ “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/calceemod/user-s-guide>.

justified by substantial evidence. Once all of the values are inputted into the model, the Project’s construction and operational emissions are calculated, and “output files” are generated. These output files disclose to the reader what parameters are used in calculating the Project’s air pollutant emissions and demonstrate which default values are changed. Justifications are provided for the selected values.

According to the DEIR, CalEEMod Version 2022.1 is relied upon to estimate Project emissions (p. 4.7-17). However, this poses a problem, as the currently available version of CalEEMod 2022.1 is described as a “soft release” which fails to provide complete output files.² Specifically, the “User Changes to Default Data” table no longer provides the quantitative counterparts to the changes to the default values (see excerpt below) (Appendix C1, pp. 158):

8. User Changes to Default Data

Source	Description
Construction: Construction Phases	Anticipated construction timeline
Operations: Vehicle Data	The average trip length for heavy trucks were based on the SCAQMD documents for the implementation of the Facility Based Mobile Source Inspection (FBMSI), adopted in the 2016 AQMP. SCAQMD’s “Preliminary Warehouse Emission Calculations” cites 39.9 mile trip length for heavy-heavy trucks (41). As a conservative measure, a trip length of 40 miles has been utilized for all trucks for the purpose of this analysis.
Operations: Fleet Mix	Anticipated trip gen

However, previous CalEEMod Versions, such as 2020.4.0, include the specific numeric changes to the model’s default values (see example excerpt below):

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	167.00
tblConstructionPhase	PhaseEndDate	11/22/2023	9/25/2023
tblConstructionPhase	PhaseEndDate	9/27/2023	6/30/2023
tblConstructionPhase	PhaseEndDate	10/25/2023	7/28/2023
tblConstructionPhase	PhaseStartDate	10/26/2023	7/29/2023
tblConstructionPhase	PhaseStartDate	9/28/2023	7/1/2023
tblLandUse	LandUseSquareFeet	160,000.00	160,371.00
tblLandUse	LandUseSquareFeet	119,000.00	41,155.00
tblLandUse	LotAcreege	3.67	3.68
tblLandUse	LotAcreege	2.73	2.74

The output files associated with CalEEMod Version 2022.1 fail to present the exact parameters used to calculate Project emissions. To remedy this issue, the DEIR should have provided access to the model’s “.JSON” output files, which allow third parties to review the model’s revised input parameters.³ Without access to the complete output files, including the specific numeric changes to the default values, we cannot verify that the DEIR air modeling and subsequent analysis is an accurate reflection of the proposed Project. As a result, a revised EIR should be prepared to include an updated air quality analysis

² “CalEEMod California Emissions Estimator Model Soft Release.” California Air Pollution Control Officers Association (CAPCOA), 2022, available at: <https://caleemod.com/>.

³ “Video Tutorials for CalEEMod Version 2022.1.” California Air Pollution Control Officers Association (CAPCOA), May 2022, available at: <https://www.caleemod.com/tutorials>.

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that correctly provides the complete output files for CalEEMod Version 2022.1, or includes an updated air model using an older release of CalEEMod.⁴

Unsubstantiated Input Parameters Used to Estimate Project Emissions

As previously discussed, the DEIR relies on CalEEMod Version 2022.1 to estimate the Project’s air quality emissions and fails to provide the complete output files required to adequately evaluate model’s analysis (p. 4.7-17). Regardless, when reviewing the Project’s CalEEMod output files, provided in the Air Quality and Greenhouse Gas Emissions Model Data (“AQ & GHG Report”) as Appendix C1 to the DEIR, we were able to identify several model inputs that are inconsistent with information disclosed in the DEIR. The Project’s construction and operational emissions may consequently be underestimated. A revised EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

Failure to Consider Potential Cold Storage Requirements

Review of the CalEEMod output files demonstrates that the “Ellis Ave Warehouse V2” model includes 643,419-SF of the “Unrefrigerated Warehouse-Rail” land use (see excerpt below) (Appendix C1, pp. 119).

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)
Unrefrigerated Warehouse-Rail	643	1000sqft	14.8	643,419	315,700
Parking Lot	501	1000sqft	11.5	0.00	0.00

As demonstrated above, the model does not include any refrigerated warehouse space whatsoever. Regarding refrigerated warehouse space the DEIR states:

“No more than 25 percent, or 136,730 square feet, could be operated as refrigerated storage” (p. 1-2).

As demonstrated above, the DEIR indicates that up to 25%, or 136,730-SF, of cold storage space may be provided on the Project site. According to the South Coast Air Quality Management District (“SCAQMD”), “CEQA requires the use of ‘conservative analyses to afford ‘fullest possible protection of the environment.’”⁵ Thus, the DEIR must account for the use of refrigerated cold storage space on the site. An updated model should be prepared to include the maximum refrigerated space to account for the additional emissions that refrigeration requirements may generate.

This presents an issue, as refrigerated warehouses release more criteria air pollutant and GHG emissions when compared to unrefrigerated land uses for three reasons. First, warehouses equipped with cold

⁴ “CalEEMod Version 2020.4.0.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <http://www.aqmd.gov/caleemod/download-model>.

⁵ “Warehouse Truck Trip Study Data Results and Usage” Presentation. SCAQMD Inland Empire Logistics Council, June 2014, available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-telc_6-19-2014.pdf?sfvrsn=2.



storage, such as refrigerators and freezers, are known to consume more energy when compared to warehouses without cold storage.⁶ Second, warehouses equipped with cold storage typically require refrigerated trucks, which are known to idle for much longer when compared to unrefrigerated hauling trucks.⁷ Lastly, according to a July 2014 *Warehouse Truck Trip Study Data Results and Usage* presentation prepared by the SCAQMD hauling trucks that require refrigeration result in greater truck trip rates when compared to non-refrigerated hauling trucks.⁸

By failing to account for any potential cold storage requirements, the model may underestimate the Project’s operational emissions and should not be relied upon to determine Project significance. A revised EIR should be prepared to account for the additional refrigerated warehouse needs by the Project’s future tenants.

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the “Ellis Ave Warehouse V2” model includes changes to the default construction schedule (see excerpt below) (Appendix C1, pp. 158):

8. User Changes to Default Data

Screen	Annotation
Construction: Construction Phases	Anticipated construction timeline:
Operations: Vehicle Data	The average trip length for heavy trucks were based on the SCAQMD documents for the implementation of the Facility Based Mobile Source Measures (FBMSMs) adopted in the 2016 AQMP. SCAQMD’s “Preliminary Warehouse Emission Calculations” cites 39.9-mile trip length for heavy-heavy trucks (41). As a conservative measure, a trip length of 40 miles has been utilized for all trucks for the purpose of this analysis.
Operations: Fleet Mile	Anticipated trip per

As a result of these changes, the model includes the following construction schedule (see excerpt below) (Appendix C1, pp. 145, 146):

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase
Site Preparation	Site Preparation	3/1/2024	4/1/2024	5.00	22.0
Grading	Grading	4/2/2024	5/13/2024	5.00	30.0
Building Construction	Building Construction	5/14/2024	2/10/2025	5.00	195
Paving	Paving	2/11/2025	3/28/2025	5.00	34.0
Architectural Coating	Architectural Coating	11/1/2024	3/28/2025	5.00	105

⁶ “Warehouses.” Business Energy Advisor, available at: <https://ouc.bizenergyadvisor.com/article/warehouses>.

⁷ “Estimation of Fuel Use by Idling Commercial Trucks.” Transportation Research Record Journal of the Transportation Research Board, January 2006, p. 8, available at: https://www.researchgate.net/publication/245561735_Estimation_of_Fuel_Use_by_Idling_Commercial_Trucks.

⁸ “Warehouse Truck Trip Study Data Results and Usage” Presentation. SCAQMD Mobile Source Committee, July 2014, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymisc072514.pdf?sfvrsn=2>, p. 7, 9.

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As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.⁹ As demonstrated above in the "User Changes to Default Data" table, the justification provided for this change is:

"Anticipated construction timeline" (Appendix C1, pp. 158).

Regarding the Project's construction duration, the DEIR states:

"The project would be constructed over approximately 13 months, conservatively estimated in this EIR to begin in March of 2024" (p. 3-20).

However, the changes to the individual construction phase lengths remain unsubstantiated. While the DEIR justifies a total length of Project construction of 13 months, the DEIR fails to mention the individual construction phase lengths whatsoever. Until the *individual* construction phase lengths are substantiated, the model should have included proportionately altered individual phase lengths to match the proposed construction duration of 13 months.¹⁰

The failure to provide the construction schedule presents an issue, as CalEEMod uses construction phase lengths to calculate the Project's construction emissions. Specifically, each construction phase is associated with different emissions activities (see excerpt below).¹¹

Demolition involves removing buildings or structures.

Site Preparation involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.

Grading involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.

Building Construction involves the construction of the foundation, structures and buildings.

Architectural Coating involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.

Paving involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

By disproportionately altering and extending some of the individual construction phase lengths without proper justification, the model assumes there are a greater number of days to complete the construction activities required by the prolonged phases. As a result, there will be less construction activities required per day and, consequently, less pollutants emitted per day. Until we are able to verify



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⁹ "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/cal-eemod/user-s-guide>, p. 1, 14.

¹⁰ See Attachment A for proportionately altered construction schedule.

¹¹ "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/cal-eemod/user-s-guide>, p. 32.

the revised construction schedule, the model may underestimate the peak daily emissions associated with some phases of construction and should not be relied upon to determine Project significance.

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Cont'd

Unsubstantiated Changes to Operational Fleet Mix Values

Review of the CalEEMod output files demonstrates that the “Ellis Ave Warehouse V2” model includes changes to the default operational vehicle fleet mix percentages (see excerpt below) (Appendix C1, pp. 158):

8. User Changes to Default Data

Scope	Justification
Construction: Construction Phases	Anticipated construction timeline
Operations: Vehicle Data	The average trip length for heavy trucks were based on the SCAGMD documents for the implementation of the Facility-Based Mobile Source Measures (FBMSMs) adopted in the 2016 AQMP. SCAQMD’s “Preliminary Warehouse Emission Calculations” cites 39.9-mile trip length for heavy-duty trucks (47). As a conservative measure, a trip length of 40 miles has been utilized for all trucks for the purpose of this analysis.
Operations: Fleet Mix	Anticipated trip gen

As previously stated, the CalEEMod User’s Guide requires any changes to model defaults be justified.¹² As demonstrated above in the “User Changes to Default Data” table, the justification provided for these changes is:

“Anticipated trip gen” (Appendix C1, pp. 158).

The DEIR includes the following Project fleet mix tables for passenger cars and trucks (see excerpt below) (p. 4.13-7, Table 4.13-1).

Table 4.13-1: Project Trip Generation

Proposed Project Trips										
Land Use	Quantity	Unit ²	Daily	AM Peak Hour			PM Peak Hour			
				In	Out	Total	In	Out	Total	
Warehousing ¹	643	KSF	1,100	84	25	109	32	84	116	
Passenger Vehicles			714	74	22	96	27	70	97	
Trucks			386	10	3	13	5	14	19	
Truck Trips – Passenger Car Equivalents (PCE)										
Vehicle Type	Truck Mix ³	Daily Vehicles	PCE Factor	Daily	AM Peak Hour			PM Peak Hour		
Passenger Vehicles	--	714	1.0	714	74	22	96	27	70	97
2-Axle Truck	16.7%	64	1.5	96	2	1	3	1	4	5
3-Axle Truck	20.7%	80	2.0	160	4	1	5	2	6	8
4+ Axle Trucks	62.6%	241	3.0	723	19	6	25	0	26	36
Total Truck PCE Trips				979	25	8	33	13	36	49
Total Project PCE Trips				1,693	99	30	129	40	106	146

I-50

¹² “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 1, 14.

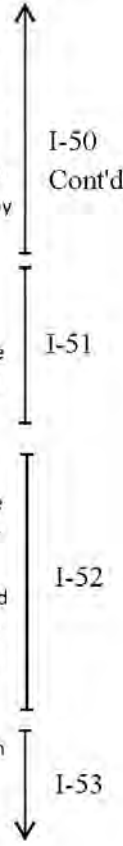
However, the changes to the model's operational fleet mix values are unsubstantiated. As previously discussed, the output files for CalEEMod 2022.1 do not present the numeric changes to any model defaults. Upon further review of the output files, changes to fleet mix percentages are not mentioned outside of the "User Changes to Default Data" table. Until the DEIR verifies the breakdown of heavy-heavy duty ("HHD"), medium-heavy duty ("MHD"), light-heavy duty ("LHD1, LDH2"), trucks used in the model, we cannot verify that these values are accurate and consistent with the information provided by the DEIR (p. 4.13-7, Table 4.13-1).¹³

These unsubstantiated changes present an issue, as CalEEMod uses operational vehicle fleet mix percentages to calculate the Project's operational emissions associated with on-road vehicles.¹⁴ By including several unsubstantiated changes to the default operational vehicle fleet mix percentages, the model may underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to quantitatively estimate the Project's construction-related and operational emissions, we used the CalEEMod Version 2020.4.0, as well as Project-specific information provided by the DEIR. Our model accounted for 25% warehouse cold storage space, which resulted in the following breakdown: 482,564.25-SF of the "Unrefrigerated Warehouse-Rail" land use and 160,854.75-SF of the "Refrigerated Warehouse-Rail" land use. We omitted the operational fleet mix values and proportionally altered the individual construction phase lengths to match the total construction duration of 13 months. All other values are consistent with the DEIR's model.¹⁵

Our updated analysis estimates that the volatile organic compounds ("VOC") emissions associated with Project construction exceed the applicable SCAQMD threshold of 75 pounds per day ("lbs/day"), as referenced by the DEIR (p. 4.2-17, Table 4.2-6) (see table below).¹⁶



¹³ "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/cal-eemod/user-s-guide>, p. 38.

¹⁴ "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/cal-eemod/user-s-guide>, p. 36.

¹⁵ See Attachment B for CalEEMod model.

¹⁶ "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019, available at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=25>.

SWAPE Criteria Air Pollutant Emissions	
Construction	VOC (lbs/day)
DEIR	60.6
SWAPE	351.2
% Increase	480%
SCAQMD Threshold	75
Exceeds?	Yes

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Cont'd

As demonstrated above, construction-related VOC emissions, as estimated by SWAPE, increase by approximately 480% and exceed the applicable SCAQMD significance threshold. Our updated modeling demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed by the DEIR. As a result, a revised EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the environment.

Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

Upon review of the DEIR and associated documents, we have determined that the development of the proposed Project may contribute to the disproportionate health risk impacts that warehouses pose to community members living, working, and going to school within the immediate area of the Project site. According to SCAQMD:

“Those living within a half mile of warehouses are more likely to include communities of color, have health impacts such as higher rates of asthma and heart attacks, and a greater environmental burden.”¹⁷

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In particular, the SCAQMD found that more than 2.4 million people live within a half mile radius of at least one warehouse, and that those areas not only experience increased rates of asthma and heart attacks, but are also disproportionately Black and Latino communities below the poverty line.¹⁸ Another study similarly indicates that “neighborhoods with lower household income levels and higher percentages of minorities are expected to have higher probabilities of containing warehousing facilities.”¹⁹ Additionally, a report authored by the Inland Empire-based People’s Collective for Environmental Justice and University of Redlands states:

¹⁷ “South Coast AQMD Governing Board Adopts Warehouse Indirect Source Rule.” SCAQMD, May 2021, available at: <http://www.aqmd.gov/docs/default-source/news-archive/2021/board-adopts-waisr-may7-2021.pdf?sfvrsn=9>.

¹⁸ “Southern California warehouse boom a huge source of pollution. Regulators are fighting back.” Los Angeles Times, May 2021, available at: <https://www.latimes.com/california/story/2021-05-05/air-quality-officials-target-warehouses-bid-to-curb-health-damaging-truck-pollution>.

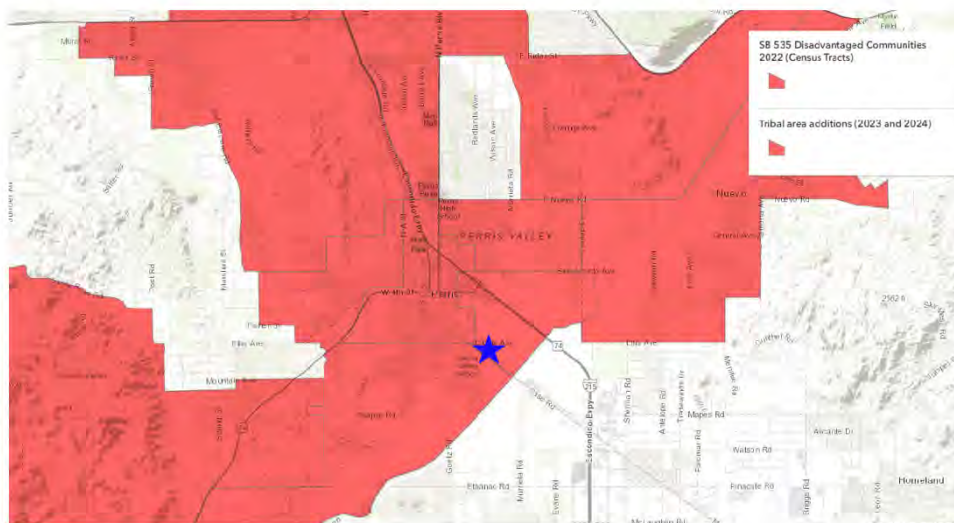
¹⁹ “Location of warehouses and environmental justice: Evidence from four metros in California.” Metro Freight Center of Excellence, January 2018, available at: https://www.metrotrans.org/assets/research/MF%201.1g_Location%20of%20warehouses%20and%20environmental%20justice_Final%20Report_021618.pdf, p. 21.

“As the warehouse and logistics industry continues to grow and net exponential profits at record rates, more warehouse projects are being approved and constructed in low-income communities of color and serving as a massive source of pollution by attracting thousands of polluting truck trips daily. Diesel trucks emit dangerous levels of nitrogen oxide and particulate matter that cause devastating health impacts including asthma, chronic obstructive pulmonary disease (COPD), cancer, and premature death. As a result, physicians consider these pollution-burdened areas ‘diesel death zones.’”²⁰

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Cont'd

It is evident that the continued development of industrial warehouses within these communities poses a significant environmental justice challenge. However, the acceleration of warehouse development is only increasing despite the consequences on public health.

Perris, the setting of the proposed Project, has long borne a disproportionately high pollution burden compared to the rest of California. According to CalEnviroScreen’s SB 535 Disadvantaged Communities Map, the Project site is located in a designated disadvantaged community (see excerpt below).²¹



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SB 535 provides funding for development projects that provide a benefit to disadvantaged communities. CalEPA has been given the responsibility for identifying those communities based on “geographic,

²⁰ “Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry’s impacts on environmental justice communities across Southern California.” People’s Collective for Environmental Justice, April 2021, available at: https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.

²¹ “SB 535 Disadvantaged Communities (2022 Update).” California Environmental Protection Agency, available at: <https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities/>

socioeconomic, public health, and environmental hazard criteria.²² As the Project site is located in a designated disadvantaged community, development of the proposed Project would contribute to the disproportionate impact warehouses are posing to the health conditions of nearby residents.

I-55
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In April 2022, the American Lung Association ranked San Bernadino County as the worst for ozone pollution in the nation.²³ This year, the County continues to face the worst ozone pollution, as it has seen the highest recorded Air Quality Index (“AQI”) values for ground-level ozone in California.²⁴ The U.S. Environmental Protection Agency (“EPA”) indicates that ozone, the main ingredient in “smog,” can cause several health problems, which includes aggravating lung diseases and increasing the frequency of asthma attacks. The U.S. EPA states:

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“Children are at greatest risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, which increases their exposure. Children are also more likely than adults to have asthma.”²⁵

A revised EIR should be prepared to evaluate the proposed Project’s contribution to the disproportionate impacts that warehouses are posing to communities adjacent to the Project site. The revised EIR should include an analysis of the impact on children and people of color who live in the surrounding area. Finally, to evaluate the cumulative air quality impact from the several warehouse projects proposed or built in a one-mile radius of the Project site, the revised EIR should also prepare a cumulative health risk assessment to quantify the adverse health outcome from the effects of exposure to multiple warehouses in the immediate area in conjunction with the poor ambient air quality in the Project’s census tract.

I-57

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

According to California Environmental Quality Act (“CEQA”) Guidelines § 15096(g)(2):

I-58

“When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.”

²² “Final Designation of Disadvantaged Communities.” California Environmental Protection Agency, available at: https://calepa.ca.gov/wp-content/uploads/sites/6/2022/05/Updated-Disadvantaged-Communities-Designation-DAC-May-2022-Eng.a.hp_-1.pdf?emrc=e05e10.

²³ “State of the Air 2022.” American Lung Association, April 2022, available at: <https://www.lung.org/research/sota/key-findings/most-polluted-places>.

²⁴ “High Ozone Days.” American Lung Association, 2022, available at: <https://www.lung.org/research/sota/city-rankings/states/california>.

²⁵ “Health Effects of Ozone Pollution.” U.S. EPA, May 2021, available at: <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>.

The DEIR is consequently required under CEQA to implement all feasible mitigation to reduce the Project’s potential impacts. As demonstrated in the sections above, the Project would result in potentially significant air quality impacts that should be mitigated further.

In order to reduce the VOC emissions associated with Project construction, we recommend the DEIR consider incorporating the following mitigation measure from the California Department of Justice:²⁶

- Require the use of super compliant, low-VOC paints less than 10 g/L during the architectural coating construction phase.

Furthermore, Los Angeles County recommends:²⁷

- If paints and coatings with VOC content of 0 grams/liter to less than 10 grams/liter cannot be utilized, the developer shall avoid application of architectural coatings during the peak smog season: July, August, and September.

A revised EIR should be prepared that includes all feasible mitigation measures, as well as updated air quality analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to the maximum extent feasible. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project’s potentially significant emissions are reduced to the maximum extent possible.

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

²⁶ “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act.” State of California Department of Justice, September 2022, available at: <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>, p. 8 – 10.

²⁷ “Mitigation Monitoring and Reporting Program.” Los Angeles County Housing Element Update Program EIR. August 2021, available at: https://planning.lacounty.gov/wp-content/uploads/2023/07/Housing_final-peir-mitigation-monitoring.pdf.



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Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Attachment A: Update Construction Schedule
Attachment B: SWAPE's CalEEMod Output Files
Attachment C: Matt Hagemann CV
Attachment D: Paul Rosenfeld CV

Response to Comment Letter I: Blum, Collins, & Ho LLP on behalf of Golden State Environmental Justice Alliance

I-1: This comment is introductory in nature. The commenter asks the City to accept the comments on behalf of the Golden State Environmental Justice Alliance and requests to be added to the public interest list regarding future environmental documents. Similarly, the second paragraph is introductory in nature and provides a summary of the project elements. The comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

I-2&3: The City does not concur with the commenters assertion that the project description lacks adequate details. A detailed site plan is provided in **Figure 3-4: Proposed Site Plan** on page 3-6 of *Chapter 3.0, Project Description* and a figure depicting the Proposed Building Elevations is provided in **Figure 3-6: Proposed Building Elevations** on page 3-12, which is described by text on the preceding page that states, "...warehouse building and would have a roof line of approximately 40 feet in height but have altering parapets between 43 feet and 49 feet." The commenter also is referred to page 3-2, which discusses grading quantities, stating, "Based on the existing topography grading of the project site would involve approximately 8,600 cubic yards of cut and approximately 150,000 cubic yards of fill. Project development would require the import of approximately 140,000 cubic yards of fill soil." The commenter also is referred to *Section 4.6, Geology and Soils* which further discusses grading.

These elements together with the information contained in the Draft EIR Project Description including CEQA requirements, project overview, project location and setting (regional and local), surrounding land uses, land use designations, zoning, and other pertinent local planning elements, description of the existing as well as proposed transportation network, and description of the project elements (interior and exterior), the project appearance with renderings and project footprints, drainage facilities and hydrology needs, parking areas, and utilities, provides a complete visual and written narrative, compliant with the State CEQA Guidelines to inform the public and decision makers.

Regarding the fire pump house, it is called out on the project plans and is shown adjacent to the trash enclosure by the southerly driveway to enable immediate access by responding fire units should the need arise. The pump house also is discussed in *Section 4.2, Air Quality* as it would be powered by a 350 hp diesel engine.

The commenter also is referred to Response I-31 which provides additional detail regarding CEQA requirements related to the project description. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

I-4: This comment states that the Draft EIR excluded a grading plan from public review. However, Draft EIR page 3-20 includes the earthwork information provided by the engineering team. These

earthwork values were included in the CalEEMod emissions modeling as well as the localized significance threshold analysis and the Health Risk Assessment AERMOD dispersion modeling. The Draft EIR included an appropriate level of detail based on then-available data and plans. As provided by State CEQA Guidelines Section 15124, an EIR must only provide a “general description of the project’s technical, economic, and environmental characteristics”. As long as the requirements set forth in State CEQA Guidelines Section 15124 are met, the Project Description may allow for the flexibility needed to respond to changing conditions that could impact the project’s final design. Information on the content of the site plan, floor plan and grading plans is provided within the Project Description of the Draft EIR in compliance with CEQA. (See *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 333 [holding that design renderings were not required to be included as part of EIR for purposes of providing an adequate project description]). The City will verify all project details (i.e., earthwork quantities and compliance with development standards) as part of the plan check process prior to issuing permits. The comment does not provide any substantial evidence concerning any environmental impact. No changes to the document are required.

- I-5:** The commenter states that the Draft EIR needs to be recirculated to provide a more detailed project description. The City does not concur and the commenter is referred to Responses I-2 through I-4, above, and Response, below, regarding the project description, and Response H-33 that discusses recirculation.

The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

- I-6:** This comment is introductory in nature. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

- I-7:** This comment states that the Draft EIR does not include analysis relevant to environmental justice issues and reviewing potential project impacts. CEQA does not require consideration of potential implications to environmental justice or socioeconomics as a specific resource. Further, environmental justice is not listed within the “Environmental Factors Potentially Affected” in Appendix G, Environmental Checklist Form, to the State CEQA Guidelines. Notwithstanding, consistency with the City’s General Plan Environmental Justice Element is discussed in Draft EIR *Table 4.10-2: City of Perris General Plan Consistency Analysis*.

In addition, the Draft EIR includes project specific dispersion modeling to estimate the PM_{2.5} and potential of cancer risk in the vicinity of project construction and operations. On Draft EIR page 4.2-19, the methodology for the dispersion modeling is explained. Construction dispersion modeling included all construction activity while operational modeling included idling of trucks, on-site truck movement, off-site truck movement along Ellis Avenue and Case Road, off-road equipment including forklifts and cargo handling equipment, one emergency fire pump and two emergency generators. Meteorological data was used from the Perris Monitoring Station, which is representative and nearest to the project site. The modeling included building downwash and

conservative estimates for vehicle and stack heights. The potential health risks were calculated using OEHHA methodology with age sensitivity factors and frequency of time spent at home (as shown in Draft EIR page 4.2-23 in *Table 4.2-9: Age Sensitivity Factors, Fraction of Time at Home, and Daily Breathing Rates*). *Table 4.2-15: Carcinogenic Risk Assessment* in the Draft EIR (page 4.2-34) shows the unmitigated and mitigated scenarios for construction, operation and combined for nearby residential and worker receptors. Construction cancer risk is less than 0.5 per one million for both residential and workers. In the operational modeling scenario, the forklifts caused the potential cancer risk to exceed the South Coast AQMD's 10 in one million incremental threshold. However, with Mitigation Measure AQ-1, which requires only zero emission equipment to be utilized on-site for daily warehouse and business operations, the incremental risk drops significantly to less than 1.5 per one million for residential receivers and less than 1 for workers. As such, the potential health risks associated with the project would be less than significant. These project-specific models are more accurate and specific than generalized tools available online.

This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted.

- I-8:** See Response I-7, above. The comment states information from OEHHA on cleanup sites. The project site is not located within a contaminated site and does not require remediation (see Appendix H1 and H2 of the Draft EIR). Therefore, this comment is inapplicable to the project.
- I-9:** See Response I-7, above.
- I-10:** See Response I-7, above. The Draft EIR included project specific dispersion modeling to evaluate the potential environmental impacts to the communities in the vicinity.
- I-11:** This comments states that CalEEMod, the software used for the Draft EIR analysis, is not considered an approved compliance modeling software for non-residential uses in the State of California.

With specific regard to the use of CalEEMod for the purposes of modeling energy consumption, the City has historically and successfully employed CalEEMod for this purpose. Further, the South Coast AQMD, the Responsible Agency for air quality considerations, helped to develop CalEEMod and sanctions its use to provide a "uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operational from a variety of land use projects." Through the use of CalEEMod, the South Coast AQMD integrates air quality and energy impact analyses. To ensure consistency of and accuracy of analyses in support of South Coast AQMD policies, the City has determined that CalEEMod is appropriate for CEQA modeling of both air quality impacts and energy consumption.

The energy modeling protocols cited by the commenter (CBECC-Com, EnergyPro, and IES VE) are used for the performance approach (energy budget) method for demonstrating compliance with the Title 24 Energy Standards. The analysis included within *Section 4.5, Energy* of the Draft EIR discloses the amount of energy that the proposed project would require and is not intended or required to demonstrate compliance for Title 24 energy standard performance.

The energy modeling protocols identified in the comment provide modeling of building energy consumption only, whereas CalEEMod comprehensively and cohesively provides building energy consumption estimates, as well as establishes the basis for estimation of construction activity/construction equipment energy consumption, and mobile-source (vehicular) energy consumption. This latter category (vehicular energy consumption) comprises the majority of the proposed project energy demand. In addition, the sources for the methodologies include studies commissioned by the California Energy Commission and also utilize energy conservation standards subject to Title 24. CalEEMod User Guide Appendix D (Technical Source Documentation for Emissions Calculations) states that the energy intensity estimates are based on a survey completed in 2019 with structures ranging from 1935 to 2015. The Appendix notes “default energy consumption estimates provided in CalEEMod based on the Residential Appliance Saturation Survey are very conservative, overestimating expected energy use compared to what would be expected for new buildings subject to the latest Energy Code with more stringent energy efficiency measures.” Therefore, the energy estimates in *Section 4.5, Energy* and Appendix F, Energy Calculations of the Draft EIR are conservative. The energy modeling protocols offered by the commenter (which do not consider energy consumption attributable to construction activities or mobile sources) would vastly underestimate the proposed project energy demands and proposed project energy consumption.

Additionally, the Draft EIR discloses the proposed project’s electricity consumption, natural gas consumption, and transportation fuel consumption and determined that the proposed project’s energy consumption would not be inefficient or wasteful as the proposed project would be required to comply with the Title 24 Nonresidential Building Energy Efficiency Standards and CALGreen standards published by the California Energy Commission, which contain stringent mandatory standards for mechanical systems, lighting (indoor and outdoor), and appliances to minimize energy use. Therefore, the Draft EIR used the appropriate model to calculate and disclose the proposed project’s energy use, and also demonstrated that the proposed project would be required to comply with 2022 Title 24 Building Energy Efficiency and CALGreen Standards. Findings and conclusions of the Draft EIR are not affected. Revisions to the Draft EIR are not required. As demonstrated, the comments submitted are incorrect.

- I-12:** The commenter states that the Draft EIR is inadequate because it does not properly discuss the projects’ location within Zones D and E of the Perris Valley Airport Land Use Compatibility Plan (PVALUCP) and because it does not discuss the project in relation to the March Air Reserve Base/Inland Port Airport Compatibility Zones.

The commenter is referred to pages 4.8-9 and 4.18-13 of *Section 4.8, Hazards and Hazardous Materials*, of the Draft EIR, which discuss the projects' location within Zone D and Zone E of the Airport Influence Area Boundary depicted in the PVALUCP. The commenter also is referred to pages 4.10-4, 4.10-8, and 4.10-9 of *Section 4.10, Land Use*, which discusses limitations placed on development within the listed zones. The project is consistent with and complies with all requirements.

The commenter also is referred to pages 4.10-3, 4.10-4, 4.10-9, and page 4.10-20 of *Section 4.10, Land Use*, which discusses project consistency with the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. In particular, *Table 4.10-2: City of Perris General Plan Consistency Analysis*, City of Perris General Plan Consistency Analysis, found, "The proposed project site is located in the land use compatibility Zone E in the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. Zone E has no restrictions and only requires the notification of any real estate transactions regarding residential property." The project does not include a real estate transaction and is not a residential property.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

- I-13:** The commenter cites Land Use Element Implementation Measure V.C.I and Safety Element Implementation Measure I.D.2 of the City of Perris General Plan. The commenter notes that all development plans within the Clear Zone (CZ) and Accident Potential Zones of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan be circulated to the Department of Air Force and states that the EIR is misleading because it was not circulated to these parties.

The commenter is referred to page 4.8-9 of *Section 4.8, Hazards and Hazardous Materials* of the Draft EIR. The text recognizes the project location within Zone E. It also states that Zone E has no restrictions and only requires notification of any real estate transaction regarding residential property.

The commenter also is referred to Response I-12, which discusses project consistency with the PVALUCP and the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, specifically in relation to Zones D and E. To reiterate, the project site is in Zone E of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and, as noted in Response I-12, there are no development restrictions within this zone.

Page 23 of the City of Perris General Plan Safety Element further discusses March Air Reserve Base and notes that planning efforts and studies have focused on achieving compatible uses of public and private lands in the vicinity of military airfields. More specifically, the Air Installation Compatibility Use Zone (AICUZ) Study completed three tasks:

- Identification of Accident Potential Zones (APZ) and the Clear Zone (CZ);
- Identification of Noise Impact Zones; and

- Identification of compatible uses within the above-mentioned zones.

The Safety Element also discusses the planning history of the ALCUZ noting the Airport Influence Area (AIA) was adopted in 1986, and in 2016, the City of Perris adopted Airport Overlay Zones (AOZ) (Zoning Code Chapter 19.51) to comply with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan boundaries and policies. Thus, the project is compliant with the intent of all the cited planning efforts related to airport safety as they would relate to the project.

In addition, as shown in the City of Perris General Plan Land Use Element discussion under the Procedures heading, the project applicant does not propose any action that would overrule any previous determination of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan or violate allowable density of intensity of development within an AOZ.

Finally, as stated on page 4.10-20 of the Draft EIR, an application was submitted to the Riverside County Airport Land Use Commission (ALUC) on May 31, 2023 and ALUC determined that the proposed project is consistent with the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. Therefore, ALUC review is not being delayed or deferred as claimed by commenter. Thus, the project would be consistent with all requirements related to the safe operation of March Air Reserve Base, is outside the associated the CZ and AOZ, and is consistent with other City of Perris General Plan and Perris Municipal Code requirements related to airport operations and safety. Because the project conforms to all such requirements, additional discussion is not needed and no changes to the Draft EIR are required.

- I-14:** The commenter states that a revised EIR must be prepared to properly quantify the project growth and cumulative analysis and cites Tables LU-28, LU-29, and LU-30 in the General Plan. *Section 4.10, Land Use*, page 4.5-10 discusses that the project site is within Planning Area 8: Perris Valley Airport/South Industrial. Page 3-1 of *Chapter 3.0, Project Description*, states that the project site has a General Plan land use designation of Light Industrial (LI) and is zoned Light Industrial (LI). The proposed project is consistent with the Light Industrial (LI) land use designation for the site. Therefore, it would not exceed the growth projection for Planning Area 8.

Regarding Table LU-29, General Plan Population Projections, it is important to note there are no residential land use designations for the project site and the project site was not intended to be used as such. Thus, in its proposed and intended use, the project will not directly result in a population increase. Further, Based on Table LU-30 General Plan Employment Projections, Planning Area 8 is anticipated to generate approximately 2,115 workers in 2030 and a total of 7,750 workers at buildout. Considering that the project is anticipated to employ approximately 300 permanent workers, this is approximately 14% of the anticipated 2030 projection, and 3.9% of the total anticipated workers at buildout. Hence, the project is consistent with the anticipated growth and development that was outlined in the General Plan.

Regarding CEQA requirements and the discussion of cumulative impacts, State CEQA Guideline Section 15130 (b)(1) discusses two approaches for the evaluation of cumulative impacts. The first is what is generally referred to as the list approach. The list approach considers impacts from past, present, and reasonably foreseeable projects, the impacts are then quantified and cumulative impact determination is made.

The second methodology that can be used for cumulative analysis uses a summary of projections contained in an adopted local, regional or statewide plan, or related planning document (i.e. general plan). As stated on Draft EIR page 4-2, a total of 31 cumulative projects were included within Table 4 and Figure 9 in the Traffic Study, included as Appendix K of the Draft EIR.

It should be noted that page 73 of the Perris General Plan Land Use Element discusses implementation of the land use plan noting that the types of land uses, their distribution, the density and intensity of development, and assumptions about the timeframe in which development will occur provides projections for both residential and non-residential development. Accordingly, these projections, reflected in the Tables (LU-28, LU-29 and LU-30), which were considered in the Draft EIR are inherently considered in the cumulative analysis. Thus, as discussed on page 4.10-21 of *Section 4.10, Land Use*, cumulative impacts from the project in relation to land use would be less than significant. As discussed above, the project is consistent with growth projections and intended land uses and densities within the Planning Area. Because the cumulative analysis approach is consistent with the Perris General Plan the project is consistent with the anticipated projections through 2030 and build-out.

Please reference State CEQA Guidelines Section 15130 (a). This section states:

...Where a lead agency is examining a project with an incremental effect that is not “cumulatively considerable,” a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

Please also reference State CEQA Guidelines Section 15130 (b). This section states:

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact...

Thus, the discussion of cumulative impacts in the Draft EIR is consistent with the growth projections for the City as detailed in the Perris General Plan and the Draft EIR provides a consistency analysis to support this conclusion. The City notes that this methodology is not

exhaustive but is practical and reasonable given the scope and scope of the project and is consistent with CEQA Guidelines.

Appropriately, page 4.10-21 of *Section 4.10, Land Use*, of the Draft EIR concludes that implementation of cumulative development in accordance with the General Plan, and while it would contribute to the conversion of undeveloped land to urban uses, the character and overall intensity of the project are consistent with existing land uses within the project vicinity. The DEIR then finds that the project is therefore consistent with the planned development for the project site. Furthermore, cumulative development projects would be reviewed for consistency with adopted land use plans and policies by the City of Perris (including General Plan policies and zoning requirements), in accordance with the requirements of CEQA, State Zoning and Planning Law, and the Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

- I-15:** The commenter states that the General Plan consistency analysis in the Draft EIR does not provide an adequate evaluation of all land use plans, policies, and regulations adopted for the purpose of reducing environmental effects.

Section 4.10, Land Use, of the Draft EIR provides a discussion of project consistency with applicable City of Perris General Plan policies. This discussion can be found starting on page 4.10-10 in *Table 4.10-2: City of Perris General Plan Consistency Analysis*. The analysis in the table is consistent with the thresholds of significance established in Appendix G of the State CEQA Guidelines and State CEQA Guidelines Section 15125 as it addresses General Plan policies that have been adopted for the purpose of avoiding or mitigating an environmental effect and that are applicable to the project. More specifically, Section 15125(d) states: “The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.”

The commenter asserts that the project has significant potential to conflict with some of the goals and policies of the Perris General Plan. The commenter provides a list of these goals and policies in Comments I-16 through I-24, each of which are responded to individually further below. The commenter also broadly asserts that the project would be inconsistent with others, but none are listed.

The Draft EIR identified and analyzed consistency with the City of Perris General Plan and other applicable plans in *Section 4.10, Land Use*. With respect to the commenter’s opinion regarding alleged inconsistencies, it should be noted that, under CEQA, a project is consistent with the underlying general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. A given project need not be in perfect conformity with each and every general plan policy (*Clower Valley Foundation v. City of Rocklin*

(2011) 197 Cal.App.4th 200, 238). Moreover, a lead agency's determination that a project is consistent with the general plan is entitled to deference (*Id.*).

It should further be noted that not all goals and policies relate to an environmental consideration and by their nature do not require evaluation in an EIR. In making this determination factors such as the following may be considered:

- 1) The goal, policy, or implementation measure does not relate, nor was it written to reduce and impact to an environmental resource;
- 2) The goal, policy, or implementation measure does not relate to topics requiring examination under CEQA;
- 3) The goal, policy, or implementation measure is beyond the scope or responsibility of a private development;
- 4) The goal, policy, or implementation measure is written so broadly that the responsibility for its implementation could only be the responsibility of the City.

Based on the above and supported by the discussion below, the environmental review contained in the Draft EIR pertaining to general plan consistency, and for other applicable planning documents, meets CEQA requirements. Further, the planning consistency analysis for all applicable documents in relation to the project was properly tailored and used to clearly define policies that are within the applicant's ability and responsibility to address environmental impacts.

All of the above is consistent with CEQA case law that has found that a given project need not be in perfect conformity with each General Plan policy. Accordingly, it may not be possible for every project to completely satisfy, nor is it the responsibility of every project to satisfy every goal or policy of a general plan including those pertaining to environmental resources.

It is important to note, the project was evaluated for and is consistent with 43 applicable general plan policies.

In sum, a General Plan is written to accommodate a wide range of uses, services, and interest groups. It is not possible for a General Plan to include a clear and comprehensive set of principles that could guide every possible development decision absent any conflicts. Thus, the project was evaluated for consistency with each of the applicable policies from the City of Perris General Plan that were adopted for the purpose of avoiding or mitigating an environmental effect and through that evaluation it was determined that no additional environmental impacts from a conflict with an applicable policy would occur.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-16: Please refer to Response I-15 above regarding the requirements related to project consistency with the General Plan policies. The policy listed in Comment I-16 is not related to an impact on the environment that could be caused by the project. The policy cited by the comment (Policy HC 1.5) is related to health inequities and unjust barriers resulting in different health outcomes. This is a policy intended for implementation by the City and, although not specifically stated, is indirectly related to environmental justice. The commenter is referred to pages 4.10-13 through 4.10-15 of *Section 4.10, Land Use*, and *Table 4.10-2: City of Perris General Plan Consistency Analysis* which discusses project consistency with the Environmental Justice Element of the General Plan and associated goals and policies.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-17: Please refer to Response I-15 above regarding the requirements related to project consistency with the General Plan policies. The policy referenced by the commenter (HC 1.6) is not related to an impact on the environment that could be caused by the project and is far outside the range of responsibility of the project proponent as it encourages developments, such as high-quality grocery stores and other healthy food purveyors, as an economic development strategy for the City.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-18: Please refer to Response I-15 above regarding the requirements related to project consistency with the General Plan policies. The policy referenced by the commenter (HC 2.4) does not relate to an environmental effect and the implementation of the policy is not under the control of the project proposed as it requires the City to promote development patterns to reduce commute time. Please also refer to *Section 4.13, Transportation and Traffic*, which concludes that impacts associated with transportation would be less than significant.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-19: Please refer to Response I-15 above regarding the requirements related to project consistency with the General Plan policies. The policy referenced by the commenter (HC 2.6) is not related to an impact on the environment that could be caused by the project. The listed policy encourages land uses and designs to promote healthy living and hence, is outside the scope of the project and responsibility of the project proponent.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-20: Please refer to Response I-15 above regarding the requirements related to project consistency with the General Plan policies. The goal referenced by the commenter (HC-5) is related to economic health and is not related to an impact on the environment. However, it is noted that the project does provide meaningful employment opportunities.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-21: Please refer to Response I-15 above regarding the requirements related to project consistency with the General Plan policies. The policy referenced by the commenter (HC 5.1) is not related to an impact on the environment that could be caused by the project. The listed policy encourages the City to adopt certain programs to provide a living wage, provide health insurance benefits, and meet existing levels of workforce education. Nonetheless, it is noted that the project would do these things.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-22: Please refer to Response I-15 above regarding the requirements related to project consistency with the General Plan policies to include the contents of Land Use Element Implementation Measures V.C.I.

Please refer to Responses I-13 and I-14 regarding the project location in relation to the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and the PVALUCP. The project would not conflict with either airport, their operations, or associated compatibility plans.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-23: Please refer to Response I-15 regarding the requirements related to project consistency with the General Plan policies and Response I-22.

Please refer to Responses I-13 and I-14 regarding the project location in relation to the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and the PVALUCP.

No further discussion is required and no changes to the Draft EIR have been made or are required as a result of this comment.

I-24: Please refer to Response I-15 above regarding the consistency of the project with the General Plan policies. Please refer to pages 4.10-13 through 4.10-15 of the *Section 4.10, Land Use*, and *Table 4.10-2: General Plan Consistency Analysis*, which discusses project consistency with the Environmental Justice Element and associated policies of the General Plan.

Please refer to page 3-2 of the Draft EIR and the discussion of the Local Vicinity and surrounding uses, none of which include uses listed in the goal in the comment. The Draft EIR states, “The project site is bordered by Ellis Avenue to the north and bordered by the BNSF/Metrolink railway and Case Road to the southwest, with the Perris Valley Airport beyond. The project site is located within Zone D with the entire area well within the Airport Influence Area Boundary, defined as the primary traffic patterns and runway buffer area. Undeveloped land designated for industrial and commercial uses is located to the south, east, and west of the project site.”

Please refer to *Section 4.2, Air Quality*, which discusses preparation of the Health Risk Assessment (HRA) and the project’s proximity to sensitive receptors which would include any communities that would fit the description of disadvantaged. More specifically, Impact 4.2-3 discusses potential impact and exposure of sensitive receptors to substantial pollutant concentrations. This discussion mentions the nearest sensitive receptors, a single-family residential area to the west of the project. The analysis concludes that both construction and operation would not exceed the South Coast AQMD Local Significance Thresholds (LST), and the impacts would be less than significant with mitigation.

No further discussion is required and no changes to the Draft EIR have been made or are required as a result of this comment.

- I-25:** Please refer to Response I-15 above regarding the consistency of the project with the General Plan policies.

The State CEQA Guidelines do not require evaluation or identification of disadvantaged communities or evaluation of environmental justice issues. It should further be noted that the State CEQA Guidelines do not specifically use the terminology “disadvantaged community”.

The terminology, “disadvantaged community,” however, is referenced in California State Statutes that in some instances, but not those pertaining to the project, can be considered in relation to CEQA. These Statutes are listed and summarized below.

California Public Resources Code Section 21080.47 (a)(2) defines a disadvantaged community as a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

California Public Resources Code Section 21189.83 discusses disadvantaged communities and required evaluation in relation to infrastructure projects.

California Public Resources Code Section 21080.47 (9)(10) and (b)(1)(A)(C) and (b)(2) discusses and focuses on disadvantaged communities in relation to small community water systems. These sections do not discuss or mention requirements to evaluated impacts on disadvantaged communities.

California Public Resources Code Section 211189.81 discusses disadvantaged communities in regard to areas discussed in by Cal EPA and Health and Safety Code, and subsection (c)(1) and (2) discusses minimization of impacts to disadvantaged communities in relation to infrastructure projects.

California Public Resources Code Section 21082.4. does include a discussion of environmental review related to social considerations and states:

In describing and evaluating a project in an environmental review document prepared pursuant to this division, the lead agency may consider specific economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a proposed project and the negative impacts of denying the project. Any benefits or negative impacts considered pursuant to this section shall be based on substantial evidence in light of the whole record.

Regarding the above and evaluation of environmental impacts, it is critical to note that the base purpose of CEQA is disclosure of impacts and informing the public and decision makers related to impacts on the environment. State CEQA Guideline Section 15064, Determining the Significance of the Environmental Effects Caused by a Project, echoes this base purpose and provides detail on the way in which environmental impacts be discussed. Notably subsection (d) provides this guidance and states:

In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

State CEQA Guidelines Section 15064(e) also is instructive related to economic and social considerations and provides the following guidance:

Economic and social changes resulting from a project *shall not be treated as significant effects on the environment* (italics added). Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding

of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

The Draft EIR fulfills the requirements of CEQA as it consider the direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project. The Draft EIR fully discloses potentially significant impacts and includes mitigation when required and where feasible.

It is important to note, that the only unmitigated significant effect that would result from the project is related to operational noise. This impact was determined to be significant and unavoidable due to the presence of a residential unit approximately 830 feet to the west of the project. As the commenter notes, every US Census tract within the City of Perris is identified as a disadvantaged community. Thus, any project no matter where it occurs within the City, the proposed project included, should it have a significant unavoidable impact, would affect a disadvantaged community. It logically follows then that no project in the City could have a disproportionate effect on a disadvantaged community. Nonetheless, and absent all of this, all impacts were properly disclosed consistent with all State CEQA Guidelines and the impacts are not made greater or exacerbated due to the presence of the single residence or disadvantaged community status.

The commenter also is referred to *Section 4.10, Noise* which discusses this impact and the required Statement of Overriding Considerations.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

- I-26:** The commenter is referred to Response I-15 above regarding the consistency of the project with the goals and policies of the City of Perris General Plan and other regional planning and policy documents. *Table 4.10-1: SCAG Policy Consistency Analysis* in *Section 4.10, Land Use*, provides a discussion of project consistency with Goals 5, 6, and 7 of the Southern California Association of Governments' Connect SoCal - the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The commenter also is referred to *Section 4.7, Greenhouse Gas Emissions*, for additional discussion of project impacts as well as project designs and other measures that will be taken to reduce GHG emissions and meet applicable GHG reduction plans, policies, and regulations.

The commenter states that the project would be inconsistent without providing substantial evidence (i.e. data, facts, or reasonable assumptions based on facts). State CEQA Guidelines Section 15204 (c) Focus of Review states:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section

15064, an effect shall not be considered significant in the absence of substantial evidence.

The comments are not supported by facts or other information supporting their conclusions. No further discussion is required and no changes to the Draft EIR have been made because of this comment.

- I-27:** The comment states the vehicle miles traveled VMT analysis in the EIR misrepresents VMT modeling and VMT impacts. The comment identifies the incorrect project Traffic Analysis Zone (TAZ). The correct TAZ is 3826. The VMT scoping document is included in the Approved Scoping Agreement documentation that was submitted to, and reviewed by, City staff prior to preparing the Traffic Analysis for the proposed project. The VMT scoping form is included as an attachment of Appendix A to Appendix K to the Draft EIR. The project site is vacant, but on the north side of the Ellis Avenue one warehouse has been constructed and two more warehouses are under construction. This area along Ellis Avenue is zoned for light industrial uses and Ellis Avenue is a designated truck route in the Perris General Plan Circulation Element. As such, the project is consistent with the uses planned for this portion of the City.
- I-28:** The comment states the screening analysis does not adequately or accurately represent the VMT impacts. The comment states that the VMT screening tool that determines that the project is exempt from VMT analysis “may not be appropriate if the project land uses would alter the existing built environment in such a way as to increase the rate or length of vehicle trips.” As noted in Response I-27, Ellis Avenue is a designated truck route in the Perris General Plan Circulation Element. Trips for warehouse use were planned for this area in the VMT calculations for TAZ 3826. The comment appears to conflate trip generation and VMT and assumes that the project will be a distribution center. The project trip generation is based a general warehouse for storage. The warehouse will not function like a distribution center which has a much higher trip generation rate. The City does not concur that drivers will drive “vans across the region”. One of the economic reasons for a business to occupy a warehouse is to reduce the travel distance between the warehouse and the end user with the intent to minimize VMT from an operational standpoint.

In addition, heavy truck trips were properly excluded from the VMT analysis. State CEQA Guidelines Section 15064.3, subdivision (a), states, “For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of automobile travel attributable to a project.” In addition, various legislative mandates and state policies have established quantitative GHG emission reduction targets. Pursuant to Senate Bill 375, the CARB GHG emissions reduction targets for metropolitan planning organizations call for reductions in GHG emissions only from cars and light trucks. Consequently, the VMT criteria and thresholds in the State CEQA Guidelines related to employment generating uses (such as the project) do not apply to those components of proposed projects that involve commercial vehicles. However, the VMT criteria and thresholds apply to those components that involve passenger vehicles.

A separate Technical Advisory issued by the California Governor's Office of Planning and Research (OPR)⁸ provides additional technical details on calculating VMT and assessing transportation impacts for various types of projects. The OPR Technical Advisory states that "automobile" refers to on-road passenger vehicles, specifically cars and light trucks. It does not include heavy-duty trucks, semi-trailers, construction equipment, or other commercial-type vehicles. While the OPR Technical Advisory allows for heavy duty truck VMT to be included in modeling, this allowance was provided for modeling convenience and ease of calculation. The Technical Advisory also states that the analysis should be based on an apples-to-apples comparison, wherein the same VMT (e.g., with trucks or without trucks) should be reported for both the threshold and the project. This was also clarified and noted during an informational question and answer session conducted by OPR to provide information and guidance on conducting project-level VMT analysis, that it is automobile VMT (i.e. cars and light duty trucks) that should be quantified.

The following example from the County of Santa Barbara Environmental Thresholds Update summarizes the issue concisely:

For example, a proposed oil production or agricultural processing facility may involve significant numbers of commercial trucks and semitrailers that would haul supplies and products to and from the facility. The project may also involve employees and others who would travel to and from the facility in passenger vehicles. In this case, the VMT analysis would not address potential VMT generated by the commercial trucks and semi-trailers and, therefore, would not consider such VMT a significant transportation impact. Rather, the VMT analysis would focus on VMT generated by passenger vehicles traveling to and from the facility.⁹

The VMT analysis was reviewed and approved by City staff prior to the transportation analysis beginning. No changes to the Draft EIR were made or are required as a result of this comment.

- I-29:** The comment states that the project does not meet the VMT threshold and VMT input/output modeling information is excluded from the EIR. The City does not concur with the comment that the project has to be 15% below that of existing development. The screening criteria VMT analysis states that a project in a low VMT area is not required to provide further VMT analysis. Per the OPR Technical Advisory, each jurisdiction has the right to set the VMT thresholds and screening criteria for land use projects within the jurisdiction. Based on the City of Perris Transportation Impact Analysis Guidelines for CEQA (May 12, 2020), if a project is located within a TAZ where the VMT per capita or employee "is less than or equal to the Citywide average, then the project is

⁸ California Governor's Office of Planning and Research (OPR). 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. December 2018. Accessed February 2021. http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

⁹ *Santa Barbara County Environmental Thresholds and Guidelines Manual*, <http://www.countyofsb.org/uploadedFiles/plnDev/Content/Projects/FINAL%20Ch.%2018%20Environmental%20Thresholds%20Update.pdf>.

considered to be located in a low VMT area." Based on the VMT Scoping Form for Land Use Projects provided by the City of Perris, the project would be located within a low VMT area.

The project meets that screening criteria and not further analysis is required. As stated on the City of Perris VMT scoping form, VMT modeling not required for the project because the project does not require a zone change and/or General Plan Amendment and generates 2,500 or more net daily trips. The project does not include any of those items. No changes to the EIR were made or are required as a result of this comment.

- I-30:** The comment states the project is not within a low VMT zone. Please see Response I-29. With regard to the different TAZ numbers used in the project analysis and what is shown on the WRCOG application, at the time the Scoping Agreement was approved, RIVTAM outputs were used since the City's VMT screening spreadsheet was based on RIVTAM. There is a new County-wide model known as RIVCOM, which has different TAZ numbering, compared to the previous RIVTAM model.

The RIVTAM model that is linked to the City's VMT screening spreadsheet does show that the project TAZ screens out as below the City-wide VMT average.

- I-31:** The commenter is referred to *Chapter 3.0, Project Description*, which provides an adequate and detailed description of the circulation elements of the project. As discussed in State CEQA Guidelines Section 15124, Project Description, the information in the project description should need not be extensive beyond that needed to evaluate impacts, that should show the precise project location on a detailed map, statement of project objects and purpose, a general description of the projects technical, economic, and environmental characteristics and intended use of the EIR.

State CEQA Guidelines Section 15146 further elaborates that the "The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR."

The project description provided was accurate, stable and finite and consistent with CEQA requirements.

Page 3-15 discusses interior parking (including tandem parking stalls) and truck access, and queuing and space for docking. This paragraph states:

The proposed site plan has been designed to accommodate the needed maneuvering space for daily activities and machinery use including forklifts, other lift equipment, and large semi-trucks. The parking lots have been designed to efficiently enable vehicle circulation through parking lots around the site with adequate space to enable backing into the loading docks. As required, all trucks and machinery would be equipped with warning sounds (high pitch beeping) consistent with the Occupational Safety and Health Administration (OSHA) requirements. Additionally, the project site would include 8 bicycle parking stalls.

Furthermore, in accordance with the 2022 Perris Good Neighbor Guidelines (GNG), the proposed project shall be designed to provide adequate on-site parking for commercial trucks and passenger vehicles and on-site queuing for trucks away from sensitive receptors.

Page 3-19 of *Chapter 3.0, Project Description*, discusses that the driveways to Ellis Avenue would be constructed consistent with City design standards and provide adequate turning radius and site distances to access Ellis Avenue and that it would be 50 feet wide and uses for truck access only.

Further, **Figure 3-4: Proposed Site Plan** on page 3-5 of the Draft EIR provides a visual depiction of the project site, Ellis Avenue, turn lanes and widths, and parking space locations. Figure 3-4 also depicts outlines of trucks to provide a visual representation of their turning movements, other areas in which trucks can maneuver between loading docks and parking locations, as well as staging/queuing areas. The figure illustrates that there is sufficient back up space for the trucks/trailers to use and that between the driveway entrance off Ellis Avenue to the guardhouse there is space for approximately 10-12 trucks to queue before entering the parking area all within the interior of the site.

Thus, this depiction of project site, project elements, and the physical depiction of trucks within the interior roadways that shows their turning radius, maneuvering areas, and queuing locations that the project design will provide adequate room for trucks to navigate through the project site.

No further discussion is required and no changes to the Draft EIR have been made because of this comment.

Similarly, the improvements noted by the commenter are interior to the project, not publicly accessible, access controlled, and are located approximately 97 feet from Ellis Avenue and buffered by a landscaped area approximately 79 feet wide. The internal roadway would be speed controlled and is (as well as the corner highlighted) 50 feet wide. The diagram also shows likely truck turning movement which would provide enough space for both incoming and outgoing trucks and on either side of the corner provides queuing space for 6 trucks each (inbound and outbound lanes).

- I-32:** The commenter speculates that the proposed parking configuration may result in inadequate access and queuing delays and restrict movement because they are arranged to allow for tandem parking.

The commenter is referred to Response I-31 which discusses the parking area, turning movements, queuing, and exhibit showing that space for truck movements within the interior of the site is adequate and meets all City standards.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

- I-33:** The commenter questions the Draft EIR noting that fire apparatus vehicle would park along Ellis Avenue or the interior parking lots should they respond to an emergency. This statement in the Draft EIR is correct as parking along Ellis Avenue would provide access or staging for emergency vehicle to the site should it be needed and parking within the interior parking lots would provide direct access to the fire hydrants located adjacent to parking areas within the interior of the site.

The commenter is correct that the “FP” denotes the Fire Pumphouse. Fire pump houses are commonly position outside the main structure, such as in the case of the project, and are used to support the fire systems including sprinklers within the main structures during an emergency. The pump house boosts the water pressure which could be lacking from main water supply lines. Use of this space for the fire pump house allows for easier access during an emergency as opposed to having the pump house inside the building. Access to interior pump houses can become blocked by other equipment, storage, machinery, and would completely disallow access by trucks or other such equipment. The pumphouse itself generally does not provide hookups to supply water but supplies fire hydrants. The project site plans show there are a total of 11 fire hydrants spaced around the warehouse in accordance with City and fire code requirements.

Regarding access from fire equipment, page 4.13-9 of *Section 4.13, Transportation and Traffic*, discusses that the project driveway and internal circulation improvements would be constructed pursuant to City and Fire Department standards and that all drive aisles would accommodate standard fire lane turning radiuses and hammerhead turnaround maneuvers for emergency vehicles and fire services.

The commenter is referred to Response I-31 which provides additional detail regarding the parking area, turning movements, queuing, and exhibit showing that space for truck movements within the interior of the site is adequate and meets all City standards. Considering fire apparatus are generally smaller and more maneuverable than the trucks that would be using the site, access for emergency uses would not be limited, and impacts were found to be less than significant. The Draft EIR did not defer any analysis and provides adequate information to make this finding.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

- I-34:** The commenter is referred to page 4.13-9 of *Section 4.13, Transportation and Traffic*, which discusses that the project driveway and internal circulation improvements would be constructed pursuant to City and Fire Department standards. This is consistent with the discussion *Chapter 3.0, Project Description*, that states, “Access to the project site would be provided via Ellis Avenue. The driveways to Ellis Avenue would be constructed consistent with City design standards and provide adequate turning radius and site distances to access Ellis Avenue.”

Conformance with City design standards would include elements related to horizontal and vertical sight distances to which the project will conform during the plan check process.

The commenter also is referred to Response I-4, which discusses requirements of the project description and level of detail needed to make an informed decision. This is accomplished here. Although specific design elements are not known, conformance with City standards regarding access will ensure all associated impacts are less than significant.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-35: Please refer to Response I-11 regarding compliance with, and use of, Title 24.

The commenter makes generalized comments about an inaccurate and erroneous analysis related to Air Quality, which is directly related to GHG emissions, and the discussion of energy. Please refer to Responses I-43, I-44, I-45, and I-46, related to these impacts.

Please refer to Response I-14 regarding General Plan buildout scenarios and discussion of cumulative impacts and anticipated land uses and population growth.

Please also refer to page 4-2 of *Chapter 4.0, Environmental Impact Analysis*, which explains the cumulative discussions in *Sections 4.1 through 4.15* that considers different geographic scopes based on the nature of associated impacts.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-36: The City does not concur with the commenter's assessment that the cumulative analysis should rely on the SCAG Connect SoCal Demographics and Growth Forecast. In addition, the City does not concur with the SCAG Employment Density study the commenter cites and that would result in 1,112 employees. The SCAG Employment Density Study Summary report is dated and is based on estimates from October 31, 2001. This study is outdated by 23 years. Over the last 23 years, technological advancement such as the use of computers and automation and machinery, has greatly improved efficiency and reduced the demand for employees needed to manage warehouse operations.

For example, in 2012, approximately 11 years after the commenters cited study, the US Energy Information Administration, cited that the median number of workers per square foot of a warehouse and storage use was one per 1,500 square feet of space. Considering the project's proposed 643,419 square feet, one worker per 1,500 square feet would equate to approximately 429 workers. Further, considering the additional technological advances of the last 12 years, it is reasonable that the demand for workers has further declined.

This is consistent with a more recent study prepared by SCAG, the Southern California Association of Governments Industrial Warehousing Study. This report state that, “Beneficial Cargo Owners (BCOs), particularly large retailers, are increasingly investing in automated systems to more efficiently manage their distribution centers (DCs) and better meet customer demands, particularly for rapid order delivery.” The study also notes, “BCOs typically favor cargo-handling facilities with modern, efficient designs over buildings that can be considered functionally obsolete.” Thus, the focus on efficiency has greatly reduced the number of needed employees.

Further, this is consistent with the Institute of Transportation Engineers estimates used for the Traffic Impact Analysis that estimated a total of 357 employees would be required. Thus, using the commenters suggested estimate of jobs that would be added in the City between 2016-2045 (10,300), the project would account for only 3.4%, not the 10.8% as the comment claims, and the project would not make a substantial contribution to growth forecasts.

Lastly, according to the City of Perris General Plan Land Use Element, build-out of the City will occur sometime after the year 2030. According to Table LU-30 General Plan Employment Projections at build-out would result in approximately 70,164 employed persons. This can be contrasted again the current number of employed persons within the City. As of 2024, the California Employment Development Department shows that the City has a current labor force of approximately 32,400 (30,100 employed and 2,400 unemployed - unemployment rate of approximately 7.3%¹⁰). Thus, based on the City General Plan estimates, taking the anticipated total number of jobs at build out and subtracting the estimated current number of people employed in the City, between now and build out approximately 40,064 jobs are anticipated to be generated within the City. Of these jobs, the project’s 357 employees would account for approximately 0.9%. It should be noted that even using the commenters estimated number of employees, the project would then account for 2.8%. Thus, under either scenario, the project would not make a substantial contribution to growth at either the project level or at a cumulative level considering past, present, and reasonably foreseeable projects. The project is well within the growth projections of the City.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

- I-37:** The Commenter is referred to *Chapter 6.0, Alternatives*, which discusses the requirements of State CEQA Guidelines Section 15126.6. The discussion in the Draft EIR addresses comments regarding the need for a “No Project/No Development Alternative,” which the Draft EIR includes; focuses on alternatives that could lessen or avoid significant impacts, which it does and addresses under each separate alternative discussion; and discusses the range of alternatives which is guided by the “rule of reason,” and that the EIR must evaluate only those alternatives needed to

¹⁰ State of California Employment Development Department (EDD), 2024, *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 September 11, 2024

permit a reasoned choice. The range of alternative does foster informed decision making and conforms to this requirement of CEQA.

The commenter suggests proposing an alternative that would reduce all of the project's significant and unavoidable impacts. The project had a single significant and unavoidable impact, related to operational traffic noise. The Draft EIR does evaluate a reasonable range of alternatives including the Smaller Warehouse Alternative, which would reduce noise impacts to a less than significant level, but this alternative was removed from consideration because it would have rendered the project infeasible.

The Draft EIR also included a Two Building Alternative, but this would not reduce the significant unavoidable operational traffic noise impact, would not meet all of the project objectives, and would require additional modifications to Ellis Avenue and result in traffic and onsite vehicle issues.

The Office Building Alternative would reduce noise impacts but would increase passenger vehicle trips by approximately 71.5%, thus resulting in significant and unavoidable Air Quality and GHG emissions. This would also substantially increase the VMT on local and regional roadways from the additional workers generated.

Thus, the Draft EIR complies with CEQA requirements related to alternatives analysis.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

- I-38:** The commenter provides additional comments questioning the number of workers citing the SCAG Employment Density Study Summary report dated October 31, 2001, discussed above. The commenter is referred to Response I-36, above.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

- I-39:** The commenter continues discussion of the project having a disproportionately high impact on employees and potential for cumulative impacts to occur and continued to claim the project will generate 1,112 employees. The commenter is referred to Response I-36 regarding a discussion of additional employees.

The commenter further lists 21 other industrial projects they claim are within the City but does not provide information on what stage of the approval and development process they are in. For each project, the commenter also provides an estimated number of employees that would be generated. It is unclear and the commenter does not provide the basis for the estimates. If the commenter used the same Employment Density Study from October 31, 2001, as previously noted in Response I-38, above, the total 13,798 employees the commenter claims would be generated is likely greatly overstated like their estimate for the project. As stated on Draft EIR page 4-2, a

total of 31 cumulative projects were included within Table 4 and Figure 9 in the Traffic Study, included in Appendix K to the Draft EIR. Existing (past) projects are properly accounted for as part of the baseline conditions.

The commenter is referred to Responses I-14, I-36, and I-37 which provide additional detail for the projects potential to increase population and cumulative analysis. The number of employees generated by the project and potential for employees to result in population growth is reasonable and well within prescriptions and estimates in the Perris General Plan.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

- I-40:** The commenter states that the discussion in the Draft EIR regarding potential for population growth and anticipation that employees will come from the local population and nearby cities is not adequate and includes those who are not a part of the workforce. The commenter is referred to Responses I-14, I-36, I-37, and I-39, above regarding the potential to increase population.

The commenter is correct that the Draft EIR discusses the total population of the City of Perris, which totals approximately 170,676. The commenter, however, omits, that page 5-4 of *Chapter 5.0, Other CEQA Considerations*, discusses that of the 78,948 persons in the City (in 2023) there was a labor force of approximately 32,400 with an unemployed population of 2,000. The commenter also is correct that the Draft EIR notes employees would come from the local as well as regional labor force.

To this end, according to the California Economic Development Department, the current number of unemployed people in the City of Perris as of July 2024 is 2,200. The number of unemployed in other nearby cities were as follows: City of Menifee - 2,400; Hemet, 2,200; and the Moreno Valley - 5,600. This leaves a total number of unemployed within a reasonable distance from the project, approximately 14-15 miles of 12,400 workers. It is important to note that there also are numerous existing population areas in the nearby unincorporated locations such as Mead Valley and Sun City.

Regarding the potential for growth inducement, the commenter is referred to *Chapter 5.0, Other CEQA Considerations*, specifically subsection 5.3, Growth Inducing Impacts. The project was evaluated for and took these factors into consideration in accordance with State CEQA Guidelines Section 15126.2. The analysis considered the project's potential to foster significant economic growth or induce substantial population growth resulting in additional or unplanned housing. The project also would not remove obstacles to growth or expand or create new facilities that could facilitate growth. Growth associated with the project was found to be within anticipated growth as outlined in the Perris General Plan.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-41: The commenter states that the VMT analysis was incorrect because it screened out location from distant locations such as Coachella and Victorville. The commenter is referred to Response I-40 above regarding the potential for population growth and availability of workers within an approximately 14-15 miles range. This is substantially less than the distance the commenter claims workers may travel from Coachella, 85 miles away, or 66 miles from Victorville. The Draft EIR properly utilized relevant VMT and TAZ data for the project location.

No further discussion is required and no changes to the Draft EIR have been made or are required because of this comment.

I-42: The commenter makes conclusory statements, but they do not pertain to any specific environmental issues other than the commenter stating the Draft EIR should be recirculated. The commenter's request for recirculation is repeated from previous comments. No further response is necessary and no changes to the Draft EIR have been made or are required as a result of this comment.

I-43: This comment is introductory in nature. The comment restates the project description. Responses to the comments contained in this letter are provided below in Responses I-44 through I-59. The comment has been noted for the record and no changes to the Draft EIR have been made or are required.

I-44: The commenter discovered that latest version of CalEEMod (version 2022.1) shares input and deviations from model defaults differently than CalEEMod version 2020.4. However, air pollutant emissions are provided within Appendix C, Air Quality Modeling Data, *Table 4.2-10: Construction Related Emissions* (on page 4.2-26), *Table 4.2-11: Long-Term Operational Emissions* (on page 4.2-27), *Table 4.2-13: Localized Significance of Construction Emissions* (on page 4.2-30) and *Table 4.2-14: Localized Significance of Operational Emissions* (on page 4.2-31). According to the CalEEMod User's Guide, CalEEMod allows for changes to be made to the default model and for the user to provide justification for the change. The justification for any change to the default model must be supported by substantial evidence under CEQA and cannot be based on unsubstantiated data. The model inputs and analysis assumptions are provided in detail within Draft EIR, Appendix C. Furthermore, the CalEEMod 2022.1 outputs summarize changes to the model defaults in Section 8 (User Changes to Default Data) (see Draft EIR Appendix C).

All of the proposed project air quality modeling has been conducted in conformance with South Coast AQMD requirements and applicable CalEEMod protocols. The South Coast AQMD (the CEQA Responsible Agency for air quality considerations) has been provided all air quality modeling input and outputs. Findings and conclusions of the Draft EIR are not affected. Revisions to the Draft EIR are not required.

I-45: See Response I-44 above. The CalEEMod User's Guide allows for changes to the model for project specific parameters.

- I-46:** The commenter makes a general statement that the Draft EIR CalEEMod emissions modeling is inaccurate citing “model inputs that are inconsistent with information disclosed in the DEIR.” Responses to specific comments are provided below in Responses I-47, I-48, I-49, and I-50. No further response is required.
- I-47:** The comment states the project failed to include refrigerated warehouse space in the model; however, per page 1-2 in the Draft EIR “The warehouse facility would not be used for cold storage.” The comment includes an incorrect reference to a sentence in the Draft EIR. The sentence stating “no more than 25 percent of the warehouse could be operated as refrigerated storage” is not found in the public Draft EIR on the City’s website. Therefore, refrigerated warehouse space was not incorporated into the model and idling of TRUs were not modeled as they would not access the facility. No further response or changes to the Draft EIR are required.
- I-48:** See Response I-44 above. As discussed above, the CalEEMod User’s Guide allows for changes to the model for project-specific parameters. No further response or changes to the Draft EIR are required.
- I-49:** See Response I-44 above. As discussed above, The CalEEMod User’s Guide allows for changes to the model for project specific parameters. No further response or changes to the Draft EIR are required.
- I-50:** The commenter asserts that the emissions modeling within Appendix C1 of the Draft EIR is inaccurate based on “fleet mix.” On page 4.2-27 of the Draft EIR, the fleet mix assumptions for the air quality modeling are stated. All modeling inputs are consistent with applicable CalEEMod parameters and South Coast AQMD guidance. As discussed on pages 4.2-27 and 4.2-34 of the Draft EIR, the modeled land use and associated fleet mix would not generate emissions that exceed the South Coast AQMD’s thresholds of significance. Findings and conclusions of the Draft EIR are not affected. Revisions to the Draft EIR are not required.
- I-51:** See Response I-44 above about unsubstantiated changes. The changes to the default CalEEMod are allowed and encouraged by the CalEEMod User’s Guide. Findings and conclusions of the Draft EIR are not affected. Revisions to the Draft EIR are not required.
- I-52:** The commenter claims to estimate emissions using an older version of the modeling software, incorrect land use, and changed construction parameters from the applicant-specified data provided in the Draft EIR. See Response I-47 above that cold storage is not proposed for this project. This will be a condition of approval for the project. Any future proposal to convert to cold storage would require additional environmental review and approval from the City. Therefore, CalEEMod did not underestimate the emissions related to the project and the City’s analysis represents substantial evidence to support a finding of a less than significant impact.
- I-53:** See Response I-52 above. The analysis prepared by SWAPE overestimates emissions and incorrectly models land uses and assumptions. The inaccurate modeling includes an outdated

version of CalEEMod, refrigerated warehouse, and incorrect construction phasing. Appendix C1, Section 5.1 outlined the proposed project construction schedule. The commenter incorrectly manipulates the phasing to overestimate emissions. While the project includes architectural coating from November 1, 2024, to March 28, 2025 the commenter condensed the phase to only 17 days (March 6, 2025 to March 28, 2025). This would be an unrealistic construction phase for the size of the building and unnecessarily increase daily emissions. Findings and conclusions of the Draft EIR are not affected. Revisions to the Draft EIR are not required.

- I-54:** See Response I-7 above. The Draft EIR evaluated potential cancer health risk to the community, see *Table 4.2-15: Carcinogenic Risk Assessment*. Project risk was below the South Coast AQMD threshold of 10 in one million. Therefore, per South Coast AQMD guidance if an individual project does not exceed a threshold, it would not have a cumulatively significant impact. Revisions to the Draft EIR are not required.
- I-55:** See Response I-54 above. With regard to impacts to disadvantaged communities, please refer to Response I-25.
- I-56:** The commenter describes general air quality concerns in San Bernardino County. The project site is located in Riverside County. Existing air quality and attainment status of the region is discussed in *Table 4.2-5: South Coast Air Basin Attainment Status (Riverside County)* of Draft EIR. Findings and conclusions of the Draft EIR are not affected. Revisions to the Draft EIR are not required.
- I-57:** The commenter claims that a revised EIR should be prepared to evaluate the project's contribution to the disproportionate impacts that warehouses are posing to communities adjacent to the project site and to include a cumulative health risk assessment. See Response I-54 above.
- I-58:** The commenter provides example mitigation measures to reduce VOC emissions; however, per *Table 4.2-10: Construction Related Emissions* on Draft EIR page 4.2-26, the project emissions for VOC would not exceed the South Coast AQMD thresholds of significance for construction or operational emissions (*Table 4.2-11: Long-Term Operational Emissions*, page 4.2-27). As discussed in Response H-22 above, suggested revisions to the Draft EIR are not necessary as per State CEQA Guidelines Sections 15041 and 15126.4(a)(4,) mitigation of significant impacts must be consistent with the nexus and rough proportionality standards. State CEQA Guidelines Section 15126.4(a)(3) states that mitigation measures are not required for effects which are not found to be significant. Therefore, the suggested revisions are not required.
- I-59:** This comment is a disclaimer and does not raise a specific a comment or raise any other CEQA issue.

Comment Letter J: Advocates for the Environment

July 15, 2024

Advocates for the Environment

Alfredo Garcia
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A non-profit public-interest law firm
and environmental advocacy organization



Via U.S. Mail and email to algarcia@cityofperris.org

Re: Comments on the Draft Environmental Impact Report for the Ellis Logistics Center Project, SCH No. 2023040144

Dear Mr. Garcia:

Advocates for the Environment submits the comments in this letter regarding the proposed Ellis Logistics Center Project (**Project**), located South of E Ellis Avenue between S Redlands Avenue and Murrieta Road in the City of Perris (**City**). This Project proposes to construct a 643,419 square-foot warehouse on the 34.52-acre Project site. We have reviewed the Draft Environmental Impact Report (**DEIR**) released in May 2024 and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**).

J-1

The City Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions.

J-2

It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero.

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for

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these large projects to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the City to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that "achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: "it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed ... in order to meet our GHG and air quality targets." (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.)

Moving this Project forward as a net-zero project would not only be the right thing for the City to do, but also would also help protect the City and the Applicant from CEQA GHG litigation.



J-2 Cont'd

CEQA GHG Significance Analysis

The DEIR derived its GHG significance thresholds from the CEQA Appendix G Guidelines and concluded that the Project's GHG emissions would be less than significant, claiming that the Project would not generate GHG emissions that may have a significant effect on the environment and that the Project would be consistent with plans, policies, and regulations for the reduction of GHG emissions. (DEIR, p. 4.7-19.) The DEIR used CalEEMod to quantify the Project's annual emissions at 5,479 metric tons carbon dioxide equivalent (MTCO_{2e}) per year. (DEIR, p. 4.7-19.)



J-3

The Chosen Threshold Is Not Supported by Substantial Evidence

As the basis for its significance determination, the City chose a significance threshold of 10,000 MTCO_{2e}. (DEIR, p. 4.7-148) However, there is no evidence in the record to support the City's choice of the 10,000 MTCO_{2e} significance threshold. The Board Letter for the December 5, 2008 SCAQMD Board meeting¹, drafted by SCAQMD staff but not adopted by the Board, proposes a 10,000 MTCO_{2e} threshold, but this threshold is applicable only to industrial projects where AQMD is the lead agency under CEQA. (p. 5.) The City's adoption



J-4

¹ [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf)

of this threshold is unsupported as it was intended for projects where AQMD is the lead agency.

Furthermore, CEQA requires that significance determinations are based on current regulations, as well as scientific and factual data. (CEQA Guidelines §§ 15064.4(b).) The California Air Resources Board (CARB) emphasizes that thresholds that are not aligned with California’s current reduction goals are outdated under CEQA, (See California Air Resources Board 2022 Climate Change Scoping Plan, Appendix D, p. 26.)

J-4 Cont'd

Here, the chosen threshold of 10,000 MTCO₂e adopted by the SCAQMD does not address Senate Bill 32 (SB 32). (See California Air Resources Board 2022 Climate Change Scoping Plan, Appendix D, p. 26, footnote 67 [noting that the only air quality districts that are in alignment with SB 32 are the recommendations from the Bay Area Air Quality Management District and Sacramento Metropolitan Air Quality Management District].) Consequently, the SCAQMD guidelines are not aligned with California’s current regulatory scheme and therefore the 10,000 MTCO₂e numerical threshold is an outdated threshold not supported by substantial evidence. The City did not justify the applicability of the 10,000 MTCO₂e threshold as an indicator of significant GHG impact of this Project.

J-5

Consistency with Identified Applicable Plans

The DEIR discussed the Perris Climate Action Plan (CAP), Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and the 2022 Scoping Plan as an indication that the Project would not conflict with an applicable plan, policy, or regulation for GHG emissions reductions. This significance analysis violates CEQA by failing to acknowledge and analyze all applicable plans for the reduction of GHGs and its inconsistency with the 2022 Scoping plan.

J-6

The 2022 Scoping Plan sets a goal for 50% of all industrial energy demand to be electrified by 2045 (2022 CARB Scoping Plan, p. 77).² The DEIR does not demonstrate that the Project is consistent with this goal. Furthermore, the 2022 CARB Scoping Plan emphasizes decarbonizing industrial facilities by “displacing fossil fuel use with a mix of electrification, solar thermal heat, biomethane, low- or zero-carbon hydrogen, and other low-carbon fuels to provide energy for heat and reduce combustion emissions” (2022 CARB Scoping Plan, p. 208). Based on the analysis provided in the DEIR, the Project does not align with this objective.

J-7

The Project is likely to rely on diesel fuel in its operations, potentially conflicting with the 2022 Scoping plan’s objectives. Although the DEIR mentions several measures and regulations aimed at reducing GHG emissions from mobile sources, such as the Advanced Clean Truck Regulation and Executive Order N-79-20, it does not specifically address how the Project will

J-8

² 2022 Scoping Plan located at: <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf>

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contribute to or comply with the goal of electrifying 50% of industrial energy demand by 2045. Therefore, the Project conflicts with the goals of the 2022 Scoping Plan by not adequately reducing its reliance on fossil fuels and failing to incorporate sufficient low- or zero-carbon energy sources.

J-8 Cont'd

Some of the Chosen Plans, Policies, and Regulations are Not Applicable Because They are Outdated

The City's CAP is outdated and doesn't adequately align with current state-level climate policies and scientific understandings. While the CAP outlines measures aimed at reducing GHG emissions, it relies on metrics and estimations dating back to as early as 2010, which do not accurately reflect the current GHG emissions in Perris. Moreover, the CAP's framework is primarily based on achieving targets set by AB 32, which aimed to reduce emissions to 1990 levels by 2020, a goal already achieved. Given the evolving climate policy landscape, the CAP cannot adequately demonstrate that the Project would have a less than significant GHG impact, as it is based on an outdated and inapplicable policy.

J-9

The DEIR Should Have Analyzed All Applicable Plans

The City chose, as its second GHG threshold, whether the Project would "conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing GHG emissions." (DEIR, p. 4.7-19.) This language requires that the DEIR analyze the Project's consistency with all other applicable plans, not just the plans that the City prefers to analyze.

An agency must consider a project's GHG impact over time to reasonably evaluate the full extent of environmental impact as CEQA requires. The City estimated that the Project lifespan would be 30 years. (DEIR, p. 4.7-19.) Accordingly, the Project must show consistency with long-term State GHG goals to comply with CEQA. In particular, the DEIR must also demonstrate consistency with Executive Order B-55-18 (EO B- 55-18).

EO B-55-18 requires the State of California to achieve carbon neutrality—net zero GHG emissions—by 2045. The Project is inconsistent with EO B-55-18 because it does not prohibit the use of gasoline, diesel, and natural gas. The use of truck fleets is expected to significantly contribute to fossil fuel consumption. Burning such non-renewable fuels results in substantial GHG emissions, preventing the Project from ever achieving carbon neutrality, unless it enters into agreements with the applicant and/or future tenant to ensure that fossil fuel use is on track to be eliminated by 2045 as required by EO B-55-18.

J-10

Consequently, because the Project is inconsistent with applicable plans for the reduction of GHGs, it is significant under the second threshold.

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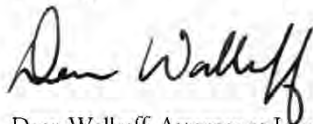
Conclusion

In conclusion, the conclusion of less-than-significant GHG impact violates CEQA because the chosen threshold of 10,000 tons was not supported by substantial evidence and it lacked a basis in policy and scientific understanding. There is a fair argument that the Project would not be consistent with applicable plans, policies, and regulations for the reduction of GHGs. The Project's impacts may therefore be significant.

Please put Advocates for the Environment on the list of interested parties to receive updates about the progress of this potential project approval. We make this request under Public Resources Code, section 21092.2.

J-11

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

Response to Comment Letter J: Advocates for the Environment

- J-1:** This an introductory comment stating that the Advocates for the Environment reviewed the Draft EIR for the project. The comment makes a general statement about concerns on the sufficiency of the Draft EIR's analysis of greenhouse gas emissions impacts under CEQA. The comment has been noted for the record and no changes to the Draft EIR have been made or are required as a result of this comment.
- J-2:** The commenter suggests that the City should use a net-zero GHG significance threshold. The comment also makes unsubstantiated statements that it is more affordable to construct new buildings to be net-zero now than to retrofit an old building in the future to meet the same standard. The commenter also references California's policy to achieve net-zero GHG emissions no later than 2045 (presumably AB 1279). It should be noted that the State has not adopted a net-zero GHG threshold (or any GHG threshold) for individual development projects. The State's policy to achieve net-zero GHG emissions by 2045 requires CARB to ensure that Scoping Plan updates identify and recommend measures to achieve carbon neutrality, and to identify and implement policies and strategies that enable carbon dioxide (CO₂) removal solutions and carbon capture, utilization, and storage (CCUS) technologies. As discussed in Draft EIR pages 4.7-22 through 4.7-24, the project would not conflict with the CARB Scoping Plan following compliance with all applicable regulations.

The commenter states that two of the largest mixed-use developments in the history of California have moved forward as net-zero communities after losing CEQA lawsuits. However, the 2022 CARB Scoping Plan notes that projects that have agreed to net zero GHG emissions such as "...the Newhall and Tejon Ranch projects do not necessarily represent the type of development that California most needs to simultaneously tackle the housing and climate crises...". Each of those projects represent large new mixed-use communities. The 2022 CARB Scoping Plan notes that a number of key State actions should be accounted for in local target-setting, including zero-emission light-duty vehicles (relevant to transportation electrification); smart growth/VMT reduction (relevant to vehicle miles traveled reduction); and new and existing residential and commercial buildings (relevant to building decarbonization).

The 2022 CARB Scoping Plan does not recommend a net-zero GHG threshold for individual development projects, noting that such thresholds may make it more difficult to achieve statewide goals by prohibiting or complicating projects that are needed to support the State's climate goals, like infill development or solar arrays. The Scoping Plan also cautions using net-zero targets and specifically notes that jurisdictions considering a net-zero target should carefully consider the implications it may have on emissions in neighboring communities and beyond. Appendix D page 18 of the Scoping Plan states the following:

Jurisdictions should also avoid creating targets that are impossible to meet as a basis to determine significance. For example, a net-zero target may imply that the GHG emissions of any project that are not reduced or offset to zero would be

considered potentially significant. This may lead to undue burdens and frustrate project approval processes, which may be particularly problematic for residential development in climate-smart, infill areas. In addition, some jurisdictions have more land capacity to remove and store carbon, while others host GHG-emitting facilities that serve necessary functions and will take time to transition to new technology (e.g., municipal wastewater treatment plants, landfills, energy generation facilities).

Local governments have the discretion to adopt targets that apply to their jurisdictions as long as those targets are supported by substantial evidence. The Draft EIR uses a GHG threshold developed by the South Coast AQMD, which is based on substantial evidence as explained in the Draft EIR *Section 4.7, Greenhouse Gas Emissions* pages 4.7-18 and as discussed under Response J-4 below. Based on this threshold, which is supported by substantial evidence, the project's GHG impacts were found to be less than significant.

The project is a speculative warehouse and is not comparable to the projects identified by the commenter. As noted by the commenter, the State has regulations in place to reduce GHG emissions. The project will comply with all requirements as required by law. The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR or the project's environmental effects; therefore, no further response is warranted.

- J-3:** This comment summarizes the Draft EIR GHG findings of a less than significant impact. As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the project's environmental effects, no further response is warranted.
- J-4:** The project conservatively used the 10,000 MTCO₂e threshold by including all of the emissions sources associated with the project including area sources, mobile sources, energy sources, generators, off-road equipment, waste disposal, and water and wastewater delivery and treatment. The summation of all sources remained below the South Coast AQMD's 10,000 MTCO₂e threshold of significance. As discussed in the Draft EIR (pg. 4.7-13), the South Coast AQMD currently does not have a formal GHG threshold for projects within the South Coast Air Basin. The City of Perris does not have an adopted threshold of significance for GHG emissions. For CEQA purposes, the City has discretion to select an appropriate significance criterion, based on substantial evidence. The South Coast AQMD's adopted numerical threshold of 10,000 MTCO₂e per year for industrial stationary source emissions is selected as the appropriate significance criterion. The project would entail the development of the site with warehouse buildings, which are a common characteristic of an industrial operation, the project is analogous to an industrial use. Also, 10,000 MTCO₂e has been used as the significance threshold by many local government lead agencies for logistics projects throughout the South Coast Air Basin since the South Coast AQMD adopted this threshold for its own use. Accordingly, the City selected the South Coast AQMD-adopted industrial threshold to analyze this project in this Draft EIR.

Use of this threshold is also consistent with guidance provided in the California Air Pollution Control Officers Association (CAPCOA) CEQA and Climate Change handbook. The City has opted to use a non-zero threshold approach based on Approach 2 of the handbook. Threshold 2.5 (Unit-Based Thresholds Based on Market Capture) establishes a numerical threshold based on capture of approximately 90 percent of emissions from future development. The latest threshold developed by South Coast AQMD using this method is 10,000 MTCO₂e per year for industrial projects. This threshold is based on the review of 711 CEQA projects. The South Coast AQMD found that use of the 10,000 MTCO₂e threshold would result in a capture rate of 90 percent for all new or modified projects. A 90 percent emission capture rate means that 90 percent of total emissions from all new or modified stationary source projects would be subject to some type of CEQA analysis.

The South Coast AQMD's recommended GHG threshold was established to achieve an emission capture rate of 90 percent of all new or modified stationary source projects. A GHG significance threshold based on a 90 percent emission capture rate is appropriate for addressing the long-term potential GHG emissions impacts. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial fraction of future projects constructed to accommodate future Statewide population and economic growth, while setting the emission threshold high enough to exclude small projects that would in aggregate contribute a relatively small fraction of the cumulative statewide GHG emissions. In addition, these small projects would be subject to future applicable GHG control regulations that would further reduce their overall future contribution to the statewide GHG inventory.

- J-5:** See Responses J-2 and J-4, above. As discussed above, Draft EIR pages 4.7-22 through 4.7-24 demonstrate that the project would not conflict with the 2022 CARB Scoping Plan following compliance with all applicable regulations. The goal of the CARB Scoping Plan is to achieve the State's AB 32, SB 32, and AB 1279 GHG reduction targets.
- J-6:** The comment asserts that the Draft EIR did not evaluate consistency with all applicable GHG reduction plans. However, the comment is introductory and does not refer to any specific plans that should be addressed, beyond consistency with the 2022 Scoping Plan which is discussed under Response J-7, below. For the record, the Draft EIR also evaluated the project's consistency with the City of Perris Climate Action Plan and Connect SoCal – the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.
- J-7:** The comment cites a 2022 CARB Scoping Plan goal for 50 percent of all industrial energy demand to be electrified by 2045. It should be noted that the 2022 CARB Scoping Plan does not identify this as a project level requirement. The Scoping Plan cites AB 197 to achieve this goal. Additionally, this goal is intended to reduce GHG emissions from industrial processes. The comment also notes that the Scoping Plan emphasizes decarbonizing "industrial facilities". As the project is a warehouse, it is not an industrial facility and would not include industrial processes as part of project operations. Further, the displacement of fossil fuel use referenced in the comment cites

a section of the Scoping Plan that addresses energy demand in industrial manufacturing, oil and gas extraction, and petroleum refining. As noted above, the project is a warehouse building and does not involve any industrial manufacturing, oil and gas extraction, and petroleum refining. Therefore, the goal cited in the comment is not applicable to the project.

- J-8:** See Response J-7 above. As noted above, the reduction of 50 percent industrial energy demand does not apply to the project. However, the project would benefit from the various regulations noted on Draft EIR page 4.7-23, among others. For example, as the vehicle fleet turns over and gets cleaner due to implementation of CARB's Advanced Clean Truck Regulation, the project's vehicle emissions would decrease. Additionally, the project's energy source emissions would decrease as the State continues to implement the Renewable Portfolio Standard, which requires the electricity grid to be decarbonized by 2045.
- J-9:** The Draft EIR evaluated project consistency with all applicable plans for the purposes of reducing GHG emissions, including the City of Perris Climate Action Plan (CAP), the 2022 CARB Scoping Plan, and Connect SoCal. The analysis of consistency with the City's CAP is provided for informational purposes. As the CAP was prepared in 2016, it does not address the State's latest GHG reduction targets. The Draft EIR also evaluates consistency with the 2022 Scoping Plan, which accounts for the State's latest GHG reduction targets established by SB 32 and AB 1279 (among others). AB 1279 codified the requirements of Executive Order B-55-18 and requires the State both to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter. Therefore, the GHG analysis does not base any conclusions or its significance finding on outdated policy. Refer to Response J-8, above, regarding the reduction of truck emissions.
- J-10:** Refer to Response J-9, above. The 2022 Scoping Plan includes EO B-55-18 goals of net zero GHG emissions by 2045; therefore, by evaluating the project against the 2022 Scoping Plan the analysis is consistent. The project would be required to comply with the South Coast AQMD Indirect Source Rule and CARB's Advanced Clean Truck regulation. These would ensure that the project is meeting goals and consistent with plans.
- J-11:** See Response J-4 above. The comment summarizes the previous comments but does not raise new issues. Because this comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted. The comment is noted for the record and no further response is required.

4.0 CLARIFICATIONS AND REVISIONS

This section includes recommended clarifications and revisions to the Draft EIR. Revisions to a Draft EIR are required if clarifications or responses to comments cannot be made without alterations to the document. The revisions, as outlined below, fall within the scope of the original project analysis included in the Draft EIR and do not result in an increase to any identified impacts or produce any new impacts. No new significant environmental impact would result from the changes or from a new mitigation measure proposed to be implemented. Therefore, no significant revisions have been made which would require recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5. This section is organized by respective sections of the EIR. Deleted text is shown as ~~strikeout~~ and new text is underlined.

The following additions/revisions to Mitigation Measures AQ-2, CUL-2, and BIO-2 will be added to *Table 1-3: Summary of Significant Impacts and Proposed Mitigation Measures*, in *Chapter 1, Executive Summary* of the Draft EIR.

Table 1-3: Summary of Significant Impacts and Proposed Mitigation Measures

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
Section 4.2, Air Quality			
<p>Impact 4.2-1 Conflict with or obstruct implementation of the applicable air quality plan.</p>	Less than Significant	No mitigation required.	Less than Significant
<p>Impact 4.2-2 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.</p>	Less than Significant	No mitigation required	Less than Significant
<p>Impact 4.2-3 Expose sensitive receptors to substantial pollutant concentrations.</p>	Potentially Significant	<p>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 developer/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.</p> <p>Prior to issuance of a Business License for a new tenant/business entity, the Project developer/facility owner and tenant/business entity shall provide to the City of Rialto Planning Department and Business License Department 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 developer/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 Rialto Planning Department and Business License Department to verify, to the City’s satisfaction, that any off-road equipment utilized will be ZE.</p>	Less than Significant with Mitigation Incorporated

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<u>MM AQ-2: All locomotives with automatic shutoff devices will not be permitted to idle longer than 15 minutes, unless for an exempt reason. Exemptions align with those described by U.S. EPA and will be granted for reasons like maintaining air brake pressure or keeping the driver cabin heated or air conditioned. Locomotives not equipped with anti-idling devices shall be manually limited to no more than 15 consecutive minutes of idling.</u>	
Impact 4.2-4 Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	Less than Significant	No mitigation required	Less than Significant
Cumulative Impact	Potentially Significant	MM AQ-1	Less than Significant with Mitigation Incorporated
Section 4.3, Biological Resources			
Impacts Scoped Out in the NOP/IS <ul style="list-style-type: none"> • Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. • Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, 	No Impact	No mitigation required.	No Impact

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
<p>etc.) through direct removal, filling, hydrological?</p> <ul style="list-style-type: none"> Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance. 			
<p>Impact 4.3-1 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.</p>	<p>Potentially Significant</p>	<p>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 <i>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</i>; and the <i>California Native Plant Society 2001 Botanical Survey</i> 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.</p> <p>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 Perrins 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,</p>	<p>Less than Significant with Mitigation Incorporated</p>

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>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. To the extent feasible, construction activities (i.e., demolition, earthwork, clearing, and grubbing) shall occur outside of the Crotch’s bee flight season (February 1 through October 31). If construction activities must occur during the flight season, a qualified biologist shall conduct a pre-construction survey for Crotch’s bumble bee queens, gynes, and colonies. The survey shall be conducted no more than 14 days prior to construction during optimal weather conditions (e.g., warm, sunny days between 65- and 90-degrees Fahrenheit). If the pre-construction survey is negative, no further assessment shall be required, and construction activities shall be allowed to proceed without any further requirements. If Crotch’s bumble bee is detected during the pre-construction survey, the Project will require an incidental take permit to be obtained through CDFW. This shall only be required if Crotch’s bumble bee remains as a candidate state endangered species or is listed as a state endangered species at the time of project construction. If Crotch’s bumble bee is delisted, the measure shall not be required</p> <p>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.</p> <p>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</p>	

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>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.</p> <p>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.</p> <p>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).</p> <p>If site-preparation activities are proposed during the nesting/breeding season, the project proponent shall retain a qualified biologist to conduct a pre-</p>	

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>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.</p> <p>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.</p>	
<p>Impact 4.3-2 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</p>	<p>Less than Significant</p>	<p>No mitigation required</p>	<p>Less than Significant</p>

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
use of native wildlife nursery sites.			
<p>Impact 4.3-3 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.</p>	Potentially Significant	<p>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.</p> <ul style="list-style-type: none"> • 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. 	Less than Significant with Mitigation Incorporated

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>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.</p> <ul style="list-style-type: none"> • 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 	

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.</p> <ul style="list-style-type: none"> • 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. 	
Cumulative Impact	Potentially Significant	MMs BIO-1 through BIO-6.	Less than Significant with Mitigation Incorporated
Section 4.4, Cultural Resources			
<p>Impact 4.4-1 Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.</p>	Potentially Significant	<p>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). <u>The project proponent/developer also shall coordinate to have a Native American tribal monitor on site for ground disturbing activities and to accompany the professional archaeologist for additional archaeological testing or surveys in preparation for and during construction efforts.</u> The primary task of the consulting archaeologist <u>and Native American tribal monitor</u> shall be to monitor the initial ground-disturbing activities at the</p>	Less than Significant with Mitigation Incorporated

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>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.</p> <p>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.</p> <p>In the event that archaeological resources are discovered at the project site or within the off-site project improvement areas, the handling of the discovered 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.</p> <p>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</p>	

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>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 <u>an agreed upon amount of time</u> 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Non-Native American artifacts shall be inventoried, assessed, and analyzed for cultural affiliation, personal affiliation (prior ownership), function, and temporal placement. Subsequent to analysis and reporting, these artifacts will</p>	

Resource Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>be subjected to curation, as deemed appropriate, or returned to the property owner.</p> <p>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.</p> <p>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.</p>	

The following Mitigation Measure will be added to *Section 4.2.5, Air Quality*, page 4.2-36 of the Draft EIR.

AQ-2: All locomotives with automatic shutoff devices will not be permitted to idle longer than 15 minutes, unless for an exempt reason. Exemptions align with those described by U.S. EPA and will be granted for reasons like maintaining air brake pressure or keeping the driver cabin heated or air conditioned. Locomotives not equipped with anti-idling devices shall be manually limited to no more than 15 consecutive minutes of idling.

This change was made in response to Comment B-2 on the Draft EIR.

Mitigation Measure BIO-2 will be revised and added to *Section 4.3.5, Biological Resources*, page 4.3-35 of the Draft EIR. Revised text is shown in underline text as follows:

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. To the extent feasible, construction activities (i.e., demolition, earthwork, clearing, and grubbing) shall occur outside of the Crotch's bee flight season (February 1 through October 31). If construction activities must occur during the flight season, a qualified biologist shall conduct a pre-construction survey for Crotch's bumble bee queens, gynes, and colonies. The survey shall be conducted no more than 14 days prior to construction during optimal weather conditions (e.g., warm, sunny days between 65- and 90-degrees Fahrenheit). If the pre-construction survey is negative, no further assessment shall be required, and construction activities shall be allowed to proceed without any further requirements. If Crotch's bumble bee is detected during the pre-construction survey, the Project will require an incidental take permit to be obtained through CDFW. This shall only be required if Crotch's bumble bee remains as a candidate state endangered species or is listed as a state endangered species at the time of project construction. If Crotch's bumble bee is delisted, the measure shall not be required.~~

The following revisions to Mitigation Measure CUL-1 would be added to *Section 4.4.5, Cultural Resources*, page 4.4-14 of the Draft EIR. Revised text of Mitigation Measure CUL-1 is shown in underline text as follows:

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 project proponent/developer also shall coordinate to have a Native American tribal monitor on site for ground disturbing activities and to accompany the professional archaeologist for additional archaeological testing or surveys in preparation

for and during construction efforts. The primary task of the consulting archaeologist and Native American tribal monitor 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~~ an agreed upon amount of 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.

5.0 ADDITIONAL TECHNICAL STUDIES

The following biological technical studies were prepared for the project and are included as Appendices to the Final EIR as follows. The technical studies are appended for informational purposes and do not identify new significant environmental impacts. No revisions have been made to the Draft EIR as a result of the additional technical studies.

Appendix B: Dry and Wet Season Fair Shrimp Surveys

Appendix C: Flood Analysis

Appendix D: MSHCP Criteria Area Focused Plant Survey

Appendix E: Focused Plant and Crotch's Bumble Bee Survey

FINAL ENVIRONMENTAL IMPACT REPORT APPENDICES

To assist in reviewing this document in an electronic format, “bookmarks” and/or “links” have been provided for easier navigation between sections. When available, bookmarks are located in the panel to the left. Clicking on either the bookmarks or links below will take you to the selected item.

- Appendix A:** Noise Measurement Data
- Appendix B:** Dry and Wet Season Fair Shrimp Surveys
- Appendix C:** Flood Analysis
- Appendix D:** MSHCP Criteria Area Focused Plant Survey
- Appendix E:** Focused Plant and Crotch’s Bumble Bee Survey

Appendix A

Noise Measurement Data

Appendix A - Noise Data

Noise Measurement Field Data

Project:	Ellis Avenue Warehouse EIR	Job Number:	197599001
Site No.:	ST-1	Date:	5/31/2023
Analyst:	Kiana Graham and Sean Gorden	Time:	3:55 PM - 4:05 PM
Location:	South Redlands Avenue and South Ellis Avenue		
Noise Sources:	Cars and trucks on Ellis Avenue, people walking by, trailers behind cars		
Comments:	construction noise (cement truck and pouring)		

Results (dBA):				
	Leq:	Lmin:	Lmax:	Peak:
	65.6	44.9	79.6	96.4

Equipment	
Sound Level Meter:	LD SoundExpert LxT
Calibrator:	CAL200
Response Time:	Slow
Weighting:	A
Microphone Height:	5 feet

Weather	
Temp. (degrees F):	65
Wind (mph):	8 mph
Sky:	Partly Cloudy
Bar. Pressure:	29.84
Humidity:	67%

Photo:



Noise Measurement Field Data

Project:	Ellis Avenue Warehouse EIR	Job Number:	197599001
Site No.:	ST-2	Date:	5/31/2023
Analyst:	Kiana Graham and Sean Gorden	Time:	2:30 PM - 2:40 PM
Location:	681 East Ellis Avenue		
Noise Sources:	Cars on Case Road		
Comments:			

Results (dBA):				
	Leq:	Lmin:	Lmax:	Peak:
	60.4	51.4	72.7	96.1

Equipment	
Sound Level Meter:	LD SoundExpert LxT
Calibrator:	CAL200
Response Time:	Slow
Weighting:	A
Microphone Height:	5 feet

Weather	
Temp. (degrees F):	66
Wind (mph):	6
Sky:	Partly Cloudy
Bar. Pressure:	29.85
Humidity:	59%

Photo:



Noise Measurement Field Data

Project:	Ellis Avenue Warehouse EIR	Job Number:	197599001
Site No.:	ST-3	Date:	5/31/2023
Analyst:	Kiana Graham and Sean Gorden	Time:	2:48 PM - 2:58 PM
Location:	353 East Ellis Avenue		
Noise Sources:	Generators and planes overhead, cars on Ellis Avenue		
Comments:			

Results (dBA):				
	Leq:	Lmin:	Lmax:	Peak:
	49.2	44.1	65.4	81.4

Equipment	
Sound Level Meter:	LD SoundExpert LxT
Calibrator:	CAL200
Response Time:	Slow
Weighting:	A
Microphone Height:	5 feet

Weather	
Temp. (degrees F):	66
Wind (mph):	6
Sky:	Partly Cloudy
Bar. Pressure:	29.85
Humidity:	59%

Photo:



Noise Measurement Field Data

Project:	Ellis Avenue Warehouse EIR	Job Number:	197599001
Site No.:	ST-4	Date:	5/31/2023
Analyst:	Kiana Graham and Sean Gorden	Time:	3:39 PM - 3:49 PM
Location:	Hunt Club Apartments on Goetz Road		
Noise Sources:	Cars within residence and cars/trucks on Goetz Road and Case Road		
Comments:			

Results (dBA):				
	Leq:	Lmin:	Lmax:	Peak:
	58.3	46.3	78.8	94.7

Equipment	
Sound Level Meter:	LD SoundExpert LxT
Calibrator:	CAL200
Response Time:	Slow
Weighting:	A
Microphone Height:	5 feet

Weather	
Temp. (degrees F):	65
Wind (mph):	9
Sky:	Partly Cloudy
Bar. Pressure:	29.84
Humidity:	64%

Photo:



FHWA Highway Noise Prediction Model (FHWA-RD-77-108) with California Vehicle Noise (CALVENO) Emission Levels

Project Name: Ellis Logistic - Perris
Project Number:
Scenario: Existing
Ldn/CNEL: CNEL

Assumed 24-Hour Traffic Distribution:	Day	Evening	Night
Total ADT Volumes	77.70%	12.70%	9.60%
Medium-Duty Trucks	87.43%	5.05%	7.52%
Heavy-Duty Trucks	89.10%	2.84%	8.06%

#	Roadway	Segment	Lanes	Median Width	ADT Volume	Speed (mph)	Alpha Factor	Vehicle Mix		Distance from Centerline of Roadway				
								Medium Trucks	Heavy Trucks	CNEL at 100 Feet	Distance to Contour			
										70 CNEL	65 CNEL	60 CNEL	55 CNEL	
1	Redlands Avenue	I-215 NB Ramps to I-215 SB Ramps	2	15	18,530	35	0	1.2%	2.0%	64.1	-	80	254	804
2	Redlands Avenue	I-215 SB Ramps to 4th Street	2	15	19,130	35	0	1.7%	2.8%	65.1	-	102	321	1,016
3	Redlands Avenue	4th Street to Ellis Avenue	2	15	6,110	40	0	2.6%	4.4%	62.3	-	54	172	542
4	Case Road	Ellis Avenue to Murrieta Road	2	12	7,490	55	0	2.3%	3.9%	65.5	-	111	351	1,111
5	Case Road	Murrieta Road to Mapes Road	2	12	5,900	55	0	2.5%	4.2%	64.6	-	91	288	912
6	Ellis Avenue	Case Road to Redlands Avenue	2	10	3,270	35	0	2.7%	4.5%	58.8	-	-	75	239
7	Ellis Avenue	Redlands Avenue to West Project Driveway	2	10	1,160	55	0	6.8%	11.4%	60.4	-	-	109	344
8	Bonnie Drive	Mapes Road to I-215 SB Ramps	2	20	5,620	40	0	2.3%	3.9%	61.7	-	46	147	463
9	Bonnie Drive/SR-47	I-215 SB Ramps to I-215 NB Ramps	3	20	16,740	40	0	3.1%	5.2%	67.3	53	169	535	1,690

¹ Distance is from the centerline of the roadway segment to the receptor location.

"-" = contour is located within the roadway right-of-way.

FHWA Highway Noise Prediction Model (FHWA-RD-77-108) with California Vehicle Noise (CALVENO) Emission Levels

Project Name: Ellis Logistic - Perris
Project Number:
Scenario: Existing Plus Project
Ldn/CNEL: CNEL

Assumed 24-Hour Traffic Distribution:	Day	Evening	Night
Total ADT Volumes	77.70%	12.70%	9.60%
Medium-Duty Trucks	87.43%	5.05%	7.52%
Heavy-Duty Trucks	89.10%	2.84%	8.06%

#	Roadway	Segment	Lanes	Median Width	ADT Volume	Speed (mph)	Alpha Factor	Vehicle Mix		Distance from Centerline of Roadway				
								Medium Trucks	Heavy Trucks	CNEL at 100 Feet	Distance to Contour			
										70 CNEL	65 CNEL	60 CNEL	55 CNEL	
1	Redlands Avenue	I-215 NB Ramps to I-215 SB Ramps	2	15	18,860	35	0	1.2%	2.0%	64.1	-	81	256	810
2	Redlands Avenue	I-215 SB Ramps to 4th Street	2	15	19,510	35	0	1.7%	2.8%	65.1	-	102	323	1,023
3	Redlands Avenue	4th Street to Ellis Avenue	2	15	6,680	40	0	2.4%	4.0%	62.5	-	56	177	559
4	Case Road	Ellis Avenue to Murrieta Road	2	12	7,980	55	0	4.6%	6.1%	67.1	51	161	509	1,609
5	Case Road	Murrieta Road to Mapes Road	2	12	6,390	55	0	5.4%	6.9%	66.5	45	141	446	1,410
6	Ellis Avenue	Case Road to Redlands Avenue	2	10	3,860	35	0	7.3%	8.8%	62.1	-	51	162	512
7	Ellis Avenue	Redlands Avenue to West Project Driv	2	10	2,320	55	0	11.7%	14.0%	64.5	-	89	281	889
8	Bonnie Drive	Mapes Road to I-215 SB Ramps	2	20	6,110	40	0	5.3%	6.7%	64.0	-	79	249	787
9	Bonnie Drive/SR-4	I-215 SB Ramps to I-215 NB Ramps	3	20	16,990	40	0	4.2%	6.2%	68.0	64	201	636	2,011

¹ Distance is from the centerline of the roadway segment to the receptor location.
 "-" = contour is located within the roadway right-of-way.

FHWA Highway Noise Prediction Model (FHWA-RD-77-108) with California Vehicle Noise (CALVENO) Emission Levels

Project Name: Ellis Logistic - Perris
Project Number:
Scenario: Opening Year
Ldn/CNEL: CNEL

Assumed 24-Hour Traffic Distribution:	Day	Evening	Night
Total ADT Volumes	77.70%	12.70%	9.60%
Medium-Duty Trucks	87.43%	5.05%	7.52%
Heavy-Duty Trucks	89.10%	2.84%	8.06%

#	Roadway	Segment	Lanes	Median Width	ADT Volume	Speed (mph)	Alpha Factor	Vehicle Mix		Distance from Centerline of Roadway				
								Medium Trucks	Heavy Trucks	CNEL at 100 Feet	Distance to Contour			
										70 CNEL	65 CNEL	60 CNEL	55 CNEL	
1	Redlands Avenue	I-215 NB Ramps to I-215 SB Ramps	2	15	30,872	35	0	1.2%	2.0%	66.3	42	134	424	1,339
2	Redlands Avenue	I-215 SB Ramps to 4th Street	2	15	24,978	35	0	1.7%	2.8%	66.2	42	133	419	1,326
3	Redlands Avenue	4th Street to Ellis Avenue	2	15	9,907	40	0	2.6%	4.4%	64.4	-	88	278	880
4	Case Road	Ellis Avenue to Murrieta Road	2	12	11,869	55	0	2.3%	3.9%	67.5	56	176	557	1,760
5	Case Road	Murrieta Road to Mapes Road	2	12	11,664	55	0	2.5%	4.2%	67.6	57	180	570	1,802
6	Ellis Avenue	Case Road to Redlands Avenue	2	10	8,046	35	0	2.7%	4.5%	62.7	-	59	186	587
7	Ellis Avenue	Redlands Avenue to West Project Driv	2	10	5,070	55	0	6.8%	11.4%	66.8	48	150	476	1,504
8	Bonnie Drive	Mapes Road to I-215 SB Ramps	2	20	11,377	40	0	2.3%	3.9%	64.7	-	94	297	938
9	Bonnie Drive/SR-4	I-215 SB Ramps to I-215 NB Ramps	3	20	20,344	40	0	3.1%	5.2%	68.1	65	205	650	2,054

¹ Distance is from the centerline of the roadway segment to the receptor location.

"-" = contour is located within the roadway right-of-way.

FHWA Highway Noise Prediction Model (FHWA-RD-77-108) with California Vehicle Noise (CALVENO) Emission Levels

Project Name: Ellis Logistic - Perris
Project Number:
Scenario: Opening Year Plus Project
Ldn/CNEL: CNEL

Assumed 24-Hour Traffic Distribution:

	Day	Evening	Night
Total ADT Volumes	77.70%	12.70%	9.60%
Medium-Duty Trucks	87.43%	5.05%	7.52%
Heavy-Duty Trucks	89.10%	2.84%	8.06%

#	Roadway	Segment	Lanes	Median Width	ADT Volume	Speed (mph)	Alpha Factor	Vehicle Mix		Distance from Centerline of Roadway				
								Medium Trucks	Heavy Trucks	CNEL at 100 Feet	70 CNEL	65 CNEL	60 CNEL	55 CNEL
1	Redlands Avenue	I-215 NB Ramps to I-215 SB Ramps	2	15	31,202	35	0	1.2%	2.0%	66.3	43	135	426	1,346
2	Redlands Avenue	I-215 SB Ramps to 4th Street	2	15	25,358	35	0	1.7%	2.8%	66.2	42	133	422	1,333
3	Redlands Avenue	4th Street to Ellis Avenue	2	15	10,477	40	0	2.5%	4.1%	64.5	-	90	283	896
4	Case Road	Ellis Avenue to Murrieta Road	2	12	12,359	55	0	3.8%	5.3%	68.5	71	226	714	2,258
5	Case Road	Murrieta Road to Mapes Road	2	12	12,154	55	0	4.0%	5.6%	68.6	73	230	727	2,300
6	Ellis Avenue	Case Road to Redlands Avenue	2	10	8,636	35	0	4.8%	6.5%	64.3	-	86	272	860
7	Ellis Avenue	Redlands Avenue to West Project Driv	2	10	6,230	55	0	8.6%	12.4%	68.1	65	205	648	2,049
8	Bonnie Drive	Mapes Road to I-215 SB Ramps	2	20	11,867	40	0	3.9%	5.4%	66.0	-	126	399	1,261
9	Bonnie Drive/SR-4	I-215 SB Ramps to I-215 NB Ramps	3	20	20,594	40	0	4.0%	6.0%	68.8	75	237	751	2,374

¹ Distance is from the centerline of the roadway segment to the receptor location.

"-" = contour is located within the roadway right-of-way.

		Existing						Proj Trucks: 386		Existing + Project		
# Roadway	Segment	ADT	From TPTO	Vehicle Mix %		# Trucks		Truck	# Project	ADT	Vehicle Mix %	
				Medium	Heavy	Medium	Heavy				Medium	Heavy
		Volume		Trucks	Trucks	Trucks	Trucks	Trip Dist	Trucks	Volume	Trucks	Trucks
1	Redlands Avenue	18,530	3.23%	1.21%	2.02%	223.8461	374.6729	0	0	18,860	1.2%	2.0%
2	Redlands Avenue	19,130	4.53%	1.69%	2.84%	324.1043	542.4847	0	0	19,510	1.7%	2.8%
3	Redlands Avenue	6,110	7.00%	2.62%	4.38%	159.9598	267.7402	0	0	6,680	2.4%	4.0%
4	Case Road	7,490	6.25%	2.34%	3.91%	175.0788	293.0463	1	386	7,980	4.6%	6.1%
5	Case Road	5,900	6.75%	2.52%	4.23%	148.9455	249.3045	1	386	6,390	5.4%	6.9%
6	Ellis Avenue	3,270	7.23%	2.70%	4.53%	88.42145	147.9995	1	386	3,860	7.3%	8.8%
7	Ellis Avenue	1,160	18.23%	6.82%	11.41%	79.08903	132.379	1	386	2,320	11.7%	14.0%
8	Bonnie Drive	5,620	6.23%	2.33%	3.90%	130.9471	219.1789	1	386	6,110	5.3%	6.7%
9	Bonnie Drive/SR-47	16,740	8.23%	3.08%	5.15%	515.2605	862.4415	1	386	16,990	4.2%	6.2%

		Cumulative Year						Proj Trucks: 386		Cumulative Year + Project		
# Roadway	Segment	ADT	From TPTO	Vehicle Mix %		# Trucks		Truck	# Project	ADT	Vehicle Mix %	
				Medium	Heavy	Medium	Heavy				Medium	Heavy
		Volume		Trucks	Trucks	Trucks	Trucks	Trip Dist	Trucks	Volume	Trucks	Trucks
1	Redlands Avenue	30,872	3.23%	1.2%	2.02%	372.9399	624.2257	0	0	31,202	1.2%	2.0%
2	Redlands Avenue	24,978	4.53%	1.7%	2.84%	423.1823	708.3211	0	0	25,358	1.7%	2.8%
3	Redlands Avenue	9,907	7.00%	2.6%	4.38%	259.3653	434.1247	0	0	10,477	2.5%	4.1%
4	Case Road	11,869	6.25%	2.3%	3.91%	277.4379	464.3746	1	386	12,359	3.8%	5.3%
5	Case Road	11,664	6.75%	2.5%	4.23%	294.4577	492.8623	1	386	12,154	4.0%	5.6%
6	Ellis Avenue	8,046	7.23%	2.7%	4.53%	217.5654	364.1604	1	386	8,636	4.8%	6.5%
7	Ellis Avenue	5,070	18.23%	6.8%	11.41%	345.6736	578.5874	1	386	6,230	8.6%	12.4%
8	Bonnie Drive	11,377	6.23%	2.3%	3.90%	265.0864	443.7007	1	386	11,867	3.9%	5.4%
9	Bonnie Drive/SR-47	20,344	8.23%	3.1%	5.15%	626.1924	1048.119	1	386	20,594	4.0%	6.0%

FHWA Highway Noise Prediction Model (FHWA-RD-77-108) with California Vehicle Noise (CALVENO) Emission Levels

Project Name: Ellis Logistic - Perris - Office Alternative

Project Number:

Scenario: Existing

Ldn/CNEL: CNEL

Assumed 24-Hour Traffic Distribution:	Day	Evening	Night
Total ADT Volumes	77.70%	12.70%	9.60%
Medium-Duty Trucks	87.43%	5.05%	7.52%
Heavy-Duty Trucks	89.10%	2.84%	8.06%

#	Roadway	Segment	Lanes	Median Width	ADT Volume	Speed (mph)	Alpha Factor	Vehicle Mix		Distance from Centerline of Roadway				
								Medium Trucks	Heavy Trucks	CNEL at 100 Feet	Distance to Contour			
										70 CNEL	65 CNEL	60 CNEL	55 CNEL	
1	Redlands Avenue	I-215 NB Ramps to I-215 SB Ramps	2	15	18,530	35	0	1.2%	2.0%	64.1	-	80	254	804
2	Redlands Avenue	I-215 SB Ramps to 4th Street	2	15	19,130	35	0	1.7%	2.8%	65.1	-	102	321	1,016
3	Redlands Avenue	4th Street to Ellis Avenue	2	15	6,110	40	0	2.6%	4.4%	62.3	-	54	172	542
4	Case Road	Ellis Avenue to Murrieta Road	2	12	7,490	55	0	2.3%	3.9%	65.5	-	111	351	1,111
5	Case Road	Murrieta Road to Mapes Road	2	12	5,900	55	0	2.5%	4.2%	64.6	-	91	288	912
6	Ellis Avenue	Case Road to Redlands Avenue	2	10	3,270	35	0	2.7%	4.5%	58.8	-	-	75	239
7	Ellis Avenue	Redlands Avenue to West Project Driveway	2	10	1,160	55	0	6.8%	11.4%	60.4	-	-	109	344
8	Bonnie Drive	Mapes Road to I-215 SB Ramps	2	20	5,620	40	0	2.3%	3.9%	61.7	-	46	147	463
9	Bonnie Drive/SR-47	I-215 SB Ramps to I-215 NB Ramps	3	20	16,740	40	0	3.1%	5.2%	67.3	53	169	535	1,690

¹ Distance is from the centerline of the roadway segment to the receptor location.

"-" = contour is located within the roadway right-of-way.

FHWA Highway Noise Prediction Model (FHWA-RD-77-108) with California Vehicle Noise (CALVENO) Emission Levels

Project Name: Ellis Logistic - Perris - Office Alternative
Project Number:
Scenario: Existing Plus Project
Ldn/CNEL: CNEL

Assumed 24-Hour Traffic Distribution:

	Day	Evening	Night
Total ADT Volumes	77.70%	12.70%	9.60%
Medium-Duty Trucks	87.43%	5.05%	7.52%
Heavy-Duty Trucks	89.10%	2.84%	8.06%

#	Roadway	Segment	Lanes	Median Width	ADT Volume	Speed (mph)	Alpha Factor	Vehicle Mix		Distance from Centerline of Roadway				
								Medium Trucks	Heavy Trucks	CNEL at 100 Feet	70 CNEL	65 CNEL	60 CNEL	55 CNEL
1	Redlands Avenue	I-215 NB Ramps to I-215 SB Ramps	2	15	20,416	35	0	1.2%	2.0%	64.4	-	88	277	877
2	Redlands Avenue	I-215 SB Ramps to 4th Street	2	15	21,016	35	0	1.7%	2.8%	65.4	-	110	348	1,102
3	Redlands Avenue	4th Street to Ellis Avenue	2	15	7,996	40	0	2.4%	4.0%	63.3	-	67	211	669
4	Case Road	Ellis Avenue to Murrieta Road	2	12	9,376	55	0	2.5%	4.0%	66.5	45	143	451	1,426
5	Case Road	Murrieta Road to Mapes Road	2	12	7,786	55	0	2.8%	4.3%	65.9	39	124	391	1,236
6	Ellis Avenue	Case Road to Redlands Avenue	2	10	5,156	35	0	3.0%	4.6%	60.9	-	39	122	385
7	Ellis Avenue	Redlands Avenue to West Project Driv	2	10	3,046	55	0	4.6%	6.9%	63.1	-	65	205	648
8	Bonnie Drive	Mapes Road to I-215 SB Ramps	2	20	7,506	40	0	2.6%	4.1%	63.1	-	64	203	642
9	Bonnie Drive/SR-4	I-215 SB Ramps to I-215 NB Ramps	3	20	18,626	40	0	3.2%	5.2%	67.8	60	191	604	1,911

¹ Distance is from the centerline of the roadway segment to the receptor location.

"-" = contour is located within the roadway right-of-way.

FHWA Highway Noise Prediction Model (FHWA-RD-77-108) with California Vehicle Noise (CALVENO) Emission Levels

Project Name: Ellis Logistic - Perris - Office Alternative
Project Number:
Scenario: Opening Year
Ldn/CNEL: CNEL

Assumed 24-Hour Traffic Distribution:

	Day	Evening	Night
Total ADT Volumes	77.70%	12.70%	9.60%
Medium-Duty Trucks	87.43%	5.05%	7.52%
Heavy-Duty Trucks	89.10%	2.84%	8.06%

#	Roadway	Segment	Lanes	Median Width	ADT Volume	Speed (mph)	Alpha Factor	Vehicle Mix		Distance from Centerline of Roadway				
								Medium Trucks	Heavy Trucks	CNEL at 100 Feet	70 CNEL	65 CNEL	60 CNEL	55 CNEL
1	Redlands Avenue	I-215 NB Ramps to I-215 SB Ramps	2	15	30,872	35	0	1.2%	2.0%	66.3	42	134	424	1,339
2	Redlands Avenue	I-215 SB Ramps to 4th Street	2	15	24,978	35	0	1.7%	2.8%	66.2	42	133	419	1,326
3	Redlands Avenue	4th Street to Ellis Avenue	2	15	9,907	40	0	2.6%	4.4%	64.4	-	88	278	880
4	Case Road	Ellis Avenue to Murrieta Road	2	12	11,869	55	0	2.3%	3.9%	67.5	56	176	557	1,760
5	Case Road	Murrieta Road to Mapes Road	2	12	11,664	55	0	2.5%	4.2%	67.6	57	180	570	1,802
6	Ellis Avenue	Case Road to Redlands Avenue	2	10	8,046	35	0	2.7%	4.5%	62.7	-	59	186	587
7	Ellis Avenue	Redlands Avenue to West Project Driv	2	10	5,070	55	0	6.8%	11.4%	66.8	48	150	476	1,504
8	Bonnie Drive	Mapes Road to I-215 SB Ramps	2	20	11,377	40	0	2.3%	3.9%	64.7	-	94	297	938
9	Bonnie Drive/SR-4	I-215 SB Ramps to I-215 NB Ramps	3	20	20,344	40	0	3.1%	5.2%	68.1	65	205	650	2,054

¹ Distance is from the centerline of the roadway segment to the receptor location.

"-" = contour is located within the roadway right-of-way.

FHWA Highway Noise Prediction Model (FHWA-RD-77-108) with California Vehicle Noise (CALVENO) Emission Levels

Project Name: Ellis Logistic - Perris - Office Alternative
Project Number:
Scenario: Opening Year Plus Project
Ldn/CNEL: CNEL

Assumed 24-Hour Traffic Distribution:	Day	Evening	Night
Total ADT Volumes	77.70%	12.70%	9.60%
Medium-Duty Trucks	87.43%	5.05%	7.52%
Heavy-Duty Trucks	89.10%	2.84%	8.06%

#	Roadway	Segment	Lanes	Median Width	ADT Volume	Speed (mph)	Alpha Factor	Vehicle Mix		Distance from Centerline of Roadway				
								Medium Trucks	Heavy Trucks	CNEL at 100 Feet	Distance to Contour			
										70 CNEL	65 CNEL	60 CNEL	55 CNEL	
1	Redlands Avenue	I-215 NB Ramps to I-215 SB Ramps	2	15	32,758	35	0	1.2%	2.0%	66.5	45	141	447	1,413
2	Redlands Avenue	I-215 SB Ramps to 4th Street	2	15	26,864	35	0	1.7%	2.8%	66.5	45	141	447	1,412
3	Redlands Avenue	4th Street to Ellis Avenue	2	15	11,793	40	0	2.5%	4.1%	65.0	-	101	319	1,008
4	Case Road	Ellis Avenue to Murrieta Road	2	12	13,755	55	0	2.5%	4.0%	68.2	66	207	656	2,073
5	Case Road	Murrieta Road to Mapes Road	2	12	13,550	55	0	2.7%	4.3%	68.3	67	212	671	2,123
6	Ellis Avenue	Case Road to Redlands Avenue	2	10	9,932	35	0	2.8%	4.5%	63.6	-	73	232	733
7	Ellis Avenue	Redlands Avenue to West Project Driv	2	10	6,956	55	0	6.0%	9.7%	67.7	58	185	584	1,846
8	Bonnie Drive	Mapes Road to I-215 SB Ramps	2	20	13,263	40	0	2.5%	4.0%	65.5	-	111	352	1,115
9	Bonnie Drive/SR-4	I-215 SB Ramps to I-215 NB Ramps	3	20	22,230	40	0	3.2%	5.2%	68.6	72	227	719	2,275

¹ Distance is from the centerline of the roadway segment to the receptor location.

"-" = contour is located within the roadway right-of-way.

Office Alternative

		Existing						Proj Trucks: 57		Existing + Project Alternative		
# Roadway	Segment	ADT Volume	Vehicle Mix %			# Trucks		Truck Trip Dist	# Project Trucks	Vehicle Mix %		
			From TPTO	Medium Trucks	Heavy Trucks	Medium Trucks	Heavy Trucks			ADT Volume	Medium Trucks	Heavy Trucks
1	Redlands Avenue	18,530	3.23%	1.21%	2.02%	223.8461	374.6729	0	0	18,860	1.19%	1.99%
2	Redlands Avenue	19,130	4.53%	1.69%	2.84%	324.1043	542.4847	0	0	19,510	1.66%	2.78%
3	Redlands Avenue	6,110	7.00%	2.62%	4.38%	159.9598	267.7402	0	0	6,680	2.39%	4.01%
4	Case Road	7,490	6.25%	2.34%	3.91%	175.0788	293.0463	1	56.5848	7,980	2.55%	4.03%
5	Case Road	5,900	6.75%	2.52%	4.23%	148.9455	249.3045	1	56.5848	6,390	2.77%	4.34%
6	Ellis Avenue	3,270	7.23%	2.70%	4.53%	88.42145	147.9995	1	56.5848	3,860	3.02%	4.57%
7	Ellis Avenue	1,160	18.23%	6.82%	11.41%	79.08903	132.379	1	56.5848	2,320	4.63%	6.93%
8	Bonnie Drive	5,620	6.23%	2.33%	3.90%	130.9471	219.1789	1	56.5848	6,110	2.61%	4.05%
9	Bonnie Drive/SR-47	16,740	8.23%	3.08%	5.15%	515.2605	862.4415	1	56.5848	16,990	3.20%	5.24%

		Cumulative Year						Proj Trucks: 57		Cumulative Year + Project Alternative		
# Roadway	Segment	ADT Volume	Vehicle Mix %			# Trucks		Truck Trip Dist	# Project Trucks	Vehicle Mix %		
			From TPTO	Medium Trucks	Heavy Trucks	Medium Trucks	Heavy Trucks			ADT Volume	Medium Trucks	Heavy Trucks
1	Redlands Avenue	30,872	3.23%	1.2%	2.02%	372.9399	624.2257	0	0	31,202	1.2%	2.0%
2	Redlands Avenue	24,978	4.53%	1.7%	2.84%	423.1823	708.3211	0	0	25,358	1.7%	2.8%
3	Redlands Avenue	9,907	7.00%	2.6%	4.38%	259.3653	434.1247	0	0	10,477	2.5%	4.1%
4	Case Road	11,869	6.25%	2.3%	3.91%	277.4379	464.3746	1	56.5848	12,359	2.5%	4.0%
5	Case Road	11,664	6.75%	2.5%	4.23%	294.4577	492.8623	1	56.5848	12,154	2.7%	4.3%
6	Ellis Avenue	8,046	7.23%	2.7%	4.53%	217.5654	364.1604	1	56.5848	8,636	2.8%	4.5%
7	Ellis Avenue	5,070	18.23%	6.8%	11.41%	345.6736	578.5874	1	56.5848	6,230	6.0%	9.7%
8	Bonnie Drive	11,377	6.23%	2.3%	3.90%	265.0864	443.7007	1	56.5848	11,867	2.5%	4.0%
9	Bonnie Drive/SR-47	20,344	8.23%	3.1%	5.15%	626.1924	1048.119	1	56.5848	20,594	3.2%	5.2%

Appendix B

Dry and Wet Season Fair Shrimp Surveys

PREPARED FOR:
RUTH VILLALOBOS & ASSOCIATES, INC.
3602 INLAND EMPIRE BLVD
SUITE C310
ONTARIO, CA 91764

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NEWCASTLE PROJECT FINAL REPORT

DRY & WET SEASON FAIRY SHRIMP SURVEYS



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Figure 1. Project Location

Figure 2. USGS Map Location

Figure 3. Dry & Wet Season Results

Appendices

Appendix A. Site Photos

Appendix B. Dry Season Sampling Results

Appendix C. Data Sheets

1. Summary

Huffman Environmental, LLC. (Huffman Environmental) were contracted to conduct United States Fish and Wildlife (USFWS) Protocol 2023-2024 dry and wet season, vernal pool branchiopod (herein fairy shrimp) surveys for the Newcastle Project, also referenced as the RVA Perris Project (herein Project) in Riverside County, California. The Project site supports four identified ponding locations that are anthropomorphic in origin and capable of supporting fairy shrimp. Out of the four identified basin samples, one basin produced mature fairy shrimp. The identifications were positive for one species, Lindahl's fairy shrimp (*Branchinecta lindahli*). No federally listed, Endangered, or Threatened species were detected in the processing of dry samples or wet season collections.

2. Introduction

2.1 Project Location

The Project is a 34.52-acre site in the City of Perris in Riverside County, California. The Project site is generally located south of State Route 74, southwest of Interstate 215, and northwest of the San Jacinto River. Specifically, the Project site is bordered to the north by East Ellis Avenue, to the southwest by the Burlington Northern Santa Fe Railroad (BNSF), and the southeast by the San Jacinto River. The site falls within Section 5 of Township 5 South, Range 3 West of the United States Geological Survey (USGS) Perris United States Geological Survey (USGS) 7.5-minute series quadrangle map, The Assessor's Parcel Numbers are 330-090-006 and 330-090-007.

2.2 Historical Occurrences

No recorded sensitive fairy shrimp are within the Project boundaries per the California Natural Native Database (CNDDDB) and United States Fish and Wildlife Services (USFWS) National GIS Database. The nearest recorded observation identified the vernal pool fairy shrimp (*Streptocephalus woottoni*) occurring 7.68 miles southeast of the project site (CDFG 2020).

2.3 Natural History

The USFWS currently has listed six branchiopod species as Endangered or Threatened: Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), vernal pool fairy shrimp (*Branchinecta lynchi*), Riverside fairy shrimp (*Streptocephalus woottoni*), and the San Diego fairy shrimp (*Branchinecta sandiegonensis*). These species collectively are called the "Listed Large Brachiopods." These species have all been listed by USFWS primarily due to the acceleration of human expansion and urban

construction in the vernal pool habitat. Additionally, vernal pool hydrology has been impacted through water flow alteration by various infrastructure developments, such as roads, trails, canals, and so forth (USFWS Oregon 2020).

Vernal pools are formed from restrictive substrate layers under the ground surface, reducing water percolation. Once these layers within the subsoil become inundated, the basin will begin to fill. This allows ponding, creating a habitat for fairy shrimp (CDFW 1998). Specific plant species have become endemic to these features and can be used to aid in the identification of vernal pools.

Habitat for fairy shrimp can naturally form or be created by other artificial, topographic features mimicking the aquatic habitat of the natural vernal pools (Sutter, 1998). These vernal pool mimics may include anthropogenic features such as tire ruts, agricultural and construction ditches, cement culverts, etc.

All of the brachiopods, as mentioned above, have limited life spans of no longer than 150 days and can be completed in as little as 20 days with a relatively quick reproduction rate between 20 to 60 days (USFWS 1994). These species will deposit their embryos into the substrate, enveloped by a protective shell known as cysts. These cysts protect the embryos during the dry seasons and are exposed to various elements. Cysts have been known to be viable for up to 15 years (Eriksen & Belk, 1999). Given the appropriate conditions, these cysts will break dormancy after environmental stimuli, such as precipitation, and restart the life cycle.

3. Methods

3.1 Habitat Assessment

In December 2023, Huffman Environmental conducted a Project-wide assessment to determine habitat suitability for supporting fairy shrimp. The Project site is topographically flat, and disturbed by tractor ripping throughout the entire site. Vegetation is sparse, characterized primarily by disturbance-associated plants, including nonnative grasses and forbs. Four features within the Project site showed evidence of ponding water suitable for supporting fairy shrimp.

3.2 Wet Season Survey Methodology

Survey methodology was conducted in accordance with the USFWS Survey Guidelines for Listed Large Branchiopods, revised November 13, 2017, for wet season vernal pool branchiopod surveys. Per the Guidelines, the wet season generally occurs in California between October and June. Surveys were conducted from January 2024 to April 2024. The results of each visit can be observed in Table 1. 24-hour ponding checks were conducted when it was determined the project site had received adequate rainfall to sustain 3 cm of ponding water or more and warrant protocol visits. Beginning on January

27, 2024, each feature was sampled at seven-day intervals until dry, and sampling was re-initiated within seven days of the feature becoming inundated again. Survey visits were discontinued after the features went dry for the season on April 20, 2024. Huffman Environmental biologist, Garrett Huffman (TE-20186A-3.2), conducted all wet season vernal pool sampling on the project site. Data collected for the feature included average and maximum water depth, water and air temperature, length, width, degree type of disturbance, presence of fairy shrimp, and observations of any co-occurring benthic macroinvertebrates. The feature was sampled using a standard 50-micron hand-held net to sweep through the water and examine invertebrates. Within project boundaries, four locations (referred to collectively as P-01 through 04) were identified to be capable of ponding throughout the site. Feature's P-01 and P-03 ponded for portions of the wet season allowing repeated sampling to detect a variety of macroinvertebrates, with P-01 being the only feature to support fairy shrimp. Disturbance and inability to retain ponding for features P-02 and P-04 occurred in between the dry and wet seasons. This area was within an existing dirt roadway that was being utilized by trespassers for illegal dumping, and destruction of the road was necessary to avoid further illegal trespass and dumping and a Code Enforcement Action pursuant to Perris Municipal Code Chapter 7.06. Therefore, features P-02 and P-04 were only sampled during the dry season (negative). The results of each visit can be observed in Table 1.

Table 1: Wet Season Survey Results

Date	Ponding	Fairy Shrimp
01/27/2024	P-01; P-03	P-01
02/04/2024	P-01; P-03	P-01
02/11/2024	P-01; P-03	P-01
02/18/2024	P-01; P-03	P-01
02/24/2024	P-01; P-03	P-01
03/02/2024	P-01; P-03	P-01
03/09/2024	P-01; P-03	P-01
03/16/2024	P-01; P-03	P-01
03/23/2024	P-01; P-03	None/Dry
03/30/2024	P-01; P-03	P-01
04/06/2024	P-01; P-03	P-01
04/13/2024	P-01; P-03	P-01

3.3 Dry Season Survey Methodology

Dry-season soil samples were collected from the Project basins in December 2023, in accordance with the the USFWS Survey Guidelines for Listed Large Branchiopods (USFWS 2017). The USFWS Survey Guidelines provide a formula recommending the number of samples collected per feature based on the approximate size of the feature in square meters. Two ponding features within the Project site were estimated to be between 2.5 and 24 square meters (0.005 acres), requiring a minimum of 10 collected soil samples from each feature. Two ponding features were estimated to be between 236 and 2300 square meters (0.5 acres), requiring a minimum of 50 collected soil samples from each feature.

Dry sample collections were conducted by biologist Garrett Huffman (TE-20186A-3.2). Biologist Chuck Black (TE-835549-8) conducted dry sample processing and cyst hatching. All data compiled during dry sample processing can be reviewed in Appendix B.

3.4 Soil Processing for Cyst Presence

Project samples were hydrated for approximately 1-2 hours in tap water and then washed through a set of sieves. The material was passed through a Number 45 (.0139") USA Standard Testing Sieve, A.S.T.M.E.-11 specification, and caught on a Number 70 (.0083") Sieve. The filtered material was then rinsed into a container with approximately 50 millimeters of a saturated brine solution to float organic material, including fairy shrimp cysts. The material floating on the brine was decanted onto a paper filter on a filter funnel, and water was removed through the filter paper by vacuum suction. A 6.3-570x power Olympus SZX9 Zoom Stereo Microscope was used to examine the remaining material. Distinctive fairy shrimp cysts, if present, were individually counted (if less than approximately 50) or estimated (for larger numbers) by examining $\frac{1}{4}$ or $\frac{1}{2}$ subsections of the filter and multiplying the subset by the appropriate factor. The presence and number of ostracod shells and cladoceran ephippia were also noted in samples.

3.5 Cyst Culturing

Individual samples were combined by pool number and hydrated in approximately 500 ml of Arrowhead Mountain Spring water. Plastic culture tubs were placed in a shady location in a San Diego outdoor location (night low temperatures in the low to mid-60s, daily highs in the low 70s to high 80s). Two days after hydration, cultures were fed with several ml of a yeast culture produced by dissolving a gram of table sugar and a gram of instant dry yeast in 50 ml 95 F degree filtered water. Water was added daily to tubs to

replace water lost to evaporation. Mature shrimp were removed periodically from each culture as they became large enough to identify and examined under an Olympus Zoom dissecting microscope.

4. Results

Project samples were collected during the dry season from the four ponding features and underwent a process to filter out fairy shrimp cysts. One feature (P-01) was positive for *Branchinecta* fairy shrimp cysts (Figure 3). These cysts were introduced to a simulated environment by submerging in water to hatch and then raised to maturity for identification. All fairy shrimp individuals that reached maturity were identified as Lindahl's fairy shrimp (*B. lindahli*).

As discussed previously, Features P-02 and P-04 were disturbed between the wet and dry seasons as a result of the destruction of a dirt road to prevent unauthorized access and illegal dumping from occurring on the property. Therefore, features P-02 and P-04 were not sampled during wet season visits. Sampling did occur on P-01 and P-03 with only P-01 being positive for fairy shrimp, Lindahl's fairy shrimp (*B. lindahli*).

5. Conclusion

The Newcastle Project dry and wet season survey was conducted in accordance with the USFWS protocol.

No federally listed, Endangered, or Threatened fairy shrimp species were detected during dry and wet season efforts. We feel that the efforts outlined in this report were suitable for accurately detecting the species occurrence on-site. These results fulfill the USFWS criteria to be considered a complete survey. Wet season surveys are currently ongoing and results will be updated when the season concludes. All vouchers collected will be submitted to the nearest USFWS-approved repository.

6. Certification

All biologists working under Huffman Environmental for the 2023-2024 dry and wet season fairy shrimp Newcastle Project were permitted to survey this species under Section 10(a)(1)(A) of the ESA.

I certify that the information in this survey report and attached exhibits fully and accurately represent my work.

Please feel free to contact me at (623) 238-1545 or garrett@huffmanenvironmental.com if you have any questions regarding the contents of this report.



Garrett Huffman
TE-20186A-3.2
Principal Biologist
Huffman Environmental, LLC
(623) 238-1545
garrett@huffmanenvironmental.com

7. References

California Department of Fish and Game (CDFG). California Natural Diversity DataBase (CNDDDB). 2023a. RareFind Database Program, Commercial Version July 14.

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Legend

- Ponding Features
- Project Boundaries

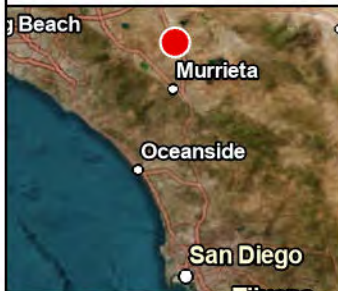
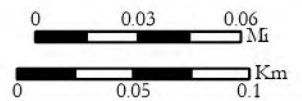


Figure 1: Project Location

Fairy Shrimp Dry & Wet Season Surveys
Newcastle Project

2024

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



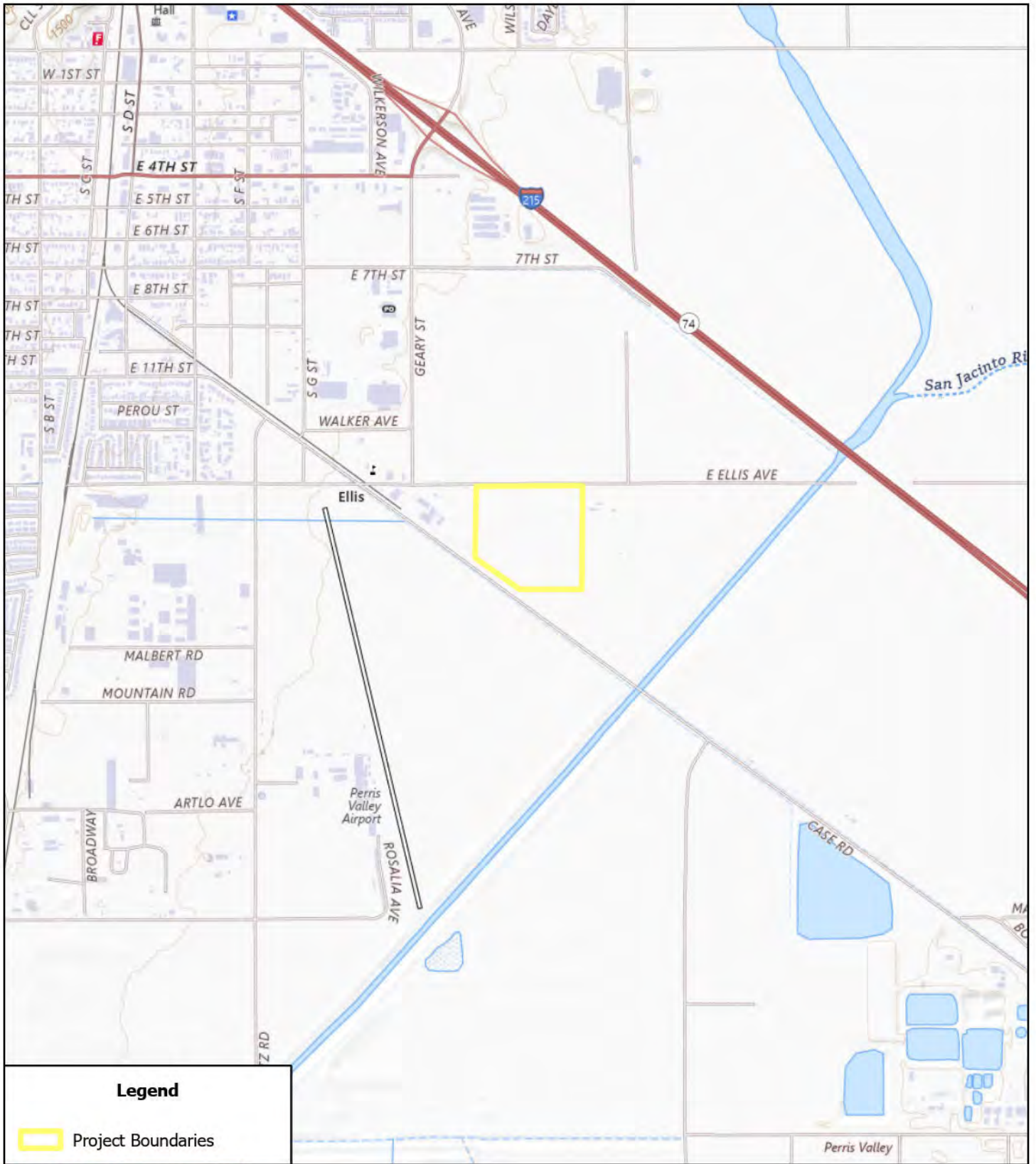
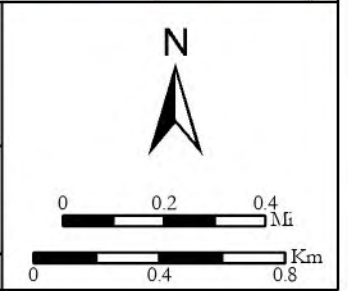


Figure 2: USGS Project Location

**Fairy Shrimp Dry & Wet Season Surveys
Newcastle Project**

2024

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere





Legend

- Ponding Features
- Project Boundaries

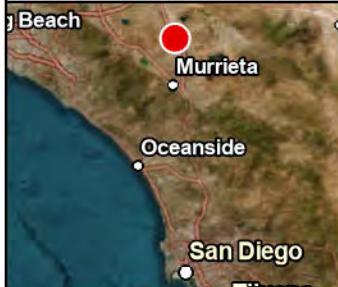
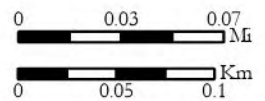


Figure 3: Dry & Wet Season Results

Fairy Shrimp Dry & Wet Season Surveys
Newcastle Project

2024

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



Appendix A
Site Photos



Photo 1: Project ponding feature P-01.



Photo 2: Project ponding feature P-01. Samples from this feature were positive for Lindahl's fairy shrimp.



Photo 3: Project ponding feature P-03. Samples from this feature were negative for fairy shrimp.



Photo 4: Feature P-01 sampling. Positive for *Branchinecta lindahli*



Photo 5: *Branchinecta lindahli* (Lindahli's fairy shrimp) observed swimming in P-01



Photo 6: Ponding runoff from previous grading activities near feature P-01

Appendix B
Dry Season Sampling Results

Processing of Dry Samples from Basins at the Newcastle Project Site and Culturing of Fairy Shrimp Cysts for Species Identification.

18 February, 2024

Chuck Black
Ecological Restoration Service
San Diego, CA 92103
(619) 944-1964

10(a)(1)(A) permit
ES835549-8
Good through 2025-07-31`

Introduction

Ecological Restoration Service was contracted in January 2024 by Garrett Huffman of Huffman Biological Julian, CA. for processing of dry samples for the determination of the presence of fairy shrimp cysts, and for culturing of *Branchinecta* cysts for identification to the species level of any cysts found for dry samples from the RVA Perris project site.

Soil Processing for Cyst Presence

Methods

Samples collected by Garrett Huffman (permit number TE-20186A-3.2) were processed by Charles Black of Ecological Restoration Service, who is authorized by the U.S. fish and Wildlife Service to process dry samples for the presence of fairy shrimp cysts and to culture cysts to identify to species level as special conditions of his 10(a)(1)(A) permit. Samples were hydrated for approximately 1-2 hours in tap water, then washed through a set of sieves. Material passing through a Number 45 (.0139”) USA Standard Testing Sieve, A.S.T.M.E.-11 specification and caught on a Number 70 (.0083”) Sieve was rinsed into a container with approximately 50 ml of a saturated brine solution to float organic material, including fairy shrimp cysts. The material floating on the brine was decanted onto a paper filter on a filter funnel, and water was removed through the filter paper by vacuum suction. The material left on the paper was examined under a 6.3-570x power Olympus SZX9 Zoom Stereo Microscope. Distinctive fairy shrimp cysts, if present, were individually counted (if less than approximately 50) or estimated (for larger numbers) by examining $\frac{1}{4}$ or $\frac{1}{2}$ subsections of the filter and multiplying the subset by the appropriate factor. The presences and approximate numbers of ostracod shells and cladoceran ephippia were also noted in samples.

Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	April 20, 2024
Round	13
Surveyor	Garrett Huffman
Trainee	Blanca Martinez

Environmental Data

Start of Survey Data

Time	09:41
Temperature	55
Wind	0-4
Cloud	0

End of Survey Data

Time	10:28
Temperature	63
Wind	3-6
Cloud	0

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID	P-03
Photos	
Status	Dry
Feature Condition	Disturbed (tire tracks, etc)
Other Species	
Notes	

Pond Feature - 2. P-01

Pool or Area ID	P-01
Photos	

Status	Dry
Feature Condition	Disturbed (tire tracks, etc)
Other Species	
Notes	

General Notes

Notes	
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Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	April 13, 2024
Round	12
Surveyor	Garrett Huffman
Trainee	Blanca Martinez

Environmental Data

Start of Survey Data

Time	09:43
Temperature	53
Wind	0-4
Cloud	100

End of Survey Data

Time	11:30
Temperature	57
Wind	2-6
Cloud	100

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID	P-03
Photos	
Status	Wet
Air Temp (Celsius)	16
Water Temp (Celsius)	16.5
Average Depth (cm)	1
Max Depth (cm)	2
Pool Length (m)	0.25
Pool Width (m)	0.25
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None

Other Species

Notes

Pond Feature - 2. P-01

Pool or Area ID

P-01

Photos

Status

Wet

Air Temp (Celsius)

16

Water Temp (Celsius)

17.6

Average Depth (cm)

3

Max Depth (cm)

4

Pool Length (m)

2

Pool Width (m)

0.5

Feature Condition

Disturbed (tire tracks, etc)

Fairy Shrimp Species

Branchinecta lindahli

Voucher

No

Population Estimates

10's

Other Species

Water Fleas (Cladocera), Mosquito Larvae (Culicidae), Water Beetles (Coleoptera)

Notes

Ponding receded and limited to just tire tracks leading into project boundary.

General Notes

Notes

Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	April 6, 2024
Round	11
Surveyor	Garrett Huffman
Trainee	Blanca Martinez

Environmental Data

Start of Survey Data

Time	09:43
Temperature	52
Wind	0-4
Cloud	75

End of Survey Data

Time	11:30
Temperature	59
Wind	2-5
Cloud	50

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID	P-03
Photos	
Status	Wet
Air Temp (Celsius)	
Water Temp (Celsius)	14.2
Average Depth (cm)	1
Max Depth (cm)	2
Pool Length (m)	0.25
Pool Width (m)	0.25
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None

Other Species

Notes

Pond Feature - 2. P-01

Pool or Area ID

P-01

Photos

Status

Wet

Air Temp (Celsius)

15.5

Water Temp (Celsius)

16.3

Average Depth (cm)

4

Max Depth (cm)

5

Pool Length (m)

Pool Width (m)

Feature Condition

Disturbed (tire tracks, etc)

Fairy Shrimp Species

Branchinecta lindahli

Voucher

No

Population Estimates

10's

Other Species

Water Fleas (Cladocera), Mosquito Larvae (Culicidae), Water Beetles (Coleoptera)

Notes

Ponding receded and limited to just tire tracks leading into project boundary.

General Notes

Notes

Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	March 30, 2024
Round	10
Surveyor	Garrett Huffman
Trainee	Blanca Martinez

Environmental Data

Start of Survey Data

Time	08:10
Temperature	59
Wind	1-3
Cloud	30

End of Survey Data

Time	10:08
Temperature	62
Wind	2-3
Cloud	30

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID | P-03

Photos



Status	Wet
Air Temp (Celsius)	15.2
Water Temp (Celsius)	7.4
Average Depth (cm)	4
Max Depth (cm)	7
Pool Length (m)	4
Pool Width (m)	2
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None
Other Species	
Notes	Fragmented ponding

Pond Feature - 2. P-01

Pool or Area ID	P-01
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Photos



Status	Wet
Air Temp (Celsius)	14.5
Water Temp (Celsius)	17.2
Average Depth (cm)	4
Max Depth (cm)	5
Pool Length (m)	4
Pool Width (m)	0.5
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	Branchinecta lindahli
Voucher	No
Population Estimates	10's
Other Species	Water Fleas (Cladocera), Mosquito Larvae (Culicidae), Water Beetles (Coleoptera)
Notes	Ponder again after recent storms

General Notes

Notes

Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	March 23, 2024
Round	9
Surveyor	Garrett Huffman
Trainee	Blanca Martinez

Environmental Data

Start of Survey Data

Time	09:43
Temperature	54
Wind	1-3
Cloud	100

End of Survey Data

Time	11:18
Temperature	58
Wind	2-3
Cloud	100

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID	P-03
Photos	
Status	Dry
Feature Condition	Disturbed (tire tracks, etc)
Other Species	
Notes	

Pond Feature - 2. P-01

Pool or Area ID	P-01
Photos	



Status	Dry
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Feature Condition	Disturbed (tire tracks, etc)
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Other Species	
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Notes	
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General Notes

Notes	
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Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	March 16, 2024
Round	8
Surveyor	Garrett Huffman
Trainee	Blanca Martinez

Environmental Data

Start of Survey Data

Time	08:45
Temperature	55
Wind	0-3
Cloud	0

End of Survey Data

Time	10:15
Temperature	58
Wind	2-4
Cloud	0

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID	P-03
Photos	
Status	Wet
Air Temp (Celsius)	15.2
Water Temp (Celsius)	16.3
Average Depth (cm)	3
Max Depth (cm)	4
Pool Length (m)	1
Pool Width (m)	0.5
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None

Other Species	Midges
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Notes	Fragmented ponding
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Pond Feature - 2. P-01

Pool or Area ID	P-01
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Photos	
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Status	Wet
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Air Temp (Celsius)	15.5
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Water Temp (Celsius)	16.5
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Average Depth (cm)	2
--------------------	---

Max Depth (cm)	3
----------------	---

Pool Length (m)	0.5
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Pool Width (m)	0.25
----------------	------

Feature Condition	Disturbed (tire tracks, etc)
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Fairy Shrimp Species	Branchinecta lindahli
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Voucher	No
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Population Estimates	1's
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Other Species	Water Fleas (Cladocera), Mosquito Larvae (Culicidae), Water Beetles (Coleoptera)
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Notes	Portion of the road leading off project ponding with FS present
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General Notes

Notes	
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Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	March 9, 2024
Round	7
Surveyor	Garrett Huffman
Trainee	Blanca Martinez

Environmental Data

Start of Survey Data

Time	08:22
Temperature	52
Wind	1-3
Cloud	30

End of Survey Data

Time	10:07
Temperature	62
Wind	2-3
Cloud	30

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID | P-03

Photos



Status	Wet
Air Temp (Celsius)	15.2
Water Temp (Celsius)	16.3
Average Depth (cm)	4
Max Depth (cm)	6
Pool Length (m)	3
Pool Width (m)	1
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None
Other Species	Midges
Notes	Fragmented ponding

Pond Feature - 2. P-01

Pool or Area ID	P-01
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Photos



Status	Wet
Air Temp (Celsius)	14.5
Water Temp (Celsius)	15.3
Average Depth (cm)	2
Max Depth (cm)	4
Pool Length (m)	1
Pool Width (m)	0.5
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	Branchinecta lindahli
Voucher	No
Population Estimates	1's
Other Species	Water Fleas (Cladocera), Mosquito Larvae (Culicidae), Water Beetles (Coleoptera)
Notes	Portion of the road leading off project ponding with FS present

General Notes

Notes

Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	March 2, 2024
Round	6
Surveyor	Garrett Huffman
Trainee	Blanca Martinez

Environmental Data

Start of Survey Data

Time	09:01
Temperature	52
Wind	1-2
Cloud	100

End of Survey Data

Time	10:29
Temperature	58
Wind	3-6
Cloud	100

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID | P-03

Photos



Status	Wet
Air Temp (Celsius)	10.3
Water Temp (Celsius)	19.3
Average Depth (cm)	5
Max Depth (cm)	7
Pool Length (m)	3
Pool Width (m)	1
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None
Other Species	Midges
Notes	Fragmented ponding

Pond Feature - 2. P-01

Pool or Area ID	P-01
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Photos



Status	Wet
Air Temp (Celsius)	10.3
Water Temp (Celsius)	17.6
Average Depth (cm)	2
Max Depth (cm)	4
Pool Length (m)	1
Pool Width (m)	0.5
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	Branchinecta lindahli
Voucher	No
Population Estimates	1's
Other Species	Water Fleas (Cladocera), Mosquito Larvae (Culicidae), Water Beetles (Coleoptera)
Notes	Portion of the road leading off project ponding with FS present

General Notes

Notes

Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	February 24, 2024
Round	5
Surveyor	Garrett Huffman
Trainee	

Environmental Data

Start of Survey Data

Time	09:45
Temperature	58
Wind	0-3
Cloud	0

End of Survey Data

Time	11:02
Temperature	65
Wind	1-4
Cloud	0

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID	P-03
Photos	
Status	Wet
Air Temp (Celsius)	16
Water Temp (Celsius)	15.3
Average Depth (cm)	4
Max Depth (cm)	6
Pool Length (m)	2
Pool Width (m)	1
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None

Other Species

Notes

Pond Feature - 2. P-01

Pool or Area ID | P-01

Photos

Status | Wet

Air Temp (Celsius) | 16

Water Temp (Celsius) | 17.4

Average Depth (cm) | 3

Max Depth (cm) | 5

Pool Length (m) | 1

Pool Width (m) | 0.25

Feature Condition | Disturbed (tire tracks, etc)

Fairy Shrimp Species | Branchinecta lindahli

Voucher | No

Population Estimates | 1's

Other Species

Notes

General Notes

Notes

Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	February 18, 2024
Round	4
Surveyor	Garrett Huffman
Trainee	

Environmental Data

Start of Survey Data

Time	08:03
Temperature	54
Wind	1-3
Cloud	50

End of Survey Data

Time	09:15
Temperature	59
Wind	3-6
Cloud	40

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID	P-03
Photos	
Status	Wet
Air Temp (Celsius)	15.5
Water Temp (Celsius)	14.5
Average Depth (cm)	5
Max Depth (cm)	8
Pool Length (m)	3
Pool Width (m)	1
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None

Other Species

Notes

Pond Feature - 2. P-01

Pool or Area ID

P-01

Photos

Status

Wet

Air Temp (Celsius)

15.7

Water Temp (Celsius)

16.3

Average Depth (cm)

6

Max Depth (cm)

8

Pool Length (m)

3

Pool Width (m)

1

Feature Condition

Disturbed (tire tracks, etc)

Fairy Shrimp Species

Branchinecta lindahli

Voucher

Yes

Females Collected

0

Males Collected

5

Population Estimates

10's

Other Species

Notes

General Notes

Notes

Update notes

Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	February 11, 2024
Round	3
Surveyor	Garrett Huffman
Trainee	

Environmental Data

Start of Survey Data

Time	08:30
Temperature	55
Wind	1-3
Cloud	0

End of Survey Data

Time	10:01
Temperature	62
Wind	3-5
Cloud	0

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID	P-03
Photos	
Status	Wet
Air Temp (Celsius)	15.5
Water Temp (Celsius)	16.4
Average Depth (cm)	4
Max Depth (cm)	7
Pool Length (m)	2
Pool Width (m)	1
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None

Other Species

Notes

Pond Feature - 2. P-01

Pool or Area ID

P-01

Photos

Status

Wet

Air Temp (Celsius)

12.5

Water Temp (Celsius)

16.4

Average Depth (cm)

6

Max Depth (cm)

8

Pool Length (m)

2.5

Pool Width (m)

0.5

Feature Condition

Disturbed (tire tracks, etc)

Fairy Shrimp Species

Branchinecta lindahli

Voucher

Yes

Females Collected

0

Males Collected

5

Population Estimates

10's

Other Species

Notes

General Notes

Notes

Survey Data

Survey Type	Fairy Shrimp Wet Season
Project	Newcastle
Date	February 4, 2024
Round	2
Surveyor	Garrett Huffman
Trainee	

Environmental Data

Start of Survey Data

Time	09:12
Temperature	45
Wind	2-5
Cloud	100

End of Survey Data

Time	11:06
Temperature	50
Wind	2-5
Cloud	100

Pond Feature (2 Items)

Pond Feature - 1. P-03

Pool or Area ID | P-03

Photos

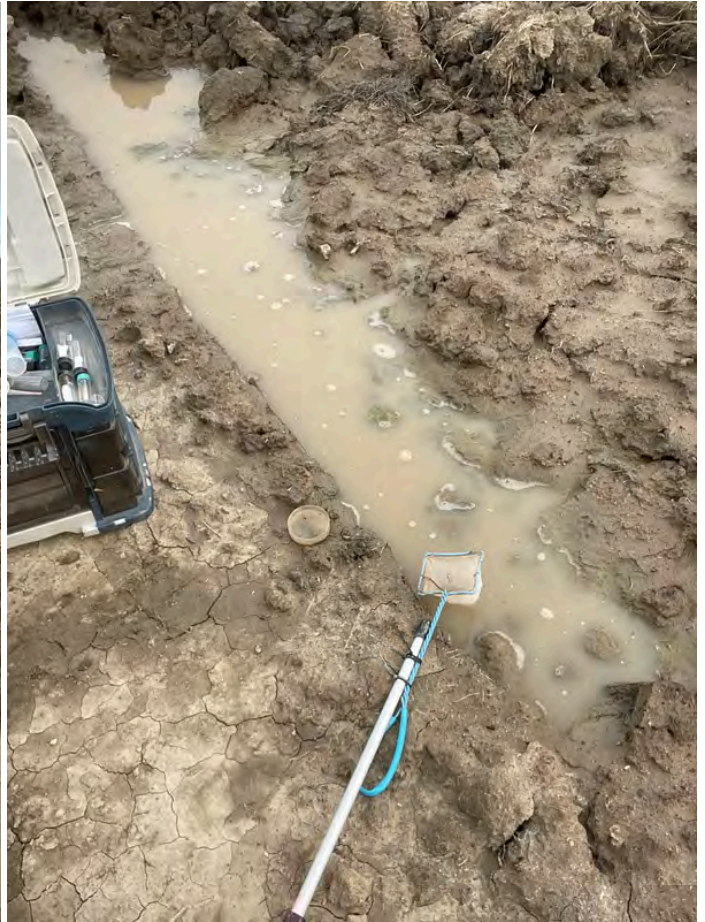


Status	Wet
Air Temp (Celsius)	12.6
Water Temp (Celsius)	13.8
Average Depth (cm)	3
Max Depth (cm)	4
Pool Length (m)	3
Pool Width (m)	1
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None
Other Species	
Notes	

Pond Feature - 2. P-01

Pool or Area ID	P-01
-----------------	------

Photos



Status	Wet
Air Temp (Celsius)	12.8
Water Temp (Celsius)	13.7
Average Depth (cm)	4
Max Depth (cm)	5
Pool Length (m)	3
Pool Width (m)	1
Feature Condition	Disturbed (tire tracks, etc)
Fairy Shrimp Species	None, Branchinecta lindahli
Voucher	Yes
Females Collected	0
Males Collected	5
Population Estimates	10's
Other Species	
Notes	

General Notes

Notes

Appendix C
Flood Analysis



Technical Memorandum

To: **Sonya Hooker, Director Environmental Services, RVA**

From: **Joseph C. Caldwell, P.E – Water Resources Practice Leader, WEBB Associates**

Date: **July 31, 2024**

Subject: **Newcastle Ellis Project – San Jacinto River Multi-Year Flooding Analysis**



Signed 07/31/24
Exp Date: 9/30/24

INTRODUCTION

The following Technical Memorandum has been prepared to document the results of a Multi-Year Storm Event Analysis of the San Jacinto River that incorporates the proposed Newcastle Ellis Project grading improvements. This analysis has been prepared to provide technical backup to Ruth Villalobos & Associates, Inc. to use in the MSHCP compliance review of the Newcastle Ellis Project (Project). The Project is a proposed Industrial Warehouse site located in the City of Perris. It is located southerly of Ellis Avenue and Northeasterly of Case Road. The Project is located southerly of the recently permitted PLC North project (located on the north side of Ellis Avenue) and westerly of the railroad spur that connects to the PLC North project. **Figure 1** shows the general vicinity of the Project

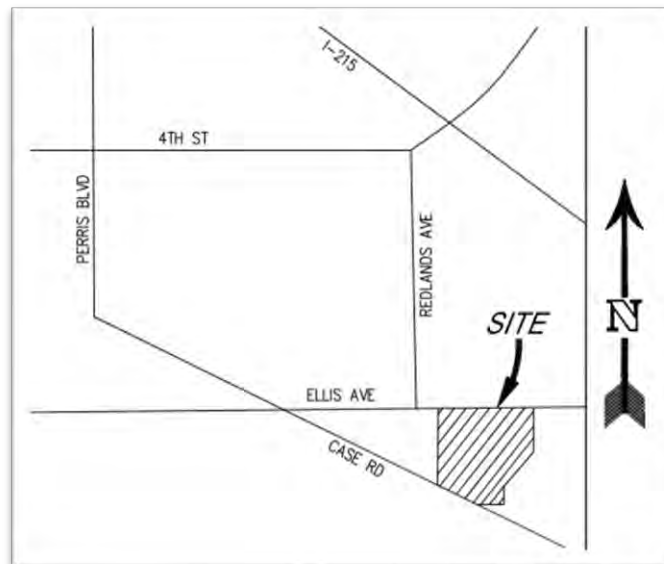


FIGURE 1 – NEWCASTLE ELLIS PROJECT VICINITY

PROJECT FEATURES

The Project is a proposed single industrial warehouse building. The Project site has an area of approximately 35.4 acres and a building area of approximately 643,000 square feet. The Project Site is very flat with a mild slope of 0.2% in a southeasterly direction towards the San Jacinto River. The Project proposes underground detention to attenuate increases in peak runoff caused by the conversion of an undeveloped pervious area to an impervious area. Captured onsite flows will be treated for water quality purposes prior to being pumped out and released in a spread condition along the southerly and easterly boundaries of the site. This will replicate existing conditions flow rates, depths and velocities.

ANALYSIS AND RESULTS

Over the years WEBB has met several times with the RCA and the Resource Agencies regarding multiple projects along the San Jacinto River. During these interactions there has been a specific focus on maintaining the 20-Year hydrology for the San Jacinto River. Based upon these past interactions WEBB has prepared multiple two-dimensional HEC-RAS models of the San Jacinto River – including several 20-Year Models. The modeling prepared for this Technical Memorandum is based on the previous modeling that WEBB has performed for the adjacent PLC North project. In addition to the 20-Year floodplain, modeling was also prepared for the 10-Year floodplain and the 5-Year floodplains to closer understand the effect of the smaller return year storm events.

The sources for the San Jacinto River flooding come from two different watersheds. The largest major watershed drains to the Mystic Lake area of the San Jacinto Valley. Depending on whether the Mystic Lake area is at maximum water surface elevation, lower-level storm events will not flow downstream to the lower Perris Valley area. Past modeling has shown that a 20-Year flood event will cause the Mystic Lake area to fill and drain downstream into the lower Perris Valley area. There have been numerous meetings over the years with the Regulatory Agencies on the hydrology and flooding for the Mystic Lake area of the San Jacinto Valley and past consensus has supported this modeling. Therefore, modeling the effects of the 20-Year flood has been chosen as the smallest return year storm event for the San Jacinto River that produces flood flows from the Mystic Lake area of the San Jacinto Valley. When modeling storm events less than a 20-year flood, the analysis is based on the flooding that originates in the Lakeview/Nuevo area.

The second largest major watershed is the urbanized area of Moreno Valley and Perris. This watershed drains via the Perris Valley Storm Drain and confluences with the San Jacinto River immediately upstream of the I-215 freeway crossing. This second watershed drains more frequently. Past modeling of the two watersheds have shown that the timing of the Perris Valley Storm Drain flood will rise and begin to subside before the San Jacinto River flood reaches the I-215. However, the flooding extent and depth of the two floods are similar. Because this watershed drains more frequently, the 2-Year, 5-Year, 10-Year, and 20-Year floodplains are typically modeled with flow contributing from the Lakeview/Nuevo area.

Previous modeling has shown that when the 5-Year storm was modeled for the Perris Valley Storm Drain, flood flows did not escape the existing channel. Therefore, for average annual storm events and storm events up to a 5-Year storm, flood flows are collected above the I-215 freeway at the confluence of the Perris Valley Storm Drain and the San Jacinto River and then conveyed under the I-215 and downstream through the lower Perris Valley within the existing low-flow channel. Since these lower storm events do not overtop the existing low-flow channel, the existing sensitive plant populations are fed by vertical rainfall and runoff from the surrounding area.

Since most the study areas are focused on the lower Perris Valley area, modeling is typically conducted for the following flooding conditions:

1. Perris Valley Storm Drain Only.
2. Combined San Jacinto River and Perris Valley Storm Drain Flooding.

For each of the flooding conditions, three different physical conditions were analyzed:

1. Existing Topographical Condition (Pre PLC-North)
2. PLC North Improvements
3. PLC North Improvements and Proposed Newcastle Ellis Grading

To model these conditions, the previously prepared HEC-RAS Model for the PLC North analysis was utilized as a base. An additional scenario was developed that considered the PLC North improvements and the proposed Project grading. **Figure 2** shows the Existing Condition Surface in the vicinity of the Project. **Figure 3** shows the PLC North Surface. **Figure 4** shows the PLC North and Proposed Project Surface.

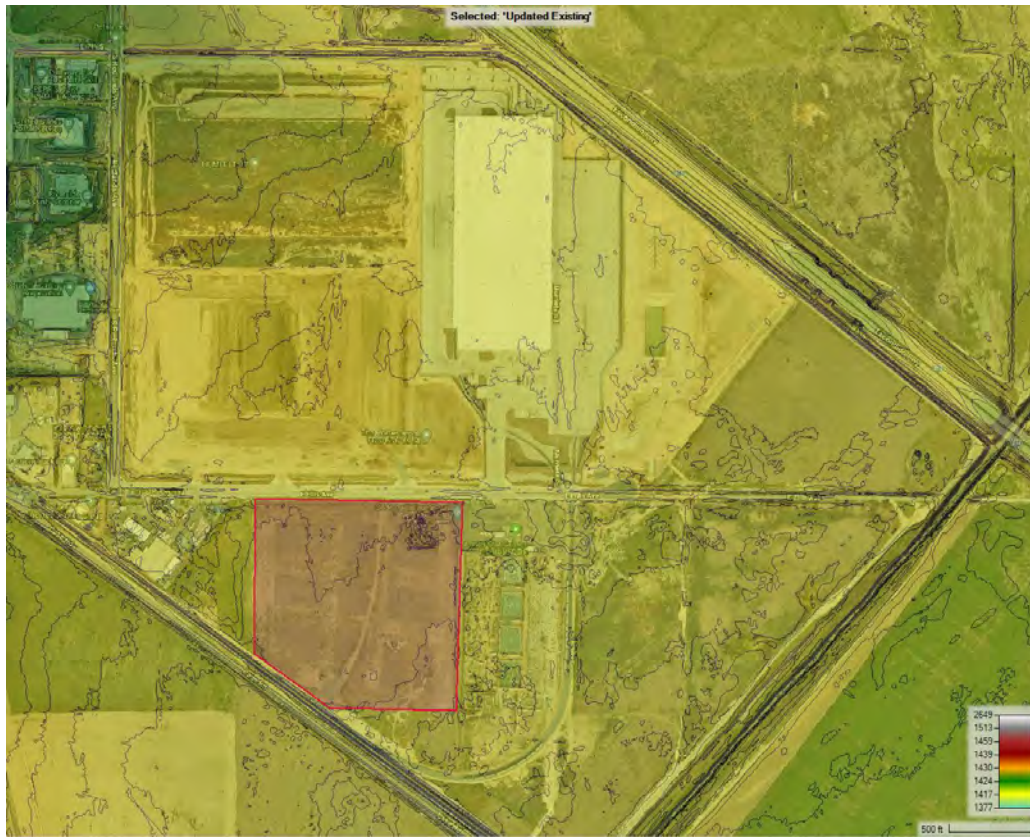


FIGURE 2 – EXISTING PREDEVELOPMENT SURFACE (PROJECT SITE IN RED)

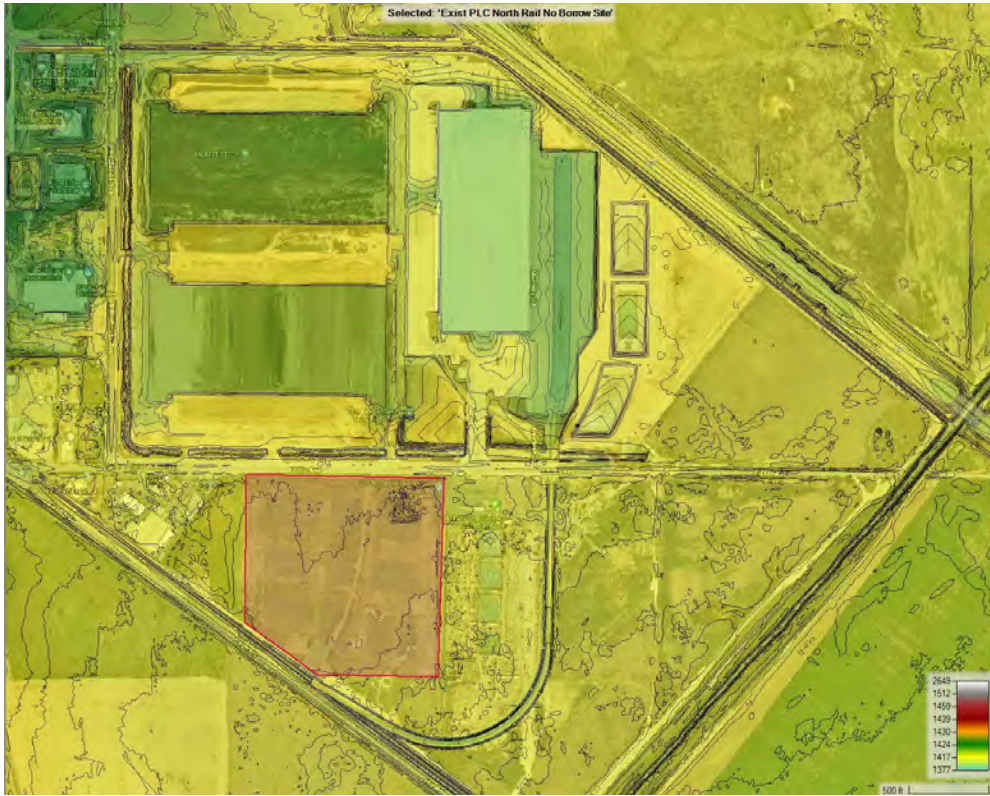


FIGURE 3 - PLC NORTH SURFACE

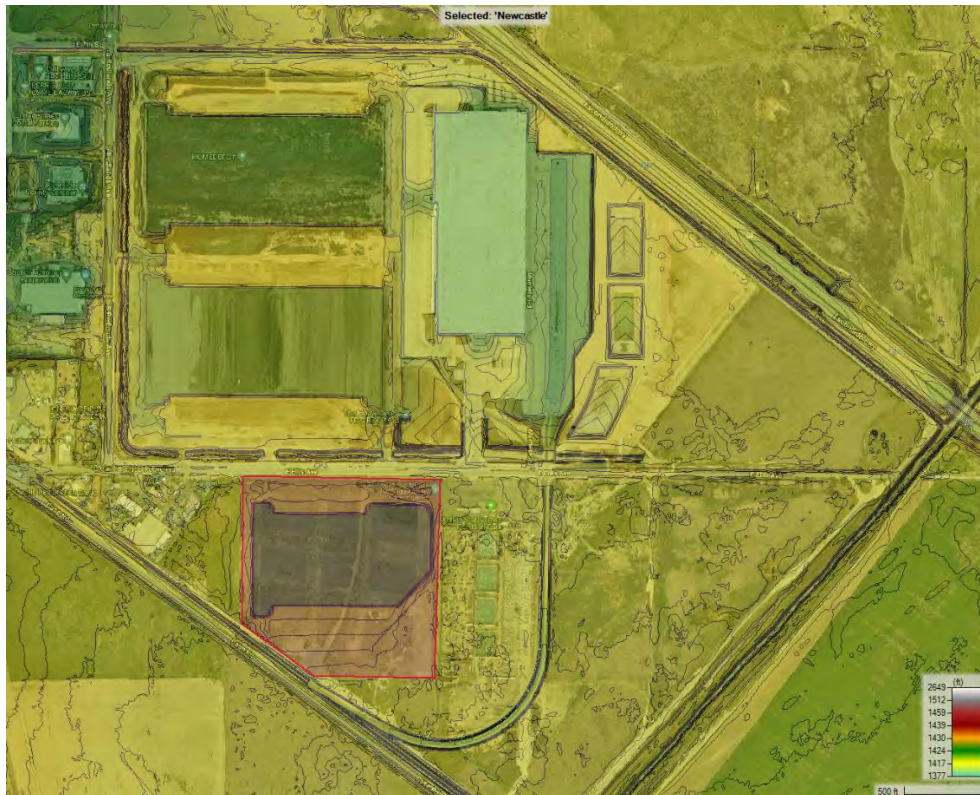
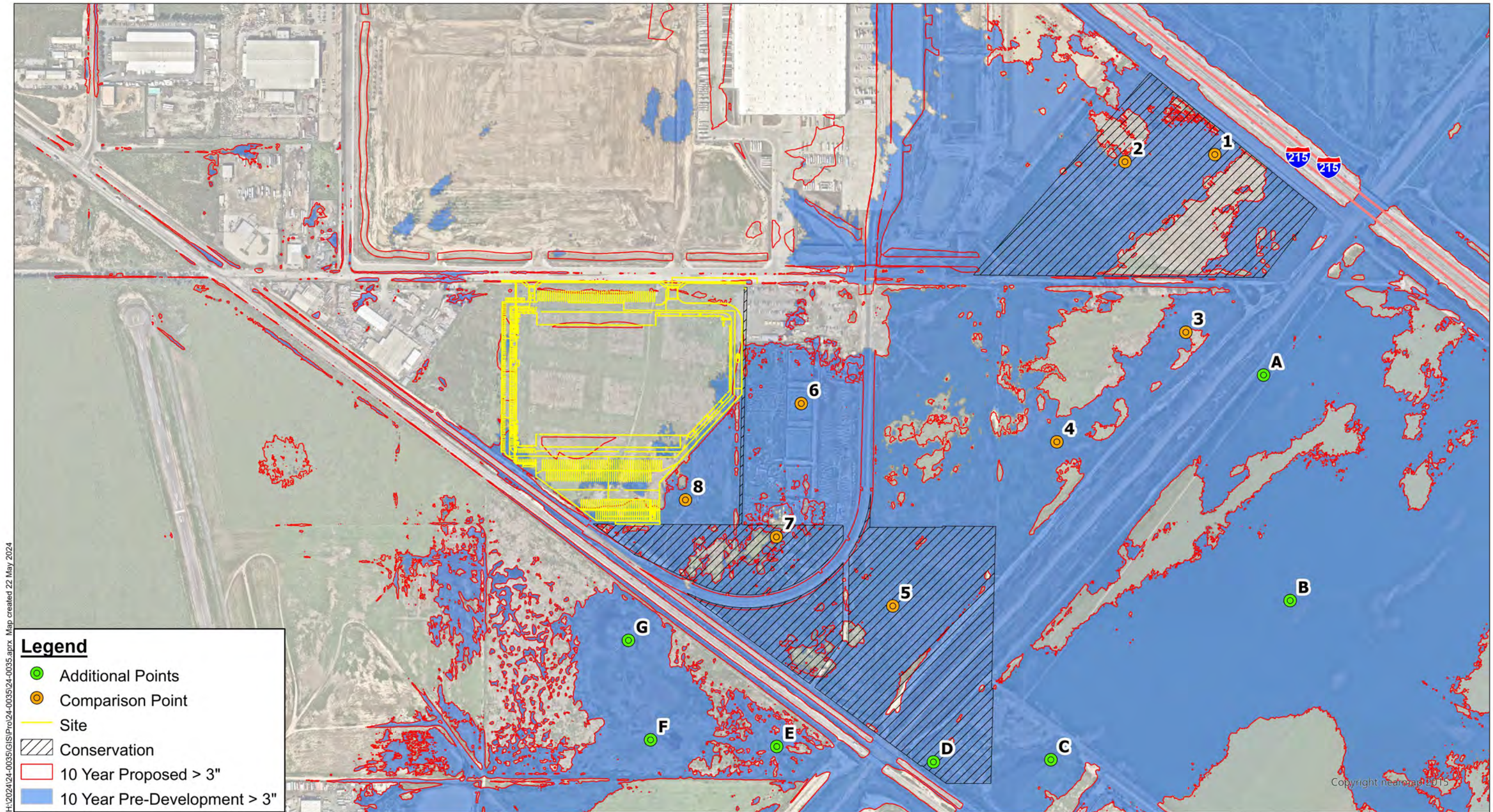


FIGURE 4 - PLC NORTH AND PROPOSED PROJECT SURFACE



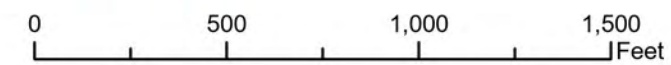
H:\2024\24-0035\GIS\Pro\24-0035\24-0035.aprx. Map created 22 May 2024
 Source: Nearmap 2024

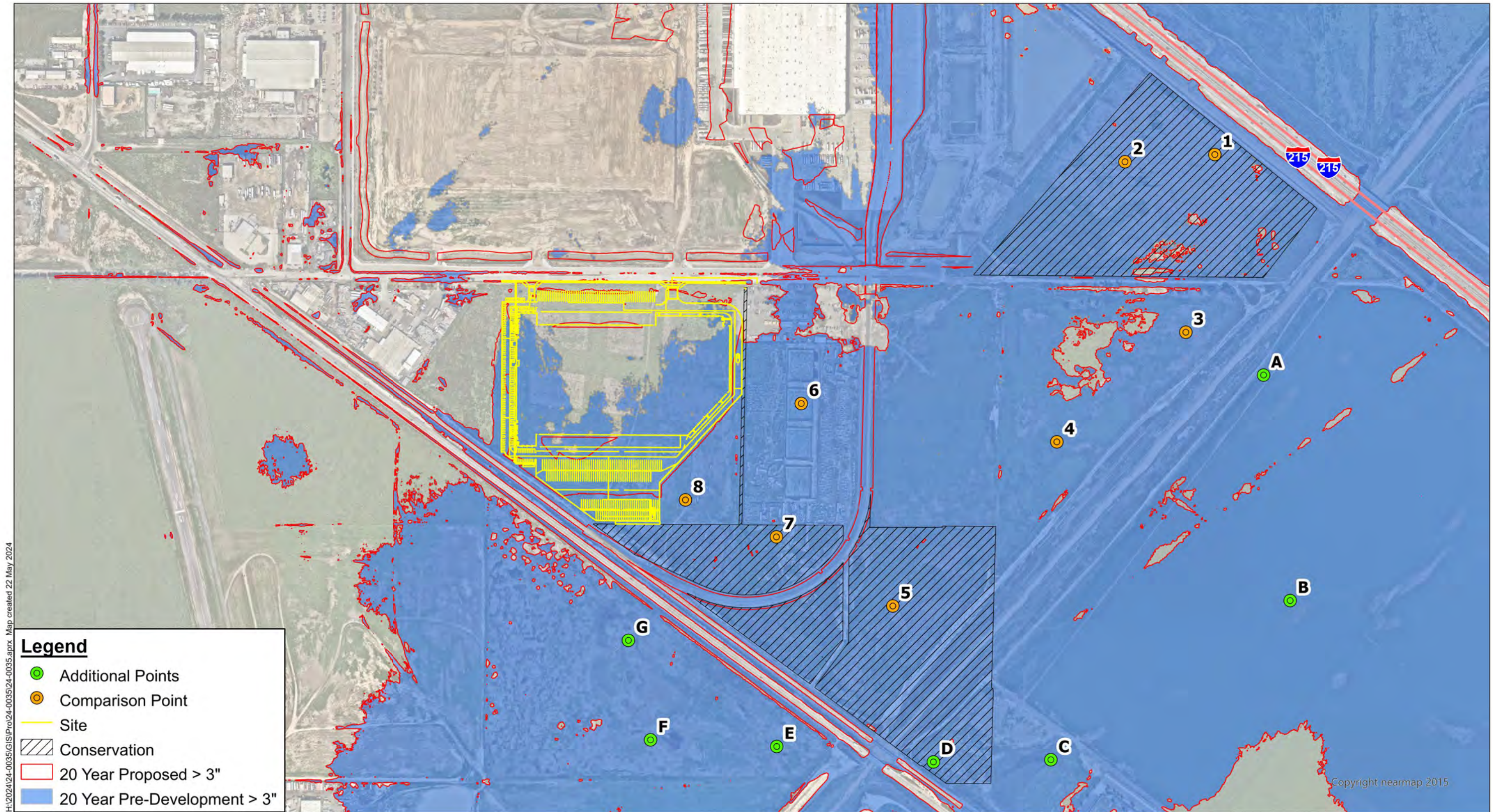
Legend

- Additional Points
- Comparison Point
- Site
- Conservation
- 10 Year Proposed > 3"
- 10 Year Pre-Development > 3"

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**Exhibit 1 - 10 Year Pre-Development vs. 10 Year Proposed
Newcastle Ellis**





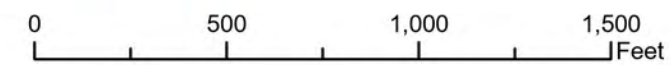
H:\2024\24-0035\GIS\Pro\24-0035\24-0035.aprx. Map created 22 May 2024
 Source: Nearmap 2024

Legend

- Additional Points
- Comparison Point
- Site
- Conservation
- 20 Year Proposed > 3"
- 20 Year Pre-Development > 3"

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Exhibit 2 - 20 Year Pre-Development vs. 20 Year Proposed Newcastle Ellis



The three scenarios were modeled using the same inflow hydrographs, Manning's N Values, effective rainfall and simulation period. **Exhibit 1** graphically compares the results of the Existing Condition and the Proposed Condition for the 10-Year Event. **Exhibit 2** compares for the 20-Year with Perris Valley Storm Drain Only Flow. Both exhibits include fifteen comparison points for the three modeled conditions. These comparison points are the same points used in the previous PLC North Analysis.

In events below the 20-Year storm, no flows come from the Mystic Lake area. Therefore, only modeling for the Perris Valley Storm Drain Flooding was conducted for the 10-Year event. **Table 1** summarizes the Water Surface Elevations and Depth at the fifteen comparison points near the boundary of Criteria Cells 3276 and 3277 for the Perris Valley Storm Drain Only flooding. **Tables 2 & 3** summarize the 20-Year Water Surface Elevations and Depth at the fifteen comparison points near the boundary of Criteria Cells 3276 and 3277 for both the Perris Valley Storm Drain Flooding Only and the Combined San Jacinto River and Perris Valley Storm Drain Flooding.

TABLE 1 - 10-YEAR PERRIS VALLEY STORM DRIAN FLOODING ONLY

Comparison Point	Existing Topographical Condition		PLC North		Newcastle Ellis and PLC North	
	Max WSE	Depth (ft)	Max WSE	Depth (ft)	Max WSE	Depth (ft)
1	1415.01	0.54	1415.02	0.55	1415.02	0.55
2	1414.88	0.30	1414.92	0.34	1414.92	0.34
3	1414.87	0.61	1414.87	0.61	1414.87	0.61
4	1414.66	0.70	1414.69	0.73	1414.69	0.73
5	1414.51	0.75	1414.49	0.73	1414.49	0.73
6	1414.55	0.93	1414.38	0.76	1414.40	0.78
7	1414.53	0.30	1414.38	0.15	1414.40	0.17
8	1414.52	1.01	1414.38	0.87	1414.40	0.89
A	1414.90	0.90	1414.90	0.90	1414.90	0.90
B	1414.63	1.00	1414.62	0.99	1414.62	0.99
C	1414.47	2.21	1414.46	2.20	1414.46	2.20
D	1414.41	0.82	1414.40	0.81	1414.40	0.81
E	1413.90	1.15	1413.88	1.13	1413.88	1.13
F	1413.61	1.79	1413.58	1.76	1413.59	1.77
G	1413.61	1.76	1413.58	1.73	1413.58	1.73

TABLE 2 - 20-YEAR PERRIS VALLEY STORM DRAIN FLOODING ONLY

Comparison Point	Existing Topographical Condition		PLC North		Newcastle Ellis and PLC North	
	Max WSE	Depth (ft)	Max WSE	Depth (ft)	Max WSE	Depth (ft)
1	1415.35	0.88	1415.38	0.91	1415.38	0.91
2	1415.25	0.67	1415.29	0.71	1415.29	0.71
3	1415.27	1.01	1415.29	1.03	1415.29	1.03
4	1415.12	1.16	1415.14	1.18	1415.14	1.18
5	1415.00	1.24	1414.97	1.21	1414.98	1.22
6	1415.04	1.42	1414.94	1.32	1414.99	1.37
7	1415.02	0.79	1414.94	0.71	1414.99	0.76
8	1415.02	1.51	1414.94	1.43	1414.99	1.48
A	1415.30	1.30	1415.30	1.30	1415.30	1.30
B	1415.14	1.51	1415.14	1.51	1415.14	1.51
C	1414.99	2.73	1414.98	2.72	1414.99	2.73
D	1414.91	1.32	1414.90	1.31	1414.91	1.32
E	1414.36	1.61	1414.31	1.56	1414.32	1.57
F	1414.18	2.36	1414.14	2.32	1414.15	2.33
G	1414.18	2.33	1414.14	2.29	1414.15	2.30

TABLE 3 - 20-YEAR COMBINED SAN JACINTO RIVER AND PERRIS VALLEY STORM DRAIN FLOODING

Comparison Point	Existing Topographical Condition		PLC North		Newcastle Ellis and PLC North	
	Max WSE	Depth (ft)	Max WSE	Depth (ft)	Max WSE	Depth (ft)
1	1415.72	1.25	1415.76	1.29	1415.76	1.29
2	1415.65	1.07	1415.70	1.12	1415.70	1.12
3	1415.67	1.41	1415.70	1.44	1415.70	1.44
4	1415.56	1.60	1415.59	1.63	1415.59	1.63
5	1415.47	1.71	1415.46	1.70	1415.47	1.71
6	1415.51	1.89	1415.45	1.83	1415.59	1.97
7	1415.49	1.26	1415.45	1.22	1415.59	1.36
8	1415.49	1.98	1415.45	1.94	1415.59	2.08
A	1415.69	1.69	1415.71	1.71	1415.71	1.71
B	1415.58	1.95	1415.60	1.97	1415.60	1.97
C	1415.46	3.20	1415.47	3.21	1415.47	3.21
D	1415.39	1.80	1415.39	1.80	1415.40	1.81
E	1414.78	2.03	1414.78	2.03	1414.78	2.03
F	1414.63	2.81	1414.62	2.80	1414.63	2.81
G	1414.62	2.77	1414.62	2.77	1414.62	2.77

Modeling for the lower-level flood events ranging from average annual storm events through the 10-Year flooding events was also previously requested to be analyzed by CDFW. Based on the modeling done for the 2-Year and 5-Year flood events, it was determined that these flood events do not escape the limits of the low flow channel. As the flooding for the 2-Year storm does not escape the low flow channel, the flooding associated with the average annual storm event was not evaluated. Since the runoff from the Perris Valley Storm Drain and San Jacinto River do not escape the low flow channel for flood events equal to a 5-Year event or lower, the flooding source for the comparison points is based on vertical rainfall and whether those areas support ponding or sheet flow towards the San Jacinto River low flow channel. A flooding model was generated for the 5-Year rainfall intensities.

Table 4 summarizes the 5-Year vertical rainfall model results for Water Surface Elevations and Depth at the fifteen comparison points along the San Jacinto River for the 5-Year vertical rainfall only. Based on the results from **Table 4** for the 5-Year flooding for the fifteen data points, there is ponding in four of the fifteen of data points. The water surface elevations along the San Jacinto River low flow channels and immediately upstream and downstream of Case Road show no difference in depth between the existing pre-project condition and the Proposed project condition. Based on these, the lower intensity storms associated with the average annual storm event and the 2-Year storm event will result in less ponding. Since the analysis from the 5-Year vertical rainfall model showed no difference in results between the existing pre-project condition and the proposed project condition, the results for the lower intensity storms will yield similar results.

TABLE 4 – 5-YEAR VERTICAL RAINFALL ONLY

Comparison Point	Existing Topographical Condition		PLC North		Newcastle Ellis and PLC North	
	Max WSE	Depth (ft)	Max WSE	Depth (ft)	Max WSE	Depth (ft)
1	n/a	n/a	n/a	n/a	n/a	n/a
2	n/a	n/a	n/a	n/a	n/a	n/a
3	n/a	n/a	n/a	n/a	n/a	n/a
4	n/a	n/a	n/a	n/a	n/a	n/a
5	n/a	n/a	n/a	n/a	n/a	n/a
6	1414.03	0.07	1414.03	0.07	1414.03	0.07
7	n/a	n/a	n/a	n/a	n/a	n/a
8	1414.04	0.42	1414.04	0.42	1414.04	0.42
A	n/a	n/a	n/a	n/a	n/a	n/a
B	n/a	n/a	n/a	n/a	n/a	n/a
C	1412.67	0.41	1412.67	0.41	1412.67	0.41
D	n/a	n/a	n/a	n/a	n/a	n/a
E	1413.13	0.38	1413.13	0.38	1413.13	0.38
F	n/a	n/a	n/a	n/a	n/a	n/a
G	n/a	n/a	n/a	n/a	n/a	n/a

CONCLUSION

Multiple Two-Dimensional HEC-RAS Models were prepared to analyze the 5-Year, 10-Year, and the 20-Year San Jacinto River Hydrology in the vicinity of the Newcastle Ellis Project. As there are two flooding conditions associated with the San Jacinto River depending on whether Mystic Lake is full or not, the Two-Dimensional HEC-RAS Models were run for each flooding condition. As the 5-year flood does not leave the existing San Jacinto River channel, a vertical rainfall model was created to evaluate the lower-level storm events as previously requested by CDFW. All modeling was built upon models that were previously prepared to analyze the PLC North project that is located northerly of the Project. Three development conditions were evaluated – Existing Conditions (before development), PLC North Project Condition, and PLC North and the Newcastle Ellis Project.

The results of the analysis were summarized to show the difference in flooding depth between the three development conditions for fifteen locations adjacent to the Project for the various storm recurrence events. The results show that the Project will not impact to the San Jacinto River ponding in most locations. Immediately adjacent to the Project where the PLC South rail caused ponding to decrease, the Proposed project will add additional ponding depth and return it closer to predevelopment conditions.

Based upon our extensive history in modeling the San Jacinto River and our evaluation of this data, it is our engineering judgement that the ponding depth results fall within the range of the accuracy of the model and that the historically flooded area within Criteria Cell 3276 (which contains the Proposed Newcastle Ellis Grading and MSHCP Conservation Area/Conaster Easement) will continue to be inundated with floodwaters for an extended duration in the post-project condition and therefore should not affect the hydrology for the plants. The hydrologic conditions for sensitive plant species will either be unchanged or slightly improved from the Post PLC North Project Condition.

Appendix D

MSHCP Criteria Area Focused Plant Survey

**Focused Narrow Endemic and Criteria Area
Plant Species Survey Report**

**Ellis Avenue Project
Perris, CA**

Prepared for:

Fennemore Law
550 E. Hospitality Lane, Suite 350
San Bernardino, CA 92408

Prepared by:



Ruth Villalobos and Associates, Inc.
3602 Inland Empire Boulevard, Suite C310
Ontario, CA 91764

September 2024

Introduction

This report contains the findings of Ruth Villalobos and Associates, Inc. (RVA) focused plant surveys conducted during the 2024 bloom season for the Ellis Avenue Project (Project) located in the City of Perris, Riverside County, California. RVA conducted three (3) focused plant surveys to coincide within the bloom periods of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Narrow Endemic and Criteria Area Species plant species with the potential to occur within the general vicinity of the project site. Focused plant surveys of the project site were conducted in accordance with the *CDFW Guidelines for Assessing the Effects of Proposed Developments on Rare and Endangered Plants and Plant Communities* (CDFW 2018) as well as the *United States Fish and Wildlife Service (USFWS) Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants* (USFWS 1996). The surveys primarily focused on the presence/absence of plant species outlined in the MSHCP narrow endemic plant survey areas and cell criteria. The special-status plant survey was conducted to evaluate potential impacts of the project on populations of MSHCP narrow endemic plant species.

Project Location

The project site is generally located south and west of Interstate 215, east of State Route 74, and north of the San Jacinto River in the City of Perris, Riverside County, California. The site is depicted on the Perris quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 5 of Township 5 South, Range 3 West. Specifically, the project site bordered by E. Ellis Avenue along its northern boundary, the Burlington Northern Santa Fe Railroad (BNSF) on its southwestern boundary, and the San Jacinto River on its southeast boundary, within Assessor's Parcel Numbers 330-090-006, and 007. Refer to Figures 1 and 2.

Project Description

The Project proposes the development of a +/- 671,000 square foot, light industrial building and associated parking, landscaping, and infrastructure. The Project site is approximately 34.52 acres and 4.27 acres of the southeast corner of the Project site will not be developed, as this area was determined to be in a floodway. Refer to Figure 2. The limits of disturbance will encompass the remainder of the site, which consists of impacts associated with the building, infrastructure, and onsite landscaping.

Additionally, 0.49 acres of off-site impacts will occur along the frontage of Ellis Avenue on the northern boundary of the site that will consist of adding a sidewalk and landscaping. This portion of Ellis Avenue has been previously disturbed/graded by IDI, developing the area north of this Project site.

The only offsite improvements that are proposed are associated with the landscaping and sidewalk associated with the frontage road along Ellis Avenue. No temporary impacts are expected to occur from Project development. Weed abatement/fuel modification zones are not

expected to be required for this Project. Staging for the Project will be confined to the Project site.

Methodology

Literature Review

Prior to conducting the field surveys, a literature review and records search was conducted. Previously recorded occurrences of special-status plant species and their proximity to the project site were determined through a query of the CNDDDB Rarefind 5, the Quickview Tool in BIOS, and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California. RVA biologist, Miranda Villalobos and Zachary Jenson, consulted and met onsite with Ana Sawyer from Riverside County Regional Park and Open-Space District (RivCoParks) for reference populations of known special status species that occur on the adjacent Conatser Easement. Photos of the reference populations for little mousetail (*Myosurus minimus*) and spreading navarretia (*Navarretia fossalis*) are shown in Attachment 2. These reference populations were utilized to obtain a visual image of the species, the phenological development of the species, and its associated habitat in nearby populations. USFWS online mapping application was also used to determine the closest USFWS designated critical habitat for federally listed species.

Previously prepared reports, survey results, and literature detailing the biological resources previously observed on or within the vicinity of the project site were reviewed to understand existing site conditions. The previously prepared reports and survey results offer a valuable insight into how the project site conditions have progressed over time. Adding context to the project site's baseline condition over periods of time that include disturbance and growth. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-sensitive biological resources, as well as the following resources:

- Botanical Survey Guidelines (CNPS 2001);
- Calflora;
- CDFW CNDDDB and the BIOS GIS inventory map;
- CNPS Rare Plant Inventory;
- Google Earth Pro historic aerial imagery (2002 - 2024);
- Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 1996);
- Jepsons eFlora database;
- MSHCP Information map and cell criteria;
- Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Communities and Natural Communities (CDFW 2009);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS);
- USFWS Critical Habitat designations for Threatened and Endangered Plant Species; and
- Web Soil Survey

The MSHCP information map’s narrow endemic plant survey areas and cell criteria as well as CDFW’s CNDDDB and BIOS GIS data viewer were used to identify potential plant species with the potential to occur on the project site and the site’s immediate vicinity. Resources such as Calflora, CNPS Rare Plant Inventory, and Jepsons eFlora database provided additional background information on the specific species that were being investigated including life cycle, phenotypical characteristics, and habitat criteria specific to each plant. The information was also used to identify potential plant specimens found during the field survey down to the species level, ensuring that look-alike species are not reported. The information gathered from the database and records search served as a basis of information for the focused plant surveys that were conducted in the field.

Focused Plant Survey

Three (3) focused surveys were conducted to coincide with the bloom periods of MSHCP Narrow Endemic and Criteria Area plant species. These surveys were conducted from April through June, on April 30th, May 14th, and June 13th. The surveys focused on the presence/absence of the following species of MSHCP Narrow Endemic and Criteria Area plants: California orcutt grass (*Orcuttia californica*), Wright’s trichocoronis (*Trichocoronis wrightii* var. *wrightii*), Coulter’s goldfields (*Lasthenia glabrata* ssp. *coulter*), Davidson’s saltscale (*Atriplex serenana* var. *davidsonii*), little mousetail (*Myosurus minimus*), many-stemmed dudleya (*Dudleya multicaulis*), mud nama (*Nama stenocarpum*), Munz’s onion (*Allium munzii*), Parish’s brittlescale (*Atriplex parishii*), round-leafed filaree (*California macrophylla*), San Diego ambrosia (*Ambrosia pumila*), San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*), smooth tarplant (*Centromadia pungens* ssp. *laevis*), spreading navarretia (*Navarretia fossalis*), and thread-leaved brodiaea (*Brodiaea filifolia*). The bloom period for each of the species surveyed is listed in the table below.

Species	Bloom/Survey Period	Date(s) Species Were Surveyed For
California orcutt grass (<i>Orcuttia californica</i>)	April-June	April 30 th , May 14 th , and June 13 th , 2024
Coulter’s goldfields (<i>Lasthenia glabrata</i> ssp. <i>coulter</i>)	February-June	April 30 th , May 14 th , and June 13 th , 2024
Davidson’s saltscale (<i>Atriplex serenana</i> var. <i>davidsonii</i>)	May-October	May 14 th , and June 13 th , 2024
Little mousetail (<i>Myosurus minimus</i>)	April-May	April 30 th , and May 14 th , 2024
Many-stemmed dudleya (<i>Dudleya multicaulis</i>)	May-June	May 14 th , and June 13 th , 2024
Mud nama (<i>Nama stenocarpum</i>)	March-October	April 30 th , May 14 th , and June 13 th , 2024

Munz's onion (<i>Allium munzii</i>)	April-May	April 30 th , and May 14 th , 2024
Parish's brittlescale (<i>Atriplex parishii</i>)	June-October	June 13 th , 2024
Round-leaved filaree (<i>California macrophylla</i>)	March-May	April 30 th , and May 14 th , 2024
San Diego ambrosia (<i>Ambrosia pumila</i>)	April-October	April 30 th , May 14 th , and June 13 th , 2024
San Jacinto Valley crownscale (<i>Atriplex coronate</i> var. <i>notatior</i>)	April-August	April 30 th , May 14 th , and June 13 th , 2024
Smooth tarplant (<i>Centromadia pungens</i> ssp. <i>laevis</i>)	April-November	April 30 th , May 14 th , and June 13 th , 2024
Spreading navarretia (<i>Navarretia fossalis</i>)	May-June	May 14 th , and June 13 th , 2024
Thread-leaved brodiaea (<i>Brodiaea filifolia</i>)	March-June	April 30 th , May 14 th , and June 13 th , 2024
Wright's trichocoronis (<i>Trichocoronis wrightii</i> var. <i>wrightii</i>)	May-September	May 14 th , and June 13 th , 2024

Surveys were conducted during the individual bloom period when the targeted species are both the most evident and identifiable. Three (3) site visits were spaced throughout the bloom seasons to accurately identify plant species present and capture the site's floristic diversity, ensuring a comprehensive assessment for the presence of special-status plants. The timing and number of surveys was determined based on geographic location, known bloom period, and the weather patterns of the region. All three surveys were conducted by walking linear transects throughout the entirety of the project site. Transects were spaced at 5-meter intervals to ensure maximum visual coverage to increase the likelihood of detecting special-status plant species. See Figure 3 for transect coverage of the project site. If an area was found to have an occurrence of a plant species targeted by the focused survey, the surrounding vicinity of the species was scoured within a 5-meter radius. All plant species observed during the surveys were identified by visual characteristics and morphology in the field and recorded in a field notebook. Potentially special status plants, as well as unusual and less familiar species, were photographed on-site and identified in the office using taxonomical guides. A handheld geographic positioning systems (GPS) device, recorded in NAD 1983 State Plane California, and standard field data sheets were used to record the location and details of any observed populations of special-status plant species. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual. Refer to Attachment 3, for a complete list of plant species observed during the focused survey.

Sensitive Plant Species

The MSHCP information map was used to determine the project site falls within criteria cell 3276 and is located within the MSHCP narrow endemic plant survey area for the following plant

species: California Orcutt grass, Many-stemmed dudleya, Munz's onion, San Diego ambrosia, spreading navarretia, and Wright's trichocoronis. Criteria cell 3276 includes the following criteria plant species: Coulter's goldfields, Davidson's saltscale, little mousetail, Mud nama, Parish's brittlescale, round-leaved filaree, San Jacinto Valley crownscale, smooth tarplant, and thread-leaved brodiaea. The CNDDDB database search identified eleven (11) special-status plant species as having documented occurrences within the Perris quadrangle. Of the eleven (11) species returned by the CNDDDB database query three (3) were not listed under the MSHCP criteria and include the following: long-spined spineflower (*Chorizanthe polygonoides* var. *longispina*), Payson's jewelflower (*Caulanthus simulans*), and chaparral sand-verbena (*abronia vilosa* var. *aurita*); none of the three species are listed but are species of special concern. The following section provides detailed information on each plant species targeted by the focused surveys:

California Orcutt Grass (*Orcuttia californica*)

California Orcutt grass has a CNPS Rare Plant Ranking of 1B.1, the plant species is in the Poaceae family and blooms from April to August. This species has a small white or pink flower and occurs exclusively in wetland habitats such as vernal pools and riparian wetlands at elevations between 50 to 2165 feet (ft.) above mean sea level (AMSL). California Orcutt grass is known to occur in the counties of Orange, Los Angeles, Riverside, San Diego, San Bernardino, and Ventura. The nearest recorded occurrence of California Orcutt grass on Calflora is approximately 4 miles to the south of the project site near Sun City.

Coulter's Goldfields (*Lasthenia glabrata* ssp. *coulter*)

Coulter's goldfields has a CNPS Rare Plant Ranking of 1B.1, the plant species is in the Asteraceae family and blooms from February to June. This species has a yellow ray flower and usually occurs in wetlands occasionally occurring in non-wetlands. Habitats commonly associated with this species are salt marshes, vernal pools and coastal scrub at elevations between 5 and 4005 ft. AMSL. Coulter's goldfields is known to occur in the counties of Colusa, Kern, Kings, Los Angeles, Merced, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Solano, Tehama, Tulare, Ventura, and Yolo. The nearest recorded occurrence of Coulter's goldfields on both Calflora and CNDDDB using the BIOS GIS viewer is approximately 0.2 miles to the southeast of the project site.

Davidson's Saltscale (*Atriplex serenana* var. *davidsonii*)

Davidson's saltscale has a CNPS Rare Plant Ranking of 1B.2, the plant species is in the Chenopodiaceae family and blooms from April to October. This species has very small green to white flowers and occurs in alkaline soil types at elevations between 35 to 655 ft. AMSL. Davidson's saltscale is equally as likely to occur in wetlands as non-wetlands, with habitats commonly associated with the species being coastal sage scrub, riparian, and wetlands. The species is known to occur in the counties of Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, and Ventura. The nearest occurrence of Davidson's saltscale in CNDDDB using the BIOS GIS viewer occurs 5 miles to the northeast of the project site.

Little Mousetail (*Myosurus minimus*)

Little mousetail has a CNPS Rare Plant Ranking of 3.1, the plant species is in the Ranunculaceae family and blooms from March to June. This species has a white flower and usually occurs in wetlands. Habitats commonly associated with this species are coastal sage scrub, grasslands, vernal pools, and wetlands at elevations between 65 to 2100 ft. AMSL. Little mousetail is known to occur in the counties of Alameda, Butte, Colusa, Fresno, Kern, Lake, Los Angeles, Merced, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Solano, Stanislaus, Tehama, Tulare, and Ventura. Both the Calflora and the CNDDDB databases returned no documented findings of little mousetail in the Perris quad. However, the nearest occurrence of little mousetail was observed in the adjacent Conatser Easement. A photo of the reference species is shown in Attachment 2, Reference Location Photos.

Many-stemmed Dudleya (*Dudleya multicaulis*)

Many-stemmed dudleya has a CNPS Rare Plant Ranking of 1B.2, the plant species is in the Crassulaceae family and blooms from April to July. This species has a small yellow flower and usually occurs in clay soil types at elevations between 50 to 2590 ft. AMSL. Habitats that are commonly associated with the species include coastal sage scrub, chaparral, and grassland. Many-stemmed dudleya is known to occur in the counties of Los Angeles, Orange, Riverside, San Bernardino, and San Diego. Both the Calflora and the CNDDDB databases returned no documented findings of many-stemmed dudleya in the Perris quad with most of the species populations occurring along the western extent of Riverside County.

Mud Nama (*Nama stenocarpum*)

Mud nama has a CNPS Rare Plant Ranking of 2B.2, the plant species is in the Hydrophyllaceae family and blooms from March to October. This species has small white to pink flowers and usually occurs in wetlands occasionally in non-wetlands. Habitats commonly associated with the species include lake margins, riparian, streambank, and wetlands at elevations between 15 to 1640 ft. AMSL. The species is known to occur in the counties of Imperial, Kings, Los Angeles, Orange, Riverside, San Bernardino, and San Diego. Both the Calflora and the CNDDDB databases returned no documented findings of mud nama in the Perris quad.

Munz's Onion (*Allium munzii*)

Munz's onion has a CNPS Rare Plant Ranking of 1B.1, the plant species is in the Liliaceae family and blooms from March to May. This species has white flowers and usually occurs within clay or mesic soil types at elevations between 975 to 3510 ft. AMSL. Habitats commonly associated with the species include chaparral, cismontane woodland, coastal sage scrub, and grasslands. The species is known to occur in the counties of Los Angeles and Riverside however the species is almost completely limited to western Riverside County. Both the Calflora and the CNDDDB databases returned no documented findings of Munz's onion in the Perris quad.

Parish's Brittle-scale (*Atriplex parishii*)

Parish's brittle-scale has a CNPS Rare Plant Ranking of 1B.1, the plant species is in the Chenopodiaceae family and blooms from June to October. This species has little pink to purple flowers and usually occurs within alkali soil types at elevations between 80 to 6235 ft. AMSL. Habitats commonly associated with the species include playas, and vernal pools. The species is known to occur in the counties of Alameda, Colusa, Los Angeles, Madera, Merced, Orange, Riverside, San Bernardino, San Diego, Stanislaus, Solano, Tulare. Both the Calflora and the CNDDDB databases returned documented occurrences of the species approximately 7 miles to the north of the project site.

Round-leaved Filaree (*California macrophylla*)

Round-leaved filaree does not have a CNPS Rare Plant Ranking, the species is a part of the Geraniaceae family and blooms from March to May. This species has white flowers and is widely dispersed throughout California. The nearest documented occurrence of the species on Calflora occurs 1.6 miles to the southeast of the project site.

San Diego Ambrosia (*Ambrosia pumila*)

San Diego ambrosia has a CNPS Rare Plant Ranking of 1B.1, the species is in the Asteraceae family and blooms from April to October. This species has very small green to brown flowers and often occurs in disturbed soils sometimes in alkaline, clay, loam, and or sandy soil types at elevations between 65 to 1360 ft. AMSL. This species usually occurs in non-wetland however, occasionally occurs in wetlands, habitats commonly associated with the species are chaparral, coastal sage scrub, disturbed, grassland, and vernal pools. San Diego ambrosia is known to occur in the counties of Los Angeles, Riverside, and San Diego. The nearest recorded occurrence of San Diego ambrosia documented on Calflora occurs 5.4 miles to the southwest of the project site in the Lake Elsinore 7.5 minute quadrangle.

San Jacinto Valley Crownscale (*Atriplex coronate* var. *notator*)

San Jacinto Valley crownscale has a CNPS Rare Plant Ranking of 1B.1, the plant species is in the Chenopodiaceae family and blooms between April and August. This species has a very small pink to green flower and occurs in Alkaline soils at elevations between 455 to 1640 ft. AMSL. This species usually occurs in wetlands however, is occasionally found in non-wetlands, habitats commonly associated with this species are playas and vernal pools. San Jacinto Valley crownscale is known to be narrowly limited to Riverside County. Calflora's database has three recorded occurrence of San Jacinto Valley crownscale approximately 0.3 miles from the project site.

Smooth Tarplant (*Centromadia pungens* ssp. *laevis*)

Smooth tarplant has a CNPS Rare Plant Ranking of 1B.1, the plant species in the Asteraceae family and blooms from April to September. This species has a yellow flower and occurs in sandy loam soil types at elevations between 0 to 2000 ft. AMSL. This species is equally likely to occur in wetlands and non-wetland environments, habitats commonly associated with this species are riparian, meadows, and playas. Smooth tarplant is known to occur in the counties of Los Angeles,

San Bernardino, Orange, Riverside, and San Diego. The nearest recorded occurrence of smooth tarplant on Calflora is approximately 0.25 miles to the southeast by the San Jacinto River. The nearest recorded occurrence of smooth tarplant on CNDDDB using the BIOS GIS viewer occurs on the project site.

Spreading Navarretia (*Navarretia fossalis*)

Spreading navarretia has a CNPS Rare Plant Ranking 1B.1, the plant species in the Polemoniaceae family and blooms between April and June. This species has a white flower and occurs in clay loam and loam soil types at elevations between 310 to 4690 ft. AMSL. This species is exclusive to wetlands environments, habitats commonly associated with this species are vernal pools and freshwater-marshes. Spreading navarretia is known to occur in the counties of Los Angeles, Riverside, San Diego, and San Luis Obispo. The nearest recorded occurrence of spreading navarretia on Calflora is approximately 0.4 miles north of the project site. The nearest recorded occurrence of spreading navarretia on CNDDDB using the BIOS GIS viewer occurs 0.20 miles to the south of the project site. The project site also falls within USFW designated Critical Habitat for spreading navarretia. Spreading navarretia was also observed within the adjacent Conatser Easement and a reference photo has been provided in Attachment 2.

Thread-leaved Brodiaea (*Brodiaea filifolia*)

Thread-leaved brodiaea has a CNPS Rare Plant Ranking of 1B.1, the plant species in the Liliaceae family and blooms between March and June. This species has a purple flower and occurs in clay soil types at elevations between 25 to 1120 ft. AMSL. This species is equally likely to occur in wetlands and non-wetland environments habitats commonly associated with this species are vernal pool, freshwater wetlands, coastal sage scrub, and valley grassland. Thread-leaved brodiaea is known to occur in the counties of Los Angeles, Orange, Riverside, San Bernardino, and San Diego. The nearest recorded occurrence of thread-leaved brodiaea on Calflora is approximately 0.10 miles to the east of the project site. The nearest recorded occurrence of thread-leaved brodiaea on CNDDDB using the BIOS GIS viewer occurs on the project site. The project site also falls within USFW designated Critical Habitat for thread-leaved brodiaea.

Wright's Trichocoronis (*Trichocoronis wrightii* var. *wrightii*)

Wright's trichocoronis has a CNPS Rare Plant Ranking of 2B.1, the plant species in the Asteraceae family and blooms between May and September. This species has small white flowers and occurs in alkaline soil types at elevations between 15 to 1425 ft. AMSL. This species usually occurs in wetlands and occasionally in non-wetland environments, habitats commonly associated with this species are riparian, meadows, marsh, vernal-pools. Wright's trichocoronis is known to occur in the counties of Colusa, Sutter, San Joaquin, Merced, Riverside, and Yolo. The nearest recorded occurrence to Wright's trichocoronis on Calflora is approximately 4 miles to the north of the project site. The nearest recorded occurrence of Wright's trichocoronis on CNDDDB using the BIOS GIS viewer occurs 6 miles to the northeast of the project site.

Existing Site Conditions

The project site currently exists as a relatively flat open space. The project site consists of an area that has been historically disturbed due to multiple anthropogenic disturbances. The site remains as a vacant undeveloped lot that supports a dense non-native grassland with areas disturbed from illegal soil dumping. In the southeastern corner of the project site, the dense non-native grassland is interrupted by intermittent alkali salt scalds. The majority of the site predominately consists of Russian thistle (*Salsola tragus*), prickly lettuce (*Lactuca serriola*), fiddleneck (*Amsinckia menziesii*), mustard (*Brassica geniculata*), bromes (*Bromus spp.*), London rocket (*Sisymbrium irio*), and mouse barley (*Hordeum marinum*). The project site is relatively flat and sits at approximately 1420 ft AMLS.

Soils

The soils on the project site consist of three distinct soil types including: Domino silt loam (saline-alkali), Domino silt loam (strongly saline-alkali), and Willows silty clay, deep, (strongly saline-alkali), see Figure 4. The soil type of Domino silt loam (saline-alkali) makes up approximately 27 percent of the project site making up a majority of soils in the north. Domino silt loam (strongly saline-alkali) makes up approximately 57 percent of the project site making up a majority of soils in the middle of the site and along the eastern edge of the site. Willows silty clay, deep, (strongly saline-alkali) makes up approximately 16 percent of the project site making up a small portion of soils along the eastern edge of the project site and the southwest corner of the site.

Average annual precipitation levels within the City of Perris are approximately 10 inches. From January 2024 to July 2024, precipitation levels have totaled 10.89 inches, which is within the expected range of annual precipitation.

The site's existing drainage is generally in a southeasterly direction in a sheet flow manner towards the San Jacinto River. There is minor offsite run-on flow to the site from the undeveloped land to the west of the project site. The site is located within the floodplain of the San Jacinto River. The southeastern corner of the property falls within the FEMA floodway limits and will be avoided in the project plans.

A review of historical aerial photographs of the project site (1966 – 2024) shows that site conditions have been impacted over time by a range of anthropogenic and biotic disturbances. The earliest aerial photographs show that the southeastern corner into the middle of the project site supported large areas of continuous alkali salt scalds. The salt scalds in the earliest photos of the site roughly align with the soils map of both the Domino and Willows (strongly-alkali) soil types. As time progressed, the project site experienced anthropogenic disturbance such as the full clearing of the site likely through disking or mowing for agricultural use and fire abatement.

The Project site mostly consists of non-native grassland habitat that has been heavily disturbed. Over the course of the surveys conducted from April to June, dominant species in bloom included smooth tarplant, annual sunflower, short pod mustard, common fiddleneck, stink net, and

pineapple weed. April's site conditions were characterized by a dense amount of growth of short pod mustard, non-native grasses, and prickly lettuce that varied in heights between 4 to 6 feet. The June site survey was characterized by a die back of most species with more ground visibility to observe potential low growing sensitive floral species. Please see Attachment 4 for representative photos of the project site throughout the survey period.

Results

During the focused plant surveys the project site was found to support populations of smooth tarplant (*Centromadia pungens ssp. laevis*) and one population of San Jacinto Valley crowscale (*Atriplex coronata var. notatior*), see Figure 5. These species primarily exist in the southeastern corner of the project site and along the eastern edge of the site where it abuts the Action Star Games Paintball Park. No other species of narrow endemic or criteria area plants were observed during the three surveys that were performed.

Smooth tarplant was found on the site as individuals, clusters, and areas with a medium density of individuals grouped together. Other species found to be associated with the smooth tarplant included: mouse barley (*Hordeum marinum*), Mediterranean grass (*Schismus barbatus*), ripgut brome (*Bromus diandrus*), black mustard (*brassica nigra*), and short pod mustard (*Hirschfeldia incana*) which created conditions of nearly 100 percent ground cover. The specific geographical locations of the smooth tarplant populations were mapped with a Trimble Geo 7x sub-meter accurate GPS device. Each individual observed was recorded as a point using the GPS device. For areas with multiple individuals in a group, we delineated the outer boundaries of the group. Given the total number of individuals on the project site was quite large, the number of individuals was estimated by calculating the average area occupied by each individual and seed bank. For individuals, we used an average width size of 1.5 feet by 1.5 feet, while for the seed bank, we used an additional 0.5 feet by 0.5 feet. We then divided the total area of the site where smooth tarplant clusters were found by these average areas to estimate the population size. Based on this method, the project site is estimated to support approximately 2,500 individual smooth tarplants (*Centromadia pungens ssp. laevis*).

The area of smooth tarplant individuals was estimated based on phenotypical descriptions of the species, taking representative measurements of individuals onsite, as well as accounting for the seed bank of the plants to best characterize the total impacts to the species. The area of the smooth tarplant populations was calculated using the ArcGIS Pro desktop application using the measuring tools within the program to determine the total approximate area with the occurrence of the species with the best accuracy. The area of the smooth tarplant populations and individuals was totaled together to find the approximant total area onsite that is occupied by the occurrence of the species during this blooming season. Approximately 4,804.6 ft.² of smooth tarplant are located across the entirety of the project site; of which approximately 4,502.56 ft.² of the species were found to be within the avoidance area, and approximately 302.04 ft.² of the species were found to occur within the impact area of the project site. Since, approximately 302.04 ft.² of the

species population is to be impacted out of a total onsite population of approximately 4,804.6 ft.² across the whole of the project site it can be concluded that 6.28 percent of the smooth tarplant would be impacted by development, see Figure 5.

San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*) was also found to occur on the project site in one small population near the southern edge of the site. The species found to be associated with the occurrence of the San Jacinto Valley crownscale included: alkali weed (*Cressa truxillensis*), big saltbush (*Atriplex lentiformis*), pineapple weed (*Matricaria discoidea*), mouse barley (*Hordeum marinum*), Mediterranean grass (*Schismus barbatus*), ripgut brome (*Bromus diandrus*), and prickly wild lettuce (*Lactuca serriola*). Given that the population was small, each individual was counted and marked with a GPS point. The small population consisted of seventeen (17) individual plants that were in an area of approximately 346.60 ft.². The entirety of this population of San Jacinto Valley crownscale is within the proposed avoidance area that would not be impacted by the proposed development of the project.

Conclusion and Recommendation

Two criteria area and narrow and endemic plants, smooth tarplant (*Centromadia pungens* ssp. *laevis*) and San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*), were identified to occur on the project site. Smooth tarplant is the only species that was found to occur within the area to be impacted by the development of the project. Only 6.28 percent of the total occupied area on site of smooth tarplant would be impacted by the project as proposed. The San Jacinto Valley crownscale population occurs 100 percent in the proposed avoidance area as well as 93.72 percent of the smooth tarplant population. Therefore, the proposed project would only impact 6.28 percent of the total smooth tarplant that occurs on the site, which provides long-term conservation value for the species. As outlined in the MSHCP, impacts to 10 percent or more of populations of MSHCP criteria or narrow endemic plant species warrant the preparation of a Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis and findings. However, the project does not exceed the 10 percent threshold. Due to these considerations the impact of the project as proposed would be less than significant and not expected to impact the whole species long-term existence and or ability to survive.

If you have any questions or need any clarifications regarding this report, please feel free to contact me via email or at (909) 241-7433.

Sincerely,



Senior Biologist/Regulatory Specialist

Attachments:

1. Figures
2. Species Reference Populations Photos
3. Species Compendium
4. Site Conditions Photo
5. Flora Species Occurrences Photos

References:

ArcGIS Pro Desktop application.

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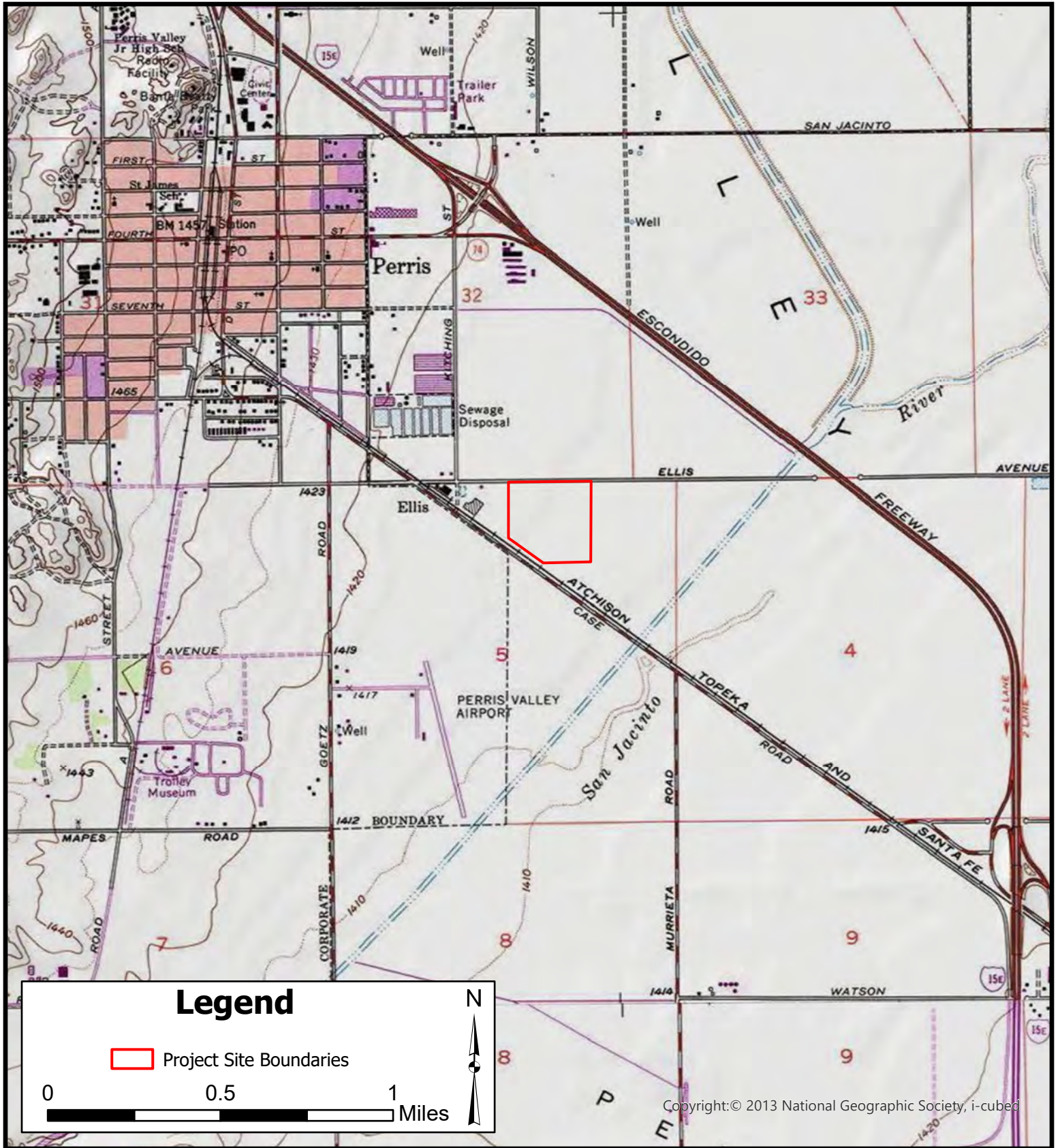
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Web Soil Survey, websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx.

Attachment 1.

Figures



Ellis Avenue Project
Site Vicinity Map

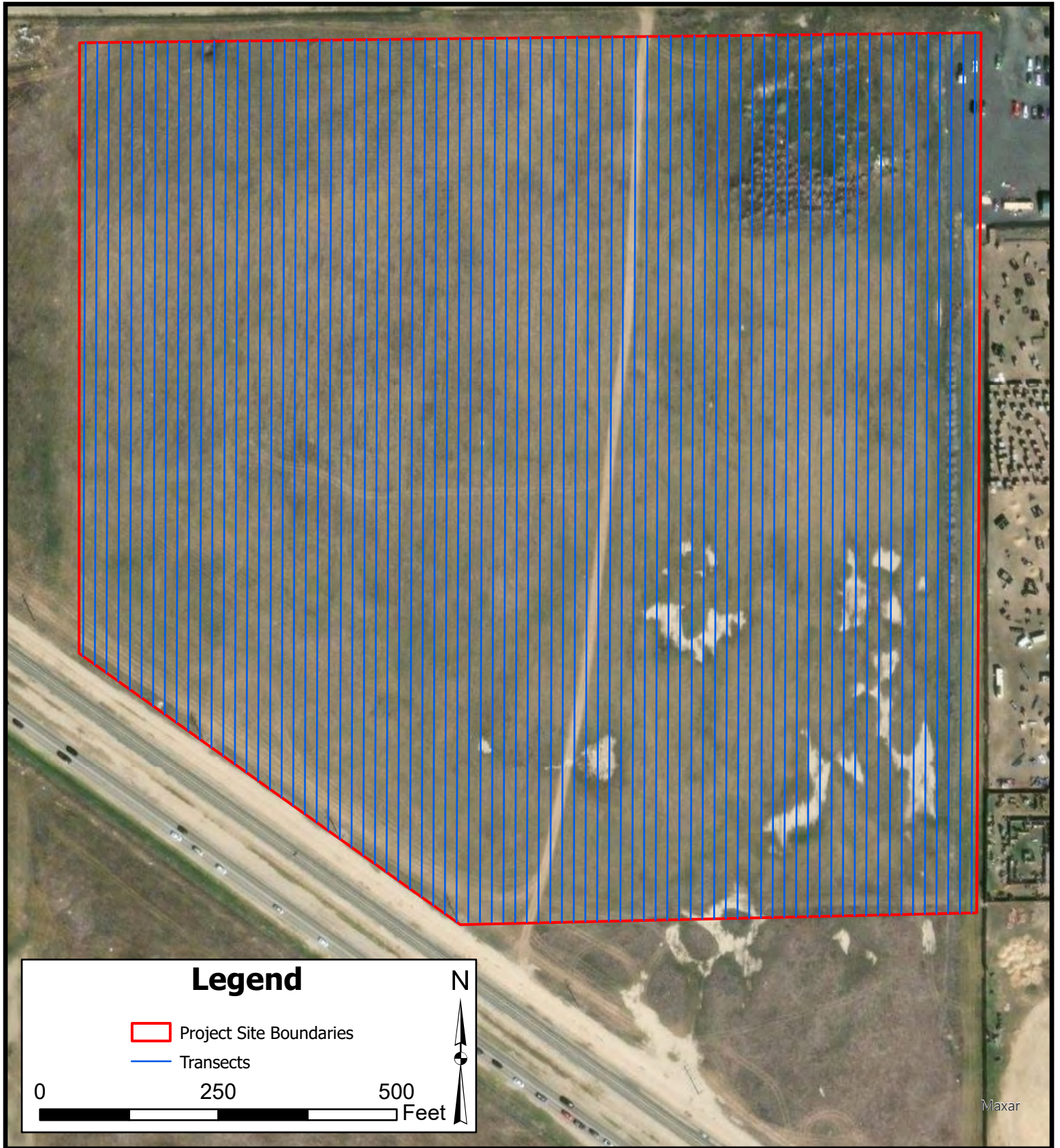




Ellis Avenue Project
Site Overview Map



Figure 2

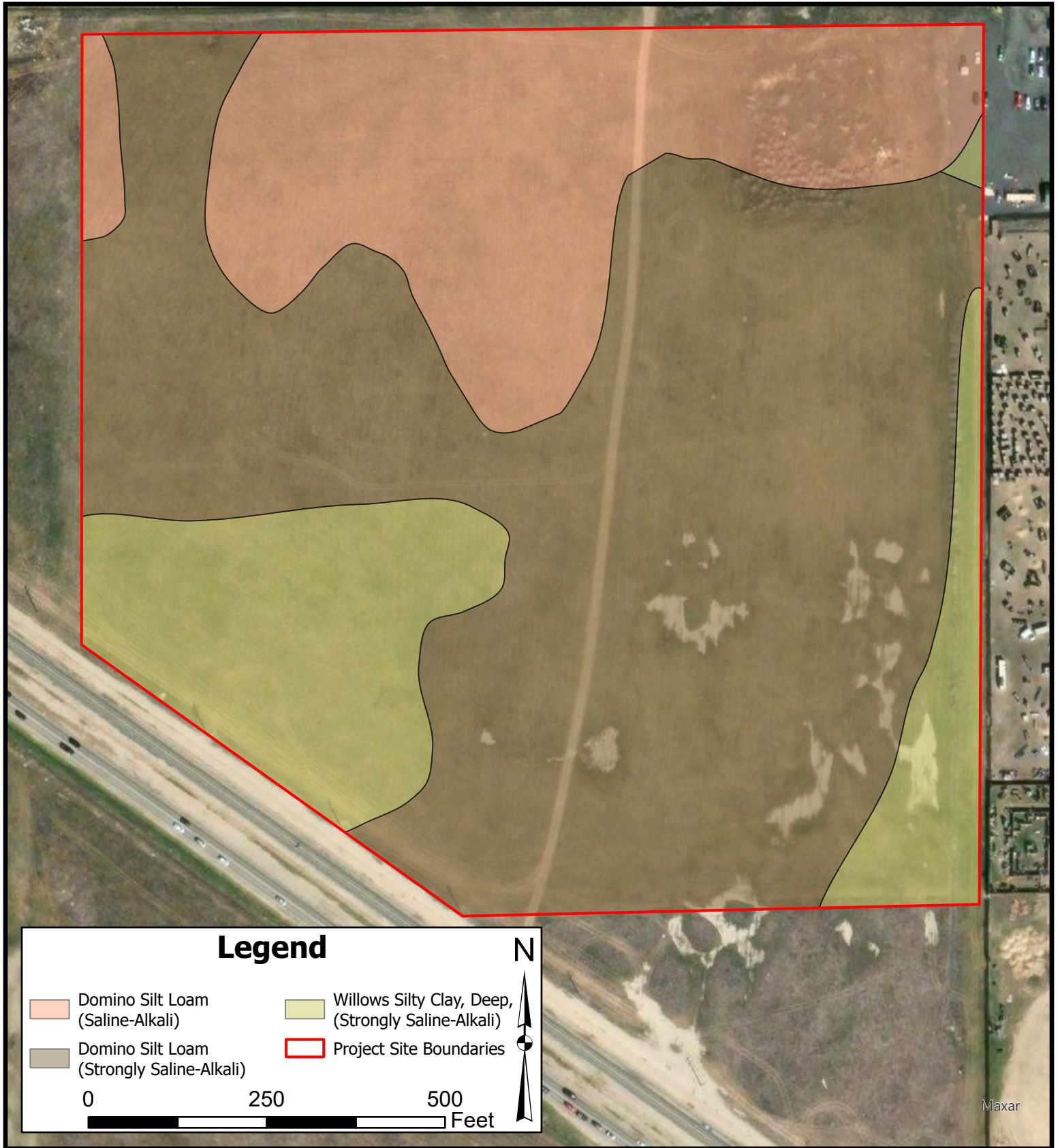


Ellis Avenue Project

Transects Map



Figure 3

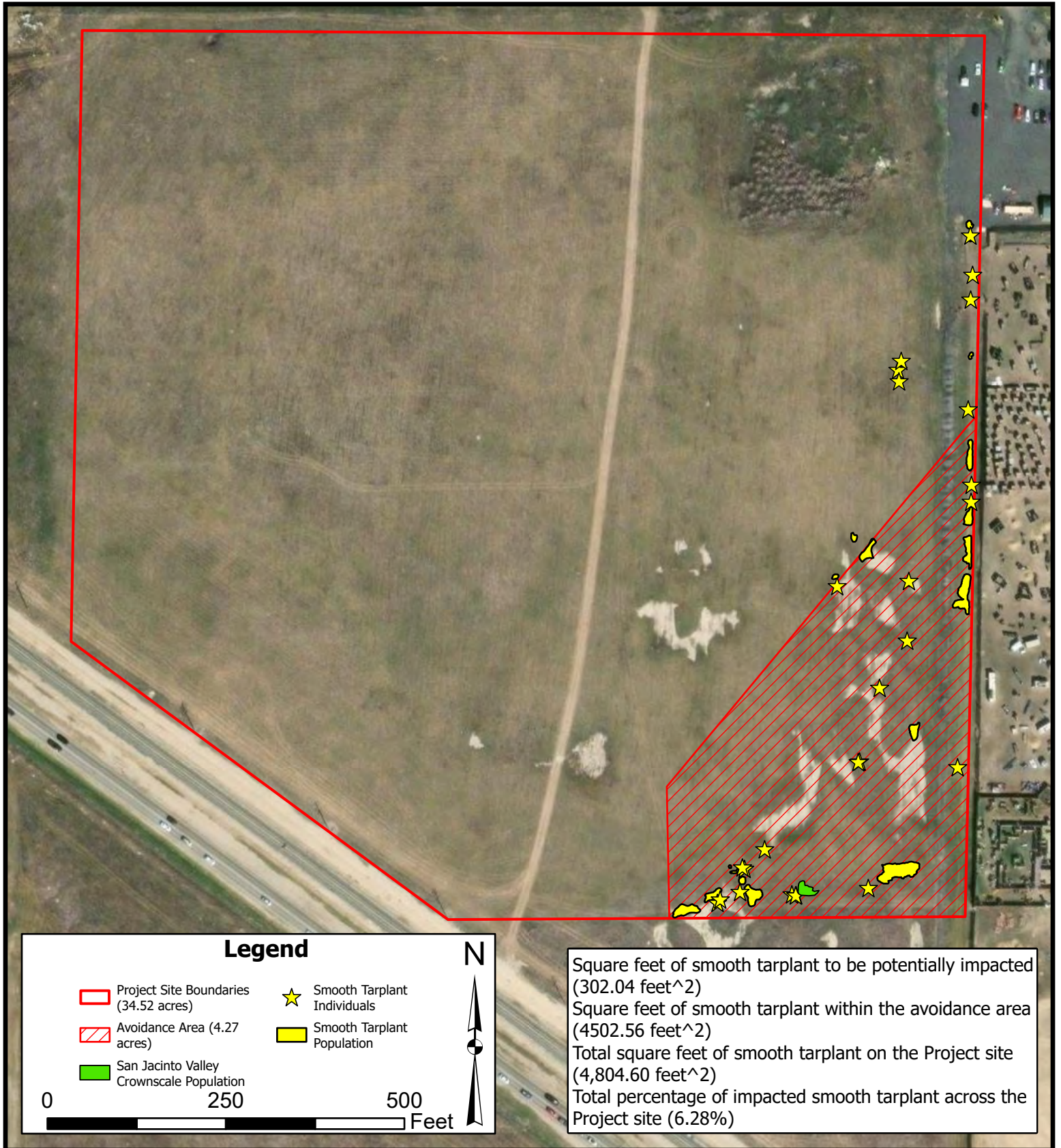


Ellis Avenue Project

Soils Map



Figure 4



Ellis Avenue Project
 Focused Plant Survey Map



Figure 5

Attachment 2.
Site Condition Photos



Photo 1: Site conditions to the western portion of the project site dominated by non-native species.



Photo 2: Showing site flora.



Photo 3: Site conditions of the salt scalds and the surrounding area.



Photo 4: Site conditions in the southeast corner looking to the northern areas of the project site.



Photo 5: Showing site conditions in the northern area of the project site looking east.



Photo 6: Showing site conditions in the middle of the project site.



Photo 7: Site conditions along the southern most edge of the project site looking north.



Photo 8: Site conditions in the southeast corner of the project site including smooth tarplant.



Photo 9: Site conditions along the western edge of the project site looking east.



Photo 10: Showing site conditions of the salt scalds and the surrounding.



Photo 11: Showing site conditions of the salt scalds and the surrounding area.



Photo 12: Showing site conditions of the salt scalds and the surrounding area.

Attachment 3.
Species Reference Population Photos



Photo 1: Reference Population of Spreading navarretia (*Navarretia fossalis*).



Photo 2: Reference Population of little Mousetail (*Myosurus Minimus*).

Attachment 4.
Species Occurrences Photos



Photo 1: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 2: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 3: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 4: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 5: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 6: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 7: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 8: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 9: Showing onsite smooth tarplant (*Centromadia pungens ssp. laevis*).



Photo 10: Showing onsite smooth tarplant (*Centromadia pungens ssp. laevis*).



Photo 11: Showing onsite smooth tarplant (*Centromadia pungens ssp. laevis*).



Photo 12: Showing onsite smooth tarplant (*Centromadia pungens ssp. laevis*).

Attachment 5.
Species Compendium

Flora/Fauna Compendium

This list documents all plant species observed during the three site assessments conducted on April 30th, May 14th, and June 13th, during the 2024 bloom season when floral species are most identifiable. Species not included in this list may have been inadvertently omitted due to variations in their activity patterns, growing seasons, or limited observation time.

Flora

Type	Common Name	Scientific Name
Flora:	Native Species	
	Dicots	
	Alkali heath	<i>Frankenia salina</i>
	Alkali weed	<i>Cressa truxillensis</i>
	Annual burweed	<i>Ambrosia acanthicarpa</i>
	Bush seepweed	<i>Suaeda nigra</i>
	Common Sunflower	<i>Helianthus annuus</i>
	Fiddleneck	<i>Amsinckia menziesii</i>
	Jimson weed	<i>Datura wrightii</i>
	Net pepper grass	<i>Lepidium acutidens</i>
	Pineapple weed	<i>Matricaria discoidea</i>
	San Jacinto Valley crownscale	<i>Atriplex coronata var. notatior</i>
	Smooth tarplant	<i>Centromadia pungens ssp. laevis</i>
	Telegraphweed	<i>Heterotheca grandiflora</i>
	Turkey mullein	<i>Eremocarpus setigerus</i>
	Vinegarweed	<i>Trichostema lanceolatum</i>
	Wright's cudweed	<i>Pseudognaphalium canescens</i>
	Monocots	
	Saltgrass	<i>Distichlis spicata</i>
	Non-Native Species	
	Dicots	
	Australian saltbush	<i>Atriplex semibaccata</i>
	Black mustard	<i>Brassica nigra</i>
Bristly oxtongue	<i>Helminthotheca echioides</i>	
California burclover	<i>Medicago polymorpha</i>	
Common stork's bill	<i>Erodium cicutarium</i>	
Cheeseweed	<i>Malva parviflora</i>	
Field bindweed	<i>Convolvulus arvensis</i>	
Lamb's quarters	<i>Chenopodium album</i>	
London rocket	<i>Sisymbrium irio</i>	
Malltese star-thistle	<i>Centaurea melitensis</i>	
Matted sandmat	<i>Euphorbia serpens</i>	
Peregrine saltbush	<i>Atriplex suberecta</i>	
Prickly lettuce	<i>Lactuca serriola</i>	
Russian thistle	<i>Salsola tragus</i>	
Short pod mustard	<i>Hirschfeldia incana</i>	
Slender leaved ice plant	<i>Mesembryanthemum nodiflorum</i>	
Spiny sowthistle	<i>Sonchus asper</i>	
Stinknet	<i>Oncosiphon pilulifer</i>	
Stinking chamomile	<i>Anthemis cotula</i>	
Stinkwort	<i>Dittrichia graveolens</i>	
Turkey-mullein	<i>Croton setiger</i>	

Flora/Fauna Compendium

Flora

Type	Common Name	Scientific Name
Flora:	Non-Native Species	
	Dicots	
	White clover	<i>Trifolium repens</i>
	White horehound	<i>Marrubium vulgare</i>
	Whitetop	<i>Lepidium draba</i>
	Monocots	
	Mouse barley	<i>Hordeum marinum</i>
	Mediterranean grass	<i>Schismus barbatus</i>
	Red brome	<i>Bromus madritensis ssp. rubens</i>
	Ripgut brome	<i>Bromus diandrus</i>
Soft brome	<i>Bromus hordeaceus</i>	

Flora/Fauna Compendium

This list documents all wildlife species incidentally observed during the three site assessments conducted on April 30th, May 14th, and June 13th, while conducting the focused plant surveys. Species not included in this list may have been inadvertently omitted due to variations in their activity patterns, active seasons, or limited observation time.

Fauna

Type	Common Name	Scientific Name
Fauna:	Avian Species	
	American crow	<i>Corvus brachyrhynchos</i>
	American kestrel	<i>Falco sparverius</i>
	Anna's hummingbird	<i>Calypte anna</i>
	Bewick's Wren	<i>Thryomanes bewickii</i>
	Black phoebe	<i>Sayornis nigricans</i>
	Cliff swallow	<i>Petrochelidon pyrrhonota</i>
	Common raven	<i>Corvus corax</i>
	Horned lark	<i>Eremophila alpestris</i>
	House finch	<i>Haemorhous mexicanus</i>
	House sparrow	<i>Passer domesticus</i>
	Loggerhead shrike	<i>Lanius ludovicianus</i>
	Mourning dove	<i>Zenaida macroura</i>
	Northern mockingbird	<i>Mimus polyglottos</i>
	Red-shouldered hawk	<i>Buteo lineatus</i>
	Red-tailed hawk	<i>Buteo jamaicensis</i>
	Red-winged blackbird	<i>Agelaius phoeniceus</i>
	Rock pigeon	<i>Columba livia</i>
	Snowy egret	<i>Egretta thula</i>
	Song Sparrow	<i>Melospiza melodia</i>
	Turkey vulture	<i>Cathartes aura</i>
	Western meadowlark	<i>Sturnella neglecta</i>
	Insect Species	
	Honey bee	<i>Apis mellifera</i>
	Green sweat bee	<i>(Agapostemon sp. or Augochlorella sp.)</i>
	Digger bee	<i>Anthophora sp.</i>
	Sand wasp	<i>Bembix americana</i>
	Milde's tarantula-hawk wasp	<i>Pepsis mildei</i>
	Dragonfly species	<i>Anisoptera sp.</i>
	Damselfly species	<i>Zygoptera sp.</i>
	Reptile Species	
	Western fence lizard	<i>Sceloporus occidentalis</i>
	Western side-blotched Lizard	<i>Uta stansburiana elegans</i>
	Mammalian Species	
	Botta's pocket gopher	<i>Thomomys bottae</i>
	Deer mouse	<i>Peromyscus maniculatus</i>
	Desert cottontail rabbit	<i>Sylvilagus audubonii</i>
	Western harvest mouse	<i>Reithrodontomys megalotis</i>

Appendix E

Focused Plant and Crotch's Bumble Bee Survey

September 9, 2024

Attn: Fennemore Law

550 E. Hospitality Lane, Suite 350
San Bernardino, CA 92408

Subject: Ellis Avenue Project Focused Plant and Crotch's Bumble Bee Survey

This letter report summarizes the findings of the Ellis Logistics Center Project's (Project) focused plant surveys and visual surveys for Crotch's bumble bee (*Bombus crotchii*), as well as alkali ground-nesting solitary bees of the genera *Nomia* and *Dieunomia*. These surveys were conducted by Ruth Villalobos and Associates, Inc. (RVA) during the 2024 blooming and 2024 active flight season.

The results of this focused plant survey concentrated on the species recommended in the Wildlife Agencies' comment letter for the Project's draft EIR dated July 28th, 2023. These included alkali milkvetch (*Astragalus tener*), Los Angeles sunflower (*Helianthus nuttalli var. parishii*), Palmer's heath (*Frankenia palmeri*), Parish's brittlescale (*Atriplex parishii*), Parish's flatsedge (*Cyperus parishii*), Parish's popcornflower (*Plagiobothrys parishii*), pygmy bulrush (*Schenoplectiella saximontana*), playa milkvetch (*Astragalus hornii*), rusty molly (*Neokochia californica*), southwestern dock (*Rumex violascens*), tapertip flatsedge (*Cyperus acuminatus*), and Thurber's checkermallow (*Sidalcea neomexicana ssp. thurberi*).

The Wildlife Agencies comment letter also recommended surveying for nests for the regionally rare and potentially disappearing alkali ground nesting solitary bees of the genera *Nomia* and *Dieunomia* as well as, Crotch's bumble bee that is currently being petitioned for listing status under the California Endangered Species Act (CESA). This letter report includes the results of the presence/absence surveys of nests for the two genera of alkali ground-nesting solitary bees as well as Crotch's bumble bee. Primary active nesting season for these species occurs from April through August.

[Project Location](#)

The Project site is generally located south and west of Interstate 215, east of State Route 74, and north of the San Jacinto River in the City of Perris, Riverside County, California. The site is depicted on the Perris quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 5 of Township 5 South, Range 3 West. Specifically, the Project site bordered by E. Ellis Avenue along its northern boundary, the Burlington Northern Santa Fe Railroad (BNSF) on its southwestern boundary, and the San Jacinto River on its southeast boundary, within

Assessor's Parcel Numbers 330-090-006, and -007. The approximate middle of the Project site is located at 33.770372°, -117.212628°. See Figures 1, Site Vicinity and 2, Site Aerial Map.

Project Description

The Project proposes the development of a +/- 671,000 square foot, light industrial building and associated parking, landscaping, and infrastructure. The Project site is approximately 34.52 acres and a portion of the southeast corner of the Project site will not be developed, as this area was determined to be in a floodway. The limits of disturbance will encompass the remainder of the site, which consists of impacts associated with the building, infrastructure, and onsite landscaping.

Additionally, 1.11 acres of off-site impacts will occur along the frontage of Ellis Avenue on the northern boundary of the site that will consist of adding a sidewalk and landscaping. This portion of Ellis Avenue has been previously disturbed/graded by IDI, developing the area north of this Project site.

The only offsite improvements that are proposed are associated with the landscaping and sidewalk associated with the frontage road along Ellis Avenue. No temporary impacts are expected to occur from Project development. Weed abatement/fuel modification zones are not expected to be required for this Project. Staging for the Project will be confined to the Project site.

Species Background

Sensitive Plant Species

Alkali milkvetch (Astragalus tener)

Astragalus tener has three subspecies including: variants *ferrisiae*, *tener*, and *titi* with respective California rare plant ranks (CRPR) of 1B.1, 1B.2, and 1B1. *Astragalus tener* does not have a CRPR, the plant species is in the Fabaceae family and blooms from March to June. This species has white to purple flowers and usually occurs in Alkali soil types at elevations between 5 and 195 feet (ft.) above mean sea level (AMSL). The species usually occurs in wetlands, occasionally in non-wetlands, with habitats that are commonly associated with the species include freshwater wetlands, alkali sink, grassland, and riparian. The Calflora database does not have recorded occurrences of this species, or subspecies, in Riverside County.

Los Angeles sunflower (Helianthus nuttallii var. parishii)

Los Angeles sunflower has a CRPR of 1A (presumed extinct), the plant species is in the Asteraceae family and blooms from August to October. This species has yellow flowers and usually occurs in wetlands, occasionally in non-wetlands at elevations between 35 and 5005 ft. AMSL. Habitats that are commonly associated with this species include freshwater marsh, salt marsh, coastal salt marsh, and riparian wetlands. The Calflora database does not have recorded occurrences of this species in Riverside County.

Palmer's heath (Frankenia palmeri)

Palmer's heath has a CRPR of 2B.1, the species is in the Frankeniaceae family, and blooms from May to July. This species has white flowers and usually occurs in wetlands, occasionally in non-wetlands at elevations between 0 and 35 ft. AMSL. Habitats that are commonly associated with the species include alkali sink, salt marshes, playas, coastal strand, and riparian wetlands. The Calflora database does not have recorded occurrences of this species in Riverside County.

Parish's brittlescale (Atriplex parishii)

Parish's brittlescale has a CRPR of 1B.1, the plant species is in the Chenopodiaceae family, and blooms from June to October. This species has little pink to purple flowers and usually occurs within alkali soil types at elevations between 80 to 6235 ft. AMSL. Habitats commonly associated with the species include playas and vernal pools. The species is known to occur in the counties of Alameda, Colusa, Los Angeles, Madera, Merced, Orange, Riverside, San Bernadino, San Diego, Stanislaus, Solano, Tulare. Both the Calflora and the CNDDDB databases returned documented occurrences of the species approximately 7 miles to the north of the Project site.

Parish's flatsedge (Cyperus parishii)

Parish's flatsedge does not have a CRPR rating, the plant species is in the Cyperaceae family, and blooms from July to October. This species has green to brown flowering bracts and usually occurs in wetlands, occasionally in non-wetlands at elevations between 3545 to 7515 ft. AMSL. Habitats commonly associated with the species include coastal sage scrub and riparian wetlands. The species is known to occur in the counties of Los Angeles, Riverside, San Bernardino, and San Diego. The Calflora database query returned a documented occurrence of Parish's flatsedge approximately 14 miles to the southeast of the Project site.

Parish's popcornflower (Plagiobothrys parishii)

Parish's popcornflower has a CRPR of 1B.1, the plant species is in the Boraginaceae family, and blooms from March to June. This species has white and yellow flowers, and usually occurs within alkaline and mesic soil types. The species is nearly exclusively found in wetland areas, habitats commonly associated with Great Basin scrub, Joshua tree woodland, and riparian wetlands. The species is known to occur in the counties of Inyo, Los Angeles, Mono, Riverside, San Bernardino, and San Diego. The Calflora database query returned a documented occurrence of Parish's popcornflower approximately 0.30 miles to the west of the Project site.

Pygmy bulrush (Schoenoplectiella saximontana)

Pygmy bulrush does not have a CRPR rating, the plant species is in the Cyperaceae family, and blooms from March to November. This species has green to brown colored flowering bracts and usually occurs in wetlands and occasionally in non-wetlands. Habitats commonly associated with this species include meadow and seep wetlands, freshwater marsh, lake margins, vernal pool, and riparian wetlands. The species is known to occur in the counties of Butte, Riverside, and

Ventura. The Calflora database query returned a documented occurrence of pygmy bulrush approximately 16 miles south of the Project at the Skunk Hollow vernal pool in unincorporated Riverside County.

Playa milkvetch (Astragalus hornii)

Playa milkvetch has a CRPR of 1B.1, the plant species is in the Fabaceae family, and blooms from May to October. This species has cream colored flowers and usually occurs within alkaline soil types. The species is equally likely to occur in wetland and non-wetland areas, habitats commonly associated with the species include alkali sink, lake margins, and riparian wetlands. The species is known to occur in the counties of Inyo, Kern, King, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. The Calflora database query returned a documented occurrence of playa milkvetch, within the the Beaumont quad, approximately 13.6 miles to the northeast of the Project site.

Rusty molly (Neokochia californica)

Rusty molly does not have a CRPR ranking, the plant species is in the Chenopodiaceae family, and blooms from May to September. This species has small yellow green flowers and usually occurs within alkaline soil types at elevations below 3280 ft. AMSL. Habitats that are commonly associated with this species include Great Basin scrub, Joshua tree woodlands, and playas. The Calflora database does not have recorded occurrences of this species in Riverside County.

Southwestern dock (Rumex violascens)

Southwestern dock does not have a CRPR rating, the plant species is in the Polygonaceae family and blooms from March to August. This species has green to red flowers and usually occurs in wetlands, occasionally in non-wetlands. Habitat commonly associated with the species include creosote bush scrub, Alkali sink, and riparian wetlands. The species is known to occur in the counties of Alameda, Fresno, Imperial, Kern, Kings, Los Angeles, Merced, Riverside, Sacramento, San Bernardino, San Diego, San Luis Obispo, Solano, and Ventura. The Calflora database query returned a specified documented occurrence of Southwestern dock, approximately 8.5 miles to the northeast of the Project site to the west of Mystic Lake.

Tapertip flatsedge (Cyperus acuminatus)

Tapertip flatsedge does not have a CRPR, the plant species is in the Cyperaceae family, and blooms from May to June. This species has green to brown flowering bracts, and exclusively occurring within wetland environments at elevations above 1312 ft. AMSL. Habitats that are commonly associated with the species include pond and lake margins, riparian wetlands, and vernal pools. The species is known to occur in the counties of Butte, Calaveras, Colusa, Fresno, Glenn, Humboldt, Kern, Lake, Los Angeles, Madera, Mendocino, Orange, Riverside, Sacramento, San Bernardino, San Benito, Santa Barbara, Shasta, Sonoma, Siskiyou, Stanislaus, Tehama, Tulare, and Ventura. The Calflora database query returned a documented occurrence of Tapertip

flatsedge approximately 16 miles south of the Project at the Skunk Hollow vernal pool in unincorporated Riverside County.

Thurber's checkermallow (Sidalcea neomexicana ssp. thurberi)

Thurber's checkermallow has a CRPR of 2B.2, the plant species in the Malvaceae family and blooms from March to June. This species has a purple-colored flower and usually occurs within alkaline and mesic soil types. The species usually occurs in wetlands, occasionally in non-wetlands, habitat commonly associated with the species include alkali sink, coastal scrub, chaparral, creosote bush scrub, playas, and riparian wetlands. The species is known to occur in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura. The Calflora database query returned a specified documented occurrence of Thurber's checkermallow, approximately 10 miles to the east of the Project site as well as an unspecified occurrence attributed to the whole of the Lakeview quad approximately 5 miles to the east.

Crotch's Bumble Bee (Bombus crotchii)

Crotch's bumble bee is a species of bumble bee that is categorized as a short-cheeked bee with a rounded angle on the midleg. The queen and worker bees of the species have typical body sizes as follows queen length 22-25mm, worker length 12-20mm. The species has a range that is roughly limited to the state of California with most occurrences near the coast and central valley of the state. Phenotypical description of the species queen and workers is generalized as uniform short hair mostly black with yellow patches along the back of the head and tergal two (T2) occasionally with red on Tergal four and five (T4-5). The approximate life cycle of the species is as follows queen flight February-March, active colony period April-August, gyne flight September-October, and over wintering November-January. The species is most detectable during the active colony period when multiple worker bees forage for the colony. The species is typically associated with grassland and scrub habitat types. Crotch's bumble bee was petitioned in 2018 for a listing status and advanced to a candidate species of concern in 2019. The listing of the species was legally challenged however the species was reinstated to candidate status in 2022. Due to the candidate status of the species, Crotch's bumble bee is fully protected under CESA.

Alkali Ground-Nesting Bees Genera's of (Dieunomia and Nomia)

Dieunomia and *Nomia* are genera of the family Halictidae, commonly referred to as sweat bees, and are diverse with multiple species throughout the United States of America. In the context of California, *Dieunomia* species exhibit significant morphological features, including large body sizes and distinctive metallic sheens, often in green or blue hues. These bees exhibit solitary nesting behaviors, with females constructing nests in sandy or well-drained soils often in large aggregations on salt flats or salty soils.

The genus *Nomia* encompasses smaller species characterized by a combination of metallic and non-metallic body parts, with distinctive abdominal banding patterns. Both genera are widely

distributed across California, favoring arid and semi-arid environments such as chaparral, scrub, and desert ecosystems.

Dieunomia species are primarily active from late spring through early autumn, while *Nomia* species demonstrate activity throughout the summer months. Morphologically, *Dieunomia* bees are robust and hirsute, facilitating efficient pollen collection from a variety of native flora. In contrast, *Nomia* bees exhibit a more streamlined physique and frequent diverse floral resources, including both wild and cultivated plants. Both genera are critical pollinators within California's ecosystems, contributing to the maintenance of biodiversity.

Methodology

Focused Plant Survey

RVA biologists conducted focused plant surveys in accordance with the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018). Prior to conducting the focused surveys, a full literature review and records search was conducted for the Project site and the general site vicinity.

Previously prepared reports detailing the biological resources previously observed on or within the vicinity of the Project site were reviewed to understand existing site conditions. The previously prepared reports and survey results offered a valuable insight into how the Project site's conditions have progressed over time. A previous focused plant survey was conducted in 2022 found no sensitive plant species within the Project footprint. The previously completed narrow and endemic plant surveys added context to the Project sites baseline condition over periods of time that include disturbance and growth that have occurred on the site. Standard field guides, texts, and databases were reviewed for specific habitat requirements of special-status and occurrence potential on the Project site. The following resources were referenced and utilized:

- Calflora;
- CDFW CNDDDB and the BIOS GIS inventory map;
- CNPS Rare Plant Inventory;
- Focused Criteria Area/Narrow Endemic Plant Species Report (2022, Ecological Sciences)
- Google Earth Pro historic aerial imagery (2002 - 2024);
- Jepsons eFlora database;
- MSHCP Information map and cell criteria;
- Special-Status Plant Survey Report for the Proposed Ellis Avenue and Dawson Road Project (2022, ELMT)
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS);
- USFWS Critical Habitat designations for Threatened and Endangered Plant Species; and
- Web Soil Survey.

CDFW’s CNDDDB and BIOS GIS data viewer were used to identify potential plant species with the potential to occur on the Project site and within the immediate vicinity. Resources such as Calflora, CNPS Rare Plant Inventory, and Jepsons eFlora database provided additional background information on the specific species that were being investigated including life cycle, phenotypical characteristics, and habitat criteria specific to the plants. The information was also used to identify potential plant specimens found during the field survey down to the species level to ensure that look-alike species are not reported. The information gathered from the database and records search of the Project site and the immediate vicinity served as a basis of information for the focused plant surveys that were conducted in the field.

Surveys were conducted at the time of year when the targeted individual plant species are in their bloom period when the species are both evident and most identifiable. Four (4) site visits were spaced throughout the bloom seasons of the individual species to accurately determine what plant species exist on-site and capture the floristic diversity at a level necessary to determine if special-status plants are present. The timing and number of surveys was determined based on geographic location, the natural communities present, and the weather patterns of the region. Based on the special-status plant species known to occur within the general vicinity and the suitability of the on-site habitat to support those species, RVA biologists conducted the special-status plant surveys on April 30th, May 14th, June 13th, and August 6th, 2024. The bloom period for each of the species surveyed is listed in the table below.

Species	Bloom Period	Dates Surveyed
Alkali milkvetch (<i>Astragalus tener</i>)	March – June	April 30 th , May 14 th , and June 13 th , 2024.
Los Angeles sunflower (<i>Helianthus nuttallii</i> var. <i>Parishii</i>)	August – October	August 6 th , 2024.
Palmer’s heath (<i>Frankenia palmeri</i>)	May – July	May 14 th , and June 13 th , 2024.
Parish’s brittlescale (<i>Atriplex parishii</i>)	June – October	June 13 th , August 6 th , 2024.
Parish’s flatsedge (<i>Cyperus parishii</i>)	July – October	August 6 th , 2024.
Parish’s popcornflower (<i>Plagiobothrys parishii</i>)	March – June	April 30 th , May 14 th , and June 13 th , 2024.
Pygmy bulrush (<i>Schoenoplectiella saximontana</i>)	March – November	April 30 th , May 14 th , June 13 th , and August 6 th , 2024.
Playa milkvetch (<i>Astragalus hornii</i>)	May - October	May 14 th , June 13 th , and August 6 th , 2024.
Rusty molly (<i>Neokochia californica</i>)	May – September	May 14 th , June 13 th , and August 6 th , 2024.

Southwestern dock (<i>Rumex violascens</i>)	March – August	April 30 th , May 14 th , June 13 th , and August 6 th , 2024.
Tapertip flatsedge (<i>Cyperus axuminatus</i>)	May – June	May 14 th , and June 13 th , 2024.
Thuber’s checkermallow (<i>Sidalcea Neomexicana ssp. thumberi</i>)	March – June	April 30 th , May 14 th , and June 13 th , 2024.

Transects were conducted during each survey throughout the entire project site, including the avoidance area that would not be impacted during development, see Figure 3. Surveys were conducted by walking linear transects throughout the Project site and spaced at 2-meter intervals to ensure maximum visual coverage to increase the likelihood of detecting special-status plant species. If an area was found to have an occurrence of a plant species targeted by the focused survey, the surrounding vicinity of the species was scoured within a 5-meter radius. Individual species were marked as a point, while clusters or groups of multiple individuals were delineated as polygons to estimate populations sizes. All plant species observed during the surveys were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less familiar plants were photographed on-site and identified in the office using taxonomical guides. A handheld geographic positioning systems (GPS) device, Trimble Geo 7x, and standard field data sheets were used to record all populations of special-status plant species, if observed. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual. Refer to Attachment 3, for a complete list of plant species observed during the focused survey.

Crotch’s Bumble Bee and Akali Bees

RVA biologists, Miranda Villalobos, Justinne Manahan, Zachary Jenson, and Lizz Zarate, conducted visual survey and habitat assessment for Crotch’s bumble bee (*Bombus crotchii*) as well as alkali ground-nesting solitary bees of the genera *Nomia* and *Dieunomia*, in accordance with the survey protocols defined in the *California Department of Fish and Wildlife (CDFW) Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* for nesting and the standardized bee photography methods from *U.S. Fish and Wildlife Service Survey Protocols for the Rusty Patched Bumble Bee (Bombus affinis)*.

The survey consisted of three (3) visual surveys on April 30th, May 14th, and August 6th during the 2024 active colony period when species would have the highest probability of detection. Each biologist conducted the survey by walking meandering transects for 60 person minutes with a focus on areas that had concentrations of flowering plant species to increase the likelihood of observing Crotch’s bumble bee during its foraging behaviors. Any instances of bees, bumble bees, and bee mimicking invertebrates that were observed were photographed with a DLSR camera for documentation of the sighting. Photos were then submitted to Bumble Bee Watch to verify identifications or suspicions of Crotch’s bumble bee and alkali bees present on site. Surveys also included searching for potential nest sites such as holes and crevices, and locating bees either on the ground or in vegetation then following them to an active nest.

Table 1. Bee Survey Methods and Conditions

Survey Number	Survey Date	Start/End Time	Surveyors	Temperature	Wind	Results
1	April 30 th , 2024.	10:00 am – 11:30 am	MV, JM, ZJ, LZ	68 °F – 73 °F	3 mph	No <i>B. crotchii</i> or alkali bees observed. Species of <i>Apis mellifera</i> , the genera of <i>Agapostemon Augoc hlorella</i> , as well as genera of <i>Anthophora</i> observed foraging.
2	May 14 th , 2024.	10:00 am – 12:30 pm	MV, JM, ZJ, LZ	63 °F – 75 °F	5 mph	No <i>B. crotchii</i> or alkali bees observed. Species of <i>Apis mellifera</i> , and the genera of <i>Agapostemon Augoc hlorella</i> observed foraging.
3	August 6 th , 2024.	8:50am – 9:30am	MV, JM, ZJ, LZ	88 °F – 90 °F	3 mph	No <i>B. crotchii</i> or alkali bees observed. Species of <i>Apis mellifera</i> , and the genera of <i>Agapostemon Augoc hlorella</i> observed foraging.

Existing Site Conditions

The Project site consists of an area that has been historically disturbed due to multiple anthropogenic disturbances. The site remains as a vacant undeveloped lot that supports a dense non-native grassland with areas disturbed from illegal soil dumping. In the southeastern corner of the Project site, the dense non-native grassland is interrupted by intermittent alkali salt scalds. The site predominately consists of non-native grasses, Russian thistle (*Salsola tragus*), prickly lettuce (*Lactuca serriola*), fiddleneck (*Amsinckia menziessii*), mustard (*Brassica geniculata*), London rocket (*Sisymbrium irio*), and mouse barley (*Hordeum marinum*). Surface elevations within the Project site are approximately 1420 ft AMSL and the site is relatively flat. The soils on the Project site consist of three distinct soil types including: Domino silt loam (saline-alkali), Domino silt loam (strongly saline-alkali), and Willows silty clay, deep, (strongly saline-alkali), see

Figure 4. The soil type of Domino silt loam (saline-alkali) makes up approximately 27 percent of the Project site making up a majority of soils in the northern portion of the site. Domino silt loam (strongly saline-alkali) makes up approximately 57 percent of the Project site making up a majority of soils in the middle and along the eastern edge of the site. Willows silty clay, deep, (strongly saline-alkali) makes up approximately 16 percent of the Project site making up a small portion of soils along the eastern edge and the southwest corner of the site. Plant species observed in bloom during the four site assessments were denoted in Attachment 3 Species Compendium.

Average precipitation levels within the City of Perris are approximately 10 inches of rain per year. This year's precipitation levels (January 2024 to July 2024) is 10.89 inches and is considered within the average precipitation levels for the year.

The site's existing drainage is generally in a southeasterly direction in a sheet flow manner towards the San Jacinto River. There is minor offsite run-on flow to the site from the westerly undeveloped land. The majority of the site is within the flood fringe of the San Jacinto River and the Project plans to avoid the FEMA floodway area located near the southeasterly corner of the property.

A review of historical aerial photographs of the Project site (1966 – 2024) shows that site conditions have been impacted over time by a range of disturbances. The earliest aerial photographs show the southeastern corner into the middle of the Project site supported large areas of continuous alkali salt scalds. The salt scalds in the earliest photos of the site roughly align with the soils map of both the Domino and Willows (strongly-alkali) soil types. In 2023, a BSNF rail spur was constructed and has partially altered how the site receives periodic flows from the San Jacinto River. Historically, the site appears to have been regularly disked or mowed for agricultural purposes and fire risk management.

The Project site mostly consists of non-native grassland habitat that has been heavily disturbed. Over the course of the four (4) surveys conducted from April to August, dominant species in bloom included smooth tarplant, annual sunflower, short pod mustard, common fiddleneck, stink net, and pineapple weed. April's site conditions were characterized by a dense amount of growth of short pod mustard, non-native grasses, and prickly lettuce that varied in heights between 4 to 6 feet. The June and August site surveys were characterized by a die back of most species with more ground visibility to observe potential low growing sensitive floral species.

The salt scalds appear to support limited non-native grass and forb species that are pervasive elsewhere on the site. The borders of the salt scalds had varying levels of alkali heath (*Frankenia salina*), non-native grasses, desert salt grass (*Distichlis spicata*), Mojave silverscale (*Atriplex argentea var. mohavensis*), and slender leaved ice plant (*Mesembryanthemum modiflorum*). The salt scalds are defined by the sparse dispersal of floral species mostly consisting of a bare soil surface.

Results

Focused Plant Survey

Four (4) focused plant surveys, April 30th, and May 14th, June 13th, and August 6th, 2024, were conducted on the Project site to investigate the presence or absence of the following species: alkali milkvetch (*Astragalus tener*), Los Angeles sunflower (*Helianthus nuttalli* var. *parishii*), Palmer's heath (*Frankenia palmeri*), Parish's brittlescale (*Atriplex parishii*), Parish's flatsedge (*Cyperus parishii*), Parish's popcornflower (*Plagiobothrys parishii*), pygmy bulrush (*Schenoplectiella saximontana*), playa milkvetch (*Astragalus hornii*), rusty molly (*Neokochia californica*), southwestern dock (*Rumex violascens*), tapertip flatsedge (*Cyperus acuminatus*), and Thurber's checkermallow (*Sidalcea neomexicana* ssp. *thurberi*). None of the target survey species were observed within the proposed Project footprint or avoidance area during the surveys. However, two special-status species were identified within the survey area: smooth tarplant (*Centromadia pungens* ssp. *laevis*; CRPR 1B.1) and the San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*; CRPR 1B.1). Both species are covered under the MSHCP and are discussed in detail in the separate Focused Narrow Endemic and Criteria Area Plant Species Survey Report (2024). No additional special-status species were observed in the survey area during the focused plant surveys.

Crotch's Bumble Bee and Alkali Bees

Three (3) focused bee surveys were conducted on the following dates, April 30th, June 13th, and August 6th, during the 2024 season. Given the Project site lacks floral resource diversity, habitat for Crotch's bumble bee and alkali bees is considered low quality. Crotch's bumble bee, being a short-tongued species, tend to favor specific plant species with shallow flowers for accessing nectar, such as milkweeds, dusty maidens, lupines, phacelias, sages, clarkias, poppies, and wild buckwheat's. Smooth tarplant, with its open flowers and short corollas, qualifies as a shallow flower type that provides easy nectar access. However, it occupies only a small portion of the Project site. Throughout the survey effort from April through August, the most abundant species in bloom where bees were foraging were within patches of smooth tarplant, annual sunflower, pineapple weed, fiddleneck, and stink net. Three species of bees were observed to be present on the Project site including honey bees (*Apis mellifera*), and two other species photographed in the site photos attachment (Attachment 2). Photos of the two other species of native bees observed on the Project site were emailed to Dr. Leif Richardson, a bumble bee expert with Xerces society, for further identification. Dr. Richardson reported to be within the genera of *Agapostemon* or *Augochlorella* for the metallic green bee, and the other being of the genera of *Anthophora*. The three (3) surveys of the Project site resulted in negative surveys for the occurrence of Crotch's bumble bee as well as the genres of *Nomia* and *Dieunomia*.

No Crotch's bumble bee, Crotch's bumble bee nests, alkali bee nests, or other ground nesting bee nests were observed during the focused surveys or incidentally during other field surveys and is therefore presumed absent from the Project site. However, due to the close proximity of

the previously documented Crotch's bumble bee occurrences and presence of alkali bees habitat, it is recommended that the following mitigation measures be implemented as the nesting sites of bees change from year to year and impacts to their nests could potentially be a significant impact.

The following measures shall be implemented to reduce potential impacts to this species:

Pre-construction Survey: To the extent feasible, construction activities (i.e., demolition, earthwork, clearing, and grubbing) shall occur outside of the Crotch's bee flight season (February 1 through October 31). If construction activities must occur during the flight season, a qualified biologist shall conduct a pre-construction survey for Crotch's bumble bee queens, gynes, and colonies. The survey shall be conducted no more than 14 days prior to construction during optimal weather conditions (e.g., warm, sunny days between 65- and 90-degrees Fahrenheit). If the pre-construction survey is negative, no further assessment shall be required, and construction activities shall be allowed to proceed without any further requirements. If Crotch's bumble bee is detected during the pre-construction survey, the Project will require an incidental take permit to be obtained through CDFW. This shall only be required if Crotch's bumble bee remains as a candidate state endangered species or is listed as a state endangered species at the time of project construction. If Crotch's bumble bee is delisted, the measure shall not be required.

If you have any questions or need any clarifications regarding this report, please feel free to contact me via email mwillalobos@rvacorp.com or at (909) 241-7433.

Sincerely,



Miranda Villalobos
Senior Biologist/Regulatory Specialist

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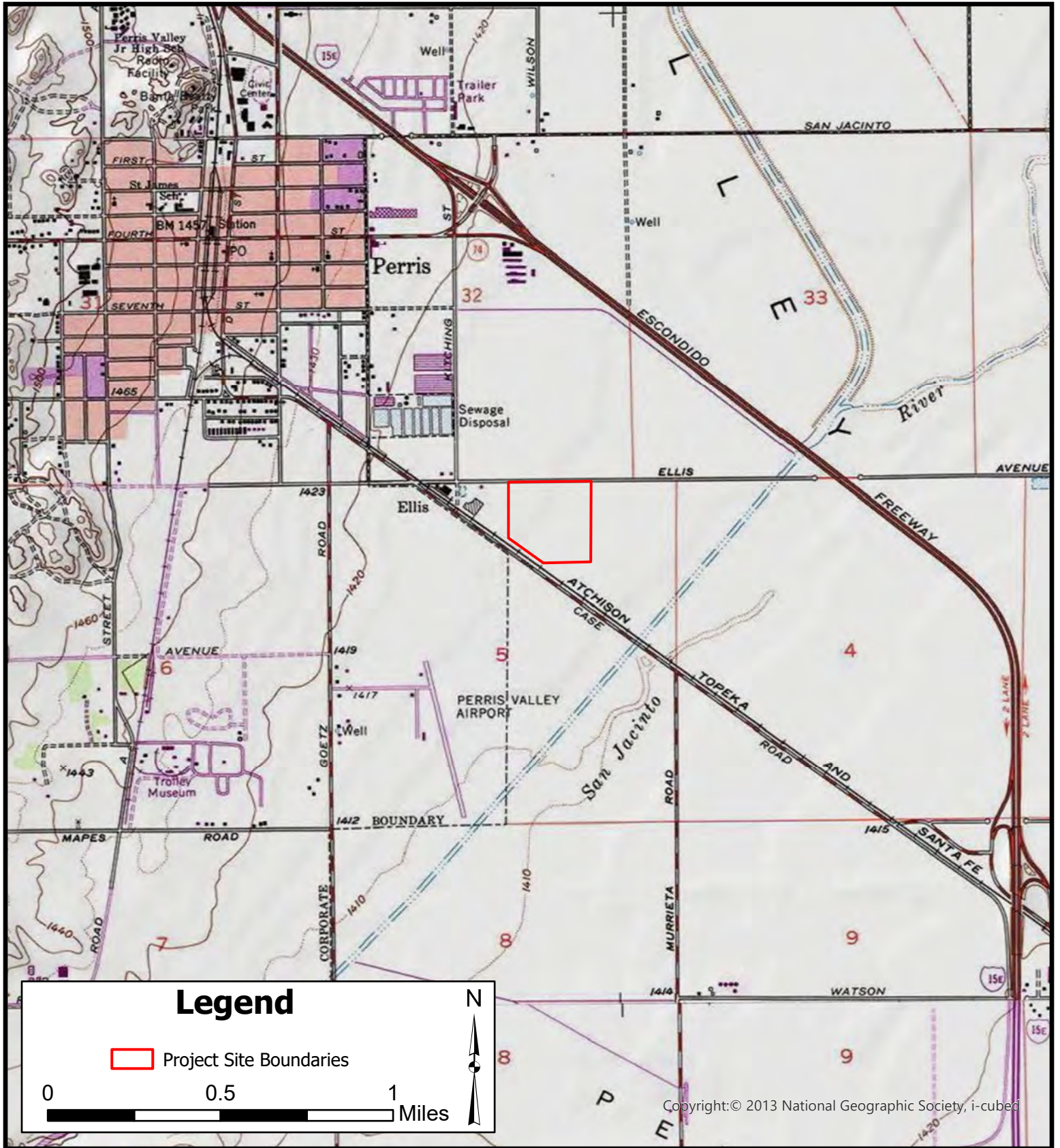
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Attachment 1.
Figures



Ellis Avenue Project
Site Vicinity Map

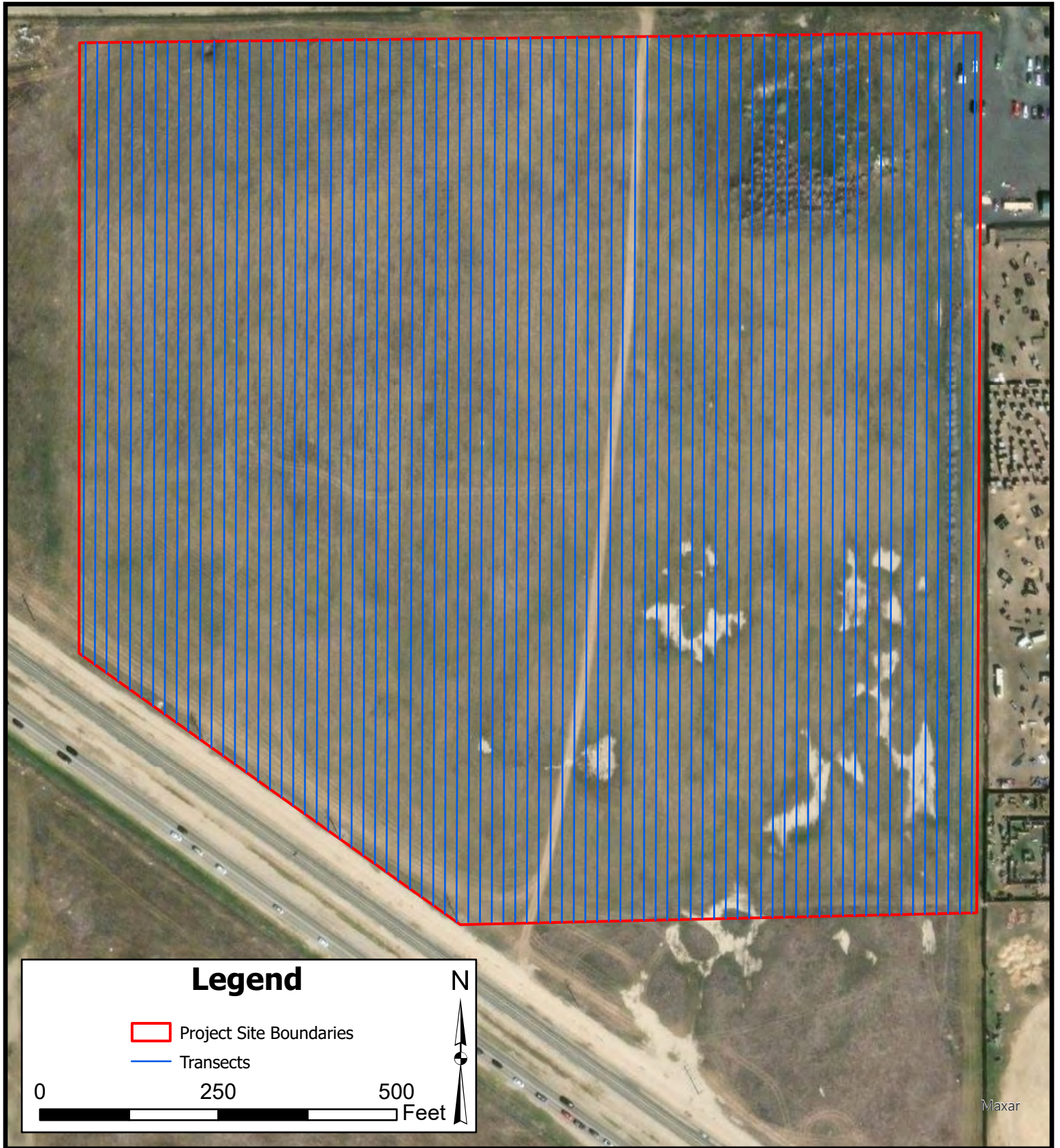




Ellis Avenue Project
Site Overview Map



Figure 2

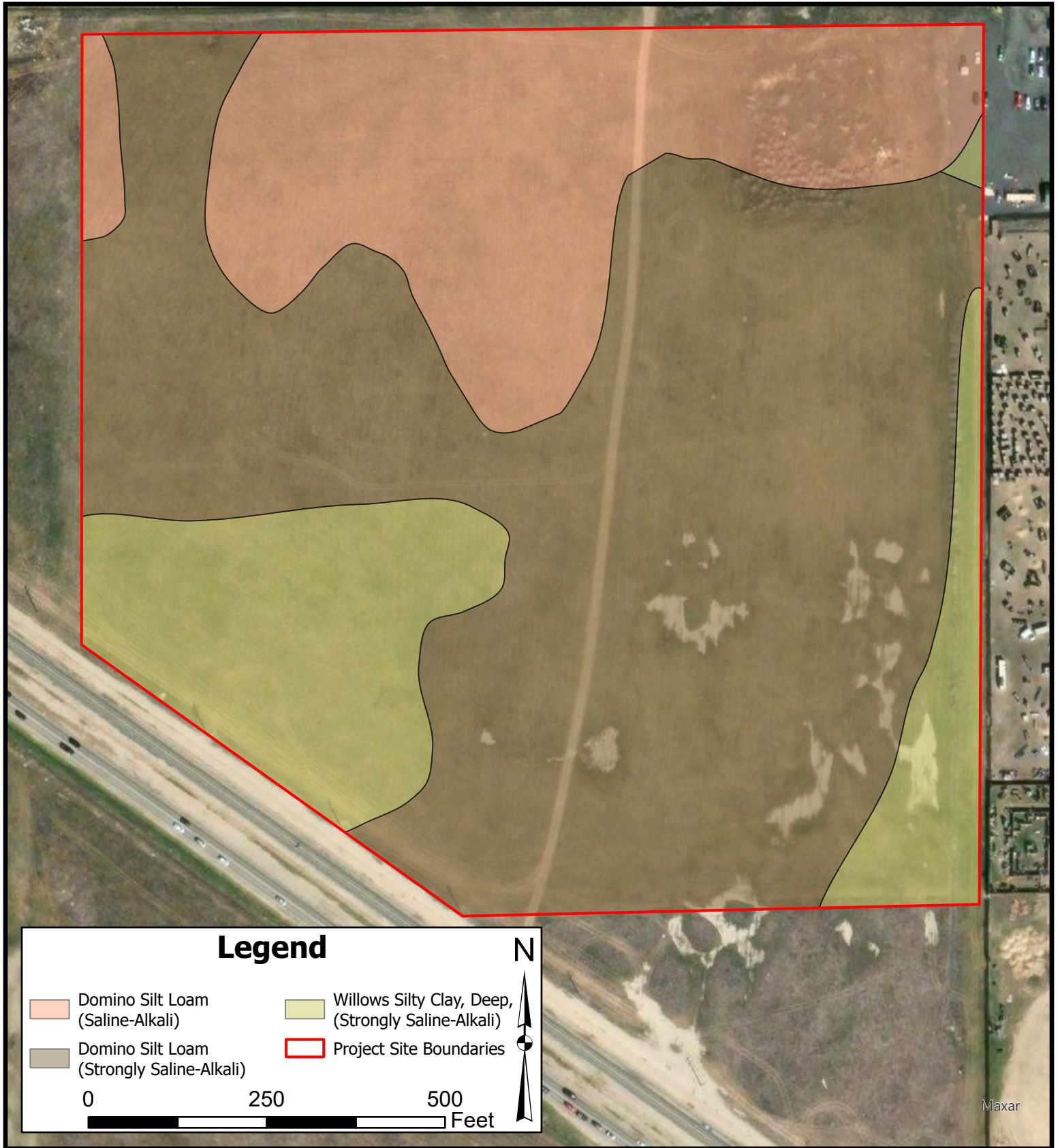


Ellis Avenue Project

Transects Map



Figure 3

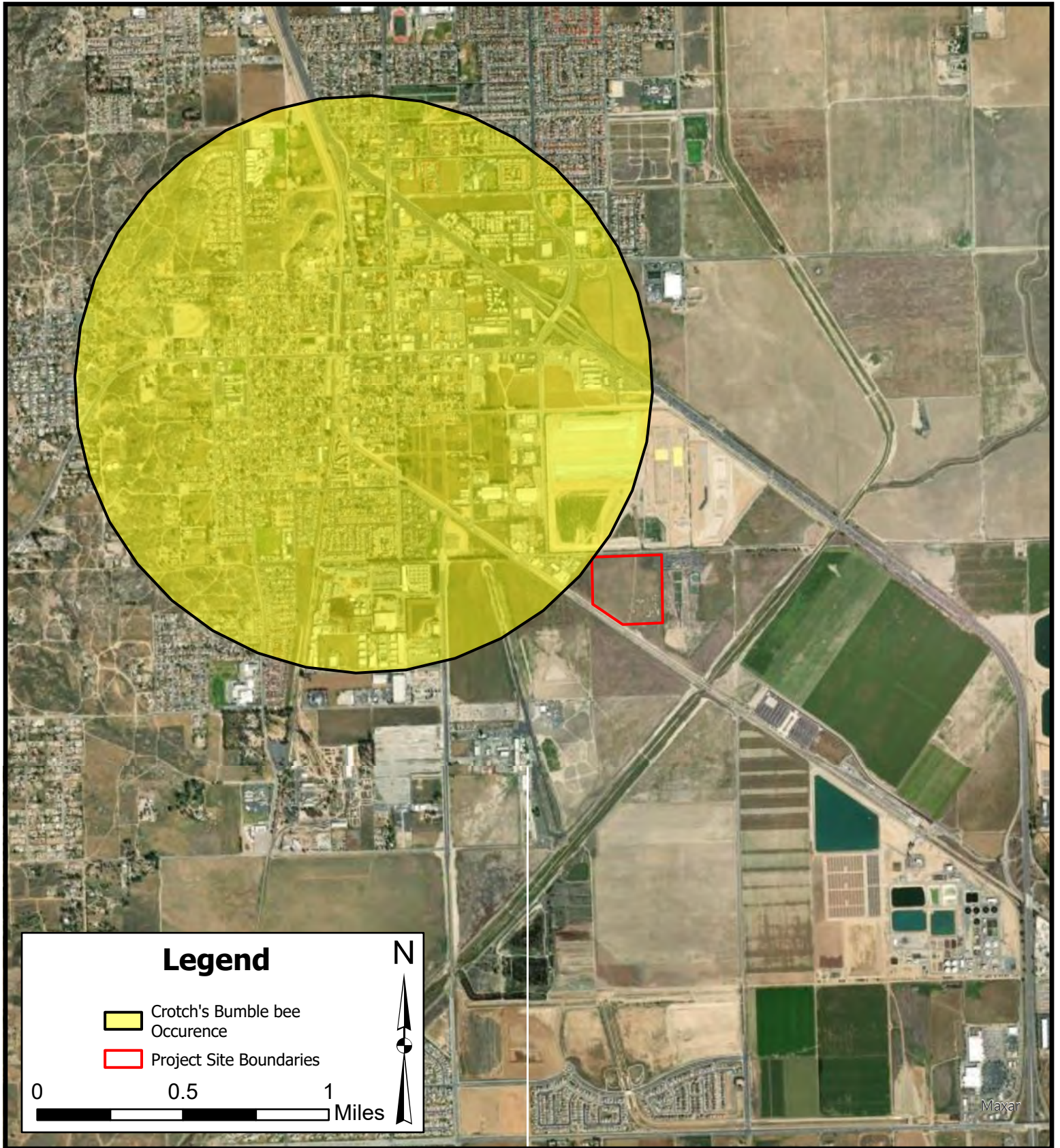


Ellis Avenue Project

Soils Map



Figure 4



Ellis Avenue Project

Crotch's Bumble Bee Occurrence Map



Figure 5

Attachment 2.

Site Photos



Photo 1: Site conditions to the western portion of the project site dominated by non-native species.



Photo 2: Showing site flora.



Photo 3: Site conditions of the salt scalds and the surrounding area.



Photo 4: Site conditions in the southeast corner looking to the northern areas of the project site.



Photo 5: Showing site conditions in the northern area of the project site looking east.



Photo 6: Showing site conditions in the middle of the project site.



Photo 7: Site conditions along the southern most edge of the project site looking north.



Photo 8: Site conditions in the southeast corner of the project site including smooth tarplant.



Photo 9: Site conditions along the western edge of the project site looking east.



Photo 10: Showing site conditions of the salt scalds and the surrounding.



Photo 11: Showing site conditions of the salt scalds and the surrounding area.



Photo 12: Showing site conditions of the salt scalds and the surrounding area.



Photo 1: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 2: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 3: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 4: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 5: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 6: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 7: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 8: Showing onsite San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*).



Photo 9: Showing onsite smooth tarplant (*Centromadia pungens ssp. laevis*).



Photo 10: Showing onsite smooth tarplant (*Centromadia pungens ssp. laevis*).



Photo 11: Showing onsite smooth tarplant (*Centromadia pungens ssp. laevis*).



Photo 12: Showing onsite smooth tarplant (*Centromadia pungens ssp. laevis*).



Photo 1: Showing native solitary bee observed during the bee survey (*Anthophora sp.*).



Photo 2: Showing native solitary bee observed during the bee survey (*Anthophora sp.*).



Photo 3: Showing native solitary bee observed during the bee survey (*Anthophora sp.*).



Photo 4: Showing native solitary bee observed during the bee survey (*Anthophora sp.*).



Photo 5: Showing a metallic sweat bee observed during the bees survey (*Agapostemon sp.*).



Photo 6: Showing a metallic sweat bee observed during the bees survey (*Agapostemon sp.*).



Photo 7: Showing a honey bee observed during the bee surveys (*Apis mellifera*).



Photo 8: Showing a honey bee observed during the bee surveys (*Apis mellifera*).



Photo 9: Showing a honey bee observed during the bee surveys (*Apis mellifera*).



Photo 10: Showing a honey bee observed during the bee surveys (*Apis mellifera*).



Photo 11: Showing potential Crotch's bumble (*Bombus crotchii*) bee nesting habitat.



Photo 12: Showing potential alkali ground-nesting bee genera (*Dieunomia* / *Nomia*) nesting habitat.

Attachment 3.
Species Compendium

Flora/Fauna Compendium

This list documents all plant species observed during the three site assessments conducted on April 30th, May 14th, and June 13th, during the 2024 bloom season when floral species are most identifiable. Species not included in this list may have been inadvertently omitted due to variations in their activity patterns, growing seasons, or limited observation time.

Flora

Type	Common Name	Scientific Name
Flora:	Native Species	
	Dicots	
	Alkali heath	<i>Frankenia salina</i>
	Alkali weed	<i>Cressa truxillensis</i>
	Annual burweed	<i>Ambrosia acanthicarpa</i>
	Bush seepweed	<i>Suaeda nigra</i>
	Common Sunflower	<i>Helianthus annuus</i>
	Fiddleneck	<i>Amsinckia menziesii</i>
	Jimson weed	<i>Datura wrightii</i>
	Net pepper grass	<i>Lepidium acutidens</i>
	Pineapple weed	<i>Matricaria discoidea</i>
	San Jacinto Valley crownscale	<i>Atriplex coronata var. notatior</i>
	Smooth tarplant	<i>Centromadia pungens ssp. laevis</i>
	Telegraphweed	<i>Heterotheca grandiflora</i>
	Turkey mullein	<i>Eremocarpus setigerus</i>
	Vinegarweed	<i>Trichostema lanceolatum</i>
	Wright's cudweed	<i>Pseudognaphalium canescens</i>
	Monocots	
	Saltgrass	<i>Distichlis spicata</i>
	Non-Native Species	
	Dicots	
	Australian saltbush	<i>Atriplex semibaccata</i>
	Black mustard	<i>Brassica nigra</i>
Bristly oxtongue	<i>Helminthotheca echioides</i>	
California burclover	<i>Medicago polymorpha</i>	
Common stork's bill	<i>Erodium cicutarium</i>	
Cheeseweed	<i>Malva parviflora</i>	
Field bindweed	<i>Convolvulus arvensis</i>	
Lamb's quarters	<i>Chenopodium album</i>	
London rocket	<i>Sisymbrium irio</i>	
Malltese star-thistle	<i>Centaurea melitensis</i>	
Matted sandmat	<i>Euphorbia serpens</i>	
Peregrine saltbush	<i>Atriplex suberecta</i>	
Prickly lettuce	<i>Lactuca serriola</i>	
Russian thistle	<i>Salsola tragus</i>	
Short pod mustard	<i>Hirschfeldia incana</i>	
Slender leaved ice plant	<i>Mesembryanthemum nodiflorum</i>	
Spiny sowthistle	<i>Sonchus asper</i>	
Stinknet	<i>Oncosiphon pilulifer</i>	
Stinking chamomile	<i>Anthemis cotula</i>	
Stinkwort	<i>Dittrichia graveolens</i>	
Turkey-mullein	<i>Croton setiger</i>	

Flora/Fauna Compendium

Flora

Type	Common Name	Scientific Name
Flora:	Non-Native Species	
	Dicots	
	White clover	<i>Trifolium repens</i>
	White horehound	<i>Marrubium vulgare</i>
	Whitetop	<i>Lepidium draba</i>
	Monocots	
	Mouse barley	<i>Hordeum marinum</i>
	Mediterranean grass	<i>Schismus barbatus</i>
	Red brome	<i>Bromus madritensis ssp. rubens</i>
	Ripgut brome	<i>Bromus diandrus</i>
Soft brome	<i>Bromus hordeaceus</i>	

Flora/Fauna Compendium

This list documents all wildlife species incidentally observed during the three site assessments conducted on April 30th, May 14th, and June 13th, while conducting the focused plant surveys. Species not included in this list may have been inadvertently omitted due to variations in their activity patterns, active seasons, or limited observation time.

Fauna

Type	Common Name	Scientific Name
Fauna:	Avian Species	
	American crow	<i>Corvus brachyrhynchos</i>
	American kestrel	<i>Falco sparverius</i>
	Anna's hummingbird	<i>Calypte anna</i>
	Bewick's Wren	<i>Thryomanes bewickii</i>
	Black phoebe	<i>Sayornis nigricans</i>
	Cliff swallow	<i>Petrochelidon pyrrhonota</i>
	Common raven	<i>Corvus corax</i>
	Horned lark	<i>Eremophila alpestris</i>
	House finch	<i>Haemorhous mexicanus</i>
	House sparrow	<i>Passer domesticus</i>
	Loggerhead shrike	<i>Lanius ludovicianus</i>
	Mourning dove	<i>Zenaida macroura</i>
	Northern mockingbird	<i>Mimus polyglottos</i>
	Red-shouldered hawk	<i>Buteo lineatus</i>
	Red-tailed hawk	<i>Buteo jamaicensis</i>
	Red-winged blackbird	<i>Agelaius phoeniceus</i>
	Rock pigeon	<i>Columba livia</i>
	Snowy egret	<i>Egretta thula</i>
	Song Sparrow	<i>Melospiza melodia</i>
	Turkey vulture	<i>Cathartes aura</i>
	Western meadowlark	<i>Sturnella neglecta</i>
	Insect Species	
	Honey bee	<i>Apis mellifera</i>
	Green sweat bee	(<i>Agapostemon sp. or Augochlorella sp.</i>)
	Digger bee	<i>Anthophora sp.</i>
	Sand wasp	<i>Bembix americana</i>
	Milde's tarantula-hawk wasp	<i>Pepsis mildei</i>
	Dragonfly species	<i>Anisoptera sp.</i>
	Damselfly species	<i>Zygoptera sp.</i>
	Reptile Species	
	Western fence lizard	<i>Sceloporus occidentalis</i>
	Western side-blotched Lizard	<i>Uta stansburiana elegans</i>
	Mammalian Species	
	Botta's pocket gopher	<i>Thomomys bottae</i>
	Deer mouse	<i>Peromyscus maniculatus</i>
	Desert cottontail rabbit	<i>Sylvilagus audubonii</i>
	Western harvest mouse	<i>Reithrodontomys megalotis</i>