

**Beyond Food Mart at Ethanac and Trumble
CUP 22-05292
State Clearinghouse Number 2024120925**

Final Mitigated Negative Declaration

Lead Agency:

City of Perris

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Perris, CA 92570
951.943.5003 x 287

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Project Proponent:

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February 2025

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1.0 INTRODUCTION

An Initial Study for the proposed Beyond Food Mart at Ethanac and Trumble (herein collectively referred to as the Proposed Project or Project) has been prepared in accordance with the California Environmental Quality Act (CEQA), the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines), and the City of Perris policies for implementing CEQA.

The City of Perris issued a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) (SCH# 202412025) for the Proposed Project. The Notice of Intent indicated that the City, acting as the lead agency for the Project under CEQA, was notifying public agencies and interested parties of a 30-day public review period to commence on December 20, 2024, and close on January 21, 2025, and that the City plans to adopt an MND for the Project.

The Notice of Intent for the Proposed Project was sent to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse for the required 30-day public review period.

During the review period, public agencies and members of the public had the opportunity to respond to the Notice of Intent and provide comments on the MND. Public comments were received by the City of Perris Planning Division and have been responded to herein by the City in accordance with CEQA requirements. The City received two (2) letters from the following agencies or organizations commenting on the Initial Study/MND:

1. City of Menifee dated January 16, 2025
2. South Coast Air Quality Management District dated January 21, 2025

Section 2.0, Comments and Responses, of this MND, includes the comments received by the City of Perris on the circulated Initial Study/MND. Copies of these comment letters, as well as the responses from the City, are included in Section 2.0. Pursuant to Article 6, Negative Declaration Process, of the State CEQA Guidelines, the City is not required to respond to comments received on an MND. However, the City has chosen to respond to the comments received on the Initial Study/MND and provide those responses to the commenters.

It should be noted that responses to comments did not result in any editorial clarifications or corrections to the original Initial Study/MND text. Additionally, none of the comments resulted in changes to the data, analysis, conclusions, or mitigation present in this Initial Study/MND. The comments and information provided by these agencies and organizations do not constitute significant new information and therefore do not trigger a need to recirculate the Initial Study/MND for additional public review and comments.

CEQA was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a mitigation monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to a proposed development. Section 4.0 contains the Mitigation Monitoring and Reporting Program for the Project.

2.0 COMMENTS AND RESPONSES

Comment Letter No. 1

City of Menifee, January 16, 2025

Letter 1



29844 Haun Rd. Menifee CA. 92586
(951) 672-6777 | Fax (951) 679-3843
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January 16, 2025
(Revised Comment Letter replacing Menifee's Comment Letter of January 13, 2025)

LEAD AGENCY: CITY OF PERRIS

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

E-mail: agarcia@cityofperris.org

RE: Initial Study/Mitigated Negative Declaration No. 2402
Beyond Food Mart at Ethanac and Trumble (CUP 22-05292)

Dear Mr. Garcia:

The City of Menifee ("Menifee") submits this comment letter on the Initial Study/Mitigated Negative Declaration No. 2402 for the above-referenced Beyond Food Mart at Ethanac and Trumble (CUP 22-05292) Project ("Project"). Approval of the Project will allow for the construction and operation of a 16-pump gas station with 2 underground storage tanks and a 4,205 square-foot canopy; a 1,673 square-foot drive-through car wash; a 7,250 square-foot convenience store with a drive-through for pickup of pre-packaged food; 3 underground bioretention basins; and, various other street improvements. (See Initial Study at pp. 6-8.)

As further detailed below, substantial evidence supports a fair argument that the Project may have significant environmental impacts requiring further evaluation in an environmental impact report ("EIR"). (See Protect Niles v. City of Fremont (2018) 25 Cal.App.5th 1129, 1138 [finding that substantial evidence supported a fair argument of significant impacts on aesthetics and traffic, more significant than reflected in the MND]; see also Citizens for Responsible & Open Government v. City of Grand Terrace (2008) 160 Cal.App.4th 1323, 1333-41 [finding that substantial evidence supported a fair argument of significant impacts from increase in population density, building height, and noise attributable to the project, even taking into consideration mitigation measures, requiring an EIR and not MND]; Georgetown Preservation Society v. County of El Dorado (2018) 30 Cal.App.5th 358, 374-77 [finding the "low-threshold fair argument test has been met" based on public comments objecting to the size and overall appearance of the proposed building requiring an EIR and not MND].)

1-1

- The Project may have significant, unaccounted for effects on air quality, transportation, land use, and greenhouse gas emissions, among other impact areas. For example, the Project proposes to construct and operate a "passenger car fueling station," but notes that "[h]igh truck traffic volume" is anticipated. (Initial Study at pp. 6, 8.) However, this "[h]igh truck traffic volume" may not have been properly accounted for in the associated trip generation estimate of 3,187 daily trips, although features of the Project appear to cater to trucks. The 16 fueling stations are under a 4,205-square-foot canopy at a maximum height sufficient to accommodate trucks (18 feet or not to exceed 39 feet) and the underground storage tanks proposed by the Project "would store 8,000

1-2

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Mayor Pro Tem
District 1

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Councilmember
District 3

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City Manager



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gallons of diesel fuel[.]” which is the fuel used primarily by trucks. (See Initial Study at pp. 6–7.) Moreover, accounting for truck usage is foreseeable and non-speculative, given that the Project is located along a designated truck route and near the Interstate 215 and State Route 74. (Initial Study at p. 6 & Figs. 1, 2.) Yet, the Traffic Impact Analysis in Appendix J does not appear to apply a passenger car equivalent (“PCE”) factor to trip generation that accounts for trucks and passenger vehicles. (Initial Study, Appendix J at p. 23.) As a result, the total net new trip generation (3,187 daily trips) attributable to the Project may be underestimated. (Initial Study, Appendix J, at p. 23.) Using the nearby Ethanac Travel Center Project for comparison, a PCE factor of 3 was applied to the 7 fueling pumps that would supply diesel, resulting in a total net new truck trips of 5,375 just for those 7 fueling pumps that would supply diesel. (Draft EIR, Ethanac Travel Center, Appendix E at p. 15.) The trip generation forecasts also only apply the land use codes for convenience store gas station and an automated car wash (ITE 945 and 948) (Initial Study Appendix J at p. 22) and do not account for the drive-through for fast food pickup, which may further add to the number of estimated daily trips.

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Given that the air quality, transportation, and other analyses rely on this estimation of daily trips to evaluate impacts, those analyses may be similarly flawed. For example, the operational emissions analysis for air quality impacts relies on the Traffic Impact Analysis to whether estimate daily operational emissions of VOC, NOX, CO, SO2, PM10, and PM2.5 will exceed criteria thresholds. (Initial Study at p. 20.) If this “input” of daily trips is, as here, underestimated, the air quality operational emissions analysis will be similarly flawed. (See IS at pp. 18–24.)

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- The Initial Study may further underestimate the Project’s construction and operational emissions by providing improper inputs into the California Emissions Estimator Model (“CalEEMod”). (Initial Study at pp. 18–19.) Appendix A to the Initial Study provides a detailed report of the modeling data used for both construction and operational emissions, and the inputs appear to estimate emissions based on the trip generation rates from the Traffic Impact Analysis, which may be flawed as noted above, and an incorrect input of 8 fueling station pumps. (See Initial Study, Appendix A at p. 8.) Moreover, it is unclear whether the inputs reflect the significant earthwork required to construct the underground storage tanks at 27,000 gallons and 15,0000 gallons, respectively, among other such Project features that should be properly incorporated.

1-6

• **Public Safety – Fire Services. The Project Does Not Provide Sufficient Fire Protection**

The nearest Perris Fire Station is outside of an acceptable estimated response drive time of 4 minutes to all or a portion of the Project. The lack of facilities and excessive call demands are severe, unaccounted for impacts of the proposed Project. The City of Perris has significantly and consistently underfunded its fire and emergency response obligations, leading to a lack of sufficient facilities, personnel, and apparatus to meet Perris’s needs. This has resulted in relying on the City of Menifee’s funded fire and emergency response services, apparatus, and personnel to address the unfunded public safety gaps, impacting Menifee’s resources and taxpayers. Consequently, Menifee has been required to subsidize fire services for Perris because of Perris’s lack of advanced planning and implementation for Fire Protection for high value land use assets that generate enough revenue to support public safety.

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For context, according to a public records request by a Perris developer for information on calls for service, the Home Depot center at 3150 Case Road had 77 calls for service from January 1, 2024 to December 16, 2024, for which Perris cannot provide fire protection services. In addition, the attached December 3, 2024 Menifee letter to Riverside County Fire Chief Bill Weisner, documents disproportionate level of fire services provided by the City of Menifee to Perris. Specifically, the letter includes fire call data from September 2023 to September 2024 showing that Menifee responded to 397 more calls in Perris (518), than Perris did in Menifee (121), at a ratio of 4.28 to 1. Perris also is heavily subsidized on all sides by the City of Moreno Valley, County of Riverside, and State of California at no cost to Perris for fire services.

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The City of Perris needs to provide fire services to all new and existing development. New development should be required to pay its fair share; however in this case, due to excessive deferred planning for new facilities to serve the area around the Project location, the Fire Development Impact Fee (DIF) is likely not enough, as the City of Perris has not updated the Fire DIF since 2006 and there is currently no capital improvement program (CIP) project or fully funded plan in place for a new Fire Station in Perris. Perris is short two fire stations and is being subsidized for fire service by the City of Moreno Valley to the north, County of Riverside to the east, City of Menifee to the south, and State of California. As such the City of Menifee requests that the City of Perris do a moratorium on all new development entitlements until such time that Perris can provide fire service to existing land uses in Perris. The City of Menifee also requests that the City of Perris require the project proponents/developers provide proportional mitigation for these impacts via capital improvements and/or impact fees (including inflation of construction costs since 2006 and based on real construction engineering estimates for two new fire stations), and that these services be operational prior to the Project construction to ensure impacts are mitigated to below a level of significance.

- The Initial Study notes the Project site's existing condition as "dominated by fallow field[.]" historically used for agricultural purposes (Initial Study at p. 8). The IS also notes that the Project site is designated as "Farmland of Local Importance" (Initial Study at p. 16). Despite this, the Initial Study fails to evaluate meaningfully address impacts or mitigation, simply stating that "[n]o impact would occur and no mitigation measures are required" under all thresholds for Agricultural and Forestry Resources. (Initial Study at pp. 16–17.)
- The Project's Traffic Impact Analysis (TIA) does not consider the Ethanac Rd./Case Rd. /Barnett Rd. intersection and should be reanalyzed to determine the Project's impact for fair share contribution. The City of Perris has stated this intersection is unsafe, and as such should focus on its realignment prior to project opening.
- In addition to addressing the above, Menifee requests that Perris confirm that the driveway on Ethanac Road is restricted to right in, right out movements only. This driveway is located too close to the Intersection of Ethanac and Trumble to allow for safe left turn movements in or out of proposed site.

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Conclusion

“CEQA and the regulations implementing it ‘embody California’s strong public policy of protecting the environment.’” (*Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 673, quoting *Tomlinson v. County of Alameda* (2012) 54 Cal.4th 281, 285.) “At the heart of CEQA is the requirement that public agencies prepare an EIR for any project that may have a significant effect on the environment.” (*Id.* at p. 674, internal punctuation omitted, citing *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944.) “Given the statute’s text, and its purpose of informing the public about potential environmental consequences, it is quite clear that an EIR is required even if the project’s ultimate effect on the environment is far from certain.” (*Ibid.*, internal punctuation and citations omitted.) It follows that, if a lead agency like Perris, here, is “presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.” (See *ibid.*, internal punctuation and citations omitted.)

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Menifee appreciates the opportunity to provide this comment and expressly reserves the right to submit supplemental information and evidence regarding the Project as proposed up to the close of the public hearing on the Project. (See, e.g., *Galante Vineyards v. Monterey Peninsula Water Mgmt.* (1997) 60 Cal.App.4th 1109, 1119–1120 [applicant has right to present comments “prior to the close of the public hearing on the project.”]; *Coal. for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197 [same principle].)

Sincerely,

Cheryl Kitzerow, AICP
Community Development Director, City of Menifee

Attachment: December 3, 2024 City of Menifee letter to Riverside County Fire Chief Bill Weiser concerning disproportionate level of fire service by Menifee into neighboring cities including City of Perris

- Cc: Armando G. Villa, City Manager, City of Menifee
 Bryan Jones, Assistant City Manager, City of Menifee
 Doug Darnell, AICP, Principal Planner, City of Menifee
 Nicolas Fidler, Director of Public Works & Engineering, City of Menifee
 Orlando Hernandez, Deputy Community Development Director, City of Menifee
 Stephanie L. Talavera, Rutan, City Attorney’s Office
 Clara Miramontes, City Manager, City of Perris
 Kenneth Phung, Director of Development Services, City of Perris
 Patricia Brenes, City of Perris Planning Manager

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**RESPONSES TO CITY OF MENIFEE
LETTERS DATED JANUARY 13 and January 16, 2025**

The City of Perris received two letters from the City of Menifee providing comments on the Initial Study/Mitigated Negative Declaration. Both letters contain the same comments, however the January 16 letter includes an expanded comment regarding fire protection service. Because all other comments raised in the January 13 letter are repeated in the January 16 letter, the responses below are for the numbered comments provided on the January 16 letter.

Response to Comment 1-1:

This comment provides an introductory statement that the City of Menifee believes that a fair argument can be made that the Proposed Project may have significant environmental effects on the environment that require further evaluation in an Environmental Impact Report (EIR). The comment also lists two applicable legal cases that are applicable to Menifee's opinion. The City of Perris' responses to the individual comments included in this letter are provided below.

Response to Comment 1-2:

As shown in Figure 3 of the Initial Study/MND, the Project Site Plan is proposed and designed with standard size fuel pumps/vehicle fueling positions and has not been designed for the fueling of heavy trucks. These standard-sized fuel pumps/vehicle fueling positions may be used by contractor pickup trucks, small box trucks, and recreational vehicles that commonly run on diesel. However, the Project would not provide dual-sided or diesel-only fuel pumps, or the space required to accommodate the fueling of heavy trucks. Larger trucks accessing the Project Site would be limited to those delivering fuel and products for the convenience market, but these trucks would not fuel at the Project Site.

The discussion of high truck volume on page 8 of the Initial Study/MND is a quote from the City of Perris General Plan Land Use Element description of Planning Area 9. The General Plan recognizes that while there may be some residential land uses, Planning Area 9 will generally be used for industry. Industries in this area are anticipated to be related to air-cargo support, due to its proximity to Perris Valley Airport and Skydiving Center. As such, high truck traffic volume within Planning Area 9 is anticipated. This is a reference to the Planning Area and is not a description of the types of vehicles traveling to and from the Proposed Project.

Response to Comment 1-3:

The commenter appears to misunderstand the purpose of passenger car equivalent (PCE). PCE is a metric used in transportation engineering to express vehicle flow at an intersection or on a highway in comparison to a single car. It is not a reflection of the actual number of vehicles traveling to and from a site. It is used in traffic impact studies to evaluate potential impacts on intersections and roadways. However, congestion based on level of service at an intersection or on a roadway is no longer an impact under CEQA. As such, separate calculation of truck trip generation and the use of PCE factors is not necessary. It is also noted that Traffic Impact Analysis for the Proposed Project does account for the effect of truck traffic by application of a heavy vehicle factor in accordance with the Highway Capacity Manual methodology.

Response to Comment 1-4:

ITE Land Use Code 945 (Convenience Store/Gas Station) included in the ITE description is "The convenience store product mix typically includes Made to order food orders are sometimes

offered.” The Beyond Food Mart business model includes an app-based system whereby customers can pre-order items and pick-up at a drive through window. The drive through component is part of the convenience store for which trip generation is adequately accounted for in the use of trip generation rates for ITE Land Use Code 945 – Convenience Store Gas Station. A fast-food restaurant is not proposed as part of the Project.

Response to Comment 1-5:

Because the estimation of daily trips that the Project would generate are correct, as noted above, the other analyses that rely on that estimation are not flawed.

Response to Comment 1-6:

The Proposed Project is 8 fueling pumps with 16 fueling positions. The CalEEmod calculations assume two fuel positions per fuel pump. And as discussed above, the estimation of daily trips that the Project would generate are correct. Therefore, the assumptions are correct and consistent with the Traffic Impact Analysis and Project Description. The CalEEmod calculations also account for all earthwork required to construction the Project; including the excavation for the underground fuel storage tanks.

Response to Comment 1-7:

The commenter expresses concern that the City of Perris is not contributing fairly to fire safety, particularly as fire stations in Menifee are responding to more calls for service than those in Perris. However, it is important to note that both the City of Perris and Menifee contract with the Riverside County Fire Department, and the County's contracts with all participating jurisdictions are based on the principle of shared resources for fire safety. These contracts take a comprehensive approach, recognizing that as new fire stations are developed in participating jurisdictions, there will eventually be an even distribution of service calls. This means that in the future, Perris may be sending more fire service calls to Menifee as new stations are built.

In the situation along the shared boundary with Menifee, Perris has already secured a 3.5-acre site for a future fire station at the northeast corner of Murrieta and Watson Road. Perris has allocated \$1 million for the design and construction plans and is currently in the process of issuing a Request for Proposals to hire a contractor to manage and complete the construction of the fire station. Perris anticipates that this new fire station will be operational within the next 3 to 5 years. Once completed, the new Perris fire station will be just 0.6 mile from the Menifee city boundary, significantly closer than the nearest Menifee fire station located at 28349 Bradley Road, which is located 2.3 miles from the closest development in Perris. This development will, in time, help balance and exceed the historical service load provided by Menifee to Perris.

Response to Comment 1-8:

Under CEQA, a significant impact could occur if a project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. As stated on page 16 of the Initial Study/MND, the Department of Conservation, California Important Farmland Finder, identifies the Project Site as “Farmland of Local Importance.” Farmland of Local Importance is land that is locally important for crop production, as determined by each county's board of supervisors and a local advisory committee, but not categorized as Prime Farmland, Unique Farmland, or Farmland of Statewide importance largely due to non-irrigation. While the Project Site was utilized for agricultural production in the past, this has not occurred since at least the 1960s. The Project Site also has a zoning designation

of CC – Commercial Community and the City of Perris does not designate any of the land within the Project Site or in its immediate vicinity for future agricultural use. Therefore, the Initial Study/MND determination that the Proposed Project would have not impact on agricultural and forestry resources is correct and does not require further explanation.

Response to Comment 1-9:

The study area was determined based on scoping coordination with City of Perris staff, as documented by the approved scoping agreement contained in Appendix B of the Project Traffic Impact Analysis and consists of the intersection classified roadways to which the Project is expected to contribute 50 or more peak hour trips. The City of Menifee's LOS Traffic Study Guidelines (October 2020) similarly refer to a 50 peak hour trip threshold for identifying the study area. Based the Project trip assignment shown on Figures 18/19 of the Project Traffic Impact Analysis, the Project is expected to contribute no more than 22 peak hour trips to the intersection of Ethanac Road at Case Road/Barnett Road; therefore, the study area adheres to both City of Perris and Menifee guidelines and analysis of the Ethanac Road at Case Road/Barnett Road intersection is not warranted.

Response to Comment 1-10:

The Proposed Project driveway along Ethanac Road driveway would be restricted to right in/right out only as stated in the project description of the Traffic Impact Analysis, page 8 of the Initial Study/MND, and reflected throughout the Traffic Impact Analysis and Initial Study/MND analysis.

Response to Comment 1-11:

The City of Perris does not agree that the City of Menifee has provided a fair argument that the Proposed Project may have a significant impact on the environment. Perris further disagrees that the Proposed Project's ultimate effect on the environment is far from certain. The Initial Study was prepared by professional consultants with extensive experience in evaluating similar projects; there were numerous technical studies prepared based on State and local regulations and industry standards for determining whether future significant impacts would occur.

As noted in the responses above, an MND has been determined by the City of Perris to be the appropriate CEQA document and not an EIR.

Letter 2



SENT VIA E-MAIL:

Algarcia@cityofperris.org

January 21, 2025

Alfredo Garcia, Associate planner
 City of Perris
 Development Service Department, Planning Division
 135 North "D" street
 Perris, CA 92570

Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the Beyond Food Mart at Ethanac and Trumble (CUP22-05292) (Proposed Project) (SCH No. 2024120925)

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.

2-1

Summary of Proposed Project Information in the IS/MND

Based on the MND, the Proposed Project consists of requesting approval for a Condition Use Permit to construct and operate an eight-island passenger car fueling station with a 4,205-square-foot canopy, a 1,673-square-foot drive-thru carwash, and a 7,250-square-foot convenience store with a drive-thru for pick-up of pre-packaged food on 2.54 acres.¹ Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., single-family residential) is located approximately 454 feet from the residential dwelling unit to the edge of the fueling canopy.² Construction of the Proposed Project is anticipated to occur in early April 2025 and be completed in early 2026.³ The Proposed Project is located at the northeast corner of Trumble Road and Ethanac Road at 27278 Ethanac Road.⁴

2-2

South Coast AQMD Comments

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

The project description in the IS/MND does not specify whether the cold storage will be included in the Proposed Project. However, the Appendix A – Air Quality & Greenhouse Gas

2-3

¹ IS/MND, Page 9.

² *Ibid* Page 24.

³ *Ibid* Page 21.

⁴ *Ibid* Page 5.

Alfredo Garcia, Associate planner

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January 21, 2025

Emissions CalEEMod Output files allocated a land use for “Warehouse Cold Storage” and specify R-410A will be used as the refrigerant for the Proposed Project.⁵

2-3
Cont.

Cold storage warehouses typically need more trucks and trailers equipped with TRUs compared to those without cold storage. TRUs are refrigeration systems powered by diesel internal combustion engines designed to refrigerate or heat perishable products. Although TRU engines are relatively small, ranging from 9 to 36 horsepower, significant numbers of these engines congregate at distribution centers, truck stops, and other facilities, resulting in the potential for health risks to those that live and work nearby. To ensure clarity and transparency, it is recommended that the Lead Agency revise the project description in the Final MND to explicitly state whether cold storage is part of the Proposed Project. Furthermore, the Final MND should provide details regarding the number of TRU-equipped trucks and trailers anticipated for warehouse operations involving cold storage and include an estimate of the emissions associated with refrigeration units. If TRUs are planned for use, the Lead Agency should also update the operational impacts and associated modeling files in the Final MND to account for emissions from TRUs in addition to those from truck operations. The revision and clarification will provide a more comprehensive and accurate assessment of the project’s environmental impacts.

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, 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,⁶ Rule 203 – Permit to Operate,⁷ Rule 401 – Visible Emissions,⁸ Rule 402 – Nuisance,⁹ Rule 403 – Fugitive Dust,¹⁰ Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,¹¹ Rule 1113 – Architectural Coating,¹² Rule 1166 – Volatile Organic Compound Emissions From Decontamination of Soil,¹³ Rule 1179 – Publicly Owned Treatment Works Operation,¹⁴ Regulation XIII – New Source Review,¹⁵ Rule 1401 – New Source Review of Toxic

2-4

⁵ Appendix A – Air Quality & Greenhouse Gas Emissions CalEEMod Output files. Page 40.

⁶ South Coast AQMD. Rule 201 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

⁷ South Coast AQMD. Rule 203 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

⁸ South Coast AQMD. Rule 401 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>

⁹ South Coast AQMD. Rule 402 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

¹⁰ South Coast AQMD. Rule 403 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>

¹¹ South Coast AQMD. Rule 1110.2 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf

¹² South Coast AQMD. Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

¹³ South Coast AQMD. Rule 1166 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>

¹⁴ South Coast AQMD. Rule 1179 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1179.pdf>

¹⁵ South Coast AQMD. Regulation XIII available at <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>

Alfredo Garcia, Associate planner

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January 21, 2025

Air Contaminants,¹⁶ Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,¹⁷ Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,¹⁸ 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.

2-4
Cont.

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, the 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 MND is inadequate to be relied upon for this purpose. Moreover, based on the Appendix (A-1) Health Risk Assessment document, the gas station Health Risk Assessment (HRA) was performed using the SCAQMD RiskTool (V1.105). However, there is an updated HRA Tool and AERMOD-Ready Meteorological Data Files,¹⁹ can be used to evaluate the Maximum Incremental Cancer Risk (MICR). The lead agency is advised to rerun the modeling files for the individual gas station using the latest version of South Coast AQMD RiskTool.

2-5

2-6

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>.

2-7

Conclusion

The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to sufficiently support the conclusions reached. If the requested information and analysis are not included in the final CEQA document, either the Final MND or other type of CEQA document, the Lead Agency should provide reasons for not

2-8

¹⁶ South Coast AQMD. Rule 1401 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>

¹⁷ South Coast AQMD. Rule 1466 available <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>

¹⁸ South Coast AQMD. Rule 1470 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

¹⁹ [Health Risk Assessment Tool and AERMOD-Ready Meteorological Data Files](#)

Alfredo Garcia, Associate planner

4

January 21, 2025

doing so. Pursuant to California Public Resources Code Section 21092.5(b) and CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process and notify each public agency when any public hearings are scheduled. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. In addition, if the Lead Agency decides to adopt the Final MND, please provide South Coast AQMD with a notice of any scheduled public hearing(s).

**2-8
Cont.**

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:SGRVC241219-03

Control Number

**RESPONSES TO SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
LETTER DATED JANUARY 21, 2025**

The City of Perris received a letter from the South Coast Air Quality Management District (AQMD) providing comments on the Initial Study/Mitigated Negative Declaration. The responses below are for the numbered comments provided on the January 21 letter.

Response to Comment 2-1:

This is an introductory comment and no response is necessary.

Response to Comment 2-2:

This is a summarization of the Initial Study/MND Project Description and confirms that the identification of the closest sensitive receptor on page 24 of the Initial Study/MND as a residence located approximately 454 feet from the edge of the fueling canopy. No response is necessary.

Response to Comment 2-3:

The comment incorrectly references the use of “Warehouse Cold Storage” in the CalEEMod output files. A land use for “Convenience Market with Gas Pumps” was appropriately used as the Proposed Project is a local passenger car fueling station and convenience store. The CalEEMod files were not only appended to the Initial Study (Appendix A), but were also submitted via email from Frank Amendola, Project Manager, Lilburn Corporation to Sahar Ghandimi, Air Quality Specialist, South Coast AQMD on January 10, 2025. The analyses provided in the Appendix and in the Initial Study/MND are correct; no further response is necessary.

Response to Comment 2-4:

This comment is noted. Some of the examples of permits listed in the comment are not applicable to a Convenience Store/Fueling Station, such as Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil, Rule 1179 – Publicly Owned Treatment Works Operation, and Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. The City of Perris understands that the Project would be subject to all applicable and then current South Coast AQMD rules and regulations at the time of development and operation.

Response to Comment 2-5:

The South Coast AQMD is concerned that the project description and analysis in its current form in the Initial Study/MND is inadequate to be relied upon for the purpose of issuing any discretionary approvals that may be needed for air permits. The City of Perris disagrees in that the Project Description provided in the Initial Study/MND is accurate and the analysis provided for determining less than significant impacts related to air quality and greenhouse gas emissions is based on current industry standards, scientific approaches, and State and local regulations.

Response to Comment 2-6:

The South Coast AQMD is advising that the modeling files for the gas station Health Risk Assessment be rerun using the latest version of the South Coast AQMD RiskTool. The recommendation to rerun the modeling files for the individual gas station has been noted. However, the Project's Gas Station Toxic Air Contaminant Health Risk Assessment was prepared in March 2024. The South Coast AQMD website, as well as the overview tab within the HRA Tool

itself, discusses that analyses deemed complete before December 1, 2024 are allowed to use the older version of the tool (<https://www.aqmd.gov/home/permits/PermittingHRA>). Furthermore, as also stated on the South Coast AQMD website, the procedures, equations, and assumptions for the Risk Assessment Procedures Version 9.0 (October 31, 2024) are effective on or after December 1, 2024. The following text has been taken directly from the overview tab in the new HRA Tool:

"When using this HRA Tool, the user must first select the permit deemed complete date at the top of the screen. For previously-submitted permit applications, this is the date the permit application was deemed complete. For new permit applications and all other uses, please select the date of analysis or a future date. For permit applications deemed complete before December 1, 2024, please refer to the previous versions of the Risk Assessment Procedures and the corresponding Permit Application Packages for the screening tables to use."

This text describes that when using the new HRA Tool for a new project the analysis date can be input as the deemed complete date and again specifies that dates before December 1, 2024 are to refer to the previous version of the Risk Assessment Procedure. Therefore, as the analysis was completed before December 1, 2024, no revisions are necessary, and the modeling correctly models the Project's associated risk from the proposed gasoline station.

Response to Comment 2-7:

The South Coast AQMD comments that "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 the 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)." No operational stationary or portable equipment are proposed to be used as the Proposed Project would connect to the existing utility infrastructure.

As noted on page 69 of the Initial Study/MND, the Proposed Project would be in compliance with the City of Perris General Plan Healthy Community Element Policy HC 6.3 which states that Perris will ensure that construction activities follow existing South Coast AQMD rules and regulations and that all construction equipment for public and private projects will also comply with the California Air Resources Board's vehicle standards. Additionally, for projects that may exceed daily construction emissions established by the South Coast AQMD, Best Available Control Measures will be incorporated to reduce construction emissions to below daily emission standards established by the South Coast AQMD. The Proposed Project's construction activities would follow South Coast AQMD and California Air Resources Board rules and regulations for dust and other emissions.

Response to Comment 2-8:

The concluding remark provides a summary of certain CEQA Guidelines related to the City's responsibility for preparing and approving final CEQA documents. The City of Perris is aware of these responsibilities. The City will notify the South Coast AQMD of public hearings related to adoption of the MND and approval of the Proposed Project.

3.0 ERRATA

Changes to the Initial Study that was circulated to the public are made in the Biological Resources and Cultural Resources sections of the document.

The following change to the text of the Initial Study is based on discussions held during the Proposed Project’s public hearing at the March 19, 2025 City of Perris Planning Commission meeting. The third paragraph of page 30 is revised to read as follows:

Paniculate tarplant is neither federally nor state listed as endangered or threatened. It is listed as a California Native Plant Society Rare Plant Rank 4.2 species and is a covered species under the MSHCP. Several individuals of this species were observed in the western portion of the site near areas subject to routine weed abatement activities. The western portion of the Project Site occurs near open space to the east which provides more suitable habitat for this species, which is well-adapted to routine disturbance and often establishes in recently disturbed areas in Western Riverside County. Due to the lack of a formal listing status, and the fact that it is covered coverage under the MSHCP, no further surveys or mitigation related to paniculate tarplant are recommended

The following changes to the text of the Initial Study are based on the recent closure of the Eastern Information Center and to make the capitalization of some words consistent with the remainder of the Initial Study.

Mitigation Measure CR-1 on pages 32 through 34 of the Initial Study is revised as follows:

Mitigation Measure CR-1: Archaeological Monitoring Program:

Prior to the issuance of grading permits, the Project proponent/developer shall retain a professional archaeologist meeting the Secretary of the Interior’s Professional Standards for Archaeology (U.S. Department of Interior, 2012; Registered Professional Archaeologist preferred). The primary task of the consulting archaeologist shall be to monitor the initial ground-disturbing activities at both the 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 Project 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 Project archaeologist shall be responsible for monitoring ground-disturbing activities, maintaining daily field notes and a photographic record, and for reporting all finds to the developer and the City of Perris in a timely manner. The Project 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.

The Project proponent/developer shall also enter into an agreement with either the Soboba Band of Luiseño Indians or the Pechanga Band of Indians for a Native American tribal representative (observer/monitor) to work along with the Project archaeologist. This tribal representative will assist in the identification of Native American resources and will act as a representative between the City, the Project proponent/developer, and Native American Tribal Cultural Resources Department. The Native American tribal representative shall be on-site during all ground-disturbing of each portion of the project site including clearing, grubbing, tree removals, grading, trenching, etc. The Native American tribal representative should be on-site any time the Project archaeologist is required to be on-site. Working with the consulting archaeologist, the Native American representative shall have the authority to halt, redirect, or divert any activities in areas where the identification, recording, or recovery of Native American resources are on-going.

The agreement between the Project proponent/developer and the Native American tribe shall include, but not be limited to:

- An agreement that artifacts will be reburied on-site and in an area of permanent protection;
- 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; and
- 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.

The Project proponent/developer shall submit a fully executed copy of the agreement to the City of Perris Planning Division to ensure compliance with this condition of approval. Upon verification, the City of Perris Planning Division shall clear this condition. This agreement shall not modify any condition of approval or mitigation measure.

In the event that archaeological resources are discovered at the Project Site or within the off-site Project improvement areas, the handling of the discovered resource(s) will differ, depending on the nature of the find. Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for Native American/tribal cultural/archaeological resources. However, it is understood that all artifacts, with the exception of human remains and related grave goods or sacred/ceremonial/religious objects, belong to the property owner. The property owner will commit to the relinquishing and curation of all artifacts identified as being of Native American origin. All artifacts, Native American or otherwise, discovered during the monitoring program shall be recorded and inventoried by the consulting archaeologist.

If any Native American artifacts are identified when the Native American tribal representative is not present, all reasonable measures will be taken to protect the

resource(s) in situ and the City Planning Division and Native American tribal representative will be notified. The designated Native American tribal representative will be given ample time to examine the find. If the find is determined to be of sacred or religious value, the Native American tribal representative will work with the City and Project 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 CR-2 shall immediately apply and all items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling.

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 Project archaeologist, in consultation with the designated Native American tribal representative, determines that monitoring is no longer warranted, monitoring activities can be discontinued following notification to the City of Perris Planning Division.

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

Mitigation Measure CR-2 on page 34 of the Initial Study is revised as follows:

Mitigation Measure CR-2:

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

If the coroner determines that the remains are of Native American origin, the coroner would notify the Native American Heritage Commission, which will identify the “Most Likely Descendent” (MLD). Despite the affiliation with any Native American tribal representative(s) at the site, the Native American Heritage Commission’s identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the project proponent means for treatment or disposition, with appropriate dignity of the human

remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains will be determined in consultation between the Project proponent and the MLD. In the event that there is disagreement regarding the disposition of the remains, State law will apply and median with the Native American Heritage Commission will make the applicable determination (see Public Resources Code Section 5097.98I and 5097.94(k)).

The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the South Coastal Information Center, affiliated with San Diego State University.

The text on pages 86 through 89 of the Initial Study is revised as follows to eliminate the repetition of mitigation measures:

On August 6, 2024, the City of Perris conducted an AB52 consultation with the Pechanga Band of Indians. City staff provided information with a response deadline of August 22, 2024, but have not received any comments. The tribal consultation is now considered finalized.

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

A. Mitigation Monitoring Requirements and Procedures

CEQA was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to a proposed development. As stated in Section 21081.6 of the Public Resources Code,

“...the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment.”

CEQA Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to adoption of the Mitigated Negative Declaration.

The mitigation monitoring table below lists those mitigation measures that are to be included as conditions of approval for the Project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The developer will have the responsibility for implementing the mitigation measures, and the various City of Perris departments and divisions will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

Mitigation Measure	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
Aesthetics				
<p>Mitigation Measure AES-1: Prior to issuance of grading permits, the Project developer shall provide evidence to the City that any temporary nighttime lighting installed for security purposes shall be downward facing and hooded or shielded to prevent security light spillage outside of the staging area or direct broadcast of security light into the sky.</p>	<p>Prior to issuance of grading permits</p>	<p>City Planning Division</p>	<p>Verify that requirement is included in contractor specifications</p>	
Biological Resources				
<p>Mitigation Measure BR-1: Preconstruction Survey for Nesting Birds</p> <p>In order to avoid violation of the Migratory Bird Treaty Act and the California Fish and Game Code, site-preparation activities (ground disturbance, construction activities, staging equipment, and/or 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.</p> <p>If site-preparation activities are proposed during the nesting/breeding season, a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits to determine if active nests of species protected by the Migratory Bird Treaty Act 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</p>	<p>Prior to ground disturbing activities if construction is to be scheduled to occur during the nesting season of migratory birds (generally between April 15th through August 31 although the nesting season may be extended due to weather and/or drought conditions)</p>	<p>City Planning Division</p>	<p>Verify that nesting bird survey has been completed as specified</p>	

Mitigation Measure	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
<p>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 onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.</p>				
<p>Mitigation Measure BR-2: Preconstruction Surveys for Crotch's Bumble Bee</p> <p>If the Crotch's bumble bee is no longer a Candidate or formally Listed species under the California Endangered Species Act at the time ground-disturbing activities occur, then no additional protection measures are proposed for the species.</p> <p>If the Crotch's bumble bee is legally protected under the California Endangered Species Act as a Candidate or Listed species at the time ground-disturbing activities are scheduled to begin, preconstruction surveys shall be conducted in accordance with the California Department of Fish and Wildlife (CDFW) Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (2023) the season immediately prior to Project implementation. A minimum of three Crotch's bumble bee preconstruction surveys shall be conducted at two- to four-week intervals during the colony active period (April through August) when Crotch's bumble bee is most likely to be detected. Non-lethal, photo voucher surveys shall be completed by a biologist who holds a Memorandum of Understanding to capture and handle Crotch's bumble bee (if nesting and chilling protocol is to be utilized) or by a California Department of Fish and Wildlife-approved biologist experienced in identifying native bumble bee species (if</p>	<p>Prior to initial ground disturbing activities and each subsequent year of construction if the Crotch's bumble bee is legally protected under the California Endangered Species Act as a Candidate or Listed species at the time ground-disturbing activities are scheduled to begin</p>	<p>City Planning Division</p>	<p>Verify that bumble bee surveys have been completed as specified</p> <p>If Crotch's bumble bees are detected, the Project biologist shall provide written evidence to the City Planning Division of written notification to the CDFW. Verify that additional nesting surveys have been completed. Verify that plans have been prepared to</p>	

Mitigation Measure	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
<p>surveys are restricted to visual surveys that will provide high-resolution photo documentation for species verification). The surveyor shall walk through all areas of suitable habitat focusing on areas with floral resources. Surveys shall be completed at a minimum of one person-hour of searching per three acres of suitable habitat during suitable weather conditions (sustained winds less than eight miles per hour, mostly sunny to full sun, temperatures between 65 and 90 degrees Fahrenheit) at an appropriate time of day for detection (at least an hour after sunrise and at least two hours before sunset, though ideally between 9:00 AM and 1:00 PM).</p> <p>If Crotch's bumble bees are detected, the CDFW shall be notified by the Project biologist as further coordination may be required to avoid or mitigate certain impacts. At a minimum, two nesting surveys shall be conducted with focus on detecting active nesting colonies within one week and 24 hours immediately prior to ground disturbing activities that are scheduled to occur during the flight season (February through October). If an active Crotch's bumble bee nest is detected, an appropriately sized no disturbance buffer zone (including foraging resources and flight corridors essential for supporting the colony) shall be established around the nest to reduce the risk of disturbance or accidental take and the designated biologist shall coordinate with the CDFW to determine if an Incidental Take Permit under Section 2081 of the California Endangered Species Act will be required. Nest avoidance buffers may be removed at the completion of the flight season and/or once the qualified biologist deems the nesting colony is no longer active. If no nests are found but the species is present, a full-time qualified biological monitor who is experienced in surveying for and identifying the species shall be present during vegetation or ground disturbing activities that are scheduled to occur during the queen flight period (February through March), colony active period (March through September), and/or gyne flight period (September through October). Because bumble bees move nest sites each year, two pre-construction nesting surveys shall be required during each subsequent year of construction, regardless of the previous year's findings, whenever vegetation and ground disturbing activities are scheduled to occur during the flight</p>			monitor and protect nesting bees.	

Mitigation Measure	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
<p>season if nesting and foraging habitat is still present or has re-established.</p>				
<p>Mitigation Measure BR-3: Burrowing Owl Preconstruction Survey:</p> <p>A pre-construction survey for resident burrowing owl shall be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities at 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 prior to obtaining a grading permit. In addition, if burrowing owls are observed during the nesting bird survey required by Mitigation Measure BR-1, to be conducted within three days of ground disturbance or vegetation clearance the observation shall be reported to the CDFW and RCA. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the preconstruction survey, the area shall be resurveyed for owls. The pre-construction survey and any relocation activity would be conducted in accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP.</p> <p>If burrowing owls are detected, the CDFW and RCA shall be sent written notification within three days of detection of burrowing owls. If active nests are identified during the preconstruction survey, the nests shall be avoided and the qualified biologist and Project proponent shall coordinate with the City of Perris Planning Department, the USFWS, the CDFW, and the RCA to develop a Burrowing Owl Plan to be approved by the City in consultation with the CDFW, USFWS, and RCA 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 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</p>	<p>Within 30 days prior to commencement of grading and construction activities.</p>	<p>City Planning Division</p>	<p>Verify that owl survey has been completed as specified</p> <p>If burrowing owls are detected, the Project biologist shall provide written evidence to the City Planning Division of written notification to the CDFW and RCA within three days of detection. Verify that Burrowing Owl Plan been developed and reviewed by the CDFW, USFWS, and RCA.</p>	

Mitigation Measure	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
<p>burrows (numbers, location, and type of burrows) and management activities for relocated owls may also be required in the Burrowing Owl Plan. The Permittee shall implement the Burrowing Owl Plan following CDFW, USFWS, and RCA review and concurrence. A final letter report shall be prepared by a qualified biologist documenting the results of the Burrowing Owl Plan. The letter shall be submitted to the CDFW and RCA 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>Cultural Resources</p>				
<p>Mitigation Measure CR-1: Prior to the issuance of grading permits, the Project proponent/developer shall retain a professional archaeologist meeting the Secretary of the Interior's Professional Standards for Archaeology (U.S. Department of Interior, 2012; Registered Professional Archaeologist preferred). The primary task of the consulting archaeologist shall be to monitor the initial ground-disturbing activities at both the 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 Project 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 Project archaeologist shall be responsible for monitoring ground-disturbing activities, maintaining daily field notes and a photographic record, and for reporting all finds to the developer and the City of Perris in a timely manner. The Project 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>The Project proponent/developer shall also enter into an agreement with either the Soboba Band of Luiseño Indians or</p>	<p>Upon discovery of historical or archaeological resources</p>	<p>City Planning Division</p>	<p>Approval of retained archaeologist</p> <p>Verify that Native American tribal agreement has been signed</p> <p>Submittal of report of findings</p>	

Mitigation Measure	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
<p>the Pechanga Band of Indians for a Native American tribal representative (observer/monitor) to work along with the Project archaeologist. This tribal representative will assist in the identification of Native American resources and will act as a representative between the City, the Project proponent/developer, and Native American Tribal Cultural Resources Department. The Native American tribal representative shall be on-site during all ground-disturbing of each portion of the project site including clearing, grubbing, tree removals, grading, trenching, etc. The Native American tribal representative should be on-site any time the Project archaeologist is required to be on-site. Working with the consulting archaeologist, the Native American representative shall have the authority to halt, redirect, or divert any activities in areas where the identification, recording, or recovery of Native American resources are on-going.</p> <p>The agreement between the Project proponent/developer and the Native American tribe shall include, but not be limited to:</p> <ul style="list-style-type: none"> • An agreement that artifacts will be reburied on-site and in an area of permanent protection; • 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; and • 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>The Project proponent/developer shall submit a fully executed copy of the agreement to the City of Perris Planning Division to ensure compliance with this condition of approval. Upon verification, the City of Perris Planning Division shall clear this</p>				

Mitigation Measure	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
<p>condition. This agreement shall not modify any condition of approval or mitigation measure.</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 will commit to the relinquishing and curation of all artifacts identified as being of Native American origin. All artifacts, Native American or otherwise, discovered during the monitoring program shall be recorded and inventoried by the consulting archaeologist.</p> <p>If any Native American artifacts are identified when the Native American tribal representative is not present, all reasonable measures will be taken to protect the resource(s) <i>in situ</i> and the City Planning Division and Native American tribal representative will be notified. The designated Native American tribal representative will be given ample time to examine the find. If the find is determined to be of sacred or religious value, the Native American tribal representative will work with the City and project 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 CR-2 shall immediately apply and all items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling.</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 be subjected to</p>				

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<p>curation, as deemed appropriate, or returned to the property owner.</p> <p>Once grading activities have ceased and/or the Project archaeologist, in consultation with the designated Native American tribal representative, 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 South Coastal Information Center, affiliated with San Diego State University, and the Luiseño tribe(s) involved with the project.</p>				
<p>MM CR-2: In the event that human remains (or remains that may be human) are discovered at the Project Site or within the off-site Project improvement areas during ground-disturbing activities, the construction contractors, Project archaeologist, and/or designated Native American tribal representative shall immediately stop all activities within 100 feet of the find. The Project proponent shall then inform the Riverside County Coroner and the City of Perris Planning Division immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).</p> <p>If the coroner determines that the remains are of Native American origin, the coroner would notify the Native American Heritage Commission, which will identify the "Most Likely Descendent" (MLD). Despite the affiliation with any Native American tribal representative(s) at the site, the Native American Heritage Commission's identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or</p>	Upon discovery of human remains	City Planning Division	Confirmation of coroner and NAHC contact and submittal of report of findings, if applicable	

Mitigation Measure	Implementation Timing	Responsible Party	Method of Verification	City Verification of Compliance (Date/Initials)
<p>her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains will be determined in consultation between the Project proponent and the MLD. In the event that there is disagreement regarding the disposition of the remains, State law will apply and median with the Na7tive American Heritage Commission will make the applicable determination (see Public Resources Code Section 5097.98I and 5097.94(k)).</p> <p>The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the South Coastal Information Center, affiliated with San Diego State University.</p>				
Geology and Soils				
<p>MM GS-1: Prior to the issuance of grading permits, the Project applicant shall submit to and receive approval from the City of Perris Planning Division, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision of a qualified professional paleontologist (or his or her trained paleontological monitor representative) during all onsite and offsite subsurface excavation. Selection of the paleontologist shall be subject to approval of the City of Perris Planning Manager and no grading activities shall occur at the Project site or within offsite Project improvement areas until the paleontologist has been approved by the City.</p>	<p>Prior to issuance of grading permit</p>	<p>City Planning Division</p>	<p>Approval of PRIMMP</p> <p>Submittal of report of findings</p>	