

Comment Letter O3: Advocates for the Environment, 9 pages

July 10, 2025

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization



Albert Armijo
Project Planner
City of Perris
Development Services Department
135 North D Street
Perris, CA 92570

Via U.S. Mail and email to aarmijo@CityofPerris.org

Re: Comments on Draft Environmental Impact Report for Harvest Landing Retail Center & Business Park Project, SCH No. 2024080337

Dear Mr. Armijo:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (DEIR) for the Harvest Landing Retail Center & Business Park Project (Project). The Project Site is located within the central portion of the City of Perris (City), bound by I-215 to the west, Perris Boulevard to the east, Nuevo Road to the south, and Placentia Avenue to the north, in Riverside County. The Project includes the current Harvest Landing Specific Plan plus an additional 3 parcels of land, adding 17.18 acres to the current plan. The Project proposes to develop the 358.28-acre Project Site in two phases, resulting in a mix of commercial and industrial buildings. Phase 1 would include a 139.89-acre business park, 22.16-acre shopping center, and 24.33-acre commercial retail site. Phase 1 would have a maximum warehouse buildout of 1,727,579 square feet. Phase 2, on 122 acres, would have a maximum warehouse buildout of 4,007,995 square feet. Phase 1 and Phase 2 together comprise a huge amount of warehouse space. We have reviewed the DEIR prepared in May 2025 and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (GHG) analysis under the California Environmental Quality Act (CEQA).

O3.1

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. 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

O3.2

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we reach net zero GHG emissions, and there is a California 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 incredible 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 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 help protect the City and the Applicant from CEQA GHG litigation.

O3.2 cont.

The DEIR's GHG analysis violates CEQA.

The DEIR considers several different project scenarios that could be pursued. Even for the project scenario with the least GHG emissions, the calculated project-related emissions would amount to between 78,868 and 109,258 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year. (DEIR, p. 5.8-22). This greatly exceeds the City's 3,000 MTCO_{2e} significance threshold, adopted from the South Coast Air Quality Management District (SCAQMD) guidelines for mixed-use projects. (DEIR, p. 5.8-13.) The proposed GHG mitigation measures would only reduce the Project's GHG emissions by about 3,571 MTCO_{2e} per year, representing at most 4.5% of the Project's annual emissions¹. (DEIR, p. 5.8-24.) Despite minimal mitigation, the City claims that the Project's GHG emissions would be significant and unavoidable and that no further mitigation would be feasible. A CEQA lead agency is required to discuss and consider reasonable, feasible mitigation measures for significant cumulative effects. (*Los Angeles Unified Sch. Dist. v. City of Los Angeles* (1997) 58 Cal. App. 4th 1019, 1029.) Thus, the City should have demonstrated that any additional mitigation measures

O3.3

¹78,867.88 MTCO_{2e} unmitigated – 75,295.97 MTCO_{2e} mitigated = 3,571.91 MTCO_{2e} reductions
3,571.91 MTCO_{2e} reductions ÷ 78,867.88 MTCO_{2e} unmitigated = 0.045
0.045 × 100% = 4.5%

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would be infeasible based on substantial evidence. The City failed to do so here because it overlooked several feasible mitigation measures.

O3.3 cont.

GHG mitigation is insufficient under CEQA.

Despite the availability of other GHG mitigation measures, the DEIR declared that the Project's significant GHG emissions, even after mitigation, were unavoidable. (DEIR, p. 5.8-35.) It does not explain why additional mitigation is infeasible or show that the proposed measures represent the maximum feasible mitigation. This conclusion lacks substantial evidence, and the DEIR should have incorporated additional mitigation to reduce the Project's GHG emissions to the extent required by CEQA.

While the EIR identifies Mitigation Measures GHG-1 through GHG-5 to reduce the identified significant GHG impact, some of these measures are not implemented to the maximum feasible extent. Although further feasible GHG mitigation measures are available, and the proposed mitigation measures could be improved to achieve more mitigation, the DEIR concludes it represents all feasible mitigation and "GHG emissions would be significant and unavoidable on a project-level and cumulative basis." (DEIR, p. 6-1.) Yet, the existing mitigation measures are not implemented to the maximum feasible extent, so at least a portion of the Project's GHG emissions are avoidable through increasing the efficacy of existing mitigation measures.

O3.4

For example, the City did not demonstrate that 50% waste diversion for commercial uses and 60% waste diversion for industrial uses would be the maximum feasible waste reductions for this Project. Likewise, the City did not demonstrate that a water conservation strategy amounting to 20% reduction in water usage would be the maximum feasible reductions that could be achieved. The City must support the determination that the existing measures represent the maximum feasible mitigation by substantial evidence, and it failed to do so here.

Some AQ mitigation measures could be improved to maximize GHG reductions.

Mitigation measures AQ-8, AQ-9, AQ-13, and AQ-14 are not implemented to the maximum feasible extent. Ultimately, because these mitigation measures were incorporated into the GHG mitigation section and the City claims that they would contribute to GHG reductions, they should be revised to the extent feasible to achieve fair share mitigation of the Project's cumulatively considerable impact.

O3.5

For example, Mitigation Measure AQ-13 only requires the Project to install infrastructure for future electric truck charging stations but does not require actual installation or provide a timeline for implementation. This defers GHG mitigation to an unknown future date, without committing to installing any amount of EV charging stations. Conduit alone, without the rest of the charging infrastructure installed, would not be capable of reducing any amount of GHG emissions, although it

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might increase the likelihood that chargers are installed in the future. Additionally, AQ-8 restricts idling to five minutes, yet provides no evidence demonstrating that this would be the maximum feasible reduction.

The City's claim that more mitigation would be infeasible is unsubstantiated when there is more mitigation that could be achieved through improving GHG mitigation measures, including AQ mitigation measures that provide co-benefits of reducing GHGs. AQ mitigation measures could be modified or improved in order to reduce GHG impact to the maximum feasible extent and the potential for improving certain GHG-related mitigation measures indicates the City's failure to adopt all feasible mitigation.

O3.5 cont.

The City improperly relies on certain air quality mitigation measures for GHG impact.

Some proposed air quality (AQ) mitigation measures were incorporated by reference into the GHG mitigation section even though some of them are irrelevant to GHG emissions and would have little to no effect at reducing GHG emissions. CEQA mandates that mitigation measures must be identified and analyzed during the EIR process to ensure they are feasible and will mitigate significant impacts. Each mitigation measure that is incorporated by reference into the GHG analysis should be related to GHG reductions so that it could be at least minimally effective at reducing GHG impact. Here, the DEIR fails to demonstrate that some of the AQ measures would effectively contribute to GHG emission reduction by substantial evidence.

Air Quality and Greenhouse Gases may have overlapping mitigation strategies, but they address different types of pollutants. Air quality impact is analyzed based on daily concentrations and exposure to criteria air pollutants more broadly, while GHG emissions are a subgroup of pollutants that cause climate change on a long-term timescale and widespread geographical scope. Therefore, while many GHG and AQ mitigation measures often have overlapping strategies and sources, an AQ measure which reduces criteria pollutants does not necessarily reduce GHG emissions.

O3.6

Measures AQ-3, AQ-4, and AQ 18 are completely unrelated to GHG emissions and do not contribute to GHG mitigation, so any references to these measures in the GHG section should be removed because the City cannot rely on these measures for GHG reductions. These measures are a valuable part of the Project to reduce air quality impact, but should not be cited or incorporated as part of the AQ measures that simultaneously reduce GHG, because they would have little to no effect at reducing GHGs. Measures AQ-2, AQ-5, AQ-12, and AQ-19 may provide marginal GHG co-benefits, but are still primarily focused on air quality. Regarding AQ-2, rather than mandate Tier 4 emissions standards, offroad diesel construction equipment should be prohibited or restricted to the maximum feasible extent to reduce both air quality pollutants and GHGs.

Some AQ mitigation measures lack enforceability.

Some air quality measures have potential to reduce GHGs if enforcement mechanisms are added to ensure compliance and improve clarity. The City should implement specific performance standards and clear guidelines to ensure they achieve GHG emissions reductions. For example, AQ-9 requires electric vehicle charging stations to be included in the Project plans without specifying a number of electric-vehicle-charging spaces. The DEIR should have been the instrument through which the City identifies the specifications and details required to achieve reductions. The City's failure to specify exact performance standards for the mitigation measure that will be developed in the future constitutes an improper deferral of those mitigations, a violation of CEQA. The City could commit to installing charging stations which would serve to reduce for both air quality pollutants and GHG emissions.

O3.7

CEQA requires the Project's GHG Impacts to be fully mitigated.

CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of the full extent of the Project's GHG impacts. Even with the inclusion of GHG and AQ mitigation measures, the Project would still considerably exceed the SCAQMD threshold of 3,000 MTCO_{2e} per year. (DEIR, p. 5.8-35.) The DEIR claims that no other mitigation measures are feasible, beyond the identified mitigation measures. But that conclusion is incorrect, and not supported by substantial evidence.

The amount of GHG emissions that comprise the Project's fair share is clear. The reasonable lifespan of this Project is approximately 30 years as indicated by the amortization of construction emissions. (DEIR, p. 5.8-15.) Therefore, the Project would likely contribute over 2 million MTCO_{2e} during its entire lifespan.² This is a good starting point from which to subtract the effect of additional non-offset mitigation measures, before implementing offset purchases.

O3.8

Even though mobile emissions make up the majority of the Project's GHG impact, CEQA does not distinguish between mobile and non-mobile sources of GHG emissions; a lead agency can mitigate cumulative GHG impacts through any measure that would reduce GHG emissions with no regard to the proportionality of GHG emissions sources. It is feasible to install more vehicle charging stations, not only for passenger vehicles but also heavy-duty truck charging stations, and require a zero-emission fleet at the earliest practicable time. To assist in transitioning to a zero-emission fleet, the City could require the applicant and/or future tenants to enroll in the United States Environmental Protection Agency's SmartWay program and require tenants to use SmartWay carriers.³

² 76,613 MTCO_{2e} per year × 30 years = 2,298,390 MTCO_{2e}

³ <https://www.epa.gov/smartway>

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The CARB 2022 Climate Change Scoping Plan encourages that as building electrification increases, that alternative refrigerants with low global warming potential (**GWP**) be utilized to mitigate the emissions of hydrofluorocarbons (**HFCs**), a highly potent GHG that is emitted during refrigeration. The DEIR discusses the possibility of refrigerated trucks and refrigerated warehousing (DEIR, p. 5.8-17). The City should include mitigation measures related to the GHG impact of refrigeration and commit to using low-warming HFCs or alternative refrigerants, as well as energy-efficient refrigeration systems, to reduce the project's GHG impact.

03.9

In addition to implementing the aforementioned mitigation measures to the extent feasible, the City could also require the Applicant to buy clean power for the warehouse's remaining electricity usage that it is unable to produce through solar power on-site. The City should also include mitigation related to stationary source emissions, such as limiting the use of diesel fire pumps and emergency generators by requiring electric or zero-emission equipment. Overall, there are more options available to mitigate emissions to the full extent of the Project emissions.

03.10

The City has authority to mitigate mobile emissions.

The City claims that it lacks regulatory authority to reduce mobile-related emissions sources. However, "[a]n EIR that incorrectly disclaims the power and duty to mitigate identified environmental effects based on erroneous legal assumptions is not sufficient as an informative document." (*City of Marina v. Bd. of Trs. of Cal. State Univ.* (2006) 39 Cal. 4th 341, 356.) The City has the authority, under CEQA, to go beyond regulatory standards and take on voluntary mitigation measures to reduce significant environmental effects. Thus, the City's claim that they lack direct control to regulate GHG emissions does not absolve it from its duty to mitigate significant environmental impacts under CEQA.

03.11

The City's claim that there are no feasible voluntary measures is further contradicted by the transportation section, which offers Mitigation Measure TR-1 to reduce vehicle miles traveled (**VMT**), demonstrating that despite lacking regulatory authority, the City still is able to cause VMT reductions, which in turn can indirectly reduce GHG emissions. There is no valid reason for the City to be able to propose VMT reductions in the transportation context but claim inability to reduce mobile related emissions in the GHG context, because the City can rely on similar measures to reduce vehicle related emissions that would reduce both impacts.

When a lead agency determines that a mitigation measure is infeasible due to legal constraints, the EIR must reference the fact that a mitigation measure cannot be legally imposed and "briefly explain the reasons underlying the lead agency's determination." (14 CCR § 15126.4 (a)(5).) This provision requires an explanation of infeasibility on a measure-by-measure basis and does not allow for a lead agency to make a blanket statement about the infeasibility of any mitigation with respect to an entire environmental effect. The City made no reference to specific infeasible mitigation measures, so

03.12

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the City's explanation of lack of regulatory authority is not sufficient to meet its burden to demonstrate that further GHG mitigation would be infeasible.

CEQA provides the opportunity for lead agencies to adopt mitigation measures voluntarily that may go beyond regulatory requirements in order to reduce significant environmental effects, without interfering with any regulatory authority. The City has authority to reduce significant GHG impact under CEQA because it is required to do so to the extent feasible when it finds an environmental effect to be significant. The DEIR should include additional mitigation measures specifically aimed at reducing energy consumption beyond minimum regulations. For example, it could strengthen the current approach by requiring LEED Gold certification, exceeding Title 24 energy efficiency standards, and mandating all-electric development.

O3.12 cont.

Further, there are also other mitigation measures that the City has the authority to implement to reduce mobile GHG emissions on a Project-level basis, such as entering into agreements with the applicant and/or tenant to require a certain percentage of the vehicle fleet to use alternative, non-diesel fuels (e.g., gasoline, ethanol, or biofuels), or provisions in lease agreements to limit the use of heavy-duty diesel trucks. Currently, the Project would implement the bare minimum regulations in terms of equipment standards, but it is reasonable to implement stricter requirements on a project level. Another feasible mitigation measure would be to require the Applicant to enter into a contract with future tenants to use zero-emission commercial vehicles whenever reasonably available. Such mitigation measures are both feasible and necessary to address the Project's fair share of emissions.

O3.13

Regardless of the feasibility to reduce mobile-related GHG emissions, GHG mitigation measures need not be targeted at any particular source. In other words, non-mobile mitigation measures can be used to reduce the Project's overall GHG impact even though the Project's main source of GHG emissions is from mobile emissions.

O3.14

Carbon offsets are feasible as mitigation measures.

After requiring operational emissions reductions to the maximum feasible extent, the City could also require the Applicant to purchase offsets for the Project's remaining GHG emissions. The City did not provide any evidence for why offsets would be infeasible. Overall, there are more options available to mitigate emissions to the full extent of Project emissions, and the City failed to acknowledge or implement many mitigation measures that are feasible and could help reduce the Project's GHG impact to the fair share extent.

O3.15

Offsets are acceptable mitigation measures under CEQA (Guidelines § 15126.4 (c)(3).) There are also many offset projects that are currently operating in California, including projects that are relevant to the Project's operations such as the Truck Stop Electrification project in California

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(Project ID ACR133), among others.⁴ Such offset programs are just examples of which the City could consider as feasible carbon offsets to reduce the Project's GHG impact.

O3.15 cont.

The Project Alternatives discussion is misleading.

CEQA requires an EIR to consider and discuss a reasonable range of project alternatives that would achieve the Project's basic objectives and substantially lessen the significant environmental effects, and compare these alternatives to the proposed project. (CEQA Guidelines Section 15126.6.) Here, the City proposed only four alternatives, including two "no project" alternatives, a reduced project alternative, and a residential alternative.

Although the GHG analysis sets forth multiple scenarios, these scenarios were not properly analyzed as project alternatives. The City should analyze all of the lower-emission scenarios as feasible alternatives in its discussion of alternatives. Among the different scenarios, the City should have selected the least environmentally damaging alternative or demonstrated that it would be infeasible to implement before moving forward with the proposed project.

In particular, the EIR fails to analyze Scenarios A and B, with and without Overlay, as potential Project alternatives, despite them meeting Project objectives and result in substantially different GHG emissions. It is clear from Section 6.1.2, Greenhouse Gas Emissions, that the EIR treats the higher-emission Scenario B with Overlay as the default plan, as it is the only scenario discussed in this section. California courts have consistently held that lead agencies must analyze reasonable alternatives and mitigation measures, regardless of perceived regulatory constraints.

O3.16

Here, the EIR should discuss a Project alternative that specially aims at reducing VMT given its substantial impact because it is "reasonable to expect at least one project alternative... focused primarily on significantly reducing VMT," even when the lead agency lacks broad regulatory authority. (*Golden Door Props., LLC v. Cnty. of San Diego* (2020) 50 Cal. App. 5th 467, 264 Cal. Rptr. 3d 309.) In comparison, the DEIR lacked any alternative focused on VMT, even though the potential Overlay discussed as a "scenario" would have substantial effect on mobile-source emissions. Excluding the Overlay should be discussed as an alternative because it could meaningfully reduce the Project's significant and unavoidable GHG impacts without changing project site or use.

Conclusion

The DEIR fails to require all feasible mitigation, despite concluding that the significant GHG impact will be unavoidable. The lead agency has not met its burden of showing that such measures are infeasible, and therefore the DEIR should be amended to reflect all feasible mitigation to the fair-share

O3.17

⁴ American Carbon Registry (ACR), list of offset projects, available at <https://acr2.apx.com/myModule/rpt/myrpt.asp?r=111> (Accessed June 26, 2025).

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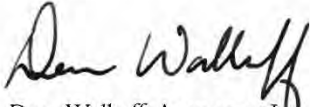
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extent. Please put me on the interest list to receive updates about the progress of this Project. We make this request under Public Resources Code, section 21092.2.

03.17
cont.

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

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Response to Comment Letter O3: Advocates for the Environment, July 10, 2025

Comment O3.1: This comment provides an introduction to the comment letter and states that the comment is submitted regarding the sufficiency of the Draft EIR's greenhouse gas (GHG) analysis.

Response O3.1: The comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment O3.2: This comment states that the City should require the proposed Project be net-zero in order to comply with California's policy to be net-zero by 2045. The comment states 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 comment then lists some examples of two large mixed use projects in California that utilized net-zero thresholds. The comment concludes by stating that the net-zero GHG significance threshold is well-supported by plans such as CARB, and the Project should adopt the threshold.

Response O3.2: The commenter asserts that the City should require the Project to be net-zero in terms of GHG emissions and that the City should adopt a net-zero [GHG emissions] threshold for this Project. 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 Assembly Bill 1279). It should be noted that the State has not adopted a net-zero GHG threshold (or any GHG threshold) of significance for individual development projects. The State's policy to achieve net-zero GHG emissions by 2045 requires the California Air Resources Board (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 removal solutions and carbon capture, utilization, and storage technologies.

The Project includes industrial and commercial development at the site, whereas the examples provided in this comment refer only to non-industrial projects. Therefore, the examples provided in this comment do not necessarily apply to the proposed Project and are not consistent.

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 GHG analysis provided in the Draft EIR is based on current thresholds utilized consistently by the City of Perris as lead agency as described in Section 5.8.4 of the Draft EIR. As described in Section 5.8.4 of the Draft EIR, the numeric threshold applied is a widely accepted screening threshold developed by the South Coast Air Quality Management District and used by

the City and numerous cities throughout the South Coast Air Basin and is an acceptable approach for projects like the proposed Project. Further the qualitative analysis of impacts related to plans is consistent with Section 15064.4 of the State CEQA Guidelines. As such, adoption and implementation of a City “net-zero GHG emission threshold” as suggested by the commenter is beyond the scope of the Project and the purview of the Draft EIR.

Comment O3.3: This comment states that the Draft EIR does not quantitatively analyze the effectiveness of the proposed mitigation measures for reducing GHG emissions and that the conclusion that there are no other feasible mitigation measures that would reduce emissions is not supported by substantial evidence. The comment concludes that the Draft EIR should include more mitigation to reduce the Projects GHG emissions.

Response O3.3: Draft EIR page 5.8-26 of Section 5.8, *Greenhouse Gas Emissions* describes that GHG emissions generated from the proposed Project at buildout are primarily associated with vehicle and truck trips. Draft EIR Tables 5.8-2 through 5.8-5 shows that the Specific Plan buildout would generate a net total of approximately 78,867.88 to 109,258.10 MTCO_{2e} per year, and that a majority is from mobile sources (80% for Scenario A and 85% for Scenario B). The Draft EIR also explains how and why there is no way to quantify the reductions from implementation of Mitigation Measures GHG-1 through GHG-5 in CalEEMod, and that neither the Project Applicant nor the City of Perris can reduce emissions from trucks and vehicles; and, therefore, impacts related to GHG emissions would be significant and unavoidable.

The commenter’s assertion that the Draft EIR does not provide substantial evidence for the determination that GHG impacts of the Project would be significant and unavoidable is unsubstantiated and the comment does not provide specific recommended measures in which to respond to. The commenter does not provide additional data or specific measures for consideration or incorporation. Responses to additional comments provided by the commenter related to this comment are provided below (Response to Comment O8.5 to O8.7). The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O3.4: This comment states that the Project did not adequately explore all possible mitigation measures in order to reduce the GHG impacts. The comment states that the City did not demonstrate that the proposed mitigation measures would represent the maximum feasible mitigation to support that the Projects impact would be significant and unavoidable.

Response O3.4: The commenter’s assertion that the Draft EIR does not provide substantial evidence for the determination that the Project will not be able to achieve any mitigation beyond what was identified in the proposed mitigation measures is unsubstantiated and vague. Approximately 80 to 85% of the GHG emissions from the Specific Plan buildout would be generated by vehicle and truck emissions based on the buildout scenario. The Draft EIR includes five specific mitigation measures to reduce GHG emissions.

Regarding the suggested measures in the comment, mitigation related to waste diversion and water conservation would not reduce GHG impacts of the Project to a less than significant level as the vast majority of GHG impacts are related to mobile source emissions. As shown in Draft EIR Table 5.8-4 *Project Generated Greenhouse Gas Emissions – Scenario B- With Overlay*, of the 109,285.10 MTCO_{2e} generated by full buildout of Phase 1 and Phase 2 of the Specific Plan, 2,344.62 MTCO_{2e} would be generated from water use and waste. Thus, even if mitigation would eliminate all GHG emissions related to those uses, Project impacts would remain significant and unavoidable. Further, as the Lead Agency for the proposed Project, the City of Perris need not respond specifically to each measure that may be on various lists of potential GHG mitigation measures (*Santa Clarita Org. for Planning the Env’t v City of Santa Clarita* (2011) 197 CA4th 1042, 1055). As the majority of the proposed MBU buildings are speculative, it is technically infeasible to quantify the associated GHG emission reductions associated with further waste and water reduction measures, and Mitigation Measures GHG-1 and GHG-3 represent practical and feasible measures as written (*Napa Citizens for Honest Gov’t v Napa County Bd. of Supervisors* (2001) 91 CA4th 342, 365; *Concerned Citizens*

of *S. Cent. L.A. v Los Angeles Unified Sch. Dist.* (1994) 24 CA4th 826, 841). Additionally, CEQA allows for a project to result in significant impacts. Pursuant to CEQA Guidelines Section 15093, the City may adopt a Statement of Overriding Considerations explaining why the benefits of the Project outweigh the significant impacts.

Comment O3.5: This comment states that the air quality mitigation measures included in the GHG section should be strengthened in order to fully mitigate the Project's GHG impact. The comment suggests the installation of EV charging stations instead of infrastructure for future use. The comment also suggests the shortening of the five minutes of permitted idling.

Response O3.5: In response to comments provided by the commenter, Mitigation Measure AQ-8 has been revised to restrict idling to no more than three minutes, as follows and as further detailed in Final EIR Section 3.0, *Revisions to the Draft EIR*:

Mitigation Measure AQ-8: Idling Regulations. The Project plans and specifications shall include signs at loading dock facilities that include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than ~~35~~ minutes once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged pursuant to Title 13 of the California Code of Regulations, Section 2485; and 3) telephone numbers of the building facilities manager, South Coast AQMD and CARB to report violations. Signs shall be installed prior to receipt of an occupancy permit.

As discussed on page 5.3-54 through 5.3-55 of the Draft EIR, as of 2025, the use of zero-emission heavy-duty trucks in support of uses such as those proposed by the Project remains infeasible given the extremely limited commercial availability of zero-emission trucks, as well as infrastructure limitations, including limited truck-accessible charging/refueling stations and electrical grid capacity. As discussed within the Draft EIR, while many heavy-duty truck manufacturers have released zero-emission battery electric and hydrogen-powered trucks, these vehicles have yet to reach large scale production, and their use remains extremely limited. Further, the availability of truck accessible vehicle charging stations and hydrogen refueling stations in California and the United States as a whole severely limits the feasibility of zero-emission trucks. Overall, requiring the Project to utilize emerging technology as mandatory mitigation when the various types of technological advancements and their timeframes for commercial availability are not known with any certainty, is not a feasible mitigation measure, which is further detailed on pages 5.3-54 through 5.3-55 of the Draft EIR. However, Phase 1 would include at least 224 electric vehicle charging stations and 76 electric vehicle charging capable stalls, as discussed in Section 3.0, *Project Description*.

Comment O3.6: This comment states that the proposed air quality mitigation measures, specifically Measures AQ-3, AQ-4, and AQ-18, referenced in the Greenhouse Gas Emissions section of the Draft EIR would not reduce GHG emissions. This comment states that Measures AQ-2, AQ-5, AQ-12, and AQ-19 may provide marginal GHG reductions, but are focused primarily on air quality. The commenter states that because these measures do not reduce GHG emissions, they should either be revised to strengthen them or removed from the Draft EIR GHG section.

Response O3.6: The comment does not provide substantial evidence of a significant impact not already disclosed in the EIR or evidence that the air quality measures are inadequate. Although some of the air quality mitigation measures are focused on non-GHG emissions, the overall reductions resulting from those measures do result in reductions to GHG emissions. In response to this comment, Section 5.8, *Greenhouse Gas Emissions*, has been revised to remove reference to Mitigation Measures AQ-3, AQ-4, and AQ-18 in Section 3.0, *Revisions to the Draft EIR*, within this Final EIR. As discussed by the commenter, Mitigation Measures AQ-2, AQ-5, AQ-12, and AQ-19 would provide reductions in GHG emissions.

Comment O3.7: This comment states that some of the air quality mitigation measures lack enforceability such as not specifying the amount of EV charging stations required in Mitigation Measure AQ-9. This comment concludes in stating that these mitigation measures lack performance standards and are deferred in violation of CEQA.

Response O3.7: Pursuant to CEQA Guidelines Section 15126.4(a)(1)(B), CEQA allows for the development of mitigation after project approval when it is impractical or infeasible to include those details so long as the agency commits itself to the mitigation, adopts specific performance standards it would achieve, and identifies the types of potential actions that can feasibly achieve that performance standard. While Mitigation Measures AQ-1, AQ-2, and AQ-5 through AQ-7 are required to be implemented prior to the issuance of building or grading permits, the measures provide specific details or measures that the Applicant and/or Project must attain in order to comply with the mitigation and receive building or grading permits. Until these measures are achieved, no building or grading permit will be issued by the City of Perris. These measures include requirements for the use of tier 4 final construction equipment and ridesharing for construction employees. Therefore, these measures do not defer the formulation of mitigation until building permit issuance and are fully enforceable in alignment with the requirements of CEQA.

As discussed in Draft EIR Section 5.8, *Greenhouse Gas Emissions*, GHGs are produced by both direct and indirect emissions sources. Direct emissions include consumption of natural gas, heating and cooling of buildings, landscaping activities and other equipment used directly by land uses. Indirect emissions include the consumption of fossil fuels for vehicle trips, electricity generation, water usage, and solid waste disposal. The sources related to pollutants in the context of air quality and for greenhouse gas emissions are similar. Mitigation Measures AQ-1, AQ-2, AQ-5 through AQ-17, AQ-19 and Mitigation Measures GHG-1 through GHG-5 would require emissions reduction measures, which would lower GHG emissions buildout of the proposed Project. Regarding Mitigation Measures AQ-3, AQ-4, and AQ-18, these measures have been removed from the discussion related to GHG emissions.

Regarding Mitigation Measures AQ-8 through AQ-17, AQ-19, and AQ-20, these measures also set forth specific details or measures that the Applicant and/or Project must attain in order to comply with the mitigation and receive certificates of occupancy. Until these measures are achieved, no certificate of occupancy will be issued by the City of Perris. The timing of implementation of these measures is specific to certificate of occupancy as these relate to specific operations of the Project for each respective tenant. Therefore, these measures do not defer the formulation of mitigation until certificate of occupancy issuance and are fully enforceable in alignment with the requirements of CEQA. Therefore, the proposed mitigation measures are fully enforceable and does not constitute improper deferral under CEQA.

Mitigation Measure AQ-13 specifically requires the installation of electric truck charging infrastructure to support the future installation of charging stations when such trucks are commercially available, as determined by the City of Perris Planning Division. As stated above, the CEQA Guidelines allow for the development of mitigation after project approval when it is impractical or infeasible to include those details. Due to the limited availability of zero emission trucks to utilize the charging stations, this mitigation measure would be implemented when these trucks are commercially available and would actually utilize charging stations onsite. The limited availability of zero-emission medium- and heavy-duty vehicles is borne out in CARB's Emission Factor (EMFAC) Model, as well as data published by California's Clean Truck and Bus Voucher Incentive Project (HVIP). EMFAC model outputs provide detailed information as to the vehicle fleet in California, including fuel types for various vehicle classes and vehicle populations. Per EMFAC data, in 2024, battery electric trucks made up 0.01 percent of California's medium-duty truck fleet, and 0.21 percent

of the heavy-duty truck fleet.⁷ Similarly, based on HVIP's Zero-Emission Vehicle Population Dashboard,⁸ as of October 2024, there are currently 226 medium-duty and 197 heavy-duty zero-emission vehicles within the South Coast Air Quality Management District (AQMD) jurisdiction, which includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties. In 2023, statewide deliveries totaled 183 medium-duty vehicles and 121 heavy-duty vehicles, while in 2024 there have been no medium-duty truck vehicle deliveries and 13 heavy-duty truck deliveries.

Comment O3.8: This comment states that the Project is required to include fair-share mitigation for all significant cumulative impacts. The comment states that since the Project would likely contribute 2 million MTCO_{2e} over its lifetime, which the commenter states can be used as a starting place for additional non-offset mitigation measures such as additional vehicle charging stations, net-zero emission fleet, and enrollment in the United States Environmental Protection Agency's SmartWay Program.

Response O3.8: Regarding the lack of feasibility of additional GHG mitigation measures, page 5.8-26 of the Draft EIR describes that there are no feasible Project measures that would reduce substantially vehicular emissions and more than 80 percent of all GHG emissions (by weight) would be generated by Project mobile sources (vehicle trips). Neither the Project Applicant nor the Lead Agency (City of Perris) can substantively or materially affect reductions in Project mobile-source emissions. Regarding the EPA's SmartWay Program and furthering the use of electric heavy-duty trucks, as previously discussed the future tenants of the proposed buildings are unknown. However, given the type of warehouse development proposed, it is unlikely that the future tenants would own their own fleet of heavy-duty trucks, which would render it infeasible for the City, Applicant, or tenant(s) to control the types of trucks accessing the Project site. Further, based on data from the American Trucking Associations, electrification of heavy-duty trucks is cost prohibitive for development and the grid network provided by Southern California Edison cannot currently meet the electricity demand that would be required to support electric vehicle infrastructure for heavy-duty trucks. In addition, the South Coast AQMD has stated that zero emission heavy duty trucks are not commercially available or technologically feasible to implement on a wide-scale basis beyond a limited pilot scale.⁹

A typical diesel heavy-duty truck costs approximately \$180,000 while a comparable battery-electric truck could cost approximately \$400,000.¹⁰ This increase in operating costs would result in the Project being not economically viable given that the Project is speculative and the buildings would be nearly impossible to lease as operating costs would transfer to the tenants. Therefore, requiring the use of electric heavy-duty trucks is not economically feasible at the present time.

Although infrastructure improvements and the installation of medium- and heavy-duty truck capable DC fast chargers and hydrogen fueling stations are currently in progress, the current state of charging and refueling infrastructure severely limits the feasibility of zero emission trucks beyond local routes where charging or hydrogen refueling would not be necessary outside of the location where trucks would be domiciled.

Finally, based on the current state of the electrical grid and the increasing adoption of electric vehicles in California, significant investments in the grid will need to occur in the coming decades will be needed to keep pace. However, these upgrades will be spread out over a period of decades such that the costs of infrastructure upgrades in any given year may be kept reasonable. Additionally, technologies such as

⁷ California Air Resources Board. (2025). *EMFAC*. <https://arb.ca.gov/emfac/>

⁸ California HVIP. (2025). *Industry Initiatives*. <https://californiahvip.org/industryinitiatives/#cavevdashboard>

⁹ South Coast Air Quality Management District. (August 3, 2021). *Letter from Wayne Nastri, Executive Officer of South Coast Air Quality Management District*.

¹⁰ American Trucking Associations. (March 19, 2024). *New Report Pegs Cost of Electrifying U.S. Commercial Truck Fleet at \$1 Trillion*. Accessed from: <https://www.trucking.org/news-insights/new-report-pegs-cost-electrifying-us-commercial-truck-fleet-1-trillion>

battery integrated DC fast chargers¹¹ may be used to reduce strain on the grid and limit the need for expensive utility upgrades. Thus, no further response is warranted.

Comment O3.9: This comment states that the CARB 2022 Scoping plan encourages building electrification and suggests the City include mitigation related to the GHG impact of refrigeration using low warming or alternate refrigerants.

Response O3.9: As discussed in Draft EIR Section 3.0, Project Description, none of the proposed buildings are proposed or are designed to accommodate any warehouse cold storage or refrigerated uses. Thus, there is no nexus to implement the suggested mitigation related to refrigeration systems.

Comment O3.10: This comment suggests that the Applicant should be required to purchase clean power for the remaining electricity usage that would not be generated through the onsite solar. The comment further suggests the use of zero-emissions equipment for stationary equipment such as fire pumps and backup generators.

Response O3.10: As discussed previously, page 5.8-26 of the Draft EIR describes that there are no feasible Project measures that would reduce substantially vehicular emissions, and more than 80 percent of all GHG emissions (by weight) would be generated by Project mobile sources (vehicle trips). Neither the Project Applicant nor the Lead Agency (City of Perris) can substantively or materially affect reductions in Project mobile-source emissions. The proposed Project would include mitigation similar to those suggested in the comment. The proposed Project would feature at least 76 EV charging stations and a 100 percent solar-ready roof, which is beyond Title 24 requirements. Further, Mitigation Measure AQ-14 requires installation to offset 100 percent of each MBU building's office space energy needs. Mitigation Measure AQ-10 requires all of the industrial buildings to include infrastructure to support use of electric-powered forklifts and/or other interior vehicles. The requirement that all on-site yard hostlers, yard equipment, forklifts, and pallet jacks shall be zero-emissions equipment, or equivalent language, shall be incorporated in all Project facility lease documents. Mitigation Measure GHG-4 requires all development within the MBU areas shall achieve certification of compliance or demonstrate equivalency with LEED Silver building standards.

Restricting natural gas is already included as part of Project design for the proposed MBU buildings as the buildings would not have natural gas connections. Restricting diesel powered backup generators and fire pumps is not a feasible or effective mitigation measure. Backup generators and fire pumps would only be utilized in emergency situations and for testing on a regular basis, but would not result in a meaningful contribution to Project emissions. Further, electric backup generators pumps are not feasible given they are intended to be utilized for emergency situations upon failure of electrical systems. There is no existing technology for electric backup generators or fire pumps for the size of proposed buildings. Further, as the proposed MBU buildings would not have natural gas connections, natural gas powered backup generators and fire pumps would be infeasible. Therefore, as it would not substantially lessen air quality emissions or impacts associated with those emissions and is technologically infeasible, this mitigation measure is not required under CEQA.

Similarly, purchasing clean power for operational electricity usage would not substantially lessen air quality emissions or impacts associated with those emissions, this mitigation measure is not required under CEQA. CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project's significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not

¹¹ <https://freewiretech.com/pro-series/>

effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible.

Comment O3.11: This comment states that the City has the authority to mitigate mobile emissions through mitigating VMT impacts as demonstrated in Mitigation Measure TR-1.

Response O3.11: As discussed in Draft EIR Section 5.16, *Transportation*, the proposed Project includes VMT measures other than Mitigation Measure TR-1. VMT reduction strategies are based on research documented in the California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (CAPCOA Handbook). The CAPCOA Handbook identifies a total of 34 VMT reduction measures; however, not all 34 measures would be effective for Project mitigation. Particularly, many measures do not apply to a non-residential project, like the proposed Project.

The Project would implement multiple design features and mitigation measures to reduce VMT, including CAPCOA Measure T-2 (Increase Job Density) by concentrating jobs within the City and shortening communities; CAPCOA Measure T-18 (Provide Pedestrian Network Improvement) as PDF TR-1 by installing sidewalks as outlined in Section 3.0, *Project Description*; CAPCOA Measure T-19-A (Construct or Improve Bike Facility) and Measure T-20 (Expand Bikeway Network) as PDF TR-2 by installing bike lanes as outlined in Section 3.0, *Project Description*; and Measure T-27 (Implement Transit-Supportive Roadway Treatments) as PDF TR-3 by installing new crosswalks along Project roadways and constructing two bus stops along Perris Boulevard. As discussed on Draft EIR page 5.8-26, even with implementation of these measures, buildout of the proposed Specific Plan would result in a significant and unavoidable impact related to GHG emissions and VMT.

Comment O3.12: This comment states that the lead agency must explain why certain mitigation measures cannot be legally imposed. The comment states that the lead agency has the legal authority to reduce GHG impacts under CEQA and suggests implementing stronger measures such as requiring LEED Gold Certification, exceeding Title 24 standards, and mandating an all-electric development.

Response O3.12: As discussed previously, page 5.8-26 of the Draft EIR there are no feasible Project measures that would substantially reduce vehicular emissions and more than 80 percent of all GHG emissions (by weight) would be generated by Project mobile sources (vehicle trips). Neither the Project Applicant nor the Lead Agency (City of Perris) can substantively or materially affect reductions in Project mobile-source emissions. The proposed Project would include mitigation similar to those suggested in the comment. The proposed Project would feature at least 76 EV charging stations and a 100% solar-ready roof, which is beyond Title 24 requirements. Further, Mitigation Measure AQ-14 requires installation to offset 100 percent of each MBU building's office space energy needs. Mitigation Measure AQ-10 requires all of the industrial buildings to include infrastructure to support use of electric-powered forklifts and/or other interior vehicles. The requirement that all on-site yard hostlers, yard equipment, forklifts, and pallet jacks shall be zero-emissions equipment, or equivalent language, shall be incorporated in all Project facility lease documents.

CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project's significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible.

Comment O3.13: This comment states that the City also has authority to reduce mobile emissions through entering into agreements with the applicant and/or tenant to require an electric fleet or limit the use of

heavy-duty trucks. The comment concludes that stricter requirements are achievable at the project level including requiring future use of zero-emission vehicles when they become commercially available.

Response O3.13: Neither the Project Applicant nor the City have the authority to require all heavy-duty trucks accessing the Project site to be of a certain model year or engine type; or require future tenants and vendors to utilize heavy-duty vehicles for trips to and from the site that are zero-emissions. The future operational permitting requirements may include provision of trucking fleet incentives. However, the Project Applicant and the City do not have the authority to require future tenants and vendors to enroll into incentive programs; and fleet upgrades are generally driven by existing SCAG and CARB emissions requirements. Thus, any measures that require zero-emission heavy-duty trucks are infeasible. The proposed Project would feature at least 76 EV charging stations and a 100% solar-ready roof, which is beyond Title 24 requirements. Further, Mitigation Measure AQ-14 requires installation to offset 100 percent of each MBU building's office space energy needs. Draft EIR Mitigation Measure GHG-4 requires all development within the MBU areas shall achieve certification of compliance or demonstrate equivalency with LEED Silver building standards. The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O3.14: This comment states that mitigation measures do not need to be targeted at one particular source (mobile emissions) and alternate methods can be used to reduce impacts.

Response O3.14: The comment is informational in nature and does not raise any specific concerns with the adequacy of the Draft EIR or raise any other specific CEQA issue. The Draft EIR includes mitigation measures related to construction, operational, and mobile emissions. No revisions per this comment are required and no further response is warranted.

Comment O3.15: This comment states that the Applicant should be required to purchase carbon offsets as mitigation, and the Draft EIR fails to provide evidence for why offsets would be infeasible. The comment concludes in stating that there are many offset project relevant to the proposed Project that should be considered to reduce the Project's GHG impact.

Response O3.15: While it is true that it may be possible to purchase carbon offsets, recent Court of Appeal decisions have cast considerable doubt on the use of such offsets to mitigate GHG impacts from land use development projects. In *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal, Ap.5th 467, the Court of Appeal invalidated a mitigation measure that required the purchase of offsets from a "CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard" (Id. At 510.) Although the court insisted its decision "should not be construed as blanketed prohibition on using carbon offsets" to mitigate GHG missions under CEQA, it found numerous flaws with the measure at issue and failed to provide a clear roadmap for how to craft a similar valid measure. The court also declined to express an opinion on a number of issues, including whether offsets could potentially be used to mitigate more than 8% of a project's emissions and the extent to which out-of-country offsets could be used. (Id. At 503, 513, n 27.) Subsequent to *Golden Door* (and within the last year), another measure requiring the purchase of offsets was similarly found to be invalid in an unpublished Court of Appeal decision, with the court finding the measure's inclusion of additional standards for offsets did "not cure the defects found in *Golden Door*." (*Sierra Club v. County of San Diego* (Dec. 21, 2021, No. D077548) 2021 WL 6050624, at page 11.) In light of such uncertainty, the City finds that the carbon offsets are not feasible methods for mitigating the Project's GHG emissions.

Comment O3.16: This comment states that the Draft EIR should analyze all lower emission scenarios with respect to GHG emissions. The comment further states that the Draft EIR did not analyze Scenarios A and B with and without Overlay as potential Alternatives and did not include an Alternative aimed at reducing the Projects VMT impact, instead just focused on the ultimate Project.

Response O3.16: The Draft EIR included a comprehensive analysis of Project Alternatives as required by CEQA Guidelines Section 15126.6. The “range of alternatives” to be evaluated is governed by the “rule of reason” and feasibility, which requires the EIR to set forth only those alternatives that are feasible and necessary to permit an informed and reasoned choice by the Lead Agency and to foster meaningful public participation (CEQA Guidelines Section 15126.6(f)). Additionally, CEQA Guidelines Section 15126.6(b) emphasizes that the selection of project alternatives be based primarily on the ability to reduce impacts relative to the proposed project.

As detailed in Draft EIR Section 8.0, *Alternatives*, the proposed Project includes a Specific Plan Amendment and would result in significant and unavoidable impacts related to air quality, greenhouse gas emissions, noise, and transportation. Two Alternatives (Alternate Site Alternative and Commercial Alternative) were considered but rejected due to their infeasibility and lack of ability to meaningfully reduce Project impacts while meeting Project objectives. Instead, a No Project/ No Development Alternative, a No Project/Buildout of Existing Harvest Landing Specific Plan Alternative, a Reduced Project Alternative, and a Phase 2 Residential Alternative. As such, the alternatives utilized by the EIR provide a reasonable range of alternatives pursuant to CEQA Guidelines Section 15126.6. Both the No Project/Buildout of Existing Harvest Landing Specific Plan and the Reduced Project Alternatives would avoid some of the proposed Project’s significant and unavoidable impacts. However, due to the size and location of the site, they were unable to reduce the VMT impact.

Regarding an alternative utilizing Scenarios A and B, with and without Overlay, the Draft EIR programmatically analyzed these scenarios throughout the Draft EIR. Since there is no specific development plan for Phase 2, the Draft EIR programmatically analyzed all the scenarios based on different likely buildout scenarios for Phase 2. Thus, there is no need to provide additional analysis as an alternative.

Comment O3.17: This comment concludes the letter by stating that the lead agency has not shown that further mitigation related to GHG impacts are infeasible and the Draft EIR should be amended to include a discussion of all feasible mitigation measures.

Response O3.17: The comment is conclusory in nature and does not raise a specific issue with the adequacy of the Draft EIR evaluation. The commenters’ concerns have been addressed above in Responses O3.2 through O3.17. In reviewing the above listed comments and making the appropriate revisions, when necessary, no significant new information was incorporated, and further, the impacts disclosed in the Draft EIR accurately reflect the proposed Project and subsequent potential environmental impacts. Therefore, per CEQA Guidelines Section 15088.5, Draft EIR recirculation would not be warranted.

Comment Letter O4: Golden State Environmental Justice Alliance, 28 pages

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July 10, 2025

Albert Armijo
Project Planner
City of Perris - Planning Division
135 North "D" Street
Perris, CA 92570

Via Email to:
aarmijo@cityofperris.org

Subject: Comments on Harvest Landing Retail Center & Business Park Project EIR (SCH NO. 2024080337)

Dear Mr. Armijo,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Harvest Landing Retail Center & Business Park Project. 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.

O4.1

1.0 Summary

The project proposes multiple amendments to and the expansion of the existing Harvest Landing Specific Plan (HLSP) adopted by the City Council in 2011. The Project proposes a Specific Plan Amendment (SPA) to annex 3 parcels (APNs 305-060-042, -036, -037) into the HLSP and apply an MBU Overlay to APN 305-060-038, increasing the SP area to 358.28 AC. The SPA would also change the land use plan to replace residential uses with Multiple Business Uses (MBU) and Commercial uses, and increase the maximum floor area ratio (FAR) from 0.35 to 0.75 for both designations to align with the City's Commercial Community and Light Industrial General Plan land use designations. The proposed Phase 1 development includes a 139.89 acre business park (I

O4.2

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hub parcel, 3 high-cube warehouses, 3 light industrial buildings totaling 1,727,579 SF), a 22.16 acre shopping center with a major retail building and eight retail pads totaling 250,457 square feet; and a 24.33-acre commercial big box retail site with a new 167,050-square-foot, free-standing big box discount store with a 12-pump gas station and two approximately 5,500 square foot fast food restaurants. The maximum feasible buildout of the entire Specific Plan, based on the submitted development applications for commercial and industrial uses within the Phase I sites, would be 5,735,535 square feet of MBU uses and 428,507 square feet of commercial uses.

The following discretionary approvals from the City of Perris are necessary for implementation of the proposed Project:

1. Specific Plan Amendment No. 22-05250 to revise land use designations, establish a plan for public facilities, design guidelines, and to annex properties to the north of the Project into the Specific Plan.
2. General Plan Amendment No. 24-05175 to redesignate annexed parcels as Harvest Landing Specific Plan (HL SP).
3. Zone Change No. 24-05176 to rezone the properties being annexed into the Specific Plan and overlay from various zonings to MBU under the Harvest Landing Specific Plan.
4. Development Plan Review (DPR) Nos. 22-00023, 22-00024, 22-00025, 22-05235, 22-05238, 23-00017, 24-00008, and 24-0009 to review the site plans and building elevations for the proposed industrial and commercial buildings.
5. Tentative Tract Map No. 22-05250 (TTM 38810 and 38811) to revise site boundaries within the Harvest Landing Specific Plan.
6. Conditional Use Permit (CUP) Nos. 22-05239, 22-05238, and 22-05005 for proposed warehouse buildings.
7. Development Agreement Amendment(s) to update to the Harvest Landing Development Agreement per the revised Project.
8. Senate Bill 330 "Housing Crisis Act of 2019" compliance
9. Approve a Determination of Biologically Equivalent or Superior Preservation.

O4.2 cont.

5.3 Air Quality, 5.6 Energy, and 5.8 Greenhouse Gas Emissions

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is in conflict with CEQA Guidelines Section 15131 (c), which requires that "Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant

O4.3

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effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.” This is especially significant as the surrounding community is highly burdened by pollution. 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 Val Verde High School, Val Verde Regional Learning Center (continuation school for youth with challenging life circumstances including foster youth²), and Val Verde Academy (K-12 school) adjacent to the southwest, bears the impact of multiple sources of pollution and is more polluted than average in many pollution indicators 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 exposure³. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births⁴.

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 water⁵.

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 care⁶. Poor communities are often located in areas with high levels of pollution⁷. Poverty can cause stress that weakens the immune

O4.3 cont.

¹ CalEnviroScreen 4.0 <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

² <https://www.reoe.us/Home/Components/FacilityDirectory/FacilityDirectory/18/253>

³ OEHHA Ozone <https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone>

⁴ OEHHA Traffic <https://oehha.ca.gov/calenviroscreen/indicator/traffic-density>

⁵ OEHHA Cleanup Sites <https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites>

⁶ OEHHA Poverty <https://oehha.ca.gov/calenviroscreen/indicator/poverty>

⁷ Ibid.

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system and causes people to become ill from pollution⁸. 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.

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 Communities⁹. 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.

O4.3
 cont.

The State of California lists three approved compliance modeling softwares¹⁰ for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved 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.

O4.4

5.9 Hazards and Hazardous Materials

The proposed Project site is within March Air Reserve Base (MARB)/Inland Port Airport Compatibility Zone C2. The EIR states that, "Due to the nature of the required City approvals (i.e.

O4.5

⁸ Ibid.

⁹ OEBHHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

¹⁰ 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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the proposed Specific Plan Amendment and General Plan Amendment), the City of Perris is required, pursuant to Public Utilities Code Section 21676, to refer the proposed Project to the Riverside County ALUC for ALUC review. The proposed Project would comply with this ALUC notification and all other applicable rules and regulations as they pertain to the March ARB/IPA ALUCP and airport safety.¹¹ Stating that referral to the RCALUC is required does not equate to a less than significant finding. The EIR provides its own calculations and analysis of the project in accordance with the compatibility criteria, but this cannot replace required review by the RCALUC.

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.

**O4.65
 Cont.**

The EIR is misleading to the public and decision makers by excluding the required review by RCALUC. The proposed project requires a Specific Plan Amendment to change the land use designations on the project site and a General Plan Amendment to annex parcels into the HLSP. The EIR does not provide any meaningful evidence to support a less than significant finding. Prior to the amendment of a General Plan or Specific Plan, the ALUC shall review the plan, ordinance, or regulation for consistency with the ALUCP (PUC Section 21676(b))¹¹. The EIR must be revised to include a finding of significance as the project does not comply with PUC Section 21676(b).

Notably, the proposed project was reviewed by the RCALUC at their May 8, 2025¹² meeting, which was 22 days prior to the publication of the EIR on May 30, 2025. This information should

O4.6

¹¹ California Airport Planning Land Use Handbook Section 1.3.4. ALUC Review <https://dot.ca.gov/-/media/dot-media/programs/acronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf>

¹² May 8, 2025 RC ALUC Meeting Agenda and Attachments <https://rcaluc.org/sites/g/files/aldnop421/files/2025-04/Agenda%20Items%20Update%202.0.pdf>

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have been included in the EIR for analysis and review by the public and decision makers. This does not comply with CEQA’s requirements for meaningful disclosure.

The RCALUC application is dated April 8, 2025, which is 53 days prior to the May 30, 2025 published date of the Notice of Availability of this EIR. The EIR specifically misleads the public and decision makers by excluding information regarding the statutorily required MARB/RCALUC review. A revised EIR must be prepared that includes a review and comment letter regarding the proposed development plans from the MARB/RCALUC. This is statutorily required as the project requires a legislative action (General Plan Amendment and Specific Plan Amendment) to proceed. The EIR cannot conclude that the project has less than significant impacts until and unless it includes the RCALUC review, commentary, and action.

**O4.6
Cont.**

RCALUC Condition of Approval No. 8 for the proposed project states the following:

“The project has been evaluated to construct 22 retail/restaurant buildings totaling 428,436 square feet and 7 manufacturing buildings totaling 1,727,579 square feet. Any increase in building area, change in use to any higher intensity use, change in building location, or modification of the tentative parcel map lot lines and areas will require an amended review to evaluate consistency with the ALUCP compatibility criteria, at the discretion of the ALUC Director.”

The EIR states that, "The maximum feasible buildout of the entire Specific Plan, based on the submitted development applications for commercial and industrial uses within the Phase I sites, would be 5,735,535 square feet of MBU uses and 428,507 square feet of commercial uses.”

O4.7

The project proposed in the EIR has changed and is much larger than the project that was reviewed by the RCALUC and must be resubmitted to the RCALUC for review and analysis. The EIR cannot conclude that the project will have less than significant impacts until and unless the RCALUC determines that the proposed project as fully described in the EIR is consistent with the ALUCP.

5.11 Land Use and Planning

A revised EIR must be prepared to provide a quantified analysis of the project’s growth within the 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 since General Plan adoption and projects “in the pipeline.” The project site is located in Planning

O4.8

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Area 4 of the General Plan. Table LU-28 states Planning Area 4 is planned to accommodate 1,046,354 sf of total building area from 2002 to 2030 (inclusive of 128,836 sf of Light Industrial buildings; 706,679 sf of Business Park buildings; 160,839 sf of Community Commercial buildings; and 50,000 sf of Public Facilities buildings). Table LU-28 states Planning Area 4 is planned to accommodate 3,578,319 sf of total building area from 2002 to total General Plan buildout (inclusive of 298,836 sf of Light Industrial buildings; 1,268,302 sf of Business Park buildings; 1,961,181 sf of Community Commercial buildings; and 50,000 sf of Public Facilities buildings). Further, the General Plan EIR¹³ states that the General Plan will generate, “Approximately 1,973,640 additional square feet of commercial uses, representing an estimated 134 percent increase in retail and office uses by 2030,” and, “Approximately 7,077,360 additional square feet of industrial uses, representing an estimated 217 percent increase in industrial uses by year 2030.”

The EIR states that the maximum buildout of the proposed project is 5,735,535 square feet of MBU uses and 428,507 square feet of commercial uses. This exceeds the Planning Area 4 General Plan buildout scenario for 2030 by more than 5 times and the total Planning Area 4 General Plan buildout scenario by more than 1.5 times. The project also represents 81% of the General Plan EIR 2030 scenario for industrial uses and 21% of the General Plan EIR 2030 scenario for commercial uses. These totals increase exponentially when all development activity approved since General Plan adoption is cumulatively considered with the proposed project. The EIR must be revised to disclose buildout calculations for all land uses within Planning Area 4 and Citywide in order to provide an adequate and accurate environmental analysis. The revised EIR must also provide a finding of significance. The project exceeds the General Plan buildout scenarios and results in significant and unavoidable impacts to Air Quality (cumulatively considerable), Greenhouse Gas Emissions (cumulatively considerable), and VMT, and conflicts with the General Plan and its adopted EIR, which is a land use plan that includes policies and regulations adopted for the purpose of avoiding or mitigating environmental effects.

**O4.8
cont.**

Table 5.11-1: Consistency with SCAG Regional Transportation Plan/Sustainable Communities Strategy provides a misleading and erroneous consistency analysis with SCAG’s 2024 Connect SoCal RTP/SCS¹⁴. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), and the EIR’s determination that the project will have significant and unavoidable impacts to Air Quality (cumulatively considerable), Greenhouse

O4.9

¹³ Perris General Plan EIR

<https://www.cityofperris.org/home/showpublisheddocument/451/637203139698630000>

¹⁴ <https://scag.ca.gov/sites/default/files/2024-05/23-2987-connect-socal-2024-final-complete-040424.pdf>

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Gas Emissions (cumulatively considerable), and VMT, the proposed project is directly inconsistent with the following:

1. Housing the Region Policy 35. Encourage housing development in areas with access to important resources and amenities (economic, educational, health, social and similar) to further fair housing access and equity across the region.
2. Housing the Region Policy 36. Encourage housing development in transit-supportive and walkable areas to create more interconnected and resilient communities.
3. Housing the Region Policy 37. Support local, regional, state and federal efforts to produce and preserve affordable housing while meeting additional housing needs across the region.
4. Housing the Region Policy 38. Prioritize communities that are vulnerable to displacement pressures by supporting community stabilization and increasing access to housing that meets the needs of the region.
5. Housing the Region Policy 39. Promote innovative strategies and partnerships to increase homeownership opportunities across the region with an emphasis on communities that have been historically impacted by redlining and other systemic barriers to homeownership for people of color and other marginalized groups.
6. Housing the Region Policy 40. Advocate for and support programs that emphasize reducing housing cost burden (for renters and homeowners), with a focus on the communities with the greatest needs and vulnerabilities.
7. Equitable Engagement and Decision-Making Policy 45. Advance community-centered interventions, resources and programming that serve the most disadvantaged communities and people in the region, like Priority Equity Communities, with strategies that can be implemented in the short-to-long-term.
8. Equitable Engagement and Decision-Making Policy 46. Promote racial equity that is grounded in the recognition of the past and current harms of systemic racism and one that advances restorative justice.
9. Equitable Engagement and Decision-Making Policy 47. Increase equitable, inclusive, and meaningful representation and participation of people of color and disadvantaged communities in planning processes.

O4.9
cont.

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10. Sustainable Development Policy 48. Promote sustainable development and best practices that enhance resource conservation, reduce resource consumption and promote resilience.
11. Sustainable Development Policy 49. Support communities across the region to advance innovative sustainable development practices.
12. Sustainable Development Policy 50. Recognize and support the diversity of communities across the region by promoting local place-making, planning and development efforts that advance equity, mobility, resilience and sustainability.
13. Air Quality Policy 51. Reduce hazardous air pollutants and greenhouse gas emissions and improve air quality throughout the region through planning and implementation efforts.
14. Air Quality Policy 52. Support investments that reduce hazardous air pollutants and greenhouse gas emissions.
15. Air Quality Policy 53. Reduce the exposure and impacts of emissions and pollutants and promote local and regional efforts that improve air quality for vulnerable populations, including but not limited to Priority Equity Communities and the AB 617 Communities.
16. Climate Resilience Policy 64. Prioritize the most vulnerable populations and communities subject to climate hazards to help the people, places and infrastructure that are most at risk for climate change impacts. In doing so, recognize that disadvantaged communities are often overburdened.
17. Climate Resilience Policy 65. Support local and regional climate and hazard planning and implementation efforts for transportation, land use, and other factors.
18. Climate Resilience Policy 66. Support nature-based solutions to increase regional resilience of the natural and built environment.

O4.9 cont.

A revised EIR must be prepared to disclose the project's inconsistency with these policies and include a finding of significance. This is especially notable as the project site (SCAG Census Tract 06065042625) is identified as a Priority Equity Community in the RTP/SCS¹⁵.

¹⁵

https://hub.scag.ca.gov/datasets/daa7cbaf5b064399800f3426cbb64270_0/explore?location=33.814985%2C-117.221261%2C14.86

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Table 5.11-2: Good Neighbor Guidelines Consistency Analysis does not provide a complete or accurate analysis of the proposed project. For example, the EIR concludes the project is consistent with the requirement that, “Building massing shall be consistent with the City’s Industrial Design Guidelines to reduce visual dominance on adjacent/nearby sensitive receptors,” because, “...the Project would comply with all development standards set by the Harvest Landing Specific Plan Amendment. The Specific Plan Amendment would include updates to the existing MBU and Commercial Harvest Landing Specific Plan designation design guidelines to ensure consistency with Perris Municipal Code and Perris Valley Commerce Center Specific Plan Commercial and Light Industrial zoning and Specific Plan designations.” The consistency analysis does not address the City’s Industrial Design Guidelines. Additionally, the proposed amendments to the HLSP are not included as an attachment for public review, which does not comply with CEQA’s requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and PRC 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the proposed amendments to the HLSP contribute directly to analysis of the problem at hand. A revised EIR must be prepared to include the proposed amendments to the HLSP for review, analysis, and comment by the public and decision makers in order to comply with CEQA’s requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and PRC 21003(b)).

O4.10

The EIR also concludes the project is consistent with the requirement that, “Warehouses greater than 100,000 square feet are required to directly reduce nitrogen and diesel particulate matter emissions (SCAQMD Rule 2305),” because “The Project would be required to comply with South Coast AQMD Rule 2305, related to regulating and reporting truck trips in compliance with the WAIRE program.” Simply stating that the project is required to comply with this item does not equate to the project’s ability to achieve the required outcome. The EIR has not provided any substantial evidence to demonstrate that the project will directly reduce nitrogen and diesel particulate matter emissions. The project will result in significant and unavoidable cumulatively considerable impacts to Air Quality and Greenhouse Gas Emissions, meaning that it is improbable that the proposed project will meet this requirement. A finding of significance must be provided in a revised EIR.

O4.11

Further, the EIR 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:

O4.12

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1. Housing Element Goal 2: Assist in the development of housing for all economic segments of the City.
2. Housing Element Policy 2.1: Promote development within specific plans that provide a variety of housing types and densities based on the suitability of the land, including the availability of infrastructure, the provision of adequate services and recognition of environmental constraints.
3. Housing Element Policy 2.4: Promote construction of units consistent with the new construction needs identified in the Regional Housing Needs Assessment (RHNA).
4. 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.
5. 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.
6. Policy HC 2.6 Encourage land use and urban design to promote physical activity, provide access to nutritious foods, and reduce air pollution.
7. Goal HC-5: Healthy Economy – Encourage businesses to provide meaningful employment opportunities to residents.
8. 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.
9. 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.
10. 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.

**O4.12
cont.**

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- 11. Environmental Justice Goal 3.1 A community that reduces the negative impacts of land use changes, environmental hazards and climate change on disadvantaged communities.
- 12. Environmental Justice Goal 3.2: A community that actively works to reduce the impacts of poor air quality.
- 13. Environmental Justice Goal 4.1: Universal access to healthy food for food insecure populations.
- 14. 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.

**O4.12
cont.**

Further, the EIR includes erroneous and misleading analysis with several goals and policies of the General Plan. For example, the EIR concludes that the project does not conflict with “Policy HC 6.1. Support regional efforts to improve air quality through energy efficient technology, use of alternative fuels, and land use and transportation planning” because “The Project would be built to achieve LEED Silver certification and would be required to comply with Title 24 building efficiency requirements, as required by Mitigation Measure GHG-4. In addition, the Project would provide EV charging stations.” There is no meaningful analysis throughout Table 5.11-3 of the project’s significant and unavoidable cumulatively considerable impacts to Air Quality, Greenhouse Gas Emissions, and VMT. The EIR must be revised to include these facts for consistency analysis of the proposed project with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

O4.13

The EIR also excludes from its analysis this requirement for Specific Plans listed on page 69 of the General Plan Land Use Element:

“Maximum non-residential building area and maximum number of dwelling units permitted within each Specific Plan area shall be determined based on the following:

- 1) The number of A.M. and P.M. vehicular peak hour trips projected to be generated from within the area subject to the Specific Plan;
- 2) The number of Average Daily Trips projected to be generated from within the area subject to the Specific Plan;
- 3) The assignment and distribution of projected trips to secondary and arterial roadways providing access to the area subject to the Specific Plan.

O4.14

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Each master development plan shall be accompanied by a traffic study, in a form acceptable to the City Engineer. Permissible intensities and densities of land uses that may be included in the Specific Plan will be determined upon confirmation by traffic study that the total Average Daily Trips projected to be generated from within the area subject to the Specific Plan do not exceed the total Average Daily Trips allocated to that area in the General Plan. The permissible mix and locations of land uses within the area subject to the Specific Plan will be that which minimizes coincident peak hour trips to and from the area subject to the Specific Plan. In no event, however, shall more than seventy-five percent (75%) of the land area included within a Specific Plan, exclusive of right-of-way and parkland, be for residential use.”

O4.14
 cont.

The proposed amendments to the HLSP completely change the existing land use plan approved by the City Council in 2011 with the original adoption of the HLSP. The maximum non-residential building area permitted within the HLSP must be analyzed in the proposed project EIR. As discussed above, the project will exceed the General Plan buildout for Planning Area 4 under the horizon year 2030 and total buildout scenarios. This indicates that it also exceeds the number of Average Daily Trips allocated to Planning Area 4 in the General Plan. The project does not comply with the General Plan Land Use Element requirement for Specific Plans and a finding of significance must be provided in a revised EIR.

5.13 Population and Housing

The project faces significant inconsistency with State Housing Element Law. Pursuant to Government Code Section 65863¹⁶, a jurisdiction shall ensure that its housing element sites inventory “can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584” and “at no time...shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need.” Further, this Section states the following:

O4.15

“No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

¹⁶ Government Code Section 65863

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65863

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(A) The reduction is consistent with the adopted general plan, including the housing element.

(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level."

Table 7-3: Credits Towards the 2021-2029 RHNA within the City's HCD Certified Housing Element¹⁷ identifies the Harvest Landing Specific Plan Tract No. 35103 as part of its identified sites inventory to accommodate its RHNA allocation.

Housing Element

Harvest Landing Specific Plan Tract No. 35103¹⁸

Moderate Income Units: 257

Above Moderate Income Units: 1,030

Total Units: 1,287

**O4.15
 cont.**

The project proposes to change the Specific Plan Land Use designations for the HLSP that will reduce the total residential capacity of the HLSP to 0 dwelling units. These revisions require an amendment to the Housing Element, revised analysis within the Housing Element, and HCD review of the changes. The EIR is inadequate as an informational document as it has not disclosed these requirements.

The EIR has not provided any analysis to demonstrate that the remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Government Code Section 65584 through the end of the 2021-2029 planning period. The EIR has not demonstrated that the City's Housing Element can accommodate at all times throughout the

¹⁷ <https://hedpowerbi.blob.core.windows.net/housing-elements/perris-6th-draft080322.pdf>

¹⁸ Perris City Council Resolution No. 4408

<https://www.cityofperris.org/home/showpublisheddocument/5355/637250721500300000>

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planning period its remaining unmet share of the regional housing need. The EIR must be revised to include a finding of significance because it has not demonstrated that the City can continue to accommodate its RHNA following the potential approval of the proposed project.

It is clear that upon approval of the proposed project, the City will not be able to meet its RHNA throughout the planning period. Notably, Table 7-5: Accommodation of the 2021-2029 RHNA indicates that the City's Moderate Income zoning capacity has a surplus of 171 units. Removing the 257 Moderate Income units from HSLFP Tract No. 35103 results in a zoning capacity shortfall of 86 dwelling units. A significant impact exists and the EIR has not demonstrated that the remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Government Code Section 65584 through the end of the 2021-2029 planning period. The EIR has not demonstrated that the City's Housing Element can accommodate at all times throughout the planning period its remaining unmet share of the regional housing need. The EIR must be revised to include a finding of significance because there is no meaningful evidence that the City can continue to accommodate its RHNA following the approval of the proposed project.

O4.15
 cont.

The project faces significant inconsistencies with statutory requirements of the Housing Crisis Act (HCA) of 2019/Senate Bill (SB) 330¹⁹/SB 8²⁰. The Project Description states that "Senate Bill 330 "Housing Crisis Act of 2019" compliance," is a required discretionary approval from the City Council, yet this discretionary approval is not discussed anywhere in the EIR. The HCA/SB 330/SB 8 require replacement housing sites when land designated for housing development is changed to a non-housing use to ensure no net loss of housing capacity. Government Code Section 66300(b)(1)(A) requires that agencies shall not "change the general plan land use designation, specific plan land use designation, or zoning to a less intensive use below what was allowed under the land use designation and zoning ordinances in effect at the time of the proposed change." Under Government Code Section 66300(b)(1)(A), a "less intensive use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce residential development capacity. Pursuant to SB 330, replacement capacity for any displaced residential units must be provided concurrently at the time of project approval.

O4.16

¹⁹ Housing Crisis Act of 2019/SB 330

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330

²⁰ SB 8 https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB8

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Government Code Section 66300 (h)(i)(1) states that, “this section does not prohibit an affected county or an affected city, including the local electorate acting through the initiative process, from changing a land use designation or zoning ordinance to a less intensive use, or reducing the intensity of land use, if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.” The project requires Specific Plan Amendment No. 22-05250 to revise the existing HLSP to remove all residential land use designations within the project site, which is a loss of zoning capacity for 1,860 dwelling units.

Due to the required land use changes to implement the proposed project, the HLSP would not be used for the development of 1,860 dwelling units, and replacement sites to accommodate the site’s residential capacity of 1,860 dwelling units must be proposed and analyzed as part of the project. All of the above factors are in conflict with SB 8 that expanded the provisions of the HCA to include Government Code Section 66300 (h)(i)(1) requiring concurrent approval of replacement sites to ensure no net loss in residential capacity, and Section 66300 (h)(2)(A) defining “concurrently” to mean the action is approved at the same meeting of the legislative body. The EIR does not act in conformance with these laws and has not identified replacement sites for housing. Approval of the EIR and the proposed project will result in a net loss of housing. Specifically, the existing General Plan, Specific Plan, and Zoning designations permit the development of up to 1,860 dwelling units and that lost residential capacity is a significant environmental impact in violation of the HCA/SB 330/SB 8. The EIR must be revised to include a finding of significance due to this inconsistency.

O4.16
cont.

Additionally, deferring the environmental analysis of construction and operation of the replacement sites to a later date is project piecemealing in violation of CEQA. The EIR does not accurately or adequately describe the project, meaning “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” (CEQA § 15378). The whole of the action must statutorily and legally include identification of replacement sites to accommodate at least 1,860 replacement dwelling units and environmental impacts associated with the construction of the replacement dwelling units.

O4.17

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. The EIR states that, “Construction of both Phases would require a maximum of 3,438 construction workers (EIR Appendix B). These construction workers are anticipated to come from

O4.18

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the City and surrounding jurisdictions and are anticipated to commute daily to the jobsite. Although it is possible that the demand for construction workers could induce some people to move to the area, this consideration would be de minimis, relative to the total number of construction workers in the region.” There is no information substantial evidence provided to support the conclusion that the unemployed population for the City and/or region can accommodate 3,438 new jobs, such as the unemployed population’s qualifications for work in the construction sector. Relying on the entire labor force within the greater SCAG region to fill the project’s construction jobs will increase rates of VMT and emissions during all phases of construction and a revised EIR must be prepared to account for longer worker trip distances.

The EIR concludes that operational employee impacts to population and housing will not be significant because, “The employees that would fill these roles are anticipated to come from the region, as the unemployment rate of the City of Perris as of May 2024 was 5.7 percent, City of Hemet was 6.3 percent, City of Moreno Valley was 4.6 percent, and the City of Menifee was at 4.6 percent, and the County of Riverside was 4.4 percent (BLS, 2024). Due to the existing and projected ratio of housing to jobs and the levels of unemployment, it is anticipated that new employees at the Project site would reside locally and within commuting distance and would not generate a need for new housing.”

O4.18
 cont.

Notably, the geographic boundaries of “commuting distance” are undefined and will increase rates of VMT and emissions during project operations and a revised EIR must be prepared to account for longer worker trip distances. The EIR does not provide evidence that the specific unemployed workforce listed is qualified for or interested in industrial work to substantiate this claim. Three of the five jurisdictions listed have unemployment rates below 5%, which is insignificant as an unemployment rate below 5% is considered full employment and does not substantiate the EIR’s claims that impacts will be less than significant.

SCAG’s Connect SoCal Demographics and Growth Forecast²¹ notes that the City will add 11,300 jobs from 2019 - 2035 and 15,00 jobs from 2019 - 2050, with the 2019 baseline employment at 18,300 jobs, the 2035 forecast at 29,600 jobs, and the 2050 forecast at 33,300 jobs. Utilizing the EIR’s calculation of 6,427 employees, the project represents 56.8% of the City’s employment growth from 2019 - 2035 and 42.84% of the City’s employment growth from 2019 - 2050. A single project accounting for this amount of this amount of growth represents a significant amount

O4.19

²¹ SCAG Connect SoCal Demographics and Growth Forecast adopted April 2024
<https://scag.ca.gov/sites/default/files/2024-05/23-2987-tr-demographics-growth-forecast-final-040424.pdf>

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of growth and demonstrates that the City has exceeded applicable growth estimates. For example, other recent industrial projects such as First Industrial at Sinclair (418 employees), 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 Project (386 employees), and Perris DC 11 (536 employees) combined with the proposed project's 6,427 employees will cumulatively generate 19,113 employees, which is 169% of the City's SCAG employment growth through 2035 and 127% of the City's SCAG employment growth through 2050.

O4.19 cont.

These totals increase exponentially when all development activity is added to the brief list of recent industrial activity above. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption, 2019 (SCAG), and projects "in the pipeline" to disclose that the project will exceed the employment/population growth forecasts by SCAG and the City's General Plan/EIR.

5.16 Transportation

The EIR has not adequately addressed the project's conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The EIR excludes from its analysis this requirement for Specific Plans listed on page 69 of the General Plan Land Use Element:

"Maximum non-residential building area and maximum number of dwelling units permitted within each Specific Plan area shall be determined based on the following:

O4.20

- 1) The number of A.M. and P.M. vehicular peak hour trips projected to be generated from within the area subject to the Specific Plan;
- 2) The number of Average Daily Trips projected to be generated from within the area subject to the Specific Plan;
- 3) The assignment and distribution of projected trips to secondary and arterial roadways providing access to the area subject to the Specific Plan.

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Each master development plan shall be accompanied by a traffic study, in a form acceptable to the City Engineer. Permissible intensities and densities of land uses that may be included in the Specific Plan will be determined upon confirmation by traffic study that the total Average Daily Trips projected to be generated from within the area subject to the Specific Plan do not exceed the total Average Daily Trips allocated to that area in the General Plan. The permissible mix and locations of land uses within the area subject to the Specific Plan will be that which minimizes coincident peak hour trips to and from the area subject to the Specific Plan. In no event, however, shall more than seventy-five percent (75%) of the land area included within a Specific Plan, exclusive of right-of-way and parkland, be for residential use.”

O4.20 cont.

The proposed amendments to the HLSP completely change the existing land use plan approved by the City Council in 2011 with the original adoption of the HLSP. The maximum non-residential building area permitted within the HLSP must be analyzed in the proposed project EIR. As discussed above, the project will exceed the General Plan buildout for Planning Area 4 under the horizon year 2030 and total buildout scenarios. This indicates that it also exceeds the number of Average Daily Trips allocated to Planning Area 4 in the General Plan. The project does not comply with the General Plan Land Use Element requirement for Specific Plans and a finding of significance must be provided in a revised EIR.

Further, the EIR has underreported the quantity VMT generated by the proposed project operations. 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 project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as parcel hubs/high-cube fulfillment warehouses, 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. The project’s total operational VMT generated is further inconsistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

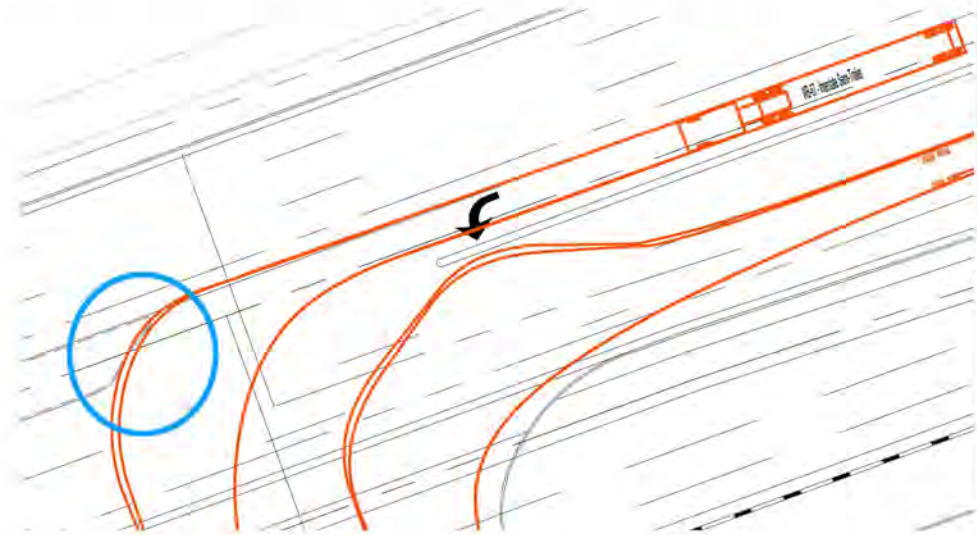
O4.21

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. Appendix F – Truck Turning Templates and Driveway Spacing Measurements within Appendix R - TIA depicts several areas

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of conflict internally within the site and at adjacent intersections. As shown below, the truck entering the site via Frontage Road at Building 2 will overlap the median in the intersection, indicating there is not suitable available space to accommodate truck maneuvering.

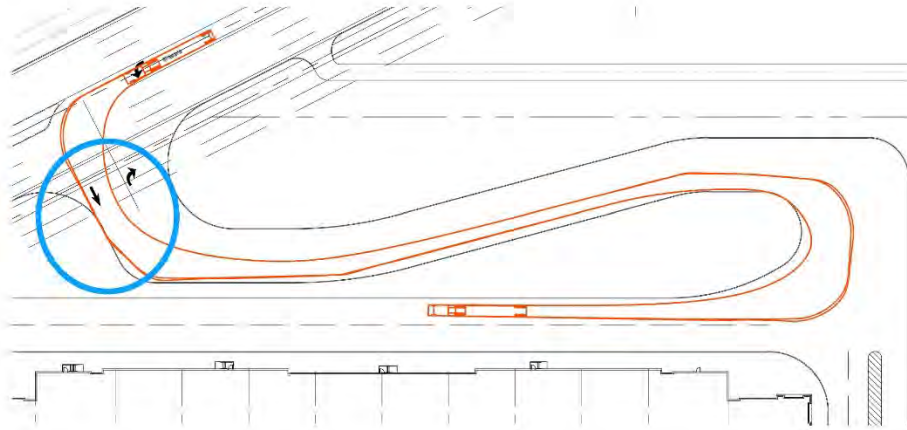


O4.22 cont

The same is true for the truck entering the site via Frontage Road at Building 6, which will overlap on the internal curb, indicating there is not suitable available space to accommodate truck maneuvering. This exhibit also does not depict two trucks simultaneously entering and exiting site and there does not appear to be enough maneuvering space for two trucks given that there is not enough area for a single truck without overlapping on the internal curb. The geometric design of the circulation system and project site will substantially increase hazards and a significant and unavoidable impact exists, which must be disclosed in a revised EIR.

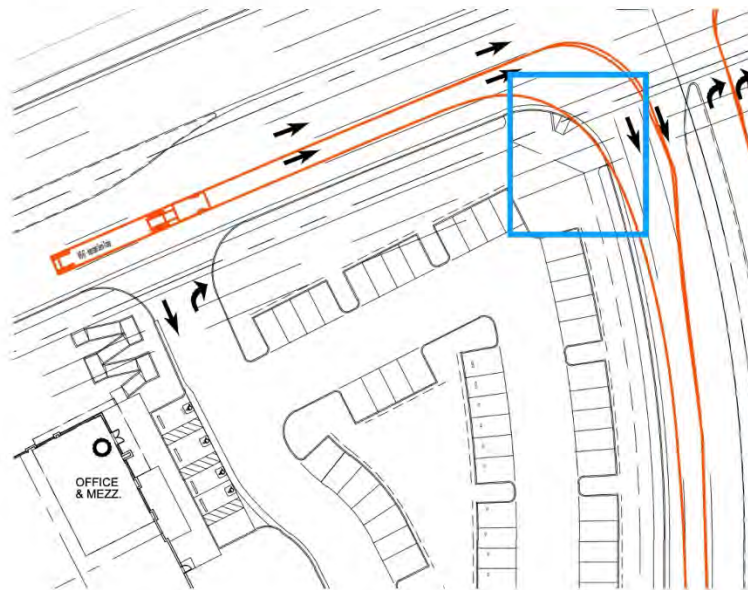
O4.23

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O4.23
cont.

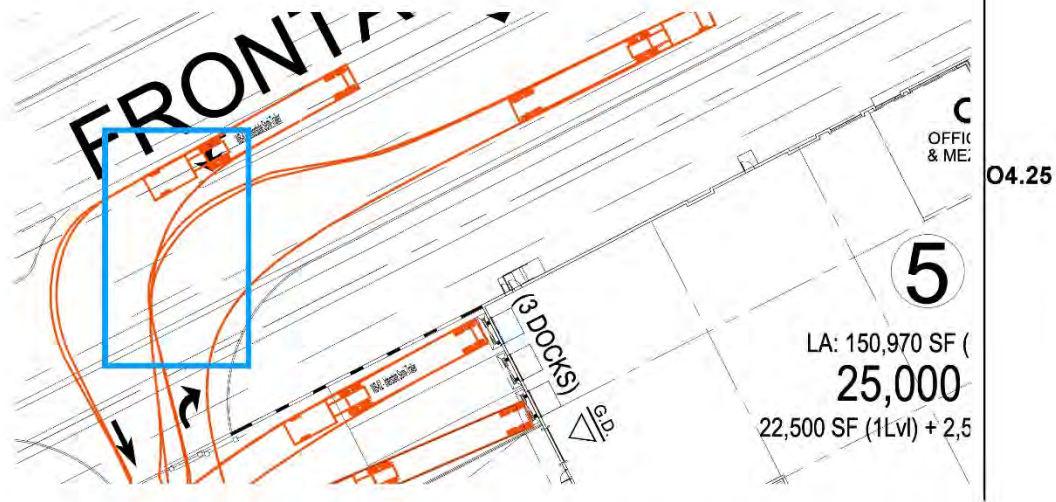
A similar issue exists for the truck entering the site via Frontage Road at Private Drive A between Buildings 2 and 3. This truck will also overlap on the curb, indicating there is not suitable available space to accommodate truck maneuvering. The geometric design of the circulation system and project site will substantially increase hazards and a significant and unavoidable impact exists, which must be disclosed in a revised EIR.



O4.24

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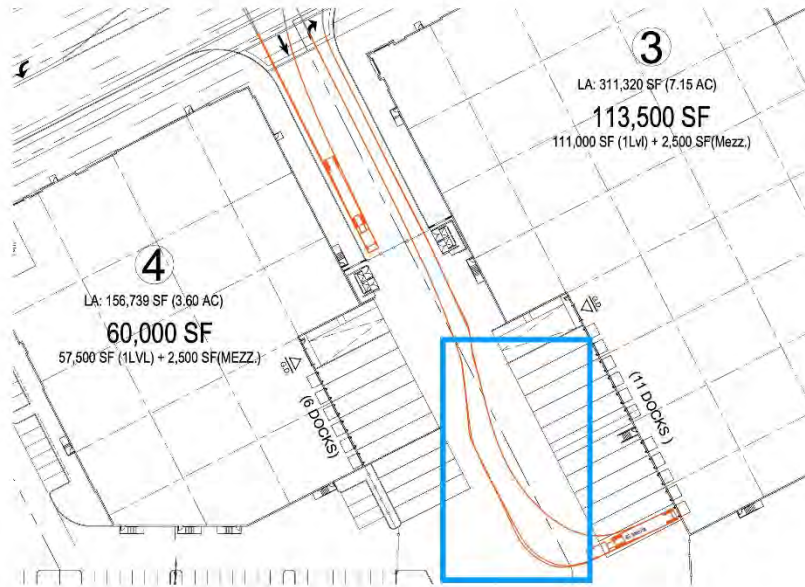
It is particularly notable that the trucks accessing the site via Frontage Road at Building 5 will collide on Frontage Road. The geometric design of the circulation system and project site will substantially increase hazards and a significant and unavoidable impact exists, which must be disclosed in a revised EIR.



Additionally, trucks accessing the internal truck/trailer loading dock court between Buildings 3 and 4 do not have adequate internal maneuvering space. As shown below, a single truck backing into a loading dock space requires the entire loading dock area to maneuver into the space. There is no other maneuvering area available, meaning that other trucks must queue and wait for the area to clear in order to proceed. Increased queuing results in increased idling (and associated emissions) will require increased internal queuing area in order to avoid queuing on Frontage Road. The geometric design of the circulation system and project site will substantially increase hazards and a significant and unavoidable impact exists, which must be disclosed in a revised EIR.

O4.26

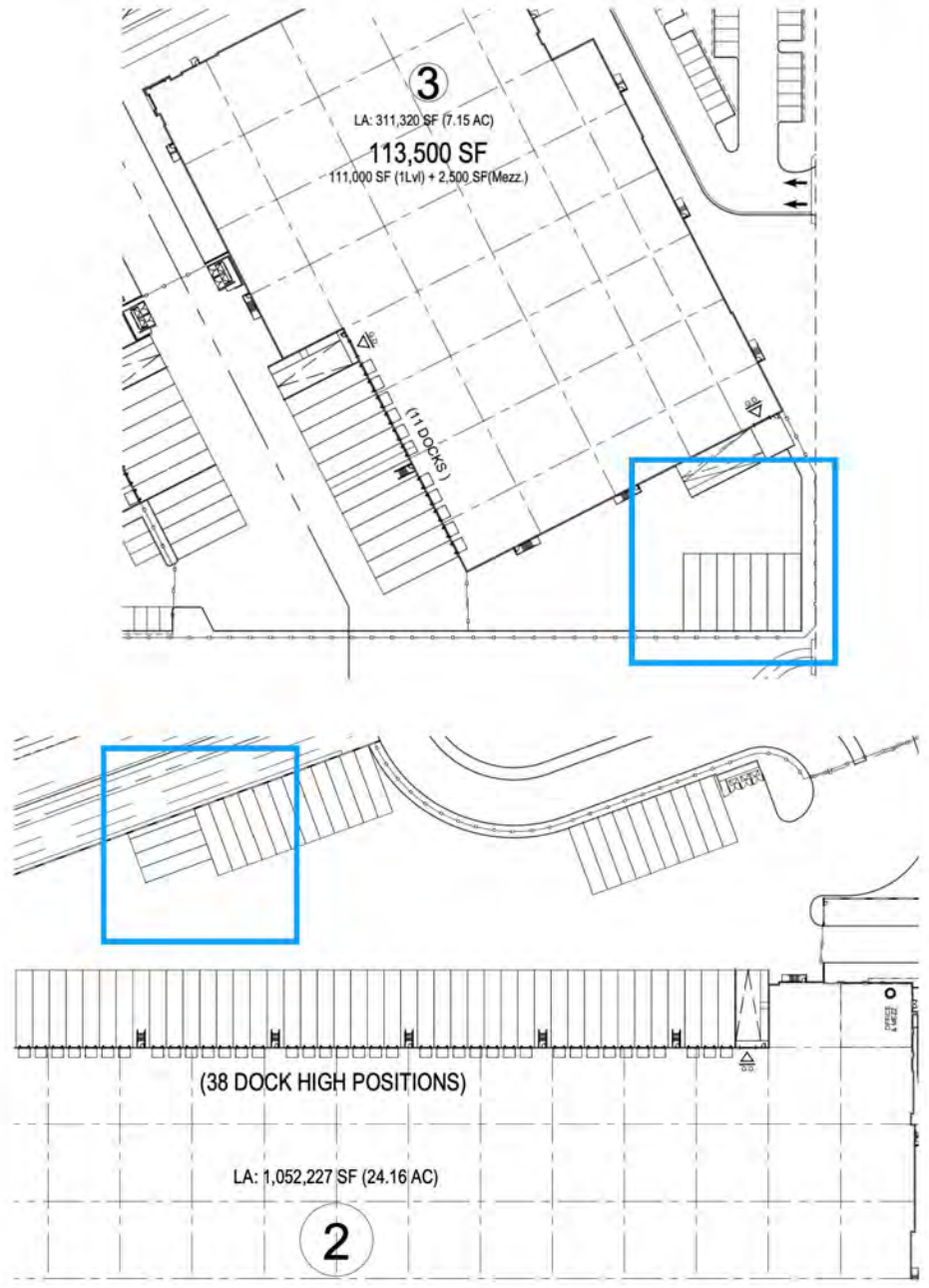
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O4.26
cont.

There are no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the parking areas of the site. For example, the truck/trailer parking spaces are located within the truck/trailer loading dock court and some are designed in unconventional configurations that restrict internal maneuvering area, as shown below. These parking stalls that may be in use at any time and further restrict truck/trailer movement, including increasing truck idling as tandem parked trucks require additional time to maneuver, which will also result in increased queuing duration and associated queuing area for trucks/trailer. A revised EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts that have not been analyzed.

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O4.26
cont.

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There are also no exhibits depicting emergency vehicle access and maneuvering. The EIR states that, “The Riverside County Fire Department would review the development plans as part of the construction permitting process to ensure that emergency access is provided pursuant to the requirements of the Uniform Fire Code and Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9).” However, the EIR has not listed the Riverside County Fire Department requirements or substantial evidence demonstrating the project’s compliance or noncompliance with the requirements. 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.

O4.26

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. The EIR states that, “Additionally, sight distance at the Project’s access points would be reviewed with respect to City standards at the time of final grading, landscape, and street improvement plan reviews.” Sight distance is the continuous length of street ahead visible to the driver. The EIR has not listed the requirements or provided an analysis of the project’s compliance with these requirements. 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. 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. The EIR must provide an analysis of all factors impacting sight distance, such as the location of project driveways to those driveways at adjacent/nearby properties, availability of street parking, and other existing potential obstructions to a driver’s line of sight. A revised EIR must be prepared with a sight distance analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements.

O4.27

6.2 Growth Inducement

The EIR must include a cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. For example, other recent industrial projects such as First Industrial at Sinclair (418 employees), 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

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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 Project (386 employees), and Perris DC 11 (536 employees) combined with the proposed project's 6,427 employees will cumulatively generate 19,113 employees, which is 169% of the City's SCAG employment growth through 2035 and 127% of the City's SCAG employment growth through 2050.

A revised EIR must be prepared to provide a quantified analysis of the project's growth within the 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 since General Plan adoption and projects "in the pipeline." The project site is located in Planning Area 4 of the General Plan. Table LU-28 states Planning Area 4 is planned to accommodate 1,046,354 sf of total building area from 2002 to 2030 (inclusive of 128,836 sf of Light Industrial buildings; 706,679 sf of Business Park buildings; 160,839 sf of Community Commercial buildings; and 50,000 sf of Public Facilities buildings). Table LU-28 states Planning Area 4 is planned to accommodate 3,578,319 sf of total building area from 2002 to total General Plan buildout (inclusive of 298,836 sf of Light Industrial buildings; 1,268,302 sf of Business Park buildings; 1,961,181 sf of Community Commercial buildings; and 50,000 sf of Public Facilities buildings). Further, the General Plan EIR²² states that the General Plan will generate, "Approximately 1,973,640 additional square feet of commercial uses, representing an estimated 134 percent increase in retail and office uses by 2030," and, "Approximately 7,077,360 additional square feet of industrial uses, representing an estimated 217 percent increase in industrial uses by year 2030."

**O4.28
 cont.**

The EIR states that the maximum buildout of the proposed project is 5,735,535 square feet of MBU uses and 428,507 square feet of commercial uses. This exceeds the Planning Area 4 General Plan buildout scenario for 2030 by more than 5 times and the total Planning Area 4 General Plan buildout scenario by more than 1.5 times. The project also represents 81% of the General Plan EIR 2030 scenario for industrial uses and 21% of the General Plan EIR 2030 scenario for commercial uses. These totals increase exponentially when all development activity approved

²² Perris General Plan EIR

<https://www.cityofperris.org/home/showpublisheddocument/451/637203139698630000>

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since General Plan adoption is cumulatively considered with the proposed project. The EIR must be revised to disclose buildout calculations for all land uses within Planning Area 4 and Citywide in order to provide an adequate and accurate environmental analysis. The revised EIR must also provide a finding of significance. The project exceeds the General Plan buildout scenarios and results in significant and unavoidable impacts to Air Quality (cumulatively considerable), Greenhouse Gas Emissions (cumulatively considerable), and VMT, and conflicts with the General Plan and its adopted EIR, and simultaneously exceeds planned growth. Approval of the proposed project will set precedent for approval of other projects that exceed planned growth and also result in significant and unavoidable environmental impacts.

O4.28 cont

6.3 Significant Irreversible Effects

The EIR must be revised to discuss and analyze that implementation of the project will result in significant and unavoidable environmental impacts to Air Quality (cumulatively considerable), Greenhouse Gas Emissions (cumulatively considerable), and Transportation (VMT) within the project census tract (which is designated as a Priority Equity Community by SCAG) receiving the most significant impacts. As discussed throughout this comment letter, the project is directly inconsistent with the General Plan and goals of SCAG’s Connect SoCal RTP/SCS due to its significant and unavoidable environmental impacts to Air Quality (cumulatively considerable), Greenhouse Gas Emissions (cumulatively considerable), and Transportation (VMT). The project is also inconsistent with State Housing Element Law. These significant and irreversible environmental changes caused by the project must be discussed in this section and necessitate a finding of significance.

O4.29

8.0 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 three others - No Project/ Buildout of Existing Harvest Landing Specific Plan Alternative, Reduced Project Alternative, and Phase 2 Residential Alternative. 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.

O4.30

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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. O4.31

Sincerely,



Vashon Simien
Blum, Collins & Ho, LLP

Attachments:

1. SWAPE Technical Analysis

Response to Comment Letter O4: Golden State Environmental Justice Alliance (GSEJA), July 10, 2025

Comment O4.1: This comment provides an introduction to the comment letter and states that the comment is submitted on behalf of the Golden State Environmental Justice Alliance (GSEJA). Additionally, it states that GSEJA requests to be notified regarding any subsequent environmental documents, public notices, and public hearings for the Project.

Response O4.1: GSEJA will be added to the City of Perris' notification list for the proposed Project and will be notified of any subsequent environmental documents, public notices, and public hearings regarding the proposed Project. The comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment O4.2: This comment includes a summary of the proposed Project. The comment also lists the discretionary actions needed to complete the Project.

Response O4.2: This comment provides a summary of the proposed Project and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment O4.3: This comment states that the Draft EIR does not include analysis of relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed Project to the surrounding community. The comment states that according to the CalEnviroScreen 4.0, the proposed Project's census tract ranks in the 98th percentile for ozone burden, the 53rd percentile for particulate matter 2.5 burden, and the 82nd percentile for traffic burden. The comment also states that the census tract consists of a diverse community that is especially vulnerable to impacts of pollution.

Response O4.3: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. CEQA is an environmental protection statute that is concerned with physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). Moreover, CEQA also requires a project evaluate its impacts in relation to changes in an area's population, housing needs and coverage under adequate public services. The Project's potential environmental justice effects are social issues that are not considered effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Thus, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include substantial discussion of environmental justice.

CalEnviroScreen is a general policy tool. It is generally inappropriate for CEQA review. However, the Draft EIR provides a detailed evaluation of the potential cumulative air quality related impacts of the proposed Project upon the surrounding community (localized impacts) pursuant to South Coast Air Quality Management District (AQMD) methodology and thresholds, which is the appropriate due to the Project's location within the South Coast Air Basin. The Draft EIR also provides a detailed evaluation of the potential cumulative water supply, water quality, hazardous waste, and solid waste impacts of the proposed Project.

Regarding the existing pollution burden, the existing air quality in the Project area is described in Draft EIR Section 5.3, *Air Quality*. Table 5.3-2 provides data from the closest air quality monitoring stations to the Project site. Data from the air quality monitoring stations indicates that the PM_{2.5} federal standard had 10 exceedances in 2021, 1 exceedance in 2022, and 1 exceedance in 2023. While the Project vicinity has experienced exceedances of State and federal standards, the thresholds set forth by the South Coast AQMD are intended to be health protective and are based on Clean Air Act standards and recommendations by the EPA. Although there has been an increase in development in the South Coast Area Basin, emissions concentrations have declined, and air quality has generally improved over the last 30 years largely due to cleaner air vehicles and fuel requirements.

Impacts related to toxic air contaminants and health effects are discussed on page 5.3-67 of Section 5.3, *Air Quality* in the Draft EIR. Based on existing South Coast AQMD recommendations for Mobile Source Health Risk Assessments, with implementation of mitigation, the combined construction and operational impacts of the proposed Project at the closest effected receptor is estimated to be 6.48 in one million without the proposed Overlay on Val Verde Elementary School and 7.55 in one million with the Overlay, which is less than the South Coast AQMD significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable South Coast AQMD significance threshold of 1.0. As such, the proposed Project would result in emissions that are far below existing South Coast AQMD significance thresholds. Therefore, the proposed Project's potential impacts on human health risks would not be cumulatively considerable and would be less than significant with mitigation.

Draft EIR page 5.3-69 provides further cumulative analysis, stating that there are 10 cumulative projects located within 1,000 feet of the proposed Project site or Project truck routes. Of these 10 cumulative projects, eight are commercial in nature and would not generate a significant quantity of truck trips or diesel particulate matter emissions. The two remaining industrial projects include the following:

- Project 1: PP23170, 287,000 square foot warehouse, 110 daily truck trips
- Project 19: Orbis Industrial Truck Yard, 26-acre truck storage yard, 1,512 daily passenger car equivalent (PCE) trips

Compared to the approximately 2,626 daily truck trips anticipated to be generated by the proposed Project, the 110 daily truck trips generated by Project 1 would not be anticipated to significantly affect the cumulative health risk. Similarly, Project 19 would not result in a significant number of truck trips, and due to the storage lot nature of this project, would not result in significant idling emissions occurring on the site. As such, due to the relatively small size and small number of truck trips associated with these two projects, any cumulative impacts would be minimal and be less than cumulatively considerable. The comment letter does not provide any additional cumulative Projects to be considered in the analysis. Any additional projects would be located well over 1,000 feet from the proposed Project and proposed Project truck routes. As such, toxic air contaminant emissions from any additional cumulative projects combined with those from the proposed Project would not have the potential to result in a cumulatively significant health risk impact.

Comment O4.4: This comment states that CalEEMod is not listed as an approved energy compliance modeling software. The comment states that since the EIR did not accurately or adequately model impacts in compliance with Title 24, a finding of significance must be made and a revised EIR with modeling in one of the three approved software types must be circulated for public review in order to adequately analyze the Project's potentially significant environmental impacts.

Response O4.4: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The commenter incorrectly assumes the purpose of Title 24 and California Energy Commission approved software programs. The approved programs serve the purpose of being used under the performance approach (energy budget) method of compliance for Energy Standards. The programs mentioned are not intended to be utilized for CEQA analysis. CalEEMod, the California Emissions Estimator Model, is a statewide land use emissions computer model designed 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 operations from a variety of land use projects. The model was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts. Additionally, the proposed Project would be compliant with measures set forth in Title 24, which would be verified through the plan check process. The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O4.5: The comment states that the EIR does not have meaningful evidence to support its conclusions that there would be a less than significant impact related to a safety hazard within two miles of a public airport. The comment explains that the Project is required to be reviewed by the Riverside County Airport Land Use Commission (ALUC) after the EIR public review period. The comment also notes that the EIR does not provide substantial evidence to the claim that impacts related to airport hazards would be less than significant.

Response O4.5: The proposed Project was approved by the Riverside County ALUC on May 8, 2025. The following revision has been included in Section 3.0, *Revisions to the Draft EIR*:

Due to the nature of the required City approvals (i.e. the proposed Specific Plan Amendment and General Plan Amendment), the City of Perris is required, pursuant to Public Utilities Code Section 21676, to refer the proposed Project to the Riverside County ALUC for ALUC review. **On May 8, 2025, the proposed Project was found to be consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan by ALUC.** The proposed Project would comply with this ALUC notification and all other applicable rules and regulations as they pertain to the March ARB/IPA ALUCP and airport safety.

Comment O4.6: This comment states that the Draft EIR should include information regarding the May 8, 2025 ALUC hearing date.

Response O4.6: Please see the revisions included above in Response to Comment O4.5. No further response is warranted.

Comment O4.7: This comment states that ALUC approved a smaller Project than what is considered in the Draft EIR. The comment concludes in stating the Project must be resubmitted for approval from RCALUC due to the discrepancies between the ALUC review and the Draft EIR.

Response O4.7: As discussed above, approval was received from ALUC stating that the proposed Project would be consistent with the 2014 March Air Reserve Base/Inland Airport Land Use Compatibility Plan with additional conditions of approval. Only Phase 1 of the proposed Project was approved by ALUC as Phase 2 is being analyzed programmatically and there are no development plans being considered for that portion of the site. However, the overall proposed Specific Plan Amendment was determined to be consistent with the March Air Reserve Base/Inland Airport Land Use Compatibility Plan. Implementing projects within Phase 2 would be required to go through additional ALUC approval processes as they would result in additional building area not included in this approval.

Comment O4.8: This comment states that the Draft EIR does not provide a qualitative analysis of the Project's consistency with the General Plan buildout. The comment requests that a revised EIR include an analysis of buildout of the Project and projects "in the pipeline" and their development intensity to determine if they would exceed the projected buildout scenario.

Response O4.8: Development assumptions and scenarios presented in the City of Perris General Plan and its program-level EIR should not be considered a "cap" on permissible acreage or square footage buildout but simply serve as a framework upon which future project-level environmental analyses may be based. Cumulative projects are properly included in Table 5-1 of the Draft EIR and accounted for throughout the analysis of the Draft EIR. All previously-constructed projects (i.e., completed prior to issuance of the 2024 Notice of Preparation for the Draft EIR) are considered part of the environmental baseline and have, therefore, been accounted for as part of the existing conditions.

The growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in master plans, land use plans, or in projections made by regional planning agencies, such as SCAG. According to Connect SoCal 2024, SCAG's 2024-2050

Regional Transportation Plan/Sustainable Communities Strategy, population and household growth forecast for Perris, between 2019 and 2050, SCAG anticipates an employment increase of 15,000 additional jobs (from 18,300 to 33,300), yielding an 82 percent growth rate. SCAG also anticipates a population increase of 67,096 between 2019 and 2050 (from 78,000 to 145,096). Buildout of the Specific Plan would create opportunities for approximately 6,247 employees, which represents approximately 43 percent of the forecasted population growth between 2019 and 2050. In addition, as shown in Draft EIR Table 5.13-5, the City of Perris is housing rich, and an increase in employment opportunities could benefit the job/housing balance in the City. The employees that would fill these roles are anticipated to come from the region, as the unemployment rate of the City of Perris as of May 2024 was 5.7 percent, City of Hemet was 6.3 percent, City of Moreno Valley was 4.6 percent, and the City of Menifee was at 4.6 percent, and the County of Riverside was 4.4 percent (BLS, 2024). Due to the existing and projected ratio of housing to jobs and the levels of unemployment, it is anticipated that new employees at the Project site would reside locally and within commuting distance and would not generate a need for new housing.

Comment O4.9: This comment states that the Draft EIR does not provide any meaningful evidence to support the Projects consistency with the SCAG RTP/SCS. The comment also mentions that there are errors in modeling and states that the Project is inconsistent with several policies within Table 5.11-1 due to the proposed Project's significant and unavoidable impacts. The comment states that the EIR must be revised to include a finding of significance due to inconsistency with the 2024-2050 RTP/SCS Connect SoCal document.

Response O4.9: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. As discussed in Responses O4.3 and O4.4 above, appropriate CalEEMod defaults were utilized and there are no errors in modeling. Substantial evidence supporting the Connect SoCal consistency analysis is provided in Section 5.3, *Air Quality*, and Section 5.8, *Greenhouse Gas Emissions*. Connect SoCal provides overall regional goals, therefore, the referenced goal is not a Project specific goal. As stated in the Draft EIR, the proposed Project would not prevent SCAG from implementing actions that would reduce greenhouse gas emissions and the Project includes measures related to building design, landscaping, and energy systems pursuant to Title 24 guidelines that would be consistent with SCAG's goals. The Project consistency discussion within Table 5.11-1 provides justification for consistency with each goal. Thus, the Draft EIR does not need to be revised due to an inconsistency with Connect SoCal 2024.

Comment O4.10: The comment states that the Draft EIR does not include the proposed amendments to the Harvest Landing Specific Plan design guidelines and the Draft EIR should be revised to include the proposed amendments.

Response O4.10: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The Harvest Landing Specific Plan Development Standards are included within the Draft EIR in Table 5.1-1 in Section 5.1, *Aesthetics*. In addition, as discussed on page 5.1-9 of the Draft EIR, the City of Perris Planning Division has reviewed the proposed Phase 1 developments and has determined the Project would not conflict with the Perris Municipal Code or General Plan design regulations involving building architecture, landscaping, infrastructure, and road system design standards. Additionally, Draft EIR Tables 5.1-3 and 5.11-2 illustrate the proposed Project's consistency with the City of Perris Good Neighbor Guidelines, the purpose of which is to protect sensitive receptors and limit potential impacts primarily related to air quality and noise, while allowing for the planned development of new or modified industrial facilities. The Perris Good Neighbor Guidelines provides adopted policies to supplement the Perris Municipal Code and Specific Plans for industrial development. Thus, no further response is warranted.

Comment O4.11: This comment states that the Draft EIR fails to substantiate the claim that nitrogen and diesel particulate matter emissions would be reduced in compliance with South Coast AQMD Rule 2305.

Response O4.11: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. As discussed in Draft EIR Section 5.3, *Air Quality*, owners and operators of

warehouses greater than or equal to 100,000 square feet of indoor space are required by South Coast AQMD Rule 2305 to enroll in the Warehouse Points Compliance Obligation. Future occupants would be processed through the South Coast AQMD's permitting system. Thus, the South Coast AQMD would ensure through their permitting process that future tenants and owners would comply with this measure. While these measures would be implemented, as discussed on page 5.3-26, emission reductions associated with South Coast AQMD Rules 402, 1301, 1401 and 2305 cannot be quantified in CalEEMod and, therefore, are not reflected in the emissions presented within the Draft EIR. Thus, while the emissions reductions achieved through compliance with 2305 cannot be quantified, implementation would be ensured through permitting with the South Coast AQMD.

Comment O4.12: The comment states that the Draft EIR does not include any analysis regarding the inconsistency of the proposed Project with some of the General Plan goals and policies, and lists Policies which the Project has potential to conflict with.

Response O4.12: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The Draft EIR is a public disclosure document that serves to provide information to the City's decisionmakers and elected officials when deciding whether or not to approve a project. The goal of the consistency analysis is to provide the reader with a general overview of whether a project is in harmony with the overall intent of the applicable goals and policies. It is within the City's purview to decide if the Project is consistent or inconsistent with applicable goals or policies. CEQA case law recognizes that "it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable [general] plan." (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) A compiled table of applicable Perris General Plan goals and policies, along with the Project's consistency is included in Section 5.11, *Land Use and Planning*. In addition, the policies mentioned throughout this comment letter are not mandatory policies for the purpose of mitigating an environmental effect. In the case of *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) Cal.App.4th 704, 719, the courts found that "none of the policies on which appellant relies is mandatory, and [the] project need not be in perfect conformity with each and every policy." Thus, CEQA does not require the Project to be consistent with each comment mentioned by the commenter, as the policies referenced were not adopted for the purpose of avoiding or mitigating an environmental effect.

Comment O4.13: This comment states that the Draft EIR does not provide meaningful analysis in the Project's consistency with the General Plan as it leaves out discussion of the Project's significant and unavoidable impacts.

Response O4.13: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. While the proposed Project would not improve air quality, it would not prevent the City from implementing actions that would improve air quality within the region. Mitigation measures are specified to reduce the Project's air quality impacts where necessary and feasible, and the Project would incorporate various measures related to building design, landscaping, and energy systems to promote the efficient use of energy, pursuant to Title 24 CALGreen Code and Building Energy Efficiency Standards. As described under Impact AQ-3 in the Draft EIR, the Project would not result in impacts related to health risk with implementation of mitigation. Further, as required by Mitigation Measure GHG-4, the Project buildings shall be built to demonstrate equivalency with LEED Silver building standards. Thus, the Project would not interfere with this goal for the City to support regional efforts to improve air quality.

Regarding the proposed Project's significant and unavoidable impacts, ultimately, it is up to the City to determine what the Project benefits are and if they would outweigh any potential significant and unavoidable impacts.

Comment O4.14: This comment states that the Draft EIR does not include the City's requirement for Specific Plans listed on page 69 of the General Plan Land Use element requiring the completion of a traffic study.

The comment concludes that buildout of the proposed Project would exceed the number of Average Daily Trips allocated to the Planning Area within with General Plan and, therefore, would not comply with the City's General Plan.

Response O4.14: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. A Traffic Impact Analysis Report was prepared for the proposed Project, and was included as Appendix R to the Draft EIR, which included the AM and PM Peak hour trips, the average daily trips generated from the Project, and the distribution of projected trips to roadways providing access to the Specific Plan Area. The Trip Generation included in the Traffic Impact Analysis Report was reviewed and approved by the City's Engineering Department.

Regarding the Draft EIR not analyzing non-residential buildout compared to the existing Harvest Landing Specific Plan, this comment is incorrect. A No Project/Buildout of Existing Harvest Landing Specific Plan alternative was included as Alternative 4 in the Draft EIR. Section 8.0, *Alternatives* of the Draft EIR provides a comparison of the impacts associated with the proposed Project and the No Project/Buildout of Existing Harvest Landing Specific Plan alternative.

Comment O4.15: This comment states that the proposed Project is not in compliance with State Housing Element Law as implementation of the proposed Specific Plan would result in the loss of residential units identified in the City's Housing Element. The comment states that the Draft EIR must show that the Housing Element can accommodate its share of the regional housing needs at all times. The comment concludes that implementation of the proposed Project would result in a shortfall of 86 dwelling units with no demonstration that the City can accommodate their RHNA.

Response O4.15: Given that Harvest Landing is not City-owned property, and the proposed non-residential Project is not a City-initiated action, acknowledging the proposed Project and updating the City's housing sites inventory accordingly to account for removal of Harvest Landing does not itself affect the City's Housing Element compliance status. It is important to note that the identification of a housing site in the Housing Element is not a mandate that requires the City to continue to proceed with development of that site as described in the Housing Element despite factors indicating that residential development of a site is not realistic. To the contrary, both Housing Element law and No Net Loss law assume there will be changes in the sites inventory during the Housing Element planning period, and an ongoing accounting and reconciliation process to accommodate the RHNA will occur. The sites inventory can simply be updated to reflect the site's exclusion and communicated to HCD through the annual reporting process.

Comment O4.16: This comment states that the Draft EIR fails to discuss compliance with SB 330 requiring replacement housing sites. The comment states that replacement housing must be processed concurrently when an action would reduce residential development capacity. The comment concludes in stating that approval of the Draft EIR would be in violation of SB 330 and the EIR must be revised to discuss the inconsistency.

Response O4.16: As required by CEQA, an analysis of the potential for the proposed Project to displace substantial numbers of existing people or housing is discussed on page 5.13-9 of the Draft EIR. As discussed, under existing conditions, the Project site is developed with two single-family residential structures and associated ancillary structures. At the time that the Project's Notice of Preparation of a Draft EIR was published on August 9, 2024, three single-family residential structures existed onsite, but the units were no longer occupied by residents and, therefore, the baseline condition applied for the Project site is vacant. Property owners within the development footprint voluntarily sold their property to the Project Applicant and have already relocated. Implementation of the proposed Project would remove all of the existing structures from the Project site. Therefore, implementation of the Project would not displace a substantial number of existing people or housing and would not necessitate the construction of replacement housing elsewhere. Implementation of the Project would result in a less than significant impact.

Senate Bill 330 or the Housing Accountability Act and the removal of residential zoning within the Harvest Landing Specific Plan is not a CEQA issue as it is not considered an impact on the environment. As defined in CEQA Guidelines Section 15384, argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, and evidence of social or economic impacts which does not contribute to or are not caused by physical impacts on the environment do not constitute substantial evidence. CEQA is an environmental protection statute that is concerned with physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The Project's potential economic and social effects are not considered effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)).

Comment O4.17: This comment states that deferring analysis of the construction and operation of replacement sites is piecemealing and a violation of CEQA. The comment concludes in stating that the Draft EIR must be revised to include analysis of the 1,860 replacement dwelling units.

Response O4.17: Please refer above to Response O4.15 and Response O4.16 regarding the requirement for replacement housing.

Comment O4.18: The comment states that the Draft EIR does not provide sufficient evidence to support the claim that the employees are expected to come from within the City or region, and the Draft EIR should be revised to support this claim with evidence of the available workforce and provide a definition for "commuting distance."

Response O4.18: Draft EIR page 6-3 describes that most of the new jobs that would be created by the Project would be positions that do not require a specialized workforce, and this type of workforce exists in the City of Perris and surrounding communities. As discussed in further detail in Section 5.13, *Population and Housing*, 4,654 individuals are employed in the construction industry in the City of Perris (SCAG, 2022). Within Riverside County as a whole, approximately 77,582 individuals are employed in the construction industry (ACS, 2021). In addition, the current 5.7 percent unemployment rate in the City and the 4.6 percent unemployment rate in Riverside County (BLS, 2024). As such, the existing labor pool would meet the construction needs of the Project. Thus, due to existing unemployment and the availability of a workforce, it is anticipated that new jobs that would be generated from Project implementation would be filled by people within the City of Perris and surrounding communities.

Regarding the definition of commuting distance, the following revisions has been included in Section 3.0, *Revisions to the Draft EIR*:

Due to the existing and projected ratio of housing to jobs and the levels of unemployment, it is anticipated that new employees at the Project site would reside locally and within commuting distance (from within the City or one of the adjacent jurisdictions including Menifee, Moreno Valley, and Unincorporated Riverside County) and would not generate a need for new housing.

Comment O4.19: The comment states that the proposed Project would result in unexpected growth compared to SCAG's Connect SoCal Demographics and Growth Forecast. The comment further states that the Draft EIR must include a cumulative analysis of the impact of the proposed Project in combination with previous projects since 2019 and projects "in the pipeline" to determine if the Project would result in a cumulative exceedance of employment and population growth forecasts.

Response O4.19: Please refer above to Response O4.8 regarding SCAG's Connect SoCal Demographics and Growth Forecast and cumulative projects.

Comment O4.20: This comment states that the Draft EIR does not include the City's requirement for Specific Plans listed on page 69 of the General Plan Land Use element requiring the completion of a traffic study. The comment concludes that buildout of the proposed Project would exceed the number of Average Daily Trips allocated to the Planning Area within with General Plan and therefore would not comply with the City's General Plan.

Response O4.20: This comment is a copy of Comment O4.14. Please see Response to Comment O4.14 for a response to this comment.

Comment O4.21: The comment states that the Project's VMT analysis was underestimated as it did not include truck/trailer/delivery van activity. The comment concludes in saying that a revised EIR must be prepared to with a revised VMT analysis to include truck/trailer/and delivery van activity.

Response O4.21: The commenter incorrectly assumes that the VMT analysis does not consider truck/trailer/delivery van activity. The VMT analysis conducted for the Project utilized an origin-destination (OD) VMT methodology, which captures all trips associated with the Project — not just employee commute trips. This includes VMT from employees, vendors, trucks, delivery vans, and other operational vehicle activity generated by the Project. The OD VMT approach is consistent with the *City of Perris Transportation Impact Analysis Guidelines for CEQA*, adopted by the City Council in May 2020.

Comment O4.22: This comment states that the Draft EIR does not adequately analyze the Project's potential impacts regarding hazards due to a geometric design feature. The comment explains that there are areas of overlap between truck movements for the truck entering the site via Frontage Road at Building 2.

Response O4.22: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The Project would include five truck driveways along Frontage Road and installation of a truck-only Private Drive A for the industrial portion of the Phase 1 development. The commercial component of the Phase 1 development would require one truck driveway on Orange Avenue, one truck driveway on Harvest Landing Way, and one truck driveway on Barrett Avenue. Lastly, while potential development plans and internal circulation within the Phase 2 area is unknown at this time, the City of Perris will be conditioning future development of the area to solely provide truck driveways for Phase 2 developments on Orange Avenue and Frontage Road in order to avoid the sensitive receptors located along Indian Avenue (with Val Verde Elementary school operational along Indian Avenue) and Barrett Avenue.

The onsite circulation design provides truck accessibility and turning ability throughout the site. Therefore, there is no geometric design feature that would prevent trucks or result in impacts from trucks accessing the site. In addition, the plans provided in the Draft EIR and Traffic Impact Analysis Report are conceptual plans. Should the Project be approved, design level civil engineering plans would be prepared and reviewed by the City's engineering staff prior to issuance of construction related permitting to ensure that all applicable turning and access standards are met, which include both California Fire Code and California Building Code requirements, as included in the Perris Municipal Code (Sections 16.08.058 and 16.08.050).

Comment O4.23: This comment states that the Draft EIR does not adequately analyze the Project's potential impacts regarding hazards due to a geometric design feature. The comment explains that there are areas of overlap between truck movements for the truck entering the site via Frontage Road at Building 6.

Response O4.23: Please refer to Response O4.22.

Comment O4.24: This comment states that the Draft EIR does not adequately analyze the Projects potential impacts regarding hazards due to a geometric design feature. The comment explains that there are areas of overlap between truck movements for the truck entering the site via Frontage Road at Private Drive A between Buildings 2 and 3.

Response O4.24: Please refer to Response O4.22.

Comment O4.25: This comment states that the Draft EIR does not adequately analyze the Projects potential impacts regarding hazards due to a geometric design feature. The comment explains that there are areas of overlap between truck movements for the truck entering the site via Frontage Road at Building 5.

Response O4.25: Please refer to Response O4.22.

Comment O4.26: This comment states that the Draft EIR does not adequately analyze the Project's potential impacts regarding hazards due to a geometric design feature. The comment explains that there are areas of overlap between truck movements for the trucks accessing the internal truck/trailer loading dock court between Buildings 3 and 4. Additionally, the comment states that there are no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the parking areas of the site as well as exhibits depicting emergency vehicle access and maneuvering. The comment concludes in stating that the Draft EIR defers analysis by stating that the Riverside County Fire Department would review plans without listing any requirements.

Response O4.26: As shown in Appendix R of the Draft EIR (Table 4.1b: Project Trip Generation), buildings 3, 4 and 5 would have a truck trip generation of 6 truck trips (3 total trucks) during the AM peak hour and 5 truck trips (3 total trucks) during the PM peak hour. These trips are for all three buildings, resulting in a maximum of 1 to 2 trucks per hour entering or leaving each building. Because of the very low volume of trucks entering and departing, delays would be minimal. It is likely that trucks would not be entering or leaving at the same time. Therefore, additional emissions or queuing due to conflicts between trucks would be negligible and not measurable. Therefore, the results of the analysis would remain unchanged.

As detailed in Section 3.0, *Project Description*, the proposed Project would include two emergency access only driveways, one along Orange Avenue accessing MBU Building 2 and one along Barrett Road accessing MBU Building 7. As detailed in Response to Comments O4.22 through O4.25, the proposed onsite conceptual circulation design provides emergency vehicle accessibility and turning ability throughout the site and does not identify potential significant environmental impacts. Should the Project be approved, design level civil engineering plans would be prepared and reviewed by the City's engineering staff prior to issuance of construction related permitting to ensure that all applicable emergency access standards are met, which include both California Fire Code and California Building Code requirements, as included in the Perris Municipal Code (Sections 16.08.058 and 16.08.050). This is not a deferral of analysis, but the City's standard development review and permitting process to ensure that all applicable design requirements are met, including emergency access.

Comment O4.27: This comment states that the Project has not provided any analysis of horizontal and vertical sight distance at the intersection of Project driveways and adjacent streets.

Response O4.27: Issues related to horizontal and vertical sight distance are design level civil engineering issues that are to be verified by the City's Engineering Department during permitting of development projects and are regulated by the California Fire and Building Codes, which are included in the Perris Municipal Code as detailed previously. As detailed on Figure 3-7, *Conceptual Site Plan* and shown on Draft EIR Table 5.1-1, buildout of the Phase 1 MBU area would include a 25-foot setback along Barret Avenue, over 100 feet of landscaped setback along Orange Avenue, and a 25-foot setback along Frontage Road. Within the proposed Phase 1 Commercial areas, a 25-foot setback is proposed along North Perris Boulevard, a 15-foot setback is proposed along Orange Avenue, over 40 feet of landscaped setback along Harvest Landing Way is proposed, and a 70-foot setback along Barret Avenue is proposed. This proposed conceptual design does not identify potential significant environmental impacts. Evaluation of sight distance is not an impact issue under CEQA. Sight distance could affect the safety at driveways; however, this is why the City has design guidelines and requires subsequent plan check review of development plans after entitlement approval. During the design review and plan check process, all intersection designs will be reviewed to ensure compliance with applicable standards. Intersections not in compliance with standard plans or

guidelines would need to provide subsequent analyses to justify all design exceptions. Therefore, no sight distance analysis is required for the Draft EIR.

Comment O4.28: This comment states that the Draft EIR must include a cumulative analysis of the impact of the proposed Project in combination with previous projects since General Plan adoption and projects “in the pipeline” to determine if the Project would result in a cumulative exceedance of employment and population growth forecasts. The comment further states that buildout of the Specific plan would result in growth impacts related to the SCAG employment growth assumptions and the General Plan Planning Area 4 buildout.

Response O4.28: Please refer to Response O4.8.

Comment O4.29: This comment states that the Draft EIR should be revised to discuss the significant and unavoidable impacts within the context of the Projects census tract, inconsistencies with the General Plan and SCAG RTP/SCS, and State Housing Element Law.

Response O4.29: As discussed throughout the Draft EIR and in the responses above and below, the proposed Project would be developed consistent with the goals and policies of the City of Perris General Plan and none of the comments raised in this letter provide any substantial evidence that the Project would result in a new significant environmental impact. The proposed Project consistency with the General Plan and Connect SoCal is shown in Draft EIR Tables 5.11-1 and 5.11-3 and further evaluated within Response to Comments O4.9 and O4.12. Thus, no further response is warranted.

Comment O4.30: The comment states that a revised Draft EIR must be completed that includes an alternative that meets the Projects objectives and eliminates all the Project’s significant and unavoidable impacts. The comment suggests including a mixed-use project with affordable housing to reduce VMT and GHG emissions.

Response O4.30: The Draft EIR included a comprehensive analysis of Project Alternatives as required by CEQA Guidelines Section 15126.6. The “range of alternatives” to be evaluated is governed by the “rule of reason” and feasibility, which requires the EIR to set forth only those alternatives that are feasible and necessary to permit an informed and reasoned choice by the Lead Agency and to foster meaningful public participation (CEQA Guidelines Section 15126.6(f)). Additionally, State CEQA Guidelines Section 15126.6(b) emphasizes that the selection of project alternatives is based primarily on the ability to reduce impacts relative to the proposed project.

As detailed in Draft EIR Section 8.0, *Alternatives*, the proposed Project includes a Specific Plan Amendment and would result in significant and unavoidable impacts related to air quality, greenhouse gas emissions, noise, and transportation. Two Alternatives (Alternate Site Alternative and Commercial Alternative) were considered but rejected due to infeasibility and lack of ability to meaningfully reduce Project impacts while meeting Project objectives. Instead, a No Project/ No Development Alternative, a No Project/Buildout of Existing Harvest Landing Specific Plan Alternative, a Reduced Project Alternative, and a Phase 2 Residential Alternative were analyzed. As such, the alternatives utilized by the EIR provide a reasonable range of alternatives pursuant to CEQA Guidelines Section 15126.6. As discussed, the Reduced Project Alternative would avoid the Project’s construction air quality significant impact and traffic noise significant impact. Therefore, an alternative is included that would avoid some of the Project’s significant and unavoidable impacts.

Draft EIR Page 8-1 states that a pursuant to CEQA Guidelines Section 15126.6(d), discussion of each alternative presented in this Draft EIR section is intended “to allow meaningful evaluation, analysis, and comparison with the proposed project.” As permitted by CEQA, the significant effects of each alternative are discussed in less detail than those of the proposed Project, but in enough detail to provide perspective and allow for a reasoned choice among alternatives to the proposed Project. The qualitative analysis provided is sufficient to support the impacts claims.

Comment O4.31: This comment states that GSEJA believes the EIR is flawed and must be revised and recirculated for public review. GSEJA also requests to be added to the public interest list for the proposed Project.

Response O4.31: The comment is conclusionary in nature and, as stated above, GSEJA will be added to the public interest list for the proposed Project. As substantiated by the responses above and below, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Therefore, no further response is warranted.

Comment Letter O5: Sierra Club San Gorgonio Chapter, 9 pages



SAN GORGONIO CHAPTER

Moreno Valley/Box Springs Group

SENT VIA EMAIL
July 14, 2025

Albert Armijo, Project Planner
Judy Haughney, City Clerk
City of Perris
Email: armijo@cityofperris.org; jhaughney@cityofperris.org

RE: Public comment for the Harvest Landing Project DEIR, SCH # 2024080337

Dear City of Perris Planning Staff and Clerk

Thank you for the opportunity to provide comments on the draft Environmental Impact Report (EIR) on the Harvest Landing Retail Center & Business Park Project (the Project) – SCH# 2024080337.

The Project aims to amend the existing 341 acre Harvest Landing specific plan (adopted in 2011) to revise land-use from residential uses to a large-scale industrial park. The property is in the center of the City of Perris. The Project would include up to 5.7M square feet of industrial park land uses and remove 1,860 residential units, including hundreds of affordable housing units. The project consists of discretionary actions to amend the general plan, amend the specific plan, rezone, use permits, and tentative tract maps.

O5.1

In our review, the Sierra Club Box Springs Group found the Project EIR is deficient in multiple areas. A summary is listed here, with detailed information in the body of the letter supporting each claim. Additionally, we include an attachment of a recent settlement agreement in Moreno Valley that provides a list of potential mitigation measures that are feasible and should be considered a baseline for project design features.

1. The Cumulative Impacts analysis list is based on an inadequate set of projects that deliberately excludes over 100 million square feet of warehouse development. Please update the Cumulative Impacts Analysis to account for local and regional warehouse development including the World Logistics Center (40.4M square feet), Stoneridge Commerce Center (7.9M square feet), San Jacinto Commerce Center, New Perris Commerce Center, South Perris Industrial, Ellis Logistics Center, Mapes Commerce Center, the 1,100 acres of foundation general plan amendment projects in Mead Valley¹, all projects in Menifee along Ethanac Rd including Northern Gateway Logistics, Murrieta Road Warehouse, Ethanac Logistics Center, Menifee Commerce Center, and Menifee Valley Specific Plan. A full list of projects that need to be included are described in detail later.

O5.2

¹ <https://planning.rctma.org/2024-general-plan-foundation-amendment-cycle#2741959481-4202596112>,

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| <p>2. The project downzoning 1,860 units in 170.1 acres of housing conflicts with CA Code §66300(b)(1)(A). Cities shall not downzone residential parcels that reduce housing under the ‘No Net Loss’ provision. This needs to be examined with cumulative impacts of other similar residential rezone warehouse projects, including Mead Valley foundation general plan amendments, especially the New Perris Commerce Center. The City of Perris must demonstrate no reduction in housing units and affordable housing units as part of the project environmental impacts instead of merely asserting that it will provide lots of jobs for robots, no housing, and cause Perris to be out of compliance with RHNA affordable housing units.</p> | O5.3 |
| <p>3. The project has significant and unavoidable air quality and GHG impacts. While the DEIR concedes that the project has these significant and unavoidable impacts, it does not mention that the 2022 Air Quality Management Plan to meet the ambient air quality standards is entirely dependent on multiple electrification rules including Advanced Clean Cars, Advanced Clean Fleets, and the in-use Locomotives Rule were rescinded by the U.S. under Congressional Review Act resolutions in June, 2025. As a result, Southern California has no valid plan to attain national ambient air quality standards and no additional projects can be added that would be cumulatively significant in furthering the delay in attaining the 2015 8-hr ozone standard. Moreover, the climate continues to heat due to unmitigated mobile source emissions of GHG and this project does less than the minimum to mitigate its impacts, especially given the rejection of electric vehicle mandates by the Federal government. Additional mitigation of climate is necessary.</p> | O5.4 |
| <p>4. The project has no truck route access based on the current City of Perris truck route map as the industrial land-use is not adjacent to Placentia Avenue, the nearest truck route. Designating new truck routes to build industrial land-use is not consistent with adopted AB 98 guidelines. This project needs to specify that the existing Perris Truck Route map adopted in 2022 would need to be modified to allow access to truck entrances and exits.</p> | O5.5 |
| <p>5. The project applies a piecemeal trip generation approach by separating components of the project in its transportation analysis section (e.g., Business Park phase 1, Business Park phase 2, Commercial). The project needs to be analyzed as the whole of the project action, not in phases or separate pieces. The project does not include the number of truck trips as part of its transportation analysis in the general EIR, hiding them in Appendix R. The project fails to analyze transportation impacts on the I-215 Freeway which has 15,000 truck trips a day already, before completion of many projects in southern Perris, Menifee, and Mead Valley. The project fails to accurately identify the negative impact of truck routes adjacent to bike routes – specifically on shared roadway Class III routes on Orange Ave and Indian Ave. These routes will now be highly dangerous for cyclists as they are shared with heavy-duty traffic and truck driveway entrances. It uses a biased study from Fehr & Peers conducted during the lowest logistics time period of the year (February) during a slow logistics year (2023) and then says that is representative of the actual daily trip rates instead of a number that is 5x higher from the 11th edition ITE (155) which is used for every other category of land-use.</p> | O5.6 |
| <p>6. The zoning does not match existing City of Perris Title 19 zoning codes for industrial uses. City of Perris provides three separate zoning codes, Business Park, Light Industrial, and General Industrial. The Harvest Landing eschews established zoning and adds a ‘Multiple Business Use’ zone that doesn’t match the existing categories, even though it is referred to as ‘business park.’ This new zoning category isn’t defined anywhere in the DEIR, so it isn’t clear what standards are in this special zoning category from the CEQA documentation. Please define why this area needs a new zoning category that is special, what it permits and forbids, and how this category is different from the current Business Park and Light Industrial categories.</p> | O5.7 |
| <p>7. Howard Industrial Partners has a pattern of rezoning residential land to industrial land. Howard Industrial Partners infamously tore down over 100 homes for the Bloomington Business Park project – SCH#2020120545. rezoned 159 acres of residential and recreation land in Rialto for the Rialto Commerce Center – SCH#2008031088 – led by Tim Howard on behalf of Oakmont Industrial. The Pepper Avenue Specific Plan project in Rialto rezoned 9.5 acres of residential and 30 acres of Open Space in Rialto for warehousing – SCH#2022030161.</p> | O5.8 |

Cumulative Impacts Analysis

The project DEIR uses a 'summary-of-projections' methodology as described in CEQA guidelines for cumulative analysis. However, significant additional warehouse growth is planned in the area that include many industrial rezones that is unaccounted for in the cumulative impacts project list provided by the Lead Agency and applicant in Table 5-1 of the project EIR. That project list is woefully deficient and narrowly scoped cumulative projects with no apparent regard to the spatial scope of analyses of the project's EIR.

We respectfully request an adequate Cumulative Impacts Analysis List and actual analysis of the cumulative of these projects on jobs, housing, air quality, GHGs, traffic, planning, and land-use. A reasonable list of projects to include that are 'cumulatively considerable' and 'reasonably foreseeable' within a few miles of the project include:

- Cajalco Commerce Center (SCH# 2023060799) and GPA 240005 – Rezone 50 acres from VLDR to Light Industrial
- Ramona Gateway (SCH #2022040023) – Approved 47 acre warehouse project
- Rider and Patterson Business Center (SCH#2022120110) – Approved 37 acre warehouse project
- Harvill at Water Industrial (SCH #2022050490) – approved 20 acre warehouse project
- Seaton Ave and Cajalco Rd Industrial project (SCH # 2022060441) – approved 17 acre warehouse project
- BCI IV Harvill Industrial Center (SCH #2023030724) – approved 9 acre warehouse project
- Patterson and Harvill Business Center (SCH #2024101276) – approved 5 acre warehouse project
- GPA 240049 – Rezone 18 acres from VLDR to Business Park
- GPA 240063 – Rezone 58 acres from VLDR to Business Park
- GPA 240026 – Rezone 162 acres from Rural Residential to Light Industrial
- GPA 240082 – Rezone 15 acres from VLDR to Light Industrial
- GPA 240042 – Rezone 17 acres from VLDR to Business Park
- GPA 240012 – Rezone 9.5 acres from VLDR to Light Industrial
- GPA 240022 – Rezone 321.1 acres from Rural residential to Specific Plan
- GPA 240027 – Rezone 10.5 acres from VLDR to Light Industrial
- GPA 240004 – Rezone 19.5 acres from VLDR to Light Industrial
- GPA 240059 – Rezone 8.5 acres from VLDR to Light Industrial

05.9

In addition to these close proximity projects, it is important to include all approved and under CEQA review warehouse projects in the City of Perris, the norther section of the City of Menifee, at the March JPA, and any large regional projects that will have significant regional impacts. This list includes:

- Perris –
 - New Perris Commerce Center – SCH #2024071090 – 368 acres
 - South Perris Industrial – SCH #2008071060 – 258 acres
 - Perris Airport Logistics Center – SCH #2023100540 – 92 acres
 - Perris Valley Towne Center – SCH #2024020911 – 65 acres
 - Mapes Commerce Center – SCH #2022080602 – 36 acres

- Ellis Logistics Center - SCH #2023040144 – 33 acres
- Ethanac Logistics Center - SCH #2023090524 – 26 acres
- Green Valley Specific Plan Warehouse - SCH #1989032707 – 25 acres
- Mapes and Trumble - SCH #2023040023 – 21 acres
- Waypoint Commerce Center – SCH #2023110451 – 13 acres
- Menifee
 - Menifee Valley Specific Plan - SCH #2022030233 – 258 acres
 - Menifee Commerce Center - SCH #2021060247 – 76 acres
 - Motte Business Center - SCH #2022120083 – 44 acres
 - Heritage Valley Business Center - SCH #2025051051 – 43 acres
 - CADO Menifee Industrial Project - SCH #2022040622 – 39 acres
 - Mclaughlin and San Jacinto Project - SCH #202303044 – 35 acres
 - Murrieta Road Warehouse Project - SCH #2023110162 – 28 acres
 - Compass Northern Gateway Project - SCH #2023010225 – 27 acres
 - Northern Gateway Logistics - SCH #202110379 – 23 acres
- March JPA
 - Meridian D1 Aviation Gateway – SCH #2021040012 – 53 acres
- Other nearby mega projects for logistics
 - World Logistics Center – 40.4M square feet in Moreno Valley
 - Stoneridge Commerce Center – SCH #202040325 - 7.9M Square feet in Nuevo
 - San Jacinto Commerce Center - SCH #2024040114 – 9.0M square feet in San Jacinto
 - Serrano Commerce Center – SCH# 2006081015 – 6.7M sq.ft in Temescal Valley
 - Mid-County Parkway - RCTC
 - Cajalco Roadway Widening - RTC

O5.9
Cont.

When the full list of local and regionally important projects is considered, the cumulative impacts will be seen. **Figure 1** shows a reasonable cumulative impacts map for warehouses. **Figure 2** shows the cumulative area per resident by municipality (> 10,000 residents). Perris is currently third and on its way to overtake Ontario. And the most burdened community is next door in Mead Valley. Note that March JPA is not included but has another 20M square feet of warehouses for a minimal population.



Figure 1. Existing, approved, and under review warehouses along the 215/60 corridor centered on the project. Screenshot from Warehouse CITY v1.23.

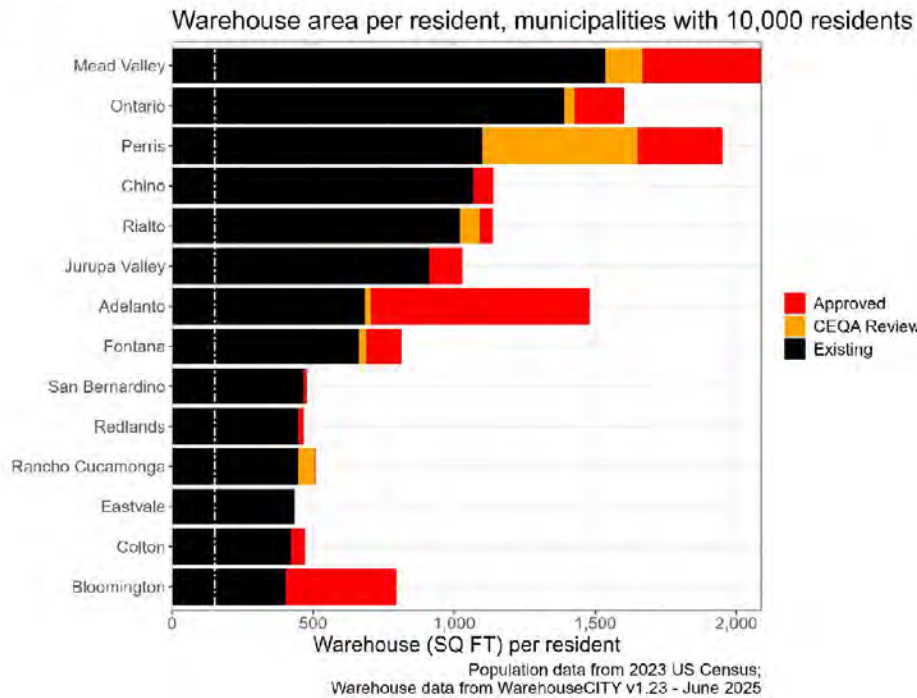


Figure 2. Warehouse area per resident for municipalities and places with at least 10,000 residents in the Inland Empire. Perris already has the third highest per capita warehouse burden of cities in the Inland Empire and is adjacent to Mead Valley with the highest burden.

O5.9
Cont.

Housing and No Net Loss

The Project proposed downzoning 1,860 units in 170.1 acres of housing from the existing adopted Specific Plan from 2011. This proposal is in direct conflict with CA Code §66300(b)(1)(A).

Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district in effect at the time of the proposed change, below what was allowed under the land use designation or zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B) or subdivision (h). For purposes of this subparagraph, "reducing the intensity of land use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site's residential development capacity.

O5.10

In plain language, No Net Loss provisions as implemented in the SB 330 Housing Crisis Act and revised in SB 8. It freezes residential zoning standards such that a jurisdiction cannot lower the total number of housing units in an approved RHNA housing element. This project would reduce the housing units for the City of Perris in its adopted 2022 housing element. Perris was assigned 7,805 units in its RHNA for 2021-29. In Table 7-3, Harvest Landing counted 1,287 units towards the entitled total, or about 15% of the total units. Other warehouse projects are also proposing downzoning residential, such as the New Perris Commerce Center.

The City of Perris must demonstrate it has "No Net Loss" of housing units and has 'sufficient buffer' to meet its RHNA requirements. California Housing and Community Development recommends a 15-30% buffer, especially for affordable housing categories. This EIR does not demonstrate that.

Air Quality and GHGs

As described in the project DEIR, the project has significant and unavoidable air quality and GHG impacts. However, the project relies on out of date documents that no longer apply in performing its air quality, VMT, and GHG analyses. The project relies on the SCAQMD 2022 Air Quality Management Plan which is the regional plan to meet the ambient air quality standards. However, that plan is entirely dependent on multiple electrification and clean vehicle rules including Advanced Clean Cars, Advanced Clean Fleets, and the in-use Locomotives Rule that were all passed by the California Air Resources Board. These rules were rescinded by the U.S. under Congressional Review Act resolutions in June 2025.

O5.11

As a result, Southern California has no valid plan to attain national ambient air quality standards and no additional projects can be added that would be cumulatively significant in furthering the delay in attaining the 2015 8-hr ozone standard. Moreover, the climate continues to heat due to unmitigated mobile source emissions of GHG and this project does less than the minimum to mitigate its impacts, especially given the rejection of electric vehicle mandates by the Federal government. Additional mitigation of climate is necessary. The entire project modeling needs to

be redone because the estimates of future year emissions are no longer valid based on projected future fleet electrification that will no longer be enforceable.

O5.11
Cont.

Truck Routes (AB 98 compliance)

The project has no truck route access based on the current City of Perris truck route map as the industrial land-use is not adjacent to Placentia Avenue, the nearest truck route. Designating new truck routes to build industrial land-use is not consistent with adopted AB 98 guidelines. This project needs to specify that the existing Perris Truck Route map adopted in 2022 would need to be modified to allow access to truck entrances and exits.

O5.12

Frontage Road is not currently a City of Perris Truck Route. Modifying the 2022 existing Truck Route Circulation Map is a Significant and Unavoidable Impact that has not been disclosed as part of the project discretionary actions under the Transportation Section. This is necessary under AB 98 §65098.2.7(b)(1) that no new logistics use development shall be sited on non-truck routes.

Land Use and Planning

The zoning does not match existing City of Perris Title 19 zoning codes for industrial uses. City of Perris provides three separate zoning codes, Business Park, Light Industrial, and General Industrial. The Harvest Landing eschews established zoning and adds a ‘Multiple Business Use’ zone that doesn’t match the existing categories, even though it is referred to as ‘business park.’ This new zoning category isn’t defined anywhere in the DEIR, so it isn’t clear what standards are in this special zoning category from the CEQA documentation. Please define why this area needs a new zoning category that is special, what it permits and forbids, and how this category is different from the current Business Park and Light Industrial categories.

O5.13

Additionally, the project is incompatible with Connect SoCal 2024 projections of industrial land-use cumulatively as the Perris, Mead Valley, March JPA, Menifee, and Nuevo areas are all undergoing significant amounts of industrial rezones from residential. This is incompatible with Complete Streets, Air Quality goals (as explained earlier), and Climate Resilience (as explained earlier). Moreover, it is inconsistent with a variety of employment opportunities, as Perris is already a community with a very high per capita warehouse burden.

Transportation and Traffic Impacts

The transportation applies several questionable inputs as part of its analysis, including invalid trip rates for fulfillment centers, piecemeal analysis of project sections, no analysis of freeway impacts despite being a large project within ½ mile of the freeway. Cumulatively, there are systematic underestimates of project impacts that need to be addressed.

O5.14

First, the project omits truck trip rates from the main body of the DEIR and hides them in Appendix R. This is at least partially due to the choice of use of an un-peer reviewed Fehr & Peers conducted during the lowest logistics period of the year (February) during a slow logistics year (2023) to estimate fulfillment center passenger and truck trip rates. The trip rates from the biased and unrepresentative Fehr & Peers study are 5 times lower than the 11th edition ITE (155) which is used for every other category of land-use. Cherry-picking data sources to get favorable

O5.15

trip rates is clearly biased. If ITE 11th edition is the primary source of trip rates and its rate is significantly higher, it should be used to include a conservative estimate, rather than a draft study that isn't peer-reviewed. O5.15
Cont.

Second, the project applies a piecemeal trip generation approach by separating components of the project in its transportation analysis section (e.g., Business Park phase 1, Business Park phase 2, Commercial). The project needs to be analyzed as the whole of the project action, not in phases or separate pieces. When looked at as the whole of the action, the project causes significant and unavoidable impacts because it add yet more industrial zoning to an area that is chock-full of big-box warehouses while reducing the residential and commercial mix to include bikable walkable mixed-use communities as the adopted specific plan intended. O5.16

1. Finally, the project fails to analyze transportation impacts on the I-215 Freeway. Caltrans traffic Census 2023² indicate high volumes of total traffic and trucks at the closest postmile measurements. O5.17

at the Ramona Expressway mile marker, with 139,000 AADT and 14,700 truck trips – for an 11.1% truck volume. These numbers are a few years old now, and with the large numbers of projects built and completed in the region, the traffic congestion on I-215 is already stop-and-go at all times of the day, due to the significant use for freight movement. The condition of I-215 is like the surface of the moon, pocked and rutted from heavy-duty trucks in every lane. Omitting any traffic or environmental analysis of the thousands of extra truck and passenger trip impacts on the adjacent freeway that this project relies on is both bonkers and piecemealing. Please provide an estimate of the number of additional passenger and truck trips that will use the 215 freeway from the entirety of the Cumulative Impacts Projects List to assess whether the existing freeway infrastructure is sufficient to manage the additional burden of these cumulative industrial developments. Please do so in coordination with Caltrans.

Pattern of Residential Rezoning

The project applicant has multiple other examples of rezoning or fully demolishing existing residential homes to make way for warehouses. This is an example of a specific developer having a cumulative impact on the region by proposing and pushing through multiple residential rezone projects. O5.18

In 2011, Howard represented Oakmont Industrial Group in rezoning 159 acres of residential and open space in Rialto for warehousing only four years after the El Rivino specific plan in Rialto had been approved.

Howard Industrial Partners is responsible for the Bloomington Business Park, an odious project in Bloomington that demolished over 100 residential homes and purchased an elementary school to make way for an industrial park.

Additionally, Howard Industrial Partners was the applicant for the Pepper Avenue Specific Plan in Rialto which rezoned residential and open space for warehouses.

² <https://dot.ca.gov/programs/traffic-operations/census>

Summary

Thank you again for the opportunity to provide comments on the draft Environmental Impact Report (EIR) on the Harvest Landing Project SCH # 2024080337. We hope these comments are taken seriously and addressed fully to mitigate the significant unaddressed impacts associated with this project.

O5.19

Please keep the Sierra Club Box Springs Group notified of all documents and meetings related to the project.

Sincerely,

Michael McCarthy, PhD
Sierra Club
Moreno Valley/Box Springs Group
Co-Conservation Chair
Email: mikem@radicalresearch.lle

P.O. Box 1325
Moreno Valley, CA 92556-1325

Response to Comment Letter O5: Sierra Club San Geronio Chapter, July 14, 2025

Comment O5.1: This comment provides a summary of the Project description and states that the Project would remove 1,860 residential units, including hundreds of affordable housing units. The comment states that the Sierra Club Box Springs Group found the EIR deficient in multiple areas and includes an attachment of a recent settlement agreement in Moreno Valley that provides a list of potential mitigation measures and states that they are feasible.

Response O5.1: The comment is informational and general in nature and does not raise a specific issue with the adequacy of the Draft EIR in which to provide a detailed response. Because the comment is general and refers to later detailed comments, no further response is warranted.

Comment O5.2: This comment states that the cumulative list excludes over 100 million square feet of warehouse development. The comment states that the cumulative analysis should account for local and regional warehouse development including the World Logistics Center, Stoneridge Commerce Center, San Jacinto Commerce Center, New Perris Commerce Center, South Perris Industrial, Ellis Logistics Center, Mapes Commerce Center; the 1,100 acres of foundation amendment projects in Mead Valley; all projects in Menifee along Ethanac Road, including Northern Gateway Logistics, Murrieta Road Warehouse, Ethanac Logistics Center, Menifee Commerce Center, and the Menifee Valley Specific Plan. The comment states that a full list of projects that need to be included are described in detail later.

Response O5.2: The Draft EIR prepared for the proposed Project accurately analyzes potential cumulative impacts from the Project in conjunction with other industrial developments in the Project vicinity throughout the Draft EIR and specifically under the cumulative impacts section in each Section 5 subsection. The Draft EIR cumulative analyses uses a combination of the list method and the projection method, as appropriate based on different topic areas, as detailed in each cumulative analysis discussion in the Draft EIR. Table 5-1 of the Draft EIR lists cumulative projects utilized in the cumulative analysis of the Project in the topical areas that use the list approach. The list of cumulative projects was developed using a list of past, present and future projects within the Project vicinity that could have a potentially cumulative impact on specific EIR topical areas. The additional projects that the commenter provided were not included in the cumulative project list for the following reasons:

- World Logistics Center was not included in the cumulative project list as it is located approximately 8.5 miles northeast of the Harvest Landing Specific Plan and would utilize a different truck route (State Route 60) to access I-215 given its location direction south of State Route 60, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Stoneridge Commerce Center was not included in the cumulative project list as it would utilize a different truck route (San Jacinto Avenue) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- San Jacinto Commerce Center was not included in the cumulative project list as it would utilize a different truck route (Ramona Expressway) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- New Perris Commerce Center was not included in the cumulative project list as it would utilize a different truck route (San Jacinto Avenue) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- South Perris Industrial was not included in the cumulative project list as it would utilize a different truck route (Case Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Ellis Logistics Center was not included in the cumulative project list as it would utilize a different truck route (Case Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.

- Mapes Commerce Center was not included in the cumulative project list as it would utilize a different truck route (Case Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project. In addition, while the project is still under entitlement review with the City of Perris, it is not active.
- Northern Gateway Logistics was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Murrieta Road Warehouse was not included in the cumulative project list as it would utilize a different truck route to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Ethanac Logistics Center was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Menifee Commerce Center was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Menifee Valley Specific Plan was not included in the cumulative project list as it would utilize a different truck route (Highway 74) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.

As discussed in Table 5-1 of the Draft EIR and shown in Figure 5-1, ten projects within Mead Valley were included as cumulative projects number 1 through 10. These projects were, therefore, considered within the cumulative analysis throughout the Draft EIR. The cumulative projects were selected based on the potential for their impacts to cumulatively combine with Project impacts. The cumulative projects selected would result in measurable trip distributions to the same intersections and roadway segments. Cumulative impacts have been analyzed by environmental topic area within each respective environmental topic section (e.g., cumulative air quality impacts under Section 5.3, *Air Quality* etc.).

Comment O5.3: This comment states that the Project downzoning 1,860 units of housing conflicts with California Code Section 66300(b)(1)(A) and it needs to be examined with cumulative impacts of other similar residential rezone warehouse projects, including the New Perris Commerce Center. The comment states that the City of Perris must demonstrate no reduction in housing units and affordable housing units as part of the Project's environmental impacts.

Response O5.3: As required under CEQA, an analysis of the potential for the proposed Project to displace substantial numbers of existing people or housing is discussed on page 5.13-9 of the Draft EIR. As discussed, under existing conditions, the Project site is developed with two single-family residential structures and associated ancillary structures. At the time the Project's Notice of Preparation of a Draft EIR was distributed on August 9, 2024, three single-family residential structures existed onsite, but the units were no longer occupied by residents and, therefore, the baseline condition applied for the Project site is vacant. Property owners within the development footprint voluntarily sold their property to the Project Applicant and have already relocated. Implementation of the proposed Project would remove all of the existing structures from the Project site. Therefore, implementation of the Project would not displace a substantial number of existing people or housing and would not necessitate the construction of replacement housing elsewhere. Implementation of the proposed Project would result in a less than significant impact.

Senate Bill 330 or the Housing Accountability Act and the change to residential zoning within the existing Harvest Landing Specific Plan is not considered under CEQA as it is not considered an impact on the environment. As defined in CEQA Guidelines Section 15384, argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, and evidence of social or economic impacts

which does not contribute to or are not caused by physical impacts on the environment do not constitute substantial evidence. CEQA only requires evaluation of potential goals and policies adopted to avoid or mitigate physical impacts on the environment. The remaining policies listed by the comment do not involve physical environmental impacts, and are focused on market trends, efficient use of land, economic benefits of development, and development location. Thus, evaluation of these policies is not required. CEQA is an environmental protection statute that is concerned with physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The Project's potential economic and social effects are not considered effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). However, the no-net-loss housing mandate aspect of the proposed Project will be considered by the City of Perris City Council when it chooses whether to approve or deny the proposed Project.

Comment O5.4: This comment states that the Project has significant and unavoidable air quality and GHG impacts. The comment states that the Draft EIR does not mention that the 2022 Air Quality Management Plan is dependent on multiple electrification rules, which were rescinded by the United States government, and that Southern California has no valid plan to attain national ambient air quality standards. The comment states that no additional projects can be added that would be cumulatively significant in furthering the delay in attaining the 2015 8-hour ozone standard. The comment states that this Project does less than the minimum to mitigate GHG impacts and additional mitigation is necessary.

Response O5.4: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact not already disclosed in the Draft EIR. As disclosed in Draft EIR Section 5.3, *Air Quality*, emissions from construction of Phase 1 and Specific Plan Buildout would exceed the South Coast Air Quality Management District (AQMD) thresholds of significance for NO_x after implementation of regulatory requirements and mitigation measures. Therefore, construction-source NO_x emissions would be significant and unavoidable on a Project-level and a cumulative basis. Emissions from operation of Phase 1 would exceed the South Coast AQMD's thresholds of significance for VOC, NO_x, CO, and PM₁₀ after implementation of regulatory requirements and mitigation measures. Emissions from operation of Phase 2 would exceed the South Coast AQMD's thresholds of significance for VOC and NO_x after implementation of regulatory requirements and mitigation measures. Emissions from Specific Plan Buildout would exceed the South Coast AQMD's thresholds of significance for VOC, NO_x, CO, PM₁₀, and PM_{2.5} after implementation of regulatory requirements and mitigation measures. A majority of operational-source emissions (by weight) would be generated by Project vehicles that neither the Project applicant nor the City have the have regulatory authority to control. Therefore, operational-source VOC, NO_x, CO, PM₁₀, and PM_{2.5} emissions would be significant and unavoidable on a Project-level and a cumulative basis.

Further, as discussed under Impact AQ-1, land use change associated with the Specific Plan Amendment would result in VOC, NO_x, CO, PM₁₀, and PM_{2.5} emission exceedances that would result in significant and unavoidable air quality impacts despite the implementation of all feasible mitigation measures. The land use change associated with the proposed Project would increase summer VOC and PM_{2.5} and year-round NO_x and SO_x emissions compared to the previously approved land uses. Therefore, the Project would result in a conflict with, or obstruct, implementation of the 2022 Air Quality Management Plan (AQMP). This Project is not a review of the applicability of the 2022 AQMP. The time to comment on the legality and efficacy of the AQMP was prior to its adoption by the South Coast AQMD Governing Board. Furthermore, regardless of federal mandates being reversed, California regulations still apply. As required by CEQA, the Draft EIR properly discloses the Project's conflict with the AQMP due to an exceedance of applicable air quality standards.

Regarding greenhouse gas (GHG) emissions, Specific Plan buildout would generate a net total of approximately 109,258.10 metric tons of carbon dioxide equivalents (MTCO_{2e}) per year in the most

conservative scenario, thereby exceeding the significance threshold of 3,000 MTCO_{2e} per year. As with Impact AQ-2, the majority of the GHG emissions would be from mobile sources that neither the Project applicant nor the City have the have regulatory authority to control. The proposed Project would be required to implement Mitigation Measure GHG-1 requiring diversion of waste, Mitigation Measure GHG-2 requiring drought tolerant landscaping, Mitigation Measure GHG-3 requiring a water conservation strategy, Mitigation Measure GHG-4 requiring all buildings in the MBU areas to achieve LEED Silver certification or demonstrate consistency with such, and Mitigation Measure GHG-5 requiring the installation of infrastructure to allow rooftop solar photovoltaic panels. With implementation of all feasible mitigation, Specific Plan buildout would generate a net total of approximately 105,503.05 MTCO_{2e} per year in the most conservative scenario, which assumes a longer trip length (Scenario B) and redevelopment of the Overlay area. The majority of the GHG emissions (80% for Scenario A and 85% for Scenario B) are associated with mobile sources. Emissions of motor vehicles are controlled by State and Federal standards, and the City and Project Applicant has no control over these emissions. As such, no additional mitigation is feasible. Thus, impacts related to GHG emissions would be significant and unavoidable. Furthermore, the commenter provides no suggested mitigation that could be implemented by the Project.

Comment O5.5: This comment states that the Project has no truck route access based on the current City of Perris truck route map as it is not adjacent to Placentia Avenue, the nearest truck route. The comment states that designating new truck routes to build industrial land uses is not consistent with AB 98 and the Project needs to specify that the existing Perris truck route map would need to be modified.

Response O5.5: The City of Perris General Plan Circulation Element designates truck routes (shown in Draft EIR Figure 5.16-1) and provides street standards within the Project vicinity. Further, the Harvest Landing Specific Plan provides street standards and design guidelines. The existing truck routes that currently serve the Project vicinity, and which would be used by the proposed Project, include Frontage Road, Indian Avenue, and Placentia Avenue including the I-215 interchanges at Harley Knox Boulevard and Placentia Avenue. As discussed in Draft EIR Section 3.0, *Project Description*, the Project would include five truck driveways along Frontage Road and installation of a truck-only Private Drive A for the industrial portion of the Phase 1 development. The commercial component of the Phase 1 development would require one truck driveway along Orange Avenue, one truck driveway along Harvest Landing Way, and one truck driveway along Barrett Avenue south of Orange Avenue. Lastly, while potential development plans and internal circulation within the Phase 2 area are unknown at this time, the City of Perris will be conditioning the Project to solely provide truck driveways for Phase 2 developments along Orange Avenue and Frontage Road in order to avoid the sensitive receptors located along Indian Avenue (so long as Val Verde Elementary school is operational along Indian Avenue) and Barrett Avenue. Therefore, the proposed Project would be consistent with the existing truck routes identified in the City of Perris General Plan and the Harvest Landing Specific Plan. Thus, potential impacts related to truck route facilities would not occur.

Comment O5.6: This comment states that the Project applies a piecemeal trip generation approach by separating components of the Project in its transportation section and the Project needs to be analyzed as the whole of the action. The comment states that the Project does not include the number of truck trips in the EIR and hides them in Appendix R. The comment states that the Project fails to analyze transportation impacts on I-215 and fails to identify the negative impact of truck routes on bike routes. The comment states that the analysis uses a biased study from Fehr & Peers conducted during a slow logistics year and the 11th Edition ITE rate for Land Use 155 has a higher rate.

Response O5.6: The Project traffic analysis provides an appropriate approach of identifying the specific traffic trips that would be generated by each use (e.g. restaurant, medical office, industrial park, gasoline station) and then totals all of the trips that would be generated daily and during AM and PM peak hours. Thus, the whole of the Project is evaluated in the Draft EIR. The total trips include both truck and passenger car trips. The Draft EIR includes a page long summary table (Table 5.16-2 on page 5.16-20) and provides

a detailed breakdown in the Draft EIR Appendix R. It is standard/typical for Draft EIR sections to include summary of data provided in technical appendices.

The proposed Project would not negatively impact truck routes adjacent to bike routes. As detailed in Draft EIR Section 5.16, *Transportation*, within the vicinity of the Specific Plan, Placentia Avenue contains a Class II bicycle lane. The Project includes the construction of a Class II bike lane on Indian Avenue, Orange Avenue, Perris Boulevard, and Barrett Avenue, as well as a 10-foot-wide shared use trail on Frontage Road; and the Project would refresh striping on the adjacent streets, thereby improving bicycle facilities and providing separation and distinction from truck and vehicular circulation, which would provide for safe circulation. The Harvest Landing Specific Plan includes various standards and guidelines for vehicular and non-vehicular circulation, which provide for safety. Moreover, the circulation improvements would be reviewed and approved through the City's development review and permitting process to ensure safety design measures are adhered to. Further, the Draft EIR Section 5.16, *Transportation*, includes a site access safety analysis and a Caltrans Safety Analysis that includes evaluation of queuing, which determined that potential impacts related to circulation design features and safety would be less than significant.

Regarding the trip generation rate utilized, the trip rate was included in the scoping agreement, which was approved by the City of Perris Engineering Department. The trip generation is not required to analyze the worst-case scenario and provides an adequate representation of the number of trips resulting from the Project. In response to this comment and comments from Caltrans, EPD Solutions prepared a separate Freeway Capacity and Mainline Operations Memorandum (included as Appendix C to this Final EIR) to evaluate potential project-related mainline volumes and cumulative traffic conditions along I-215. This supplemental freeway analysis is conducted as a good-faith effort to inform Caltrans and the public about potential operational effects, even though it is not required under CEQA.

In summary, the technical memorandum analyzed freeway merge and diverge segments at ramp junctions with the Interstate-215 (I-215) mainline at the following interchanges:

- I-215/Nuevo Road Interchange
- I-215/Placentia Avenue Interchange

Opening Year I 2026 Without Project Analysis Results

During both the AM and PM peak hours for the Opening Year I (2026) Without Project scenario, all study segments, including basic, diverge, and merge segments, are expected to operate within capacity in both the northbound and southbound directions of the I-215.

Opening Year II 2030 Without Project Analysis Results

During both the AM and PM peak hours for the Opening Year II (2030) Without Project scenario, all study segments, including basic, diverge, and merge segments, are expected to operate within capacity in both the northbound and southbound directions of the I-215.

General Plan 2045 Without Project Analysis Results

During both the AM and PM peak hours under the General Plan 2045 Without Project scenario, all basic, diverge, and merge study segments are expected to operate at a satisfactory level of service (LOS), with the exception of the following segments:

During AM Peak Hour:

- Segment N4: Northbound Nuevo Road On-Ramp – LOS E (v/c ratio = 1.06)
- Segment N8: Northbound Placentia Avenue On-Ramp – LOS E (v/c ratio = 0.96)

- Segment N9: I-215 Mainline between Northbound Placentia Avenue On-Ramp and Ramona Expressway Off-Ramp – LOS E (v/c ratio = 0.89)

Opening Year I 2026 With Project Analysis Results

During both the AM and PM peak hours for the Opening Year I (2026) With Project scenario, all study segments, including basic, diverge, and merge segments, are expected to operate within capacity in both the northbound and southbound directions of the I-215.

Opening Year II 2030 With Project Analysis Results

During both the AM and PM peak hours under the Opening Year II (2030) With Project scenario, all basic, diverge, and merge study segments are expected to operate at a satisfactory LOS, with the exception of the following segments:

During AM Peak Hour:

- Segment N1: I-215 Mainline between Northbound D Street On-Ramp and Northbound Nuevo Road Off-Ramp – LOS E (v/c ratio = 0.94)
- Segment N5: I-215 Mainline between Northbound Nuevo Road On-Ramp and Northbound Placentia Avenue Off-Ramp – LOS E (v/c ratio = 0.89)

During PM Peak Hour:

- Segment N8: Northbound Placentia Avenue On-Ramp – LOS E (v/c ratio = 1.02)
- Segment N9: I-215 Mainline between Northbound Placentia Avenue On-Ramp and Ramona Expressway Off-Ramp – LOS E (v/c ratio = 0.92)
- Segment S9: I-215 Mainline between Southbound Nuevo Road On-Ramp and D Street Off-Ramp – LOS E (v/c ratio = 0.89)

General Plan 2045 With Project Analysis Results

During both the AM and PM peak hours under the General Plan 2045 With Project scenario, all basic, diverge, and merge study segments are expected to operate at a satisfactory LOS, with the exception of the following segments:

During AM Peak Hour:

- Segment N1: I-215 Mainline between Northbound D Street On-Ramp and Northbound Nuevo Road Off-Ramp – LOS E (v/c ratio = 0.88)
- Segment N4: Northbound Nuevo Road On-Ramp – LOS F (v/c ratio = 1.11)
- Segment N5: I-215 Mainline between Northbound Nuevo Road On-Ramp and Northbound Placentia Avenue Off-Ramp – LOS E (v/c ratio = 0.92)
- Segment N6: Northbound Placentia Avenue Off-Ramp – LOS E (v/c ratio = 0.89)
- Segment N8: Northbound Placentia Avenue On-Ramp – LOS F (v/c ratio = 1.07)
- Segment N9: I-215 Mainline between Northbound Placentia Avenue On-Ramp and Ramona Expressway Off-Ramp – LOS E (v/c ratio = 0.92)

Comment O5.7: This comment states that the proposed zoning does not match the existing City of Perris zoning code for industrial uses, which include Business Park, Light Industrial, and General Industrial zoning. The comment states that the Harvest Landing Specific Plan adds a Multiple Business Use, which does not match any of the existing zoning categories and the new zoning is not defined anywhere in the Draft EIR.

The comment requests why the area needs a new zoning, what the zoning permits, and how the category is different from the current Business Park and Light Industrial categories.

Response O5.7: As discussed on page 3-13 of the Draft EIR, the currently adopted Harvest Landing Specific Plan contains a Multiple Business Use (MBU) designation. The current MBU designation allows a floor area ratio of 0.35. The proposed Project includes a Specific Plan Amendment to increase the maximum allowed floor area ratio of the MBU designation from 0.35 to 0.75. The new floor area ratio would be consistent with the City's Light Industrial zoning. The MBU Zone is designed to allow a broad range of commercial, office, service, residential, and light industrial activities while ensuring compatibility with surrounding development. Permitted uses (P) include retail, offices, restaurants, hotels, personal services, residential, clinics, laboratories, and light industrial operations, all of which remain subject to compliance with the Zoning Ordinance, business licensing, and the City's review process. Development Plan Review (DPR) is required for all new projects regardless of use type. In addition, certain uses may proceed with an Administrative Permit (ADMIN) for lower impact operations, while more intensive or potentially impactful activities, such as alcohol sales, drive-through services, fueling stations, and hospitals, require a Conditional Use Permit (CUP).

The MBU Zone also establishes clear limitations to protect community character and reduce conflicts. Prohibited uses include adult entertainment, swap meets, pawn/thrift shops, tattoo parlors, funeral homes, religious institutions, and operations involving hazardous materials. Accessory uses are permitted when clearly ancillary and compatible with the principal use. Any uses not specifically listed are subject to interpretation by the Director of Development Services, with appeal to the Planning Commission. Collectively, these requirements ensure that the MBU zone supports a diverse mix of business, residential, and employment opportunities while providing safeguards through conditional review and prohibition of incompatible land uses.

Comment O5.8: This comment states that Howard Industrial Partners has a pattern of rezoning residential land to industrial and states that they tore down over 100 homes for the Bloomington Business Park Project, rezoned 159 acres of residential and recreation land in Rialto, and rezoned 9.5 acres of residential and 30 acres of open space in Rialto.

Response O5.8: This comment is not related to the Draft EIR and does not provide any substantial evidence that the proposed Project would result in a significant environmental impact and provides unrelated assertions about Howard Industrial Partners. No further response is warranted.

Comment O5.9: This comment states that the Draft EIR uses a summary of projections methodology as described in CEQA Guidelines for cumulative analysis; however, significant warehouse growth is planned for the area and is unaccounted for by Table 5-1 of the Draft EIR. The comment states that the cumulative project list is deficient and narrowly scoped cumulative projects. The commenter requests an adequate cumulative impacts list and analysis of the cumulative impacts of these projects on jobs, housing, air quality, GHGs, traffic, planning, and land use. The comment states that a list of projects to include that are "cumulatively considerable" and "reasonably foreseeable" include:

- Cajalco Commerce Center
- Ramona Gateway
- Rider and Patterson Business Center
- Harvill at Water Industrial
- Seaton Ave and Cajalco Rd Industrial Project
- BCI IV Harvill Industrial Center
- Patterson and Harvill Business Center
- GPA 240049
- GPA 240063

- GPA 240026
- GPA 240082
- GPA 240042
- GPA 240012
- GPA 240022
- GPA 240027
- GPA 240004
- GPA 240059
- New Perris Commerce Center
- South Perris Industrial
- Perris Airport Logistics Center
- Perris Valley Towne Center
- Mapes Commerce Center
- Ellis Logistics Center
- Ethanac Logistics Center
- Green Valley Specific Plan Warehouse
- Mapes and Trumble
- Waypoint Commerce Center
- Menifee Valley Specific Plan
- Menifee Commerce Center
- Motte Business Center
- Heritage Valley Business Center
- CADO Menifee Industrial Project
- McLaughlin and San Jacinto Project
- Murrieta Road Warehouse Project
- Compass Northern Gateway Project
- Northern Gateway Logistics
- Meridian D1 Aviation Gateway
- World Logistics Center
- Stoneridge Commerce Center
- San Jacinto Commerce Center
- Serrano Commerce Center
- Mid County Parkway
- Cajalco Roadway Widening

The comment states that if the full list is considered, cumulative impacts will be seen and figure 1 shows a reasonable cumulative impacts map for warehouses. The comment states that Figure 2 shows the cumulative area per resident by municipality. The comment states that the most burdened community is Mead Valley. The comment states that March JPA is not included but has another 20 million square feet of warehouses.

Response O5.9: The Draft EIR prepared for the proposed Project accurately analyzes potential cumulative impacts from the Project in conjunction with other industrial developments in the Project vicinity throughout the Draft EIR and specifically under the cumulative impacts section in each Section 5 subsection. The Draft EIR uses a combination of the list method and the projection method based on the potential cumulative effects related to different topic areas. Table 5-1 of the Draft EIR lists cumulative projects utilized in the cumulative analysis of the Project. The list of cumulative projects was developed using a list of past, present and future

projects within the Project's traffic study area and contains projects that may have the potential to result in impacts that overlap with impacts from the Project. The additional projects that the commenter provided were not included in the cumulative project list for the following reasons:

- Cajalco Commerce Center was not included in the cumulative project list as it would utilize a different truck route (Cajalco Expressway) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Ramona Gateway was not included in the cumulative project list as it would utilize a different truck route (Ramona Expressway and Morgan Street) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Rider and Patterson Business Center was not included in the cumulative project list as it would utilize a different truck route (Placentia Avenue to the west of the I-215 and Cajalco Expressway) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Harvill at Water Industrial was not included in the cumulative project list as it would utilize a different truck route (Placentia Avenue to the west of the I-215) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Seaton Ave and Cajalco Rd Industrial Project was not included in the cumulative project list as it would utilize a different truck route (Cajalco Expressway) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- BCI IV Harvill Industrial Center was not included in the cumulative project list as it would utilize a different truck route (Morgan Street) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Patterson and Harvill Business Center was not included in the cumulative project list as it would utilize a different truck route (Harvill Avenue) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- GPA 240049 was not included in the cumulative project list as it would utilize a different truck route (Placentia Avenue to the west of the I-215 and Cajalco Expressway) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- GPA 240063 was not included in the cumulative project list as it would utilize a different truck route (Harvill Avenue) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- GPA 240026 was not included in the cumulative project list as it would utilize a different truck route (Placentia Avenue to the west of the I-215) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- GPA 240082 was not included in the cumulative project list as it would utilize a different truck route (Placentia Avenue to the west of the I-215) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- GPA 240042 was not included in the cumulative project list as it would utilize a different truck route (Placentia Avenue to the west of the I-215) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- GPA 240012 was not included in the cumulative project list as it would utilize a different truck route (Placentia Avenue to the west of the I-21 and Cajalco Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- GPA 240022 was not included in the cumulative project list as it would utilize a different truck route (Cajalco Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.

- GPA 240027 was not included in the cumulative project list as it would utilize a different truck route (Cajalco Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- GPA 240004 was not included in the cumulative project list as it would utilize a different truck route (Cajalco Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- GPA 240059 was not included in the cumulative project list as it would utilize a different truck route (Cajalco Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- New Perris Commerce Center was not included in the cumulative project list as it would utilize a different truck route (Ellis Avenue and San Jacinto Avenue) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- South Perris Industrial was not included in the cumulative project list as it would utilize a different truck route (Ellis Avenue and Goetz Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Perris Airport Logistics Center was not included in the cumulative project list as it would utilize a different truck route (Ellis Avenue) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Perris Valley Towne Center was not included in the cumulative project list as it would utilize a different truck route (San Jacinto Avenue) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Mapes Commerce Center was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road and Goetz Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Ellis Logistics Center was not included in the cumulative project list as it would utilize a different truck route (Ellis Avenue) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Ethanac Logistics Center was not included in the cumulative project list as it would utilize a different truck route (Ellis Avenue) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Green Valley Specific Plan Warehouse was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Mapes and Trumble was not included in the cumulative project list as it would utilize a different truck route (Mapes Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Waypoint Commerce Center was not included in the cumulative project list as it would utilize a different truck route (Ellis Avenue and Mapes Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Menifee Valley Specific Plan was not included in the cumulative project list as it would utilize a different truck route (Case Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Menifee Commerce Center was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Motte Business Center was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.

- Heritage Valley Business Center was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- CADO Menifee Industrial Project was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- McLaughlin and San Jacinto Project was not included in the cumulative project list as it would utilize a different truck route (McLaughlin Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Murrieta Road Warehouse Project was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Compass Northern Gateway Project was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road and Goetz Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Northern Gateway Logistics was not included in the cumulative project list as it would utilize a different truck route (Ethanac Road) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Meridian D1 Aviation Gateway was not included in the cumulative project list as it would utilize a different truck route (Cactus Avenue and Van Buren Boulevard) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- World Logistics Center was not included in the cumulative project list as it is located approximately 8.5 miles northeast of the Harvest Landing Specific Plan and would utilize a different truck route (State Route 60) to access I-215 given its location direction south of State Route 60, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Stoneridge Commerce Center was not included in the cumulative project list as it would utilize a different truck route (San Jacinto Avenue) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- San Jacinto Commerce Center was not included in the cumulative project list as it would utilize a different truck route (Ramona Expressway) to access I-215, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Serrano Commerce Center was not included in the cumulative project list as it is located over 20 miles from the Project site and would utilize a different truck route (Temescal Canyon Road) to access I-15, which would limit the potential of cumulative impacts from the project in combination with the proposed Project.
- Mid County Parkway was not included in the cumulative project list as it includes roadway improvements along Ramona Expressway which would not be utilized by trucks accessing the Project site.
- Cajalco Roadway Widening was not included in the cumulative project list as it includes roadway improvements along Cajalco Road which would not be utilized by trucks accessing the Project site.

As discussed in Table 5-1 of the Draft EIR and shown in Figure 5-1, ten projects within Mead Valley were included as cumulative projects number 1 through 10 based on direction on the scoping agreement. These projects were therefore considered within the cumulative list approach analysis throughout the Draft EIR. Cumulative impacts have been analyzed by environmental topic area within each respective environmental topic section (e.g., cumulative air quality impacts under Section 5.3, Air Quality etc.) pursuant to the cumulative analysis approach that is applicable to each resource topic area.

Comment O5.10: This comment states that the Project downzoning 1,860 units of housing conflicts with California Code Section 66300(b)(1)(A). The comment states that the Project would reduce the housing units

for the City of Perris in its adopted 2022 Housing Element as Harvest Landing counted toward 1,287 units in the City's RHNA. The comment states that other warehouse projects are proposing downzoning residential and the City must demonstrate it has no net loss of housing units and has sufficient buffer to meet its RHNA requirements.

Response O5.10: Please refer above to Response O5.3 regarding housing issues.

Comment O5.11: This comment states that the Project has significant and unavoidable air quality and greenhouse gas impacts; however, the Project relies on out-of-date documents that no longer apply. The comment states that the Project relies on the South Coast AQMD 2022 Air Quality Management Plan, which is dependent on multiple electrification rules that were rescinded by the United States government, and that Southern California has no valid plan to attain national ambient air quality standards. The comment states that no additional projects can be added that would be cumulatively significant in furthering the delay in attaining the 2015 8-hour ozone standard. The comment states that this Project does less than the minimum to mitigate greenhouse gas impacts, and additional mitigation is necessary. The comment states that the Project modeling needs to be redone because estimates of future year emissions are no longer valid based on future fleet electrification.

Response O5.11: Please refer above to Response O5.4. Furthermore, the commenter provides no suggested mitigation that should be implemented by the Project. While the commenter attaches a settlement agreement between the Center for Community Action and Environmental Justice and CDRE Holdings 17 LLC that includes project mitigation, the majority of these measures are design considerations. The feasibility and/or applicability of each proposed mitigation measure related to air quality and/or greenhouse gas emissions is discussed below.

- Limiting operating hours between 7:00 a.m. and 9:00 p.m., Monday through Friday is not a feasible mitigation measure given this would effectively prohibit warehouse operations within the Project. Specific tenants are currently unknown; thus, the EIR evaluates 24 hour operations.
- Solar installation for 50 percent of electricity demand is effectively addressed through the requirements set forth under Mitigation Measure AQ-14, which requires installation of solar to offset 100 percent of each building's office space energy needs, and Mitigation Measure GHG-4, which requires compliance or demonstration of equivalency with LEED Silver building standards.
- Installation of battery storage system is not a meaningful mitigation measure as it would not result in a substantial reduction in air quality or greenhouse gas emissions, given the majority of emissions are from mobile sources. However, battery storage systems may be installed as needed for each tenant's operations.
- Proper sizing of electrical room is already required by the 2022 CALGreen code. The 2022 CALGreen standards include mandatory electric medium-duty and heavy-duty truck charging readiness requirements for warehouses under Section 5.106.5.5.1. Pursuant to this section, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s), or subpanel(s) must be installed at the time of construction and must meet the minimum power requirements to accommodate the dedicated branch circuits for the future installation of electric vehicle charging equipment and to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty vehicles. The minimum power requirement is based on building type, building size, and number of off-street loading spaces.
- Solar reflective roof material is effectively addressed through Mitigation Measure GHG-4, which requires compliance or demonstration of equivalency with LEED Silver building standards.
- LEED Silver standards are already required through Mitigation Measure GHG-4, which requires compliance or demonstration of equivalency with LEED Silver building standards.

- Requiring electric construction equipment is not a feasible mitigation measure as electric construction equipment is not readily commercially available and is not technologically feasible for most pieces of construction equipment.
- Tier 4 construction equipment is already required under Mitigation Measure AQ-4.
- Limiting construction hours between 7:30 a.m. and 5:30 p.m., Monday through Friday, is not a feasible mitigation measure as the Project would include nighttime concrete pours due to the cooler temperatures needed for pouring concrete tilt-up structures. However, the majority of construction activities would occur between 7:00 a.m. and 7:00 p.m., pursuant to City of Perris Municipal Code Section 7.34.060.
- Grading prohibition on days with an Air Quality Index forecast of greater than 100 for particulates or ozone is already required under Mitigation Measure AQ-4.
- Recycling 75 percent of Project's construction waste materials is not a meaningful mitigation measure as it would not result in a substantial reduction in air quality or greenhouse gas emissions, given the majority of emissions are from mobile sources. Further, there is no nexus for requiring recycling of the Project's construction waste materials as the significant greenhouse gas impacts and air quality impacts are related to mobile vehicle emissions.
- Limiting truck idling to three minutes is already required by Mitigation Measure AQ-8, as modified in Section 3.0, *Revisions to the Draft EIR*, of this Final EIR.
- Electric plug-ins at every dock door is met through compliance with Title 24. Title 24 requires the installation of conduit at truck loading docks and correct electrical room sizing to ensure that tenants are able to provide plug ins at loading docks.
- Signage for idling restrictions is already required by Mitigation Measure AQ-8, as modified in Section 3.0, *Revisions to the Draft EIR*, of this Final EIR.
- Truck routing plan and signage is already required under Mitigation Measure AQ-18.
- Restricting natural gas is already included as part of Project design for the proposed MBU buildings as the buildings would have natural gas connections.
- Restricting diesel powered backup generators and fire pumps is not a feasible or effective mitigation measure. Backup generators and fire pumps would only be utilized in emergency situations and would not result in a meaningful contribution to Project emissions. Therefore, as it would not substantially lessen air quality emissions or impacts associated with those emissions, this mitigation measure is not required under CEQA.
- All-electric onsite equipment is already required by Mitigation Measure AQ-10.
- All-electric landscaping equipment is already required under Mitigation Measure AQ-17.
- Prohibition of cold storage is already included as part of Project design. As discussed on pages 3-22 to 3-23 of the Draft EIR, the buildings within the MBU designation are not proposed or designed to accommodate any warehouse cold storage or refrigerated uses. While refrigerated storage will be required by the supermarkets within the commercial component of the Project, prohibiting refrigerated storage as part of commercial operations would be infeasible as it would restrict whole uses proposed under the commercial component of the Project.
- Drought tolerant landscaping is already required by Mitigation Measure GHG-2.
- Level 2 EV charging stations and EV ready spaces are already required as part of Project design. The Phase 1 Business Park site would include 300 electric vehicle capable stalls with 76 electric vehicle charging stalls.
- Requiring the installation of heavy-duty and medium-duty truck charging stations is not a meaningful mitigation measure as zero-emission heavy-duty trucks are not currently commercially available or technologically feasible. As discussed on page 5.3-54 through 5.3-55 of the Draft EIR, as of 2025, the use of zero-emission heavy-duty trucks in support of uses such as those proposed by the Project remains infeasible given the extremely limited commercial availability of zero-emission trucks, as well as infrastructure limitations, including limited truck-accessible charging/refueling stations and electrical grid

capacity. As discussed within the Draft EIR, while many heavy-duty truck manufacturers have released zero-emission battery electric and hydrogen-powered trucks, these vehicles have yet to reach large scale production, and their use remains extremely limited. Further, the availability of truck accessible vehicle charging stations and hydrogen refueling stations in California and the United States as a whole severely limits the feasibility of zero-emission trucks. Overall, requiring the Project to utilize emerging technology as mandatory mitigation when the various types of technological advancements and their timeframes for commercial availability are not known with any certainty, is not a feasible mitigation measure, which is further detailed on pages 5.3-54 through 5.3-55 of the Draft EIR. Nevertheless, Mitigation Measure AQ-13 requires the installation of conduit to support future installation of charging stations when such trucks become commercially available.

- Bike lockers are currently included as part of the Project design.
- Heavy-duty trucks with model year 2014 or later emissions standards is already required by Mitigation Measure AQ-12.
- Transition to electric trucks within three years of final certificate of occupancy or when trucks are commercially available is not a meaningful mitigation measure given the time at which heavy-duty trucks become commercially available is unknown. Requiring the Project to utilize emerging technology as mandatory mitigation when the various types of technological advancements and their timeframes for commercial availability are not known with any certainty, is not a feasible mitigation measure, which is further detailed on pages 5.3-54 through 5.3-55 of the Draft EIR.
- Requiring all electric Class 2 through 6 trucks as part of Project operations is not a feasible mitigation measure. Overall, requiring the Project to utilize emerging technology as mandatory mitigation when the various types of technological advancements and their timeframes for commercial availability are not known with any certainty, is not a feasible mitigation measure, which is further detailed on pages 5.3-54 through 5.3-55 of the Draft EIR. Further, as the majority of MBU building tenants are unknown and it is not known whether tenants would own their own fleets, it is infeasible to restrict all Class 2 through 6 trucks accessing the site to zero emission vehicles.
- Installation and funding of air quality monitoring stations is not a meaningful mitigation measure as it would not substantially lessen air quality emissions or impacts associated with those emissions. CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will “substantially lessen” a project’s significant impacts (CEQA Guidelines Section 15041).
- Air filtration fund is not warranted as CEQA Guidelines Section 15126.4, subd. (a)(4)(A)–(B) specifies that mitigation is only required where there is an essential nexus between impacts and proposed mitigation. As impacts related to health risk and exposure of sensitive receptors to substantial pollutants are less than significant, there is no nexus for requiring the Applicant to pay for enhanced air filtration at nearby residences.
- Monitoring and compliance plan for trucks is required by Mitigation Measure AQ-19 and the South Coast AQMD WAIRE Rule.

In addition, the modeling prepared for the Project assumes a conservative opening year for Phase 1 of 2026 and an opening year of 2030 for Phase 2. The modeling does not assume the use of any electric trucks within the Project’s fleet. Therefore, no remodeling is necessary.

Comment O5.12: This comment states that the Project has no truck route access based on the current City of Perris truck route map as it is not adjacent to Placentia Avenue. The comment states that designating new truck routes is not consistent with AB 98 guidelines and that the Project needs to state that it is modifying the existing Truck Route Circulation Map. The comment states that Frontage Road is not currently a City of Perris truck route and modifying the City’s Truck Route Circulation Map is a significant and unavoidable impact and discretionary action.

Response O5.12: Please refer above to Response O5.3 regarding truck routes and truck access. While Frontage Road is not a currently designated truck route within the City of Perris General Plan Circulation Element Truck Route Circulation Map, the proposed Project truck route would meet the intent of AB 98 as trucks would be routed toward Frontage Road north to Placentia Avenue. No trucks would be allowed along Barrett Avenue or Orange Avenue north of Orange Avenue while Val Verde Elementary school remains in place. Further, as stated under Perris Municipal Code Section 10.40.030,

“[n]othing in this section shall prohibit the operator of any vehicle exceeding the various maximum gross weights established by this section coming from a truck route established hereunder from having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups and deliveries of goods, wares or merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefor.”

Therefore, pursuant to the Perris Municipal Code, trucks may utilize other routes to directly access an approved truck route. Overall, the Project would not result in a conflict with the existing City Truck Route Circulation Map.

Comment O5.13: The comment states that the proposed zoning does not match the existing City of Perris zoning code for industrial uses, which include Business Park, Light Industrial, and General Industrial zoning. The comment states that the Harvest Landing Specific Plan adds a Multiple Business Use, which does not match any of the existing zoning categories and the new zoning is not defined anywhere in the Draft EIR. The comment requests why the area needs a new zoning, what the zoning permits, and how the category is different from the current Business Park and Light Industrial categories.

The comment states that the Project is incompatible with Connect SoCal 2024 projections of industrial land use growth cumulatively as Perris, Mead Valley, March JPA, Menifee, and Nuevo are all undergoing significant amounts of industrial rezones from residential. The comment states that this is incomplete with complete streets, air quality goals, and climate resilience, as well as employment opportunities

Response O5.13: Please refer above to Response O5.3 regarding zoning.

Regarding consistency with Connect SoCal 2024, as discussed on Draft EIR pages 5.11-5 through 5.11-9 and in Table 5.11-2, SCAG's Connect SoCal 2024 policies focus largely on regional transportation and the efficiency of transportation, which are implemented by counties and cities within the SCAG region, as part of the overall planning and maintenance of the regional transportation system. As an individual development, the policies are not directly applicable to the Project. As shown in Draft EIR Table 5.11-1, the Project would not conflict with the adopted Connect SoCal 2024. Cumulative impacts associated with land use and planning are analyzed in relation to projected growth in the City of Perris. Cumulative projects in the City of Perris would have the potential to result in a cumulative impact if they would, in combination, conflict with existing land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental impact. Cumulative projects in the City of Perris would utilize regional planning documents such as Connect SoCal 2024 during planning, and the City of Perris General Plan would be consistent with the regional plans, to the extent that they are applicable. Cumulative projects in this jurisdiction would be required to comply with the applicable land use plan or they would not be approved without a general plan amendment. While cumulative projects could include General Plan amendments and/or zone changes, the proposed Project would be within the projected growth analyzed within the City of Perris General Plan and Connect SoCal 2024. Past and present cumulative projects do not involve amendments that would eliminate the application of policies that were adopted for the purpose of avoiding or mitigating environmental effects. Determining whether any future project might include such amendments and determining the cumulative effects of any such amendments would be speculative since it cannot be known what applications that are not currently

filed might request. Thus, it is expected that the land uses of cumulative projects would be consistent with policies that avoid an environmental effect; therefore, cumulatively considerable impacts from cumulative projects related to policy consistency would be less than significant.

In terms of jobs generated by the Project, as shown in Draft EIR Table 5.13-4, employment in the City of Perris is expected to increase by 15,000 jobs between 2019 and 2050. Based on these growth projections, buildout of Phase 1 would represent approximately 16.89 percent of projected employment growth within the City of Perris, with 11.18 percent growth resulting from MBU development, and 5.71 percent growth resulting from commercial development. Thus, the employment growth that would occur from Phase 1 is within the growth projections used to prepare Connect SoCal 2024.

Comment O5.14: this comment states that the transportation analysis applies several questionable inputs as part of the analysis, including invalid trip rates for fulfillment centers, piecemeal analysis of Project sections, and no analysis of freeway impacts despite being within 0.5 mile of the freeway. The comment states that there are systematic underestimates of Project impacts that need to be addressed.

Response O5.14: Please refer above to Response O5.6.

Comment O5.15: The comment states that the Project omits truck trip rates from the main body of the Draft EIR and hides them in Appendix R. The comment states that the analysis uses a biased study from Fehr & Peers conducted during a slow logistics year and the 11th Edition ITE rate for Land Use 155 has a higher rate. The comment states that the ITE 11th Edition trip rates should be used for a conservative estimate.

Response O5.15: Please refer above to Response O5.6. The commenter incorrectly states that the Draft EIR does not include trip rates as each rate is specified within Draft EIR Table 5.16-2, *Project Trip Generation*. In addition, they are provided in full within Appendix R (Transportation Impact Analysis). The passenger and truck trip rates from the Fehr & Peers study used in the analysis is publicly available on <https://wrcog.us/AgendaCenter/ViewFile/Agenda/12142023-730> and is based on empirical data from local fulfillment centers.

Comment O5.16: This comment states that the Project applies a piecemeal trip generation approach by separating components of the Project in the transportation analysis. The comment states that the Project needs to be analyzed as the whole of the action as it causes significant and unavoidable impacts from adding more industrial to an area full of warehouses while reducing the residential and commercial mix to include bikeable, walkable mixed-use communities as the adopted specific plan intended.

Response O5.16: Please refer above to Response O5.6. The Draft EIR does not piecemeal analysis of multiple components as it presents a trip generation for buildout of the entire Specific Plan Amendment in Draft EIR 5.16-2. Project components are separated within the table for informational purposes and readability, but the overall trip generation is utilized for analysis of Project impacts within each respective impact area. The Draft EIR properly discloses that the Project would result in significant and unavoidable impacts related to conflict with the Air Quality Management Plan, regional air quality, greenhouse gas emissions, traffic noise, and vehicle miles traveled. The commenter provides no substantial evidence of additional significant impacts not disclosed in the Draft EIR.

The Project's vehicle miles traveled impact derives from the inclusion of commercial uses, not warehouse uses. As discussed in Draft EIR Section 5.16, *Transportation*, on pages 5.16-23 through 5.16-27, as shown in Table 5.16-6, the VMT/SP for the Commercial portion of Phase 1 would be 111.53 percent above the threshold under Project Baseline (2024) conditions and 108.55 percent above the threshold under General Plan buildout (2045) conditions. As shown in Table 5.16-8, the VMT/SP for buildout of the Specific Plan would be 14.12 percent above the threshold under Project Baseline (2024) conditions and 18.27 percent above the threshold under General Plan buildout (2045) conditions. Table 5.16-9 shows that with implementation of the design features and mitigation measures, the commercial component of Phase 1 would still have a

VMT/SP that is 98.59 percent above the threshold in Baseline (2024) conditions and 95.91 percent above the threshold during General Plan buildout (2045) conditions. Table 5.16-10 shows that with implementation of the design features and mitigation measures, buildout of the Specific Plan would still result in a VMT/SP that is 1.18 percent above the threshold in Baseline (2024) conditions and 5.33 percent above the threshold during General Plan buildout (2045) conditions. Therefore, despite implementation of mitigation measures, impacts related to VMT from the commercial component of Phase 1 and buildout of the Specific Plan would be significant and unavoidable.

Comment O5.17: This comment states that the Project does not analyze transportation impacts on I-215 and the Caltrans traffic census indicates high volumes of total traffic and trucks. The comment states that there is significant congestion on I-215 and the condition of the freeway is poor. The comment states that omitting traffic or environmental analysis of the thousands of truck and passenger trips on the freeway is bonkers and piecemealing. The comment asks for an estimate of the number of additional passenger and truck trips that will use I-215 from the entirety of the cumulative projects list to assess whether the existing freeway infrastructure is sufficient in coordination with Caltrans.

Response O5.17: As part of the 2018 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines “shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses” (Public Resources Code Section 21099[b][1]); and that “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment” (Public Resources Code Section 21099[b][2]). As such, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not allowed to analyze impacts, including cumulative impacts, related to traffic congestion.

Nonetheless, the comment raises valid operational concerns regarding the I-215 mainline and its use by regional freight and cumulative projects. While such operational conditions are outside the scope of CEQA, the Project team prepared a separate Freeway Capacity and Mainline Operations Memorandum attached as Appendix C to evaluate potential project-related mainline volumes and cumulative traffic conditions along I-215. This supplemental freeway analysis is conducted as a good-faith effort to inform Caltrans and the public about potential operational effects, even though it is not required under CEQA. The commenter is referred to Response O5.6 for a discussion of the findings of the Freeway Capacity and Mainline Operations Memorandum.

Comment O5.18: This comment states that Howard Industrial Partners has a pattern of rezoning residential land to industrial and states that they tore down over 100 homes for the Bloomington Business Park Project, rezoned 159 acres of residential and recreation land in Rialto, and rezoned 9.5 acres of residential and 30 acres of open space in Rialto.

Response O5.18: This comment is not related to the EIR, does not provide any substantial evidence that the Project would result in a significant environmental impact, and provides unrelated assertions about Howard Industrial Partners. No further response is warranted.

Comment O5.19: This comment thanks the City for the opportunity to comment on the Draft EIR and states that the commenter hopes the comments are taken seriously and addressed fully to mitigate the significant unaddressed impacts associated with the Project. The comment requests that the Sierra Club Box Springs Group be notified of all documents and meetings related to the Project.

Response O5.19: As substantiated by the responses above, none of the conditions arise which identify a new significant environmental impact that would result from the proposed Project or from a new mitigation measure proposed to be implemented. Also, no substantial increase in the severity of an environmental impact was identified by the comment letter. The Sierra Club Box Springs Group will be included on the notification list for this Project.

Comment Letter O6: Center for Biological Diversity, 30 Pages



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

July 14, 2025

Sent via email

Albert Armijo
Project Planner
City of Perris
135 N. D Street
Perris, CA 92570
aarmijo@cityofperris.org

Re: Draft Environmental Impact Report for the Harvest Landing Retail Center & Business Park Project (SCH 2024080337)

Dear Mr. Armijo:

These comments are submitted on behalf of the Center for Biological Diversity (the “Center”) regarding the Harvest Landing Retail Center & Business Park Project (the “Project”). The Center has reviewed the Draft Environmental Impact Report (“DEIR”) closely and is concerned about the Project’s inadequate analysis and mitigation of greenhouse gas impacts, transportation impacts, water quality impacts, noise impacts, and air quality impacts. The Center urges the City of Perris (“City”) to revise the DEIR to disclose and analyze these impacts and mitigate accordingly.

O6.1

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Riverside County.

I. THE DEIR FAILED TO PROPERLY ANALYZE AND ADDRESS THE GREENHOUSE GAS EMISSIONS THAT WILL RESULT FROM THE PROJECT.

The City’s analysis of the proposed Project’s greenhouse gas (“GHG”) emissions is deeply flawed and does not adequately address the Project’s impact on the environment and climate change. The Project would result in significant GHG emissions during development and operation, and yet the City does not properly interpret the significance of these emissions nor offer adequate mitigation measures.

O6.2

Arizona · California · Colorado · Florida · N. Carolina · Nevada · New Mexico · New York · Oregon · Washington, D.C. · La Paz, Mexico

BiologicalDiversity.org

a. Climate Change is a Catastrophic and Pressing Threat to California

There is an international scientific consensus that human-caused climate change is causing widespread, significant, and irreparable harms to human society and natural ecosystems, and that the threats of climate change are becoming increasingly dangerous. The Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for the assessment of climate change, concluded in its 2023 Sixth Assessment Report that: “[h]uman activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850-1900 in 2011-2020.” (IPCC, 2023). The impact of this global temperature increase is stark, as the IPCC further points out: “[h]uman-caused climate change is already affecting many weather and climate extremes in every region across the globe. This has led to widespread adverse impacts and related losses and damages to nature and people.” (*Id.*) These findings were further emphasized in the United States’ 2023 Fifth National Climate Assessment, prepared by the nation’s leading scientific experts and reviewed by federal government experts and the external National Academy of Sciences, Engineering, and Medicine. The Fifth National Climate Assessment concluded that “[h]uman activities—primarily emissions of greenhouse gases from fossil fuel use—have unequivocally caused the global warming observed over the industrial era” and “[t]he U.S. is warming faster than the global average.” (National Climate Assessment, 2023.) In addition, the Fifth National Climate Assessment found even stronger consensus for the link between greenhouse gas emissions and climate disasters: “[a]dvances have increased confidence in the linkages between many weather disasters and climate change, and scientists can now estimate the role of climate change in some types of extreme events in real time.” (*Id.*)

O6.3

Immediate and aggressive greenhouse gas emissions reductions are vital to keep warming well below the 2°C above pre-industrial levels threshold to avoid the most dire climate change outcomes. The IPCC Sixth Assessment Report stated that “[l]imiting warming to 1.5°C and 2°C involves rapid, deep and in most cases immediate greenhouse gas emission reductions” across all sectors. (IPCC, 2023.)

The impacts of climate change are vast and will be felt by humans, wildlife, and ecosystems. A warmer climate has an impact on soil moisture, precipitation levels, global weather patterns, and natural disasters. (IPCC, 2023.) There will be an increased risk to “health, livelihoods, food security, water supply, human security, and economic growth” with the current rate of climate change. (IPCC, 2023.) Future climate change projections will result in severe impacts across natural and human systems, including risk of species loss, lower food production, and heat risks to human health. (IPCC, 2023.) Further, climate change is placing growing pressure on species and ecosystems, driving shifts in their distribution, timing of biological events, physiology, reproduction, genetics, and the structure and function of ecosystems—while also raising the risk of extinction. (Warren, 2008.) Local extinctions linked to climate change are already widespread and have affected hundreds of species. (Wiens, 2016.) If climate change continues unchecked, catastrophic levels of species extinctions are projected within this century. (Thomas, 2004; Maclean, 2011; Urban, 2015.)

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Therefore, it is vital to take swift and assertive action to reduce greenhouse gas emissions and keep warming well below 2°C to keep the planet and its communities and ecosystems safe and healthy.

O6.3
Cont.

b. The Project's Projected GHG Emissions, Even with Mitigation Measures, Are Significant and Do Not Comply with Existing Plans.

The level of GHG emissions projected in the DEIR represents an overwhelming breach of the threshold of significance and greatly exceeds the state targets for emissions reduction. The numbers speak for themselves here. The agency adopted an appropriately aggressive threshold of significance of 3,000 MTCO₂e per year based on the South Coast Air Quality Management District (AQMD) thresholds for mixed-use projects. The DEIR outlines several different scenarios for the Project's GHG emissions; even the most conservative estimates, with mitigation measures included, amount to 75,295.97 MTCO₂e per year—nearly twenty-five times the threshold of significance.

The Project's gross breach of the significance threshold would be profoundly harmful to the surrounding community and the state's GHG emissions reduction goals and would be a significant contribution to the growing climate crisis. The Project outlines no way for the emissions to be effectively mitigated or reduced; it blatantly accepts that it will impede the state's carbon neutrality and emissions reduction goals. Executive Order B-30-15 and SB 32 urge a statewide reduction of GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent by 2050. AB 1279 sets a goal of statewide carbon neutrality by 2045. These targets will move even farther out of reach if the City greenlights a project whose emissions are *twenty-five times greater* than the South Coast AQMD's emissions goals.

O6.4

The DEIR attempts to downplay these significant GHG emission projections by insisting that the Project will comply with state energy standards and the City's General Plan through its implementation of the Title 24 Energy Code. However, this is not a strong commitment to emissions reduction as compliance with the Energy Code is mandatory for all new buildings whose permit applications were submitted after January 1, 2023. (California Energy Commission, 2022.) Compliance with the current Energy Code is a "baseline expectation" and does not go far enough to reduce the GHG emissions that would result from the Project; therefore, it is not a sufficient mitigation measure. (14 Cal Code Regs §15126.4(a)(1)(B); AGO, 2021.) The presence of State and federal standards does not relieve the City of its responsibility to take all possible actions to mitigate the impacts of this Project. (See *Save Our Capitol! v Department of Gen. Servs.* (2023) 87 CA5th 655, 696 (in the absence of project-specific analysis, agency could not assume that adherence to LEED and CALGreen standards would effectively mitigate light and glare impacts).)

c. The Project Fails to Properly Mitigate Its Significant GHG Emission Impacts.

Under CEQA, the lead agency is required to identify the significant environmental impacts that are likely to result from the project and determine how they can be mitigated or avoided. (Pub Res C §§21002.1(a), 21081(a)(1).) In order to uphold its paramount statutory purpose, an EIR must identify and describe mitigation measures that will address the project's

O6.5

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significant environmental effects. (Pub Res C §§21061, 21100(b)(3); 14 Cal Code Regs §§15121(a), 15126.4(a).) “A gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.” *Environmental Council of Sacramento v City of Sacramento* (2006) 142 CA4th 1018, 1039. The mitigation measures must be proportional to the project’s impacts, and if there are more than one potential mitigation measure to mitigate an impact, each measure should be “discussed and the basis for selecting a particular measure should be identified.” (14 Cal Code Regs §15126.4(a)(1)(B).) Although CEQA does not force agencies to analyze every single conceivable mitigation measure (*Gilroy Citizens for Responsible Planning v City of Gilroy* (2006) 140 CA4th 911, 935), the EIR should include measures that are “feasible, practical, and effective” (*Napa Citizens for Honest Gov’t v Napa County Bd. of Supervisors* (2001) 91 CA4th 342, 365), even if they just reduce, but do not mitigate, the entire environmental impact. *Save the Hill Group v City of Livermore* (2022) 76 CA5th 1092, 1117. When approving a project, the agency is required to adopt all feasible mitigation measures identified in the EIR that would reduce or avoid the project’s significant environmental impacts. (Pub Res C §§ 21002.1(b); 21081(a)(1); 14 Cal Code Regs §§15022, 15091(a)(1).)

An agency cannot reject a mitigation measure as infeasible merely because it is more expensive. To make an infeasibility determination, an agency must show by substantial evidence that it would constitute a project at least as “complex, ambitious, and costly as the project itself” (*Concerned Citizens of S. Cent. L.A. v Los Angeles Unified Sch. Dist.* (1994) 24 CA4th 826, 841.) An agency’s finding of infeasibility must clearly state the specific reasons for rejecting a proposed mitigation measure or alternative. (14 Cal. Code Regs. § 15091(c).) This finding must be supported by substantial evidence in the administrative record. (Pub. Res. Code § 21081.5; 14 Cal. Code Regs. § 15091(b).) In certain cases, an agency may assert economic infeasibility of a mitigation measure, however merely stating that a measure is not consistent with the agency’s business objectives is not sufficient reasoning. (*Preservation Action Council v City of San Jose* (2006) 141 CA4th 1336, 1357.) In addition, the agency must support their finding of economic infeasibility with relevant economic evidence. See *County of San Diego v Grossmont Cuyamaca Community College Dist.* (2006) 141 CA4th 86, 108 (in the absence of cost estimates, community college could not reasonably claim that its proportional share of off-campus traffic mitigation measures was economically infeasible.)

The DEIR identifies significant GHG emissions from the Project and blatantly fails to propose effective mitigation measures to reduce their impact. The California Attorney General has put forth recommendations for mitigation measures to reduce project’s GHG emissions; these include smaller actions such as implementing a carpool program for employee daily commutes, limiting idling of heavy equipment to two minutes or less, installing air filtration systems around the site during construction, and providing onsite meals for employees. (AGO, 2021.) The Attorney General also recommends three key, larger mitigation measures with a greater capacity to reduce GHG emissions: electric truck infrastructure, reduce diesel emissions, and rooftop solar. (*Id.*)

O6.5
Cont

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Electric Truck Infrastructure

The EIR needs to mandate specific, enforceable actions to ensure the Project is ready for an all-electric vehicle fleet. The California Air Resources Board (CARB) aims for 100% zero-emission medium and heavy-duty on-road vehicles statewide by 2045 where feasible, with a more aggressive target of 100% zero-emissions drayage trucks by 2035. (CARB, 2022.) Therefore, the EIR must significantly increase electric truck charging infrastructure to accommodate the projected fleet composition of 2045. Failure to do so will leave the Project significantly behind the necessary transition, perpetuating dirty diesel emissions for an extended period.

O6.6

Specifically, the Project needs to include enough electric truck charging stations to accommodate every truck serving the facility. Furthermore, if the warehouse is designed to handle refrigerated goods, every dock door must be equipped with electric plugs for electric transport refrigeration units. Consequently, the City must account for the additional energy demands of an all-electric fleet when calculating the P's total electricity consumption and ensure this increased demand is met by on-site solar panels.

Reduce Diesel Emissions

The DEIR anticipates that the proposed buildings would use as many as 23 diesel fire pumps and 23 emergency generators, which could generate as much as 663.25 MTCO_{2e} per year. (DEIR 5.8-16, 20.) Diesel emissions produce diesel particulate matter (DPM), a solid material that is associated with the most adverse health and environmental effects of air pollutants that have ambient air quality standards. (CARB, 2025.) DPM effects include cardiovascular and respiratory hospitalizations, lung cancer, asthma, outdoor haze and reduced visibility. (*Id.*) Further, DPM is largely composed of black carbon, which is the second largest contributor to global warming, after CO₂ emissions. (*Id.*) The Project is located in a highly populated area and is meant to draw more people to the site; producing such toxic emissions near a major population center will harm people's air quality and health.

O6.7

Given the danger of diesel emissions and the significant diesel emissions to be produced from the Project, the EIR should require the cleanest available technologies in place of diesel infrastructure, such as electric fire pumps and solar battery power.

Rooftop Solar

Installing solar panels on the roofs of large warehouses in California represents a significant opportunity to utilize vast areas of flat, sun-exposed space that would otherwise go unused. Current technology already allows for all new buildings to either be constructed with enough rooftop solar photovoltaic panels to meet 100% of their projected energy needs or to be designed to accommodate such systems in the future. To meet its decarbonization goals, California must double its clean energy production within the next decade—an effort that will require a “record-breaking” scale of infrastructure development. (California Energy Commission, 2021.) The Joint Agency SB 100 Report estimates the state must install 2.8 gigawatts of solar annually for the next 20 years, exceeding the highest rate of past development.

O6.8

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(*Id.*) The primary challenge to expanding solar capacity at this pace is the extensive flat, sunlit land that traditional solar farms demand. (Groom, 2022.) Building solar arrays on undeveloped land is a problematic solution, as it threatens critical ecosystems, removes potential carbon sinks, and frequently faces resistance from local communities. (Groom, 2022; Courage, 2021.)

However, despite the great potential for rooftop solar in this Project, the DEIR only includes a mitigation measure that requires infrastructure to implement rooftop solar systems in the future, with no commitments to actually install these systems as part of the mitigation efforts. (DEIR 5.8-35.) This is a weak, substandard measure that does not go far enough to mitigate the significant GHG emissions that would result from the Project nor to keep up with the state's aggressive emissions reduction goals. Harnessing the power of rooftop solar on new warehouses is a critical step for California to meet its clean energy targets and mitigate the most severe impacts of the climate crisis. The California Attorney General's office has advocated for this capacity in new warehouse construction, a recommendation that both companies and municipalities are increasingly embracing. (AGO, 2021.) Given its proven feasibility, this mitigation measure should be a mandatory requirement in the EIR to ensure new buildings are entirely energy self-sufficient through rooftop solar.

O6.9

II. THE DEIR FAILS TO PROPERLY ANALYZE OR MITIGATE TRANSPORTATION IMPACTS.

In addition to a thorough assessment of climate change impacts, CEQA mandates that EIRs must thoroughly discuss the Project's impact on transportation and local traffic. (Pub. Res. Code § 21099.) All the materials, heavy machinery, and construction workers brought in during construction of this 350-acre development will traverse the area daily, creating disruptions to traffic patterns and additional heavy-duty, high-emission vehicles on the roads. Once completed, the Project will continue to influence traffic conditions in the community, with additional restaurants, shops, medical offices, and supermarkets for citizens to visit where there were none prior. As a result, the Project will result in a significant increase in vehicle traffic in the area. (DEIR Table 5.16-6.) Further, the DEIR includes a vague and potentially misleading analysis of total vehicle trips related to the Project by not specifying the passenger car equivalent for truck trips in its analysis.

O6.10

a. The DEIR Does Not Specify Passenger Car Equivalent for Truck Trips

The DEIR estimates that the Project will generate 40,321 daily vehicle trips, however this estimation does not specify the type of vehicle making each trip. (DEIR Table 5.16-2.) Typically, an EIR will provide a passenger car equivalent value for heavy-duty truck trips to create a common standard for transportation impacts. (See e.g. Riverside County Planning Department, 2024 at 3-33.) The Governor's Office of Planning and Research CEQA guidance offers that "[f]or an apples-to-apples comparison, vehicle types considered should be consistent across project assessment." (OPR, 2018.) Without a passenger car equivalent for truck trips, the number of daily trips is misleading because trips made by heavy-duty trucks are only counted as one trip. However, heavy-duty trucks do not have the same impact on emissions, traffic, and road conditions as passenger vehicles, and accordingly should not be treated as equivalent. For example, while they only represent about six percent of on-road vehicles, medium- and heavy-

O6.11

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duty trucks account for 59 percent of ozone- and particle-forming NOx emissions, 55 percent of particle pollution, and 26 percent of transportation-based GHG emissions. (ALA, 2022.) It is unclear in the body of the DEIR how the lack of passenger car equivalents for truck trips will affect transportation impacts and must be addressed and updated in the EIR.

O6.11
Cont.

b. The Project Fails to Properly Mitigate Its Significant Transportation Impacts.

The purpose of CEQA's EIR mandate is to identify the significant environmental impacts that are likely to result from a project and strategize how they can be mitigated. (Pub Res C §§21002.1(a), 21081(a)(1).) The DEIR demonstrates that there will be a significant impact on VMT as a result of the Project; the Commercial Phase 1 VMT is over double the significance threshold and the Specific Plan Buildout is 14-18% above the significance threshold. (DEIR 5.16-24-25.) These considerable consequences have not been properly mitigated in the DEIR; the DEIR only suggests a single mitigation measure which attempts to reduce employee commute trips but does not offer a solution to reduce civilian trips to the proposed stores, restaurants, drive-throughs, gas station, or shopping center. This inadequate attempt at mitigation does not go far enough to address the significant transportation impacts this Project is poised to have, including increased urban sprawl, divestment from infill affordable housing, and additional single occupancy vehicle use in the area.

O6.12

Increased sprawl, unaffordable housing, and vehicle trips

This Project will increase urban sprawl in the area, which has several negative effects for the community, state, and environment. Instead of building urban infill in existing communities with existing infrastructure, the Project would require the development of new infrastructure, as indicated in the Project Objectives: “[p]rovide for the installation and ongoing maintenance of water, sewer, drainage, and road facility infrastructure...” (DEIR 1-2). This investment in exurban development will lead to increased divestment from existing city centers and more harmful sprawl, which deteriorates current infrastructure and reduces the availability of city services, pushing residents away from urban cores. (McElfish, 2007.) In addition, it does not make financial sense to invest in sprawl, as it is significantly more costly: annual infrastructure expenses are 50% higher in sprawl developments compared to more compact development (Litman, 2015.)

O6.13

Further, if the Project moves forward with Alternatives 2 or 4, it will produce additional residential units. Although California is in dire need of more housing, the root cause of the housing crisis is affordability. Affordable housing is only truly equitable when low-income residents have access to housing near essential public resources. However, this Project proposes market-rate housing on the urban fringe, failing to address the affordability crisis impacting many Californians. Instead, the City should work to densify its urban areas with existing public infrastructure while preserving its precious open space.

O6.14

The DEIR estimates that the Project will result in an additional 40,321 daily vehicle trips. Increasing the region's daily vehicle trips is not only bad for traffic, but it also compromises community health. These additional cars on the road will result in increased emissions of air pollutants such as nitrogen oxides, volatile organic compounds, carbon monoxide, heavy metals,

O6.15

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carbon dioxide, and respirable particulate matter, which are linked to health impacts such as premature mortality, compromised birth outcomes, heart disease, and respiratory illnesses. (Mujtaba & Shahzad, 2021.) Increased traffic, especially with heavy-duty trucks on the road, creates safety problems and can be “especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians.” (AGO, 2021.)

O6.15
Cont.

Additional Mitigation Measures

The DEIR only lists one possible mitigation measure for addressing the transportation impacts of this Project. (DEIR 5.16-32.) The California Attorney General’s recommendations for mitigation measures include additional practices for reducing a project’s transportation impact, such as designing employee pickup and drop off areas, consulting with the local public transit agency for increased public transit service to the area, implementing traffic control measures like speed bumps, and constructing new transit stops.

O6.16

While the DEIR suggests that the Project will build one additional bus stop along Perris Boulevard, however this new stop is improperly placed. The new proposed bus stop would be between two existing bus stops along Perris Boulevard (DEIR 5.16-32.) Transportation experts indicate that bus stops that are spaced too closely together hinder route efficiency and bus speed. (BCDCOG, 2021.) The recommended spacing between bus stops is 1,300 feet, or approximately one quarter of a mile, and the minimum spacing between stops is 660 feet, or one eighth of a mile. (*Id.*) The current bus stops on Perris Boulevard along the Project site are approximately 0.2 miles apart, within the recommended guidelines. Adding another stop in between the existing ones is therefore not advised, and would add unnecessary slowdown to the route without indicated rider benefits. At the same time, there are several other streets along the perimeter of the site that do not have any existing bus stops: Barrett Avenue, Placentia Avenue, and Indian Avenue. Instead of constructing a new bus stop along an already dense route, the Project should increase public transit availability by adding new bus stops along these streets to expand equitable access and mobility.

O6.17

III. THE EIR’S ANALYSIS OF WATER QUALITY IMPACTS IS INADEQUATE.

The EIR does not include adequate information about the Project’s water quality impacts. It does not mention that the San Jacinto Groundwater Basin that the Project is in already has significantly degraded water quality. The basin is contaminated with a nitrate plume, a VOC plume, and a perchlorate plume. (Eastern Municipal Water District, 2021 at Figure 2-263.) Additionally, pollution from industrial, commercial, and military facilities have contaminated the groundwater basin with fuels and PFAS. Activities at the March Air Reserve Base have discharged fuels, oils and solvents, polycyclic aromatic hydrocarbons (PAH), and PFAS that remain in the groundwater. (Eastern Municipal Water District, 2021 at ES-4.) As a result of these significant water quality problems, the State Water Resources Control Board has given the local water district a grant for \$61.9 million to try to improve the water quality. (Eastern Municipal Water District, 2022)

O6.18

The EIR does not explain what any of the chemicals in the groundwater or surface water are, or the health risks of exposure. Neither does it describe, either qualitatively or quantitatively,

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the severity of the contamination, the efforts to address it, or how additional contamination might impact those efforts. The failure to disclose adequate, up-to-date information about the current level of contamination means that the EIR does not establish environmental baseline, invalidating its analysis. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320 [holding that use of the proper baseline is critical to a meaningful assessment of a project's environmental impacts], *Save Our Peninsula Comm. v Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 119.)

O6.18
Cont.

The EIR acknowledges, as it must, a risk that the Project could significantly impair water quality. (DEIR at 5.10-13.) As the EIR admits, construction could degrade water quality through runoff, construction materials like solvents and fuels could enter the water system, construction materials and equipment could release hazardous materials into the storm drains, and operations of the Project could release petroleum products, heavy metals, and roadway contaminants and treated wastewater into the land and water. (DEIR at 5.10-12, 13.) However, it concludes that the risk to water quality is not significant and does not need to be mitigated merely because future development will follow the law by preparing a Stormwater Pollution Prevention Plan ("SWPPP"). (DEIR at 5.10-12-16.) But this is inadequate support for a finding of no significant impact. The existence of state and federal standards does not absolve the City of the duty to do everything that is within its power to mitigate the impacts of this Project. A lead agency cannot rely on existing law to make a finding of no significant impact absent Project- and site-specific substantial evidence that the impacts will not be significant. (See *Save Our Capitol! v Department of Gen. Servs.* (2023) 87 Cal.App.5th 655, 696 (agency could not rely on compliance with LEED and CAL-Green building standards to mitigate light and glare impacts in absence of project-specific analysis of impacts and effect of compliance); *Californians for Alternatives to Toxics v Department of Food & Agric.* (2005) 136 Cal.App.4th 1 (EIR failed to analyze environmental and health risks of crop disease control program and instead presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation). See also *Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal.4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain registered herbicides in general not excuse its failure to assess effects of their use for specific timber harvesting project).) Further, the SWPPP that the City points to as proof of less than significant impact is not required to contain any particular management practices or meet any particular performance standard beyond reducing pollutant discharges "to the maximum extent practicable." (City of Perris Municipal Code Sec. 14.22.020.) It stops far short of actually ensuring no significant impact.

O6.19

The City's claim that a full analysis of water quality impacts is not necessary because there is no evidence that the plan will increase contamination is not true. In fact, heavy industry often pollutes surrounding water through stormwater runoff, wastewater discharges, tire dust, or diesel exhaust. (British Geological Survey, n.d.; Kriech & Osborn, 2022; Li et al., 2021; Mayer et al., 2024; Müller et al., 2020; Robbins, 2023) As discussed, the groundwater under the site is already contaminated by industrial pollutants. The Project could very well add more contaminants through a variety of mechanisms. (DEIR at 5.10-12, 13.) The City has not done anything to ensure the industrial pollution of the water does not get worse.

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IV. THE DEIR'S ANALYSIS OF AND MITIGATION FOR THE PROJECT'S AIR QUALITY IMPACTS IS INADEQUATE.

Air quality is a significant environmental and public health concern in California. Unhealthy, polluted air contributes to and exacerbates many diseases and increases mortality rates. The U.S. government estimates that between 10-12 percent of total health costs can be attributed to air pollution. (VCAPCB 2003.) Many plants and trees, including agricultural crops, are also injured by air pollutants. This damage ranges from decreases in productivity, a weakened ability to survive drought and pests, to direct mortality. (*Id.*) Terrestrial wildlife is also affected by air pollution as the plants and trees that constitute their habitats are weakened or killed. Aquatic species and habitats are also affected by air pollution through the formation of acid rain that raises the pH level in oceans, rivers and lakes. (EPA 2016b.) Greenhouse gases, such as the air pollutant carbon dioxide, which is released by fossil fuel combustion, contribute directly to human-induced climate change (EPA 2016a), and in a positive feedback loop, poor air quality that contributes to climate change will in turn worsen the impacts of climate change and attendant air pollution. (BAAQMD 2016.)

Air pollution and its impacts are felt most heavily by young children, the elderly, pregnant women and people with existing heart and lung disease. People living in poverty are also more susceptible to air pollution as they are less able to relocate to less polluted areas, and their homes and places of work are more likely to be located near sources of pollution, such as freeways or ports, as these areas are more affordable. (BAAQMD 2016; ALA 2025.) Some of the nation's most polluted counties are in Southern California, and Riverside County continually tops the list. (ALA 2025.) According to the American Lung Association's 2025 "State of the Air" report, Riverside is the eleventh-worst ranked county in the nation for year-round particulate matter (PM2.5) pollution, with a "Fail" grade from the report. (*Id.*) Even more disturbing, the same report found that Riverside County is the second worst ranked county in the nation for ozone pollution, with an "F" grade and an average number of 205 days per year with ozone levels in the unhealthy range. (*Id.*)

O6.20

Although there are many different types of air pollution, Ozone, PM2.5, and Toxic Air Contaminants are of greatest concern in Riverside County. These three air pollutants have been linked to an increased incidence and risk of cancer, birth defects, low birth weights and premature death, in addition to a variety of cardiac and lung diseases such as asthma, COPD, stroke and heart attack. (Laurent 2016; ALA 2025.) Ozone (commonly referred to as smog) is created by the atmospheric mixing of gases from fossil fuel combustion and other volatile organic compounds and sunlight. Although it is invisible, ozone poses one of the greatest health risks, prompting the EPA to strengthen its National Ambient Air Quality Standard for Ozone in 2015. (ALA 2025.) PM2.5 is a common component of vehicle exhaust emissions, and contribute to visible air pollution. These tiny particulates are dangerous because they are small enough to escape our body's natural defenses and enter the blood stream. Fugitive dust is a term used for fine particulate matter that results from disturbance by human activity such as construction and road-building operations. (VCAPCD 2003.) Toxic Air Contaminants are released from vehicle fuels, especially diesel, which accounts for over 50% of the cancer risk from TACs. (BAAQMB

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2016.) This is especially relevant for Southern California with its abundance of diesel shipping traffic. (Bailey; Betancourt 2012.)

O6.20
Cont.

Moreover, the location of the Project will make its air quality impacts particularly significant for the surrounding community. First, the Project site is near Val Verde Elementary School, located approximately 66 feet north of the Specific Plan Area. And with redevelopment of the overlay, the nearest potential school would be Perris Early Head Start, located approximately 720 feet east of the Specific Plan Area. (DEIR at 5.3-66.) As noted above, children are particularly impacted by bad air quality: This project would place a major source of pollution with constant entry and exit by heavy polluting trucks directly next to the schools where children spend five days of the week for most of the year. Nearby schools are not the only sensitive receptors of air pollution, homes are located as close as 96 feet east of the Phase 2 area and 181 feet to 454 feet east of the Phase 1 area. (DEIR at 5.11-9.) Full buildout of the Project would place many community members in extremely close proximity to heavy-polluting industry that would expose them to major health risks from air pollution.

O6.21

The Project would have a profound negative impact on air quality in the region and on the residents and students who will be its neighbors. The DEIR finds that the Project—even with the proposed mitigation—will result in significant impacts including an increase in criteria pollutants above regional thresholds and VOC, and NOx emissions. (DEIR at 5.3-36-53.) While the DEIR casts these impacts as unavoidable, the mitigation proposed in the DEIR is insufficient and proposed measures do not exhaust possible measures to mitigate the Project’s substantial impacts. (Pub. Res. C. § 21081; *Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348 [a county violates CEQA where it does not adequately consider mitigation measures for a project’s substantial effects].) The mitigation measures focus primarily on employee transit and construction, and barely touch on long term air quality harms from operation of the warehouse and trips by heavy diesel trucks in and out of the facility. (DEIR 1-8 to 1-10.) The EIR must be revised to incorporate evidence-backed solutions to these harms.

The project would affect an area already in violation of the Clean Air Act’s National Ambient Air Quality Standards (NAAQS). The South Coast Air Basin is in extreme nonattainment for 8-hour and 1-hour federal ozone standards, serious nonattainment for the federal PM 2.5 standard, serious nonattainment for the federal 2006 PM 2.5 standard, and nonattainment for the state PM 10 standard. (DEIR at 3.3-17.) State and local air agencies have determined that attainment will require massive emission reductions from all pollution sources. However, the FEIR here fails to even adequately address the project’s significant increase in emissions, analyze to what extent the ambitious reductions required under the State Implementation Plans will be hindered by the project, and provide adequate mitigation measures.

O6.22

a. Although the Project Will Have Significant Impacts on Air Quality, the EIR Fails to Adopt all Feasible Mitigation Measures.

The Project will have significant air quality impacts because Mitigation Measures AQ-1 through AQ-21 will not reduce the Project’s operational-source NOX and VOC emissions to a level below regional thresholds of significance. By proposing inadequate mitigation and then concluding that the Project’s air quality impacts are significant and unavoidable, the City has

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fallen short of CEQA's requirement that lead agencies consider all feasible mitigation to reduce or avoid the Project's significant impacts. (See Pub. Resources Code, § 21002 [It is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects."]. CEQA Guidelines, §§ 15092(b), 15043, 15126.4, subd. (a)(1).) Here, the EIR adopts inadequate mitigation measures that fall far short of recommended best practices.

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Idling Times

The EIR admits that NOx emissions during operations will exceed the thresholds adopted by BAAQMD. (DEIR at 5.3-76.) Because the impact is significant, the EIR has an obligation to adopt all feasible mitigation measures. However, the EIR adopts a so-called mitigation measure that allows trucks to idle for up to five minutes—more than twice as long as the California Attorney General's recommendation of a two-minute limit. (DEIR at 5.3-74; AGO 2021.) Further, a five-minute idling restriction is required by the California Airborne Toxics Control Measure. Therefore, it is not truly mitigation measure, it is a promise to follow the law. As the California Attorney General notes, compliance with regulations is a baseline expectation and should not be labeled a mitigation measure. (AGO 2021.) Again, the EIR replaces a recommended, feasible mitigation measure with a much weaker substitute that does not properly mitigate a significant impact. The Project must revise MM AQ-8 to require idling times to be kept under two minutes.

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The DEIR does not provide substantial evidence that limiting idling to two minutes is not feasible. Since the state law limiting idling to five minutes is enforced, it is not clear why two minutes would be any more difficult to enforce. Second, mitigation measures, by their very nature, are meant to establish higher standards than applicable law. As the California Attorney General has said, a requirement that is already a part of an applicable law should not be called a mitigation measure.

Reduce Impacts to Sensitive Receptors

The Project will increase the traffic that passes by several sensitive receptors. Additional measures that should be added as part of this mitigation practice to comply with the California Attorney General's best practices list include, but are not limited to:

- Screening dock doors and onsite areas with significant truck traffic with physical, structural, and/or vegetative barriers that adequately prevent or substantially reduce pollutant dispersal from the facility towards sensitive receptors.
- Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks.

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Additionally, Mitigation Measure AQ-21 provides three feasible mitigation measures to choose from, *all* of which should be incorporated into the Project. (DEIR at 1-16-17.) The Project should include all three: a 1,000 foot setback between loading docks and sensitive receptors as recommended by the California Attorney General, a restriction on diesel-powered trucks on the Phase II Parcel, *and* a site-specific Health Risk Assessment demonstrating that the Phase 2 development would not exceed South Coast AQMD significance thresholds. Even if the Health Risk Assessment demonstrates that Phase 2 development would not exceed significance thresholds, the City must still mandate the first two mitigation measures to adequately protect sensitive receptors nearby, especially considering that the DEIR provides no evidence that incorporating all three would be infeasible.

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V. THE DEIR FAILS TO ADEQUATELY ASSESS THE PROJECT'S NOISE IMPACTS TO WILDLIFE AND SENSITIVE RECEPTORS.

Noise can be one of the most intrusive impacts of warehouse and logistics development to nearby sensitive receptors. Diesel trucks and unloading activities can substantially contribute to noise pollution in neighboring communities. However here, the City failed to adequately analyze and mitigate noise impacts on species and sensitive receptors.

First, the DEIR entirely fails to consider the effects that noise from the Project and its associated construction will have on wildlife. Many studies demonstrate that high levels of anthropogenic noise harm wildlife and plants across diverse taxa. For example, field observations and controlled laboratory experiments have shown that traffic noise can significantly degrade habitat value for migrating songbirds. (Ware et al., 2015.) Subjects exposed to 55 and 61 dBA (simulated traffic noise) exhibited decreased feeding behavior and duration, as well as increased vigilance behavior. (Ware et al. 2015.) Such behavioral shifts increase the risk of starvation, thus decreasing survival rates. Another study found a 28% decrease in bird abundance in areas when traffic noise was present compared to when there was no traffic noise. (McClure et al., 2013.)

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Second, the DEIR similarly leaves out any analysis of noise impacts on sensitive receptors nearby. Noise is the second largest environmental cause of health problems, just after the impact of air pollution. (Angelo 2023; Harvard 2022.) Large-scale studies show that over time noise exposure increases the risk of high blood pressure, coronary heart disease, and heart attacks, as well as strokes, diabetes, dementia, and depression. (Bosker, 2019; Vermeer 2000; Minho 2012; Park 2018.) Noise pollution not only drives hearing loss, tinnitus, and hypersensitivity to sound, but can cause or exacerbate cardiovascular disease; type 2 diabetes; sleep disturbances; stress; mental health and cognition problems, including memory impairment and attention deficits; childhood learning delays; and low birth weight. (Harvard 2022.) Chronic noise exposure contributes to about 48,000 new cases of heart disease in Europe each year and disrupts the sleep of 6.5 million people. (Harvard 2022.) For children, noise pollution interferes with behavioral and cognitive development and speech and language development, and it decreases concentration, impairs memory retention, and increases blood pressure. (Angelo, 2023; Ferguson, 2013; Raess, 2022.) For adolescents, it can interfere with mental health. (Lim, 2018.) Especially considering the Project is 66 feet from an elementary school and close to residential areas, the EIR must thoroughly assess and mitigate this impact.

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Third, despite determining that traffic noise for NOI-1 was potentially significant (DEIR at 57, 582), the DEIR failed to include numerous feasible mitigation measures recommended by the California Attorney General. Specifically, the EIR should require the following mitigation measures to reduce noise impacts on nearby schools and residences, as well as wildlife:

- a. Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- b. Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- c. Verifying that construction equipment has properly operating and maintained mufflers.
- d. Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- e. Limiting operation hours to daytime hours on weekdays.
- f. Paving roads where truck traffic is anticipated with low noise asphalt.
- g. Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

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VI. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE IMPACTS TO BIOLOGICAL RESOURCES.

The DEIR also fails to provide substantial evidence to support its conclusions that there would be a less than significant impact on biological resources. CEQA mandates that determinations of significance be based on a full analysis. (Pub. Res. Code § 21082.2(a), CEQA Guidelines § 15064(a)(1)). CEQA expressly provides that mere conclusory statements are not supported by evidence. (Guidelines §§ 15088(c), 15088.5(a)(4).) The DEIR fails to meet this standard. Given inconsistencies between the survey results and the DEIR, a lack of necessary surveys, and deficient mitigation measures, the DEIR lacks substantial evidence supporting its conclusion that the Project as currently proposed would mitigate impacts to biological resources to a less than significant level. In particular, the impacts to burrowing owls, other raptors, rare plants, and riparian and riverine habitats must be more thoroughly examined and mitigated. The DEIR also fails to comply with the Western Riverside Multispecies Habitat Conservation Plan in various respects (“MSHCP”). The DEIR identifies 84 special status species of flora, mammals, birds, reptiles, amphibians, and invertebrates that occur on or near the Project site, yet proposes mitigation measures only for burrowing owls, nesting birds, and riparian habitat. (DEIR at 5.4-5 – 22.) As described below, CEQA requires more.

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a. The DEIR Fails to Provide an Accurate Baseline for Burrowing Owl Habitat, and BIO-2 Fails to Adequately Mitigate Impacts to that Species.

1. Western Burrowing Owls are facing significant threats to their long-term survival in Riverside County.

The Project site is located within the range of the Western Burrowing Owl, a small ground-nesting bird of prairie and grassland habitats, which is listed as a candidate species under California Endangered Species Act (“CESA”) due to its precipitous population declines.

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(CDFW, 2024.) The factors affecting California's burrowing owls today include loss of nesting and foraging habitat to urbanization; nest destruction during urban development and agricultural activities by surface disturbances such as disking, blading, grading, and over covering (Desmond et al., 2000; Haug et al., 1993, 1993; Haug & Oliphant, 1987); pesticide use (Baril, 1993; Hjertaas, 1997; James et al., 1990; Rosenberg & Haley, 2003; Sheffield, 1997); burrowing rodent elimination (Anderson et al., 2001; Gordon, 1996); attempted relocation to accommodate urban development, which rarely results in successful breeding and forces remaining owls onto smaller patches of habitat (Delevoryas, 1997; Harris, 1987; Trulio, 2015); predation of young birds by non-native species (Green & Anthony, 1989); and mortality due to vehicle collisions and other anthropogenic causes. Protecting burrowing owls and their remaining habitat from continued destruction and habitat loss is therefore of utmost importance to the species' persistence in California.

Historically, the species was found broadly across California in wide lowland valley bottoms, flat coastal lowlands, and interior deserts. However, burrowing owls have been eliminated or nearly wiped out as a breeding species from about one-third of their former California range, currently remaining most abundant in the Imperial Valley and parts of the Central Valley. (Miller, 2024).

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Burrowing owls are rapidly disappearing from western Riverside County. (Miller, 2024.) Riverside County's General Plan recognizes this reality, calling to "[c]onserve existing intact . . . open grassland areas for the burrowing owl." (County of Riverside, 2021.) Likewise, the DEIR recognizes "[t]he burrowing owl was once abundant and widely distributed within coastal southern California, but it has declined precipitously in counties such as Los Angeles, Orange, San Diego, Riverside, and San Bernardino." (Appx. E at 5.) Most of the remaining owl colonies in western Riverside County are very small, highly fragmented, unprotected, and on the brink of extirpation. (Miller, 2024.)

On October 10, 2024, CDFW advanced the western burrowing owl to candidacy under CESA, protecting these owls from harm during the ongoing review process. (California Fish and Game Commission, 2024.) Consequently, the Project's impacts to the western burrowing owl must be considered significant and fully evaluated and disclosed to the public.

2. The DEIR fails to establish a proper baseline to adequately assess impacts to burrowing owls and their habitat.

The burrowing owl surveys conducted by the Project Proponent were not consistent with the Burrowing Owl Survey Instructions for the MSHCP, nor with the recommendations in the CDFW Staff Report on Burrowing Owl Mitigation ("CDFW Staff Report"). (CDFW, 2012; Riverside County Planning Department, 2006.)

First, the DEIR relied on surveys that were conducted too quickly under the MSHCP Instructions. As the DEIR's Consistency Analysis recognizes, "[t]he MSHCP indicates that no more than 100 acres should be surveyed per day/per biologist." (Appx. G. at 14; Riverside County Planning Department, 2006 at 3.) The MSHCP Instructions also require four separate surveys of all suitable habitat when owls are detected on site. However, here, the area requiring owl-specific surveys included nearly all the 358-acre project area plus a 500m buffer. (Appx. E

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at Ex. 4.) And the four burrowing owl surveys for this entire area were conducted by two biologists over the course of just four days. If the entire Project site was to be observed four times, as required by the MSHCP, each biologist would have needed to cover at least 200 acres per day. Since, according to the MSHCP Instructions, each biologist cannot effectively cover more than 100 acres per day, the amount of surveying was not consistent with the MSHCP Survey Instructions.

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Second, the surveys were conducted outside of the timeframe when owls are most active, reducing the chances of detection. The MSHCP Instructions direct focused burrowing owl surveys to be conducted “in the morning one hour before sunrise to two hours after sunrise.” (Riverside County Planning Department, 2006 at 2.) Sunrise in Perris at the end of August is around 6:20 am, meaning that surveys needed to be conducted between 5:20 am and 8:20 am. However, the first survey occurred from 6:00 am to 11:00 am (two hours and twenty minutes in the designated timeframe), 8:00 am to 11:00 am (twenty minutes), 6:00 am to 10:00 am (two hours and twenty minutes), and 7:00 am to 10:00 am (one hour and twenty minutes). (Appx. E at 7.) More than half of the survey time occurred during times of the day when detection probability is lower, rendering the surveys insufficient to determine burrowing owl presence or absence. Additionally, the CDFW staff report instructs surveyors to end their survey by 10:00 am at the latest. (CDFW 2012 at Appx. D), meaning that two of the surveys here went beyond CDFW’s morning cutoff. While both guidelines allow evening surveys, which increase the total number of hours for prime observation, the Project Proponents did not conduct any here.

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Third, the surveys were conducted too close together. The CDFW Staff Report instructs Developers to conduct four surveys with one visit between February 15 and April 15 and a minimum of three surveys between April 15 and July 15 spaced three weeks apart. Instead, Project Proponents conducted four surveys outside of this timeframe over just ten days between August 21 and August 30. When surveys are conducted outside of the breeding season, which CDFW states is September 1 through January 31, CDFW’s Staff Report recommends that those surveys should be spaced evenly throughout the non-breeding season. Either way, the surveys here were conducted too close together to provide an accurate baseline of burrowing owls on the Project site.

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Fourth, the survey transects were further apart than required by the MSHCP or the CDFW Staff Report. The MSHCP Instructions state that the “distance between transect center lines should be no more than 30 meters (approx. 100 feet).” (Riverside County Planning Department, 2006 at 3.) Based on the legend in Exhibit 4 of the burrowing owl survey, it appears that the biologists went beyond this maximum distance between transects. (Appx. E at Ex. 4.) For example, the Project site is about 3000 feet wide near the bottom corner of its intersection with North Perris Boulevard, yet the Survey Area indicates that only 23 transects were walked, leading to approximately 130 feet between transects—far beyond the maximum distance allowed by the MSHCP Instructions. (Appx. E at Ex. 4.)

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The CDFW Staff Report directs surveyors to conduct even more detailed surveys: transects should be just 7m to 20m apart, rather than the 30m in the MSHCP Instructions. (CDFW 2012 at Appx. D.) Additionally, CDFW states that surveyors should stop every 100m to

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scan the entire visible project area. The survey methodology in the DEIR does not describe how often the biologists surveyed the entire horizon, or whether they did so at all.

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Fifth, the MSHCP Instructions direct surveys to map all “potential owl burrows.” (Riverside County Planning Department, 2006 at 3.) It is unclear whether the Project proponents followed this instruction. The burrowing owl survey states that the “project site supports a population of California ground squirrels that have persisted on-site long enough to provide vacant burrows for roosting by burrowing owl; however, no other *occupied* burrows were observed outside of the water detention basins.” (Appx. E at 9, emphasis added.) Despite supporting a population of ground squirrels and hundreds of acres of suitable habitat, the focused burrowing owl surveys did not map any *potential* burrows on the Project site other than the occupied burrows. (Appx. E at Exhibit 4.) The survey does not state whether zero potential burrows were found, making it ambiguous as to whether the biologists failed to record potential burrows, or simply did not locate any potential burrows. But as a matter of common sense, it seems unlikely that there would be zero other potential burrows across hundreds of acres of suitable habitat that is inhabited by burrowing ground squirrels.

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In sum, the DEIR’s burrowing owl surveys are insufficient on many grounds. Given the many deficiencies of the burrowing owl surveys to adhere to either the MSHCP Instructions or the CDFW Staff Report, the public and appropriate state agencies cannot know how the Project will impact burrowing owl populations in western Riverside County. The Project Proponent must strictly adhere to the instructions in the MSHCP Instructions and CDFW Staff Report for the public and decisionmakers to be fully informed about this Project’s potential impact on this sensitive, charismatic, and valuable biological resource.

A biologist must also conduct take-avoidance, preconstruction burrowing owl surveys no fewer than 14 days prior to the start of Project-related activities *and* within 24 hours prior to ground disturbance, in accordance with the CDFW Staff Report. Depending on the time between the initial survey efforts conducted in support of the Draft EIR and project construction, the CDFW Staff Report recommends that additional surveys be repeated throughout the survey season immediately prior to construction. Here, nearly two years have lapsed since those initial surveys in August 2023. Those surveys may no longer reflect the actual conditions on the Project site, so new surveys must be completed. Habitat assessments and surveys must continue to occur each year of Project construction, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days. Only with surveys following these protocols will the Developer satisfy CEQA’s requirement to establish an adequate baseline.

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3. The proposed mitigation measure for burrowing owls fails to reduce impacts to burrowing owls to a less than significant level.

Even with the insufficient surveys detailed above, surveyors found plentiful habitat for burrowing owls on the Project site and even owls nesting on site. The Habitat Assessment found “that suitable resources for burrowing owl *are present throughout the project site.*” (Appx. D at 25), concluding that nearly all of the project area—over 300 acres—was “suitable habitat” for the species. (Appx. E at Ex. 4.) Indeed, the Project site is demonstrably valuable burrowing owl habitat because the surveyors witnessed owls nesting on site. Owls were detected during the

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general biological survey on August 18, 2023 (Appx. G at 14), and during burrowing owl-specific surveys on August 21 and August 23, 2023. (Appx. E at 7.)

Further, despite Appendix E's assertion that owls were not detected during the August 26 and August 30 field surveys, an iNaturalist observation from biologist Jacob H. Lloyd Davies, who conducted those field surveys, also shows burrowing owls on the Project site on August 30. (Davies, 2023.) The inconsistency between the biologist's burrowing owl survey and iNaturalist observation diminish the value of the surveys as informational documents. Appendix D also states that "[n]o active nests were directly observed on-site during the field survey." (Appx. D at 14), while just two pages later states that "burrowing owl were observed nesting onsite." (Appx. D at 16.)

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The Project would destroy over 300 acres of suitable burrowing owl habitat, pushing the vulnerable western Riverside County population closer to extinction. Given the fragility of the western Riverside County burrowing owl population, BIO-2 is insufficient to reduce the Project's impacts to a less than significant level for the burrowing owl resources detected on site.

BIO-2 commits the Project proponent to conduct a burrowing owl-specific survey within 30 days of ground disturbing activities and a general bird survey within three days of ground disturbing activities and to establish 500-foot buffers around any owls on site. *Only if* owls are found during these surveys or during subsequent biological monitoring must the Project proponents contact CDFW and USFWS to create a Burrowing Owl Plan. None of the contents or requirements of that plan are specified in the DEIR. The DEIR pushes development of specifics to a later date in violation of CEQA's policy against deferring the details of mitigation. (CEQA Guidelines § 15126.4(a)(1)(B); *Preserve Wild Santee*, 210 Cal.App.4th at 280.)

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This improperly deferred mitigation violates CEQA. (see *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [EIR was inadequate where the success or failure of mitigation efforts "may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR"]). The CEQA Guidelines prohibit agencies from deferring the formulation of mitigation measures to after project approval except in certain, strictly limited circumstances. (CEQA Guidelines § 15126.4, subd. (a)(1)(B).) In the limited circumstances in which deferred mitigation is appropriate, the agency must meet all of the following elements: (1) practical considerations prevented the formulation of mitigation measures during the planning process; (2) the agency committed itself to developing mitigation measures in the future; (3) the agency adopted specific performance criteria prior to project approval; and (4) the EIR lists the mitigation measures to be considered, analyzed, and possibly incorporated into the mitigation plan. (See *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 736-37 [review denied].) Here, the DEIR fails to meet these criteria.

In addition to improperly deferring mitigation, BIO-2 falls far short of the mitigation measures for occupied burrows identified in the CDFW Staff Report. (CDFW 2012.) If the qualified biologist detects burrowing owls during the focused surveys, the qualified biologist and Project proponent must coordinate with CDFW and prepare a Burrowing Owl Plan *before* commencing Project activities. (CDFW, 2012, Appx. F, emphasis added.) The Burrowing Owl

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Plan must (1) describe proposed avoidance, minimization, mitigation, and monitoring actions, and (2) include the number and location of occupied burrow sites and acres of burrowing owl habitat the Project will impact, site monitoring details, and details on proposed buffers, as well as other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan must also describe minimization and relocation actions to implement.

According to the Staff Report, “if burrowing owls have been documented to occupy burrows . . . at the project site in [the last three] years . . . the site *should be considered occupied* and mitigation should be required by the CEQA lead agency to address project-specific significant and cumulative impacts.” (CDFW 2012 at 11, Appx. B, emphasis added.) Where there are burrows that have been occupied in the last three years, CDFW states that “[h]abitat *should not be altered or destroyed . . . until mitigation lands have been legally secured*, are managed for the benefit of burrowing owls according to Department-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.” (CDFW 2012 at 12, emphasis added.)

Permanent impacts to burrowing owl habitat must be mitigated through permanent conservation of similar vegetation communities that provide for burrowing owl nesting, foraging, wintering, and dispersal. Since the Project proposes to destroy occupied burrowing owl nests, it must mitigate impacts to each burrowing owl nesting site by permanent preservation of three occupied nesting sites with appropriate foraging onsite or five occupied nesting sites offsite, through a conservation easement and implementing and funding a long-term management plan in perpetuity. The same requirements should apply for impacts to non-nesting evicted owl sites except three burrowing owl occupied non-nesting (i.e., wintering) sites should be preserved onsite or five offsite. Where possible, mitigation lands should be on, adjacent or near to the Project site. (CDFW, 2012.)

As currently worded, BIO-2 only applies “should burrowing owl[s] be detected during the preconstruction burrowing owl survey.” (DEIR at 5.4-31.) Since owls *were* documented occupying burrows on the Project site as recently as October 2023, the burrows are considered occupied for the purposes of mitigation, and the stringent mitigation measures outlined above must be implemented. This is true regardless of whether owls are found during preconstruction surveys or not. And these mitigation measures must be established and detailed in an EIR before Project approval and before ground disturbing activities occur.

In sum, BIO-2 does not follow the CDFW Instructions, and the Project Proponents do not provide substantial evidence to demonstrate how BIO-2 would otherwise reduce impacts to burrowing owls to a less than significant level.

b. The DEIR Fails to Adequately Mitigate Impacts to Other Bird Species.

The Project also has the potential to impact other sensitive raptors. For example, the DEIR presumes the prairie falcon—a California watch list species—is absent from the project area. (DEIR at 5.4-16.) However, the biologists *saw* a prairie falcon during the burrowing owl survey. (Appx. E.) Similarly, the DEIR underestimates the value of the Project area as habitat for

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the white-tailed kite, which is a California fully protected species. The DEIR states that there is only moderate potential for the white-tailed kite to occur on the Project site. (DEIR at 5.4-14.) Yet the surveying biologists also saw kites on site during the burrowing owl survey. (Appx. E.) These inconsistencies between the DEIR and the biological surveys do not offer substantial evidence to support the DEIR's conclusions regarding the site's importance as raptor habitat.

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In terms of mitigation, BIO-1 vaguely describes the pre-construction nesting bird survey techniques. It does not specify whether transects across the Project site will be walked, how close together those transects will be, how much of a buffer around the Project area will be surveyed, and what the "appropriate time of day/night [and] appropriate weather conditions" are for surveying. (DEIR at 5.4-36.) BIO-1 must be modified to more clearly explain the survey methodology that will be used during preconstruction surveys. This methodology must ensure that the entire Project site is thoroughly examined.

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Concerningly, while BIO-1 provides specific distance for work buffers for "active nests [that] are *not* located within the project site," BIO-1 vaguely states that, for on-site nests, biologists will establish buffers "based on their best professional judgement and experience." (DEIR at 5.4-37, emphasis added.) BIO-1 must clearly state the minimum distance buffers for on-site nesting birds that are at least as protective as those for off-site birds.

c. The DEIR Lacks a Required Rare Plant Survey and Fails to Propose Any Mitigation Measures for the Destruction of Native Plant Habitat.

The DEIR states that 24 special status plant species have been recorded in the USGS quadrangles that overlap the Project site. Much of the land in these quadrangles has been developed for housing and industry in recent decades, greatly diminishing the amount of open space for these special status plants to occur within the area. The Project area represents a large amount of the remaining open space in the area's flatlands.

The eastern edge of the Project site is within the Narrow Endemic Plant Species survey area for the MSHCP. Appropriate sandy soils occur in that portion of the Project area for many of the special status species listed in the DEIR. While the Project area is former agricultural land, the MSHCP recognizes the importance of these lands for conservation:

"Some locations within the Narrow Endemic Plant Species survey areas have been relatively undisturbed within the past 10 years and are considered to be of higher quality (*i.e.*, higher potential for occurrence of Narrow Endemic Plant Species) while other locations have been highly disturbed within the last few years and are considered to be of lower quality (*i.e.*, lower potential for occurrence of Narrow Endemic Plant Species). However, given the underlying soils and the possible presence of a seed bank in those soils, *even the areas of lower quality areas have the potential to support Narrow Endemic Plant Species if allowed to remain undisturbed* (e.g., if farmed fields are allowed to go fallow, flood control activities cease, etc). Therefore, *site-specific focused surveys for Narrow Endemic Plant Species shall be required . . . within the Narrow Endemic Plant Species survey areas where appropriate soils and Habitat are present. Surveys shall be conducted in the appropriate season, in accordance with*

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established accepted protocols (for species for which protocols have been established).” (MSHCP Implementation and Structure, 2004 § 6.1.3, emphases added).

All agricultural activities on the Project site ceased by 2010, and portions of the site were taken out of operation as early as 1966. Though these lands were disturbed in the past, the entire Project site, including the Narrow Endemic Plant Species survey area within the site, has not been used agriculturally for at least fifteen years. Given that the eastern edge of the Project area contains appropriate habitat and soils for special status plants and lies with the Narrow Endemic Plant Species survey area, the MSHCP requires a “site-specific focused survey” for NEPS during “the appropriate season, in accordance with accepted protocols.” (MSHCP Implementation and Structure, 2004 § 6.1.3.)

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The Project proponents failed to meet this requirement. The DEIR does not include any site-specific, focused surveys for Narrow Endemic Plant Species. Instead, plants were only considered in one general biological survey—a survey that also included jurisdictional drainages and wetlands, wildlife, site conditions, and more. (Appx. D.) The general biological survey, performed on August 18, 2023, was not done during the appropriate season, as required by the MSHCP. A survey this late in the summer season is unlikely to detect any plants that bloom in the spring and early summer because those species had already flowered. Fourteen of the 22 special status flowering plants listed in the DEIR end their blooming period by July, meaning detection of these plants would be nearly impossible during a one-day survey of 350 acres for all plants and wildlife on the Project site. Even the surveyors recognized that the general biological survey was deficient to detect Narrow Endemic Plant Species, writing that “[a]dditional surveys may be needed to gather information to determine the presence/absence of these [special status plant] species to ensure that appropriate conservation of these species occurs.” (Appx. D at 23.) Given these deficiencies, the DEIR does not present substantial evidence to support its conclusion that the Project site “do[es] not have potential to support any . . . special-status plant species,” other than a low potential for two species. (DEIR at 5.4-5.)

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The DEIR also fails to offer *any* mitigation measures for impacts to special status plants. The DEIR provides no requirements to monitor for special status plants during construction, and fails to specify what steps must be taken if special status plants are detected on site. The DEIR therefore entirely fails not only to analyze but also to mitigate impacts to special status plants, in violation of the MSHCP and CEQA.

Destruction of special status plants should be completely avoided. If this is not feasible, habitat destroyed should be mitigated by conservation in perpetuity of a minimum of a 3:1 ratio. If mitigation is done through habitat enhancement or creation, it should be done at a minimum of a 5:1 or 10:1 ratio, respectively. Translocation of plants is an ineffective mitigation measure and should be avoided. (Fiedler, 1991.)

d. The Proposed Wetland Mitigation Measures Are Insufficient.

Ephemeral streams are critical components of many ecosystems, especially in the Mediterranean climate of California. Hydrological variability across space and time is the defining characteristic of ephemeral and intermittent streams (Godsey & Kirchner, 2014.) They

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support aquatic ecosystems and riparian zones, and play significant roles in numerous biogeochemical cycles. They also support unique biota that are not found in perennial waters—species that reside in ephemeral streams have adapted to intermittent flows, and the biological and ecological dynamics of ephemeral streams lead to different patterns of biodiversity compared to permanent rivers.

There are at least 0.25 acres of riverine and riparian habitat on the Project site which the development would destroy. BIO-3 attempts to mitigate this wetland destruction by “onsite establishment of herbaceous riparian habitat” or through the “purchase of mitigation credits,” both at a 2:1 ratio. (DEIR at 5.4-38.) As explained below, to reduce the impacts to riparian ecosystems to a less than significant level, the Project must consider maintaining current riparian and riverine habitat, mitigating habitat destruction at a higher ratio than currently proposed, and clarify the circumstances in which onsite habitat restoration versus mitigation credit purchasing would occur.

Mitigation should prioritize avoiding on site impacts to the riverine and riparian areas on site. If destruction of this habitat is unavoidable, the preservation of high-quality riparian habitat near the Project area should be prioritized. The minimum acreage of riparian habitat mitigation should be greater if habitat is being restored or created, and mitigation should be planned in a way that is protective from edge effects and fragmentation to improve the probability of ecologically functional mitigation. Created and restored habitat mitigation ratios should be much higher than preservation mitigation ratios, and they should be coupled with extended years of effective monitoring and adaptive management strategies (Ambrose et al., 2006; Moilanen et al., 2009; Sudol & Ambrose, 2002.) Multiple scientific studies specifically address the need for these higher mitigation ratios, long-term monitoring, identified and measurable success criteria, and adaptive management strategies, to improve chances of adequately mitigating impacts to habitats and species. (Ambrose et al., 2006; Matthews & Endress, 2008; Mitsch & Wilson, 1996; Moilanen et al., 2009; Stein et al., 2018; Sudol & Ambrose, 2002; Windmiller & Calhoun, 2007; Zedler & Callaway, 1999.) Moilanen et al. found that “very high offset ratios may be needed to guarantee a robustly fair exchange” and that “considerations of uncertainty, correlated success/failure, and time discounting should be included in the determination of the offset ratio to avoid a significant risk that the exchange is unfavorable for conservation in the long run.” (Moilanen et al., 2006.) Scientists recommend 15-20 years or more of monitoring and adaptive management to determine the success, or lack thereof, of enhanced, restored, or created habitat (Mitsch & Wilson, 1996; Zedler & Callaway, 1999.) If higher mitigation ratios are not feasible, the DEIR must provide evidence and analysis supporting that conclusion.

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VII. CONCLUSION

Thank you for the opportunity to submit comments on the Environmental Impact Report for the Fresno South Central Specific Plan. We urge the City to revise the EIR to address the issues detailed here, and recirculate a legally compliant document.

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the City complies with its legal obligations including those arising under CEQA, we would like to remind the City of its statutory duty to maintain and preserve all documents and communications that may constitute part of the “administrative record” of this proceeding.

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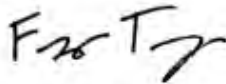
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(§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, 762-65.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the City with respect to the Project, and includes “pretty much everything that ever came near a proposed [project] or [] the agency’s compliance with CEQA...” (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the City’s representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the City’s representatives or employees and the Applicant’s representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

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Please add the Center to your notice list for all future updates to the Project and do not hesitate to contact the Center with any questions at the number or email listed below.

Sincerely,



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Response to Comment Letter O6: Center for Biological Diversity, July 14, 2025

Comment O6.1: This comment states that the Center for Biological Diversity (“Center”) has reviewed the Draft EIR and states that the Draft EIR provided inadequate analysis and mitigation regarding greenhouse gas (GHG) emissions, transportation, water quality, noise, and air quality impacts. The letter request revisions to the Draft EIR to analyze and mitigate these topics. The comment also provides a brief overview of the Center and describes that its organization is dedicated to the protection of native species and their habitats.

Response O6.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. A specific discussion of the commenter’s assertions regarding GHG emissions, transportation, water quality, noise, and air quality impacts is provided in the responses below. Therefore, no further response is required or provided.

Comment O6.2: This comment states that the Draft EIR’s GHG analysis does not adequately address the Project’s impact on the environment and climate change. The comment states that Draft EIR does not properly discuss the significance of the Project’s GHG impact or provide adequate mitigation.

Response O6.2: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Responses to the concerns raised by this comment are covered in Responses O6.3 through O6.9.

Comment O6.3: This comment states that the Intergovernmental Panel on Climate Change (IPCC) has determined there is strong international scientific consensus that human-caused climate change is leading to widespread, severe, and in some cases irreversible damage to both human societies and natural ecosystems. Reports from the IPCC and the U.S. National Climate Assessment confirm that GHG emissions, primarily from fossil fuel use, have unequivocally caused global warming, which is already contributing to more frequent and intense weather events worldwide. The comment continues by stating that the United States is warming faster than the global average, and scientists now have high confidence in linking extreme weather events to climate change. The comment states that without immediate and aggressive emissions reductions, the world risks surpassing critical temperature thresholds, resulting in devastating impacts including species extinctions, threats to food and water security, and harm to human health and ecosystems.

Response O6.3: This comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment O6.4: This comment states that the level of GHG emissions projected in the Draft EIR are significantly above the City’s threshold of significance of 3,000 metric tons of carbon dioxide equivalents (MTCO_{2e}) per year which is based on the South Coast Air Quality Management District (AQMD) thresholds for mixed-use projects. The comment states that the Project’s projected GHG emissions would be a significant contribution to the climate crisis. The comment also states that the Draft EIR discloses that the Project’s level of emissions would not be consistent with the state’s carbon neutrality and emissions reduction goals. The comment also states that implementation of the Title 24 Energy Code is not an adequate emission reduction measure and does not show a strong commitment to emissions reduction goals because compliance is mandatory. The comment concludes by stating compliance with State and federal standards is not enough and that the City needs to exercise all possible actions to mitigate the GHG impacts of the Project.

Response O6.4: The commenter is correct that compliance with the 2022 Title 24 Energy Code, while required by law, is considered a regulatory baseline and not an adequate standalone mitigation measure under CEQA. However, the Draft EIR does not rely on Title 24 compliance as mitigation and does not utilize consistency with Title 24 alone to determine significance. Instead, the Draft EIR identifies all feasible GHG reduction measures that can be incorporated into the Project. These measures are identified as Mitigation Measure GHG-1 through GHG-5 and include requirements for waste diversion, drought tolerant landscaping, reduction in water usage, LEED Silver building standards, and installation of solar to offset

electricity usage of any proposed office space in any MBU development. However, even after implementation of these mitigation measures, the residual GHG emissions remain significant. As discussed on Draft EIR page 5.8-26, the majority of the GHG emissions (80% for Scenario A and 85% for Scenario B) are associated with mobile sources. Emissions of motor vehicles are controlled by State and Federal standards, and the City and Project Applicant has no control over these emissions. Thus, impacts related to GHG emissions would be significant and unavoidable.

Further, CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will “substantially lessen” a project’s significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project’s significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible. In addition, the commenter does not identify any additional feasible mitigation measures that could be incorporated by the Project.

Comment O6.5: This comment states that CEQA requires a lead agency to identify a project’s significant environmental impacts and propose feasible, effective mitigation measures to reduce or avoid them. The comment states that effective mitigation measures should be proportional to the project’s impacts, and that multiple mitigation measures can be used to mitigate all or a portion of an impact. The comment notes that CEQA does not require agencies to analyze every possible mitigation measure that could reduce impacts. The comment continues to state that agencies must adopt all feasible mitigation measures and cannot reject them solely due to cost unless supported by substantial evidence. The comment states that the Draft EIR identifies significant GHG impacts but fails to propose effective mitigation. The comment describes that the California Attorney General has recommended both smaller actions (e.g., carpool programs, limiting idling) and larger strategies (e.g., electric truck infrastructure, rooftop solar) to meaningfully reduce GHG emissions.

Response O6.5: The Draft EIR identifies that the proposed Project would result in significant GHG emissions even after implementation of mitigation and, thus, correctly classifies the impact as significant and unavoidable. The Draft EIR includes Mitigation Measures AQ-1 through AQ-19 and GHG-1 through GHG-5, which would work to reduce GHG emissions. The commenter does not provide any suggested feasible mitigation measures that should be adopted for the Project. CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will “substantially lessen” a project’s significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project’s significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible. Additionally, pursuant to CEQA Guidelines Section 15093, the City may adopt a Statement of Overriding Considerations explaining why the benefits of the Project outweigh the significant impacts.

Regarding the commenter’s suggestion for implementing a carpool program for employee commutes, Mitigation Measure AQ-11 requires implementation of a transportation management association, which would in turn implement a carpooling program. Regarding limiting idling to two minutes or less, Mitigation Measure AQ-8 limits idling to three minutes in compliance with the California Attorney General’s best practices. Regarding installation of air filtration systems and provision of onsite meals, these measures would not serve to substantially lessen air quality or greenhouse gas emissions; therefore, they are not considered an effective mitigation measure under CEQA.

Regarding electric truck infrastructure and reducing diesel emissions, the infeasibility of zero emission trucks and accompanying infrastructure is discussed in detail on pages 5.3-54 through 5.3-55 of the Draft EIR.

Regarding solar infrastructure, Mitigation Measure GHG-5 requires the installation of onsite solar panels to generate enough electricity to offset 100 percent of the building office's energy needs.

Comment O6.6: This comment states that the Draft EIR must significantly increase electric truck charging infrastructure in order to accommodate the California Air Resources Board's (CARB) goal to have 100 percent zero-emission medium and heavy-duty on-road vehicles statewide by 2045. The comment states that the Project should include electric vehicle charging stations to accommodate every truck that would serve the facility. Additionally, if cold storage is planned for future warehouse use, each dock door should be equipped with electric plugs for electric transport refrigeration units.

Response O6.6: As discussed on page 5.3-54 through 5.3-55 of the Draft EIR, as of 2025, the use of zero-emission heavy-duty trucks in support of uses such as those proposed by the Project remains infeasible given the extremely limited commercial availability of zero-emission trucks, as well as infrastructure limitations, including limited truck-accessible charging/refueling stations and electrical grid capacity. As discussed within the Draft EIR, while many heavy-duty truck manufacturers have released zero-emission battery electric and hydrogen-powered trucks, these vehicles have yet to reach large scale production, and their use remains extremely limited. Further, the availability of truck accessible vehicle charging stations and hydrogen refueling stations in California and the United States as a whole severely limits the feasibility of zero-emission trucks. Overall, requiring the Project to utilize emerging technology as mandatory mitigation when the various types of technological advancements and their timeframes for commercial availability are not known with any certainty, is not a feasible mitigation measure, which is further detailed on pages 5.3-54 through 5.3-55 of the Draft EIR. Further, as described on page 3-22 through 3-23 of the Draft EIR, the MBU buildings would not include cold storage uses.

Comment O6.7: This comment states that the Project's proposed diesel fire pumps and emergency generators would contribute to a large production of diesel particulate matter which can cause adverse health and environmental effects. The comment also states that the Project is already located in an area with existing high levels of pollution which the Project will further contribute to. The comment states that the EIR should replace proposed diesel infrastructure with the cleanest technology available.

Response O6.7: The comment correctly notes that diesel particulate matter is a toxic air contaminant with established links to adverse health outcomes, including respiratory illness, cardiovascular effects, and cancer. Consistent with the South Coast AQMD guidelines, the Draft EIR evaluates potential health risk impacts associated with construction and operation of the Project. The Health Risk Assessment concluded that at the maximally exposed individual receptor location (Location R7, approximately 96 feet east of the Specific Plan Area), the maximum incremental cancer risk attributable to Project construction-source diesel particulate matter and gasoline dispensing emissions prior to mitigation is estimated to be 4.46 in one million in the Phase 2 without Overlay scenario and 4.26 in one million in the Phase 2 with Overlay scenario, which would not exceed South Coast AQMD threshold of significance and would be less than significant (Draft EIR Page 5.3-61). Additionally, with implementation of the mitigation that is required for construction regional emissions (Mitigation Measures AQ-1 through AQ-7), the maximum incremental cancer risk would be reduced to 1.08 in one million in the Phase 2 without Overlay scenario and 1.03 in one million in the Phase 2 with Overlay scenario (Draft EIR Page 5.3-62). At this same location, non-cancer risks were estimated to be ≤ 0.01 under both scenarios with and without mitigation, which would not exceed the applicable significance threshold of 1.0 (Draft EIR Page 5.3-62).

During operation, the maximum incremental cancer risk attributable to Project operational-source toxic air contaminant emissions is estimated to be 13.19 in one million under the Specific Plan Buildout without Overlay scenario and 12.82 in one million under Specific Plan Buildout the with Overlay scenario, both of which would exceed the South Coast AQMD significance threshold of 10 in one million, resulting in a potentially significant impact (Draft EIR Page 5.3-63). Therefore, the Project includes Mitigation Measure AQ-20, which requires either: a minimum 1,000-foot setback between building loading docks and the residential development east

of Barrett Avenue and between Val Verde Elementary School to any future MBU development on the Phase 2 block east of Indian Avenue; restriction of diesel powered trucks accessing any future MBU development on the Phase 2 block east of Indian Avenue; or preparation of a site specific health risk assessment prior to approval of any future MBU development on the Phase 2 block east of Indian Avenue demonstrating that significant cancer risk impacts could be avoided without implementation of setbacks or diesel truck restrictions. In addition, Mitigation Measure AQ-8 would limit idling to 3 minutes onsite.

With implementation of Mitigation Measures AQ-8 and AQ-20, the highest cancer risk without overlay would be Location R7 with a cancer risk of 6.48. With Overlay, the highest cancer risk would be at Location R6, located approximately 454 south of the site at 102 Oaktree Drive, and would be 7.55 in one million, which would not exceed the South Coast AQMD significance threshold of 10 in one million (Draft EIR Page 5.3-63). At this same location, non-cancer risks were estimated to be ≤ 0.01 under both scenarios, with and without mitigation, which would not exceed the applicable significance threshold of 1.0. Because all other modeled receptors are further from the Specific Plan Area and would experience lower concentrations of toxic air contaminants during Project operation, all other receptors in the vicinity of the Project would be exposed to less emissions and therefore subject to less risk. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction or operational activity.

Comment O6.8: This comment states that installation of rooftop solar panels on large warehouses is a good use of sun-exposed space that would otherwise go unused. The comment states that current technology enables new buildings to either meet 100 percent of their energy needs with rooftop solar or be built to support future installation. The comment states that California must significantly expand its clean energy infrastructure, including installing 2.8 gigawatts of solar power annually over the next 20 year, in order to achieve its decarbonization goals.

Response O6.8: This comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment O6.9: This comment states that the main challenge to expanding solar capacity at the pace required to meet State goals is access to large amounts of flat, sunlit land. The comment notes that the Project provides mitigation to make proposed buildings solar ready; however, there is not commitment to full installation of a solar system. The comment states that providing solar ready roofs does not go far enough to mitigate the GHG emissions projected to result from the Project. The comment also states that the California Attorney General's Office recommends solar rooftops for new warehouse construction. The comment states that rooftop solar mitigation measures should be a mandatory requirement in the Draft EIR to ensure the buildings are entirely energy efficient.

Response O6.9: The proposed Project incorporates Mitigation Measure AQ-14 which requires the Project to install all the necessary infrastructure to allow solar photovoltaic systems on the Project site to be installed in the future, with a specified electrical generation capacity in order to meet California Green Building Code Standards. This is because the proposed buildings are speculative, thus a future tenant is not known at this time. Therefore, future energy demands of the future tenants cannot be precisely determined at this time. However, Mitigation Measure AQ-14 also requires that the entire roof of the office section of each industrial building to be designed to support solar installations; and, once the building tenant has been identified, solar panels are required to be installed in order to generate enough energy to meet 100 percent of the building office's energy needs. Thus, once a tenant has been chosen, a large portion of the building's energy needs will be completely offset by solar panels. Additionally, as explained on page 5.6-16 of the Draft EIR, a majority of the emissions that would result from the proposed Project are from vehicles. Thus, mandating additional solar would not result in a substantial reduction in the Project's overall emissions.

Comment O6.10: This comment states that EIRs must thoroughly analyze a project's effects on transportation and traffic. The comment states that the construction and operation of the proposed Project will significantly

increase local vehicle traffic during construction and operation. The comment states that the Draft EIR provides a vague traffic analysis, failing to clearly account for the greater impact of truck trips by not using passenger car equivalents, potentially understating the project's traffic effects.

Response O6.10: Passenger car equivalents (PCE) are used solely for determined impacts related to level of service (LOS) which is no longer considered under CEQA (Public Resources Code Section 21099[b][2]). Nevertheless, the Traffic Impact Analysis Report, included as Appendix B to this Final EIR, includes the trip generation in PCE.

Comment O6.11: This comment states that the Draft EIR estimates 40,321 daily vehicle trips would occur from operation of the Project but fails to specify vehicle types or convert heavy-duty truck trips into PCE. The comment states that without PCEs, the analysis understates the true impact of truck traffic, which has far greater effects on emissions, congestion, and road wear than passenger cars. The comment states that given that heavy-duty trucks contribute disproportionately to air pollution and GHG emissions, the Draft EIR's omission is misleading and must be corrected for an accurate evaluation of transportation impacts.

Response O6.11: The commenter incorrectly asserts that PCEs are used to determine emissions. The modeling of air quality and GHG emissions relies on the actual trip generation and not the PCE trip generation. Each type of vehicle (passenger car, medium duty truck, heavy duty truck, etc.) is independently input into CalEEMod to determine potential emissions resulting from mobile sources in relation to the proposed Project. Further, regarding traffic and road wear, as part of the 2018 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses" (Public Resources Code Section 21099[b][1]); and that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment" (Public Resources Code Section 21099[b][2]). As such, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not allowed to analyze impacts, including cumulative impacts, related to traffic congestion. Therefore, no response to the comment related to LOS is warranted.

Comment O6.12: This comment states that CEQA requires EIRs to identify and mitigate significant environmental impacts, including those related to transportation. The comment notes that the Draft EIR acknowledges that the Project will significantly increase vehicle miles traveled (VMT), with Commercial Phase 1 VMT more than double the significance threshold and the full buildout 14–18 percent above it. The comment states that the Draft EIR proposes only one limited mitigation measure focused on reducing employee commutes, neglecting civilian trips to new commercial areas. The comment states that this measure is insufficient as it fails to address the broader transportation impacts, such as increased sprawl, reduced investment in infill housing, and more single-occupancy vehicle use.

Response O6.12: The Project would implement multiple design features and mitigation measures to reduce VMT, including California Air Pollution Control Officers Association (CAPCOA) Measure T-2 (Increase Job Density) by concentrating jobs within the City and shortening commutes; CAPCOA Measure T-18 (Provide Pedestrian Network Improvement) as PDF TR-1 by installing sidewalks as outlined in Section 3.0, Project Description; CAPCOA Measure T-19-A (Construct or Improve Bike Facility) and Measure T-20 (Expand Bikeway Network) as PDF TR-2 by installing bike lanes as outlined in Section 3.0, Project Description; and Measure T-27 (Implement Transit-Supportive Roadway Treatments) as PDF TR-3 by installing new crosswalks along Project roadways and constructing two bus stops along Perris Boulevard. Furthermore, the Project would implement Mitigation Measure TR-1, which would require a voluntary commute trip reduction program for facilities with fewer than 250 employees, and Mitigation Measure AQ-11, which would require a mandatory commute trip reduction program/transportation management association. Implementation of PDF TR-1 through TR-3 and Mitigation Measure TR-1 would reduce VMT to the extent feasible, as discussed on Draft EIR Page 5.16-25.

CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will “substantially lessen” a project’s significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project’s significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible. Furthermore, the commenter does not provide any additional mitigation measures that it deems feasible to reduce VMT.

Comment O6.13: This comment states that the Project promotes urban sprawl and would require the development of new infrastructure. The comment states that the investment in exurban sprawl will discourage investment in city centers, furthering the urban sprawl problem and pushing residents away from the city’s core. The comment states that sprawl imposes higher financial burdens, with infrastructure costs estimated to be 50 percent greater than those of more compact, urban development.

Response O6.13: The proposed Project site is located within a developed area within the City limits of Perris and is already designated for urban development under the site’s existing land use and zoning designations. The site is surrounded by residential uses, industrial uses, commercial uses, and some vacant parcels. As described on Page 6-4 of the Draft EIR, the proposed Project involves expanding existing infrastructure to support the full development of the Specific Plan area. This includes installation of new water, sewer, and stormwater systems to connect with existing infrastructure in surrounding roadways to meet the demands of the Project. The Project also includes the improvement of several roadways to their ultimate width, such as Orange Avenue, Perris Boulevard, and Barrett Avenue, and the construction of new roadways Harvest Landing Way and Private Drive A to facilitate traffic flow. However, the Project does not propose extending roads into undeveloped areas but focuses on enhancing existing infrastructure to accommodate the proposed development. The Project would not increase urban sprawl in the area as the site is already designated for urban development and is surrounded by existing urban development on all sides.

Further, under CEQA, economic or social effects are not considered significant effects on the environment. Rather, these effects are considered in the context of their potential linkage or indirect connections between the proposed project and physical environmental effects. As such, the Draft EIR need not include a discussion of urban sprawl.

Comment O6.14: This comment states that if Project Alternative 2 or 4 is selected to move forward, additional residential units would be produced. The comment notes that California is in need of additional housing, but specifically needs equitable housing for low-income residents. The comment states that the Project alternatives propose market-rate housing on the urban fringe and does not address affordability. The comment states that the City should be densifying its urban areas with existing public infrastructure while making sure to preserve open space.

Response O6.14: As noted under Response O6.13, under CEQA, economic or social effects are not considered significant effects on the environment. Rather, these effects are considered in the context of their potential linkage or indirect connections between the proposed project and physical environmental effects. More specifically, the direction for treatment of economic and social effects is stated in Section 15131(a) of the CEQA Guidelines:

“Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on physical changes.”

Additionally, pursuant to CEQA Guidelines Section 15382, a social or economic change by itself shall not be considered a significant effect, but a social or economic change may be considered in determining whether the physical change is itself significant.

CEQA is an environmental protection statute that is concerned with physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The Project's potential economic and social effects are not considered effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Thus, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include substantial discussion of the Project's economic or social effects. Further, it is not the purpose of a CEQA document to advocate for or against any specific project. Instead, environmental impact reports are objective and technical documents, prepared for the purpose of identifying and disclosing environmental impacts, to inform both the public and the City's decision makers. It is then in the discretion of the City's decision makers to weigh the environmental impacts identified in the environmental impact report against the Project's merits (including its economic and social effects) to decide whether to approve or disapprove the Project.

CEQA Guidelines Section 15204(a) states that when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, and provides the following direction related to EIR comments and responses:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the 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, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.

Thus, this Final EIR does not provide detailed responses to comments that do not raise a significant environmental question (*Citizens for E. Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). Because comments regarding the Project's social and economic merits do not pertain to the potential for significant physical impacts, or the objective analysis of the same, such comments are not responded to in detail in this Final EIR.

Even though the EIR does not provide detailed analysis regarding the Project's economic and social effects, such effects are important and will be considered by the City's decision makers in determining what action to take on the proposed Project. The Planning Commission and City Council will hold publicly-noticed hearings to consider the Project, which will include consideration of the Project's merits (including economic and social effects).

Comment O6.15: This comment states that the Projects estimated 40,321 daily trips increases traffic in the region but also compromises community health. The comment states that additional vehicle emissions will increase air pollutants which can lead to health impacts. The comment also states that increased traffic can lead to safety issues.

Response O6.15: As described on Page 5.3-36 of the Draft EIR, the proposed Project would not result in emissions that exceeded the South Coast AQMD's localized significance thresholds. Therefore, the proposed Project would not be expected to exceed the most stringent applicable federal or State ambient air quality

standards for emissions of CO, NO_x, PM₁₀, and PM_{2.5}. Therefore, the Project would not generate emissions on a localized scale that are expected to result in an exceedance of applicable standards, which are intended to be protective of public health. In addition, a Health Risk Assessment was prepared, which determined that Project construction would not cause a significant human health or cancer risk to nearby land uses. As detailed on Page 5.3-66 through 6.3-67 of the Draft EIR, with implementation of Mitigation Measures AQ-8 and AQ-20, the highest cancer risk without overlay would be Location R7 with a cancer risk of 6.48. With Overlay, the highest cancer risk would be at Location R6, located approximately 454 south of the site at 102 Oaktree Drive, and would be 7.55 in one million, which would not exceed the South Coast AQMD significance threshold of 10 in one million (Draft EIR Page 5.3-63). At this same location, non-cancer risks were estimated to be ≤ 0.01 under both scenarios, with and without mitigation, which would not exceed the applicable significance threshold of 1.0. Because all other modeled receptors are further from the Specific Plan Area and would experience lower concentrations of toxic air contaminants during Project operation, all other receptors in the vicinity of the Project would be exposed to less emissions and therefore subject to less risk. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction or operational activity.

Further, while buildout of the Project would add additional daily trips to the area, impacts related to queuing and safety were determined to be less than significant. As detailed on Page 5.16-28 through 5.16-30 of the Draft EIR, onsite driveways have been evaluated to ensure that the necessary queue length is provided to ensure trucks accessing the business park buildings would not back onto Frontage Road, Orange Avenue, Harvest Landing Way, or Barrett Avenue. In addition, once tenants are known for the proposed drive-thru restaurants, a tenant-specific queuing analysis would be prepared and reviewed by the City Engineering Department prior to issuance of a building permit. Onsite traffic signing and striping would also be implemented in conjunction with detailed construction plans with implementation of the Project. Additionally, sight distance at the Project's access points would be reviewed with respect to City standards at the time of final grading, landscape, and street improvement plan reviews. Additionally, Project frontage improvements and site access points would be constructed to be consistent with the identified roadway classifications and respective cross-sections in accordance with the City of Perris General Plan Circulation Element and Harvest Landing Specific Plan. Compliance with existing regulations would be ensured through the City's construction permitting process.

Comment O6.16: This comment states that the Draft EIR only includes one measure to mitigate the transportation impacts of the Project. The comment provides recommendations from the California Attorney General's Office such as designing employee pickup and drop off areas, consulting with the local public transit agency for increased public transit service to the area, implementing traffic control measures like speed bumps, and constructing new transit stops.

Response O6.16: As discussed in Draft EIR Section 5.16, *Transportation*, the proposed Project includes VMT measures other than Mitigation Measure TR-1. VMT reduction strategies are based on research documented in the California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (CAPCOA Handbook). The CAPCOA Handbook identifies a total of 34 VMT reduction measures; however, not all 34 measures would be effective for Project mitigation. Particularly, many measures do not apply to a non-residential project, like the proposed Project.

The Project would implement multiple design features and mitigation measures to reduce VMT, including CAPCOA Measure T-2 (Increase Job Density) by concentrating jobs within the City and shortening communities; CAPCOA Measure T-18 (Provide Pedestrian Network Improvement) as PDF TR-1 by installing sidewalks as outlined in Section 3.0, *Project Description*; CAPCOA Measure T-19-A (Construct or Improve Bike Facility) and Measure T-20 (Expand Bikeway Network) as PDF TR-2 by installing bike lanes as outlined in Section 3.0, *Project Description*; and Measure T-27 (Implement Transit-Supportive Roadway Treatments)

as PDF TR-3 by installing new crosswalks along Project roadways and constructing two bus stops along Perris Boulevard.

The City considered the references provided by California Attorney General when developing the mitigation measures for the Project. However, CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will “substantially lessen” a project’s significant impacts (CEQA Guidelines Section 15041). The Draft EIR’s mitigation measures are consistent with and support the overarching recommendations in the provided references and no revisions are warranted.

This comment does not provide substantial evidence of a significant impact not already disclosed in the EIR or evidence that not all feasible mitigation has been included in the Draft EIR.

Comment O6.17: This comment notes that the Project proposes an additional bus stop on Perris Boulevard. The comment states that this stop is placed too closely between two existing bus stops along Perris Boulevard, which can adversely affect bus route efficiency. The comment states that the recommended spacing between bus stops is 1,300 feet, which the existing bus stops meet. The comment states that adding an additional bus stop between the two existing stops would cause delays. The comment states that there are other streets along the perimeter of the site that do not have existing bus stops (Barett Avenue, Placentia Avenue, and Indian Avenue). The comment states that the Project should increase public transit along the streets without existing bus stops.

Response O6.17: This comment does not raise a specific issue with the adequacy of the Draft EIR. The bus stop location was reviewed and approved by the Riverside Transit Authority.

Comment O6.18: This comment states that the Draft EIR fails to adequately address the Project’s water quality impacts because it omits information about existing contamination in the San Jacinto Groundwater Basin. The comment states that the basin is already polluted with nitrates, volatile organic compounds (VOCs), perchlorate, fuels, PFAS, and other harmful substances from industrial and military sources, including the March Air Reserve Base. The comment states that despite the area’s known water quality issues, the Draft EIR does not identify these contaminants, explain their health risks, or assess how the Project could worsen the situation. The comment states that this lack of baseline data undermines the validity of the Draft EIR’s impact analysis.

Response O6.18: While the San Jacinto Groundwater Basin may be impacted by pollutants, the Project site is not located over a contaminated groundwater plume. As described in Draft EIR Section 5.10, *Hydrology and Water Quality*, the proposed Project would not worsen any existing groundwater pollution with compliance with existing regulatory requirements. The Project would implement a Stormwater Pollution Prevention Plan (SWPPP) and an erosion control plan which would ensure that the Project’s implementation does not violate any water quality standards or waste discharge requirements during construction activities. Additionally, pursuant to the requirements of State Water Resources Board Order No. R8-2002-0011, NPDES No. CAS618033, the Project would be required to implement a Water Quality Management Plan (WQMP) which is a site-specific post-construction water quality management program designed to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters, under long term conditions via Best Management Practices (BMPs). Thus, adherence to the existing regulations would ensure degradation of water quality would be less than significant.

Comment O6.19: This comment notes that the Draft EIR acknowledges that the Project could significantly impair water quality; however, the Project would implement a SWPPP in accordance with the law. The comment states that compliance with existing law does not adequately reduce potential impacts to less than significant. The comment states that the lead agency cannot rely on existing law to make a finding of no significant impact without substantial to support a no-impact finding. The comment also states that the Draft EIR also fails to address how the Project could worsen already significant groundwater contamination in the

area. The comment states that without concrete mitigation measures, the City has not fulfilled its duty to prevent further water pollution.

Response O6.19: A SWPPP is the primary mechanism to manage construction-related stormwater pollution. The Project incorporates a SWPPP to minimize stormwater impacts, consistent with the requirements of the California General Construction Permit and Perris Municipal Code. The SWPPP identifies all potential pollution sources and specifies BMPs to be implemented throughout construction to prevent the discharge of pollutants into the stormwater system and local waterways. Specific mitigation measures include erosion control, construction waste management, post-construction measures, and monitoring and enforcement. Additionally, as discussed on Draft EIR Page 5.10-14, pursuant to the requirements of State Water Resources Board Order No. R8-2002-0011, NPDES No. CAS618033, the Project would be required to implement a WQMP which is a site-specific post-construction water quality management program designed to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters, under long term conditions via BMPs. Implementation of the WQMP ensures on-going, long-term protection of the watershed basin. As discussed in the Preliminary WQMP (Draft EIR Appendix O) and Table 5.10-2, development of Phase 1 includes onsite structural source control BMPs that consists of bioretention basins, underground stormwater chambers with modular wetland systems, and pervious landscaped areas that would be sized to treat and retain the WQMP volume. Additionally, future development proposed within the Phase 2 Specific Plan area would be required to meet the specifications of the City's NPDES Permit and implement a WQMP pursuant to the requirements of State Water Resources Board Order No. R8-2002-0011, NPDES No. CAS618033. The City maintains that post construction BMPs included in the development specific required WQMP would avoid potential quality degradation of receiving waters resulting from proposed developments. Further, plans for grading, drainage, erosion control and water quality would be reviewed by the City's Public Works Department prior to issuance of grading permits to ensure that the applicable and required Low Impact Development BMPs are constructed during implementation.

Further, the case law that the commenter refers to does not relate to water quality issues or the fact that regulatory requirements for stormwater quality would reduce potential impacts to a less than significant level.

Comment O6.20: This comment states that air quality is a major environmental and public health issue in California, as unhealthy air quality contributes to a wide range of diseases, increased mortality, and economic costs. The comment states that in addition to harming human health, especially among children, the elderly, and low-income communities, air pollution also damages crops, ecosystems, and wildlife. The comment states that GHGs like carbon dioxide not only drive climate change but also worsen air pollution, creating a harmful feedback loop. The comment states that Riverside County suffers from some of the worst air quality in the nation, ranking second for ozone pollution and eleventh for year-round particulate matter (PM_{2.5}). The comment states that the pollutants of greatest concern are ozone, PM_{2.5}, and toxic air contaminants. The comment states that these pollutants are linked to cancer, birth defects, and severe heart and lung conditions. The comment states that diesel emissions are a major contributor of pollutants in the region.

Response O6.20: The City agrees that air quality is a major environmental and public health issue in California. This comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided

Comment O6.21: This comment states that the Project's location makes its air quality impacts especially harmful because it is situated near sensitive receptors, including Val Verde Elementary School (66 feet away), Perris Early Head Start (720 feet away), and nearby homes (as close as 96 feet). The comment states that children and residents in close proximity to the Project would be exposed to harmful pollutants from ongoing truck traffic and industrial operations. The comment states that the Draft EIR acknowledges significant air quality impacts related to increased VOCs and nitrogen oxide (NO_x) emissions, and provides mitigation to

reduce impacts, but only offers mitigation focused on construction and employee commuting. The comment states that the Draft EIR fails to adequately address long-term pollution from heavy-duty diesel trucks. The comment states the Draft EIR must be revised to include more comprehensive, evidence-based mitigation measures.

Response O6.21: As detailed beginning on page 5.3-61 of the Draft EIR, a Construction and Operational Health Risk Assessment was prepared to evaluate Project health risk impacts to residents, schools, and workers as a result of exposure to diesel particulate matter from heavy-duty diesel trucks traveling to and from the site, maneuvering onsite, and entering and leaving the site. The land use with the greatest potential exposure to combined Project construction-source and operational-source diesel particulate matter and gasoline dispensing emissions is located approximately 96 feet east of the Project site at the residences currently under construction at Barrett Avenue and West Placentia Avenue (identified as Location R7 in the Draft EIR). As shown in Draft EIR Table 5.3-49, with implementation of Mitigation Measures AQ-8 and AQ-20, the highest cancer risk without overlay would be Location R7 with a cancer risk of 6.48. With Overlay, the highest cancer risk would be at Location R6, located approximately 454 south of the site at 102 Oaktree Drive, and would be 7.55 in one million, which would not exceed the South Coast AQMD significance threshold of 10 in one million (Draft EIR Page 5.3-63). At this same location, non-cancer risks were estimated to be ≤ 0.01 under both scenarios, with and without mitigation, which would not exceed the applicable significance threshold of 1.0. Because all other modeled receptors are further from the Specific Plan Area and would experience lower concentrations of toxic air contaminants during Project operation, all other receptors in the vicinity of the Project would be exposed to less emissions and therefore subject to less risk. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction or operational activity.

Regarding regional air quality impacts, as discussed in Section 5.3, *Air Quality*, of the Draft EIR, land use change associated with the Specific Plan Amendment would result in VOC, NO_x, CO, PM₁₀, and PM_{2.5} emission exceedances that would result in significant and unavoidable air quality impacts despite the implementation of all feasible mitigation measures. The land use change associated with the Project would increase summer VOC and PM_{2.5} and year-round NO_x and SO_x emissions compared to the previously approved land uses. Therefore, the Project would result in a conflict with, or obstruct, implementation of the applicable Air Quality Management Plan. Emissions from construction of Phase 1 and Specific Plan Buildout would exceed the South Coast AQMD's thresholds of significance for NO_x after implementation of regulatory requirements and mitigation measures. Therefore, construction-source NO_x emissions would be significant and unavoidable on a Project-level and a cumulative basis.

Emissions from operation of Phase 1 would exceed the South Coast AQMD's thresholds of significance for VOC, NO_x, CO, and PM₁₀ after implementation of regulatory requirements and mitigation measures. Emissions from operation of Phase 2 would exceed the South Coast AQMD's thresholds of significance for VOC and NO_x after implementation of regulatory requirements and mitigation measures. Emissions from Specific Plan Buildout would exceed the South Coast AQMD's thresholds of significance for VOC, NO_x, CO, PM₁₀, and PM_{2.5} after implementation of regulatory requirements and mitigation measures. A majority of operational-source emissions (by weight) would be generated by Project vehicles that neither the Project applicant nor the City have the regulatory authority to control. Therefore, operational-source VOC, NO_x, CO, PM₁₀, and PM_{2.5} emissions would be significant and unavoidable on a Project-level and a cumulative basis. Therefore, the Draft EIR accurately discloses that the Project would result in an increase in emissions and contribute to nonattainment of National Ambient Air Quality Standards and California Ambient Air Quality Standards.

The comment does not provide any suggested additional feasible mitigation measures that the Project could implement to further reduce impacts. CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts

(CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project's significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible.

Comment O6.22: This comment states that the Project is proposed in an area already in violation of the Clean Air Act's National Ambient Air Quality Standards. The comment states that the South Coast Air Basin is in violation of standards for ozone and particulate matter (PM_{2.5} and PM₁₀). The comment states that despite the region's need for major emission reductions to meet air quality goals, the Draft EIR fails to fully analyze the Project's contribution to increased emissions or how it may hinder the region's progress under State Implementation Plans. The comment states that the Draft EIR also does not provide adequate mitigation to address these significant impacts.

Response O6.22: As discussed on Draft EIR Pages 5.3-29 through 5.3-31, land use change associated with the Specific Plan Amendment would result in VOC, NO_x, CO, PM₁₀, and PM_{2.5} emission exceedances that would result in significant and unavoidable air quality impacts despite the implementation of all feasible mitigation measures. The land use change associated with the Project would increase summer VOC and PM_{2.5} and year-round NO_x and SO_x emissions compared to the previously approved land uses. Therefore, the Project would result in conflict with, or obstruct, implementation of the applicable AQMP, which serves as the State Implementation Plan. As such, the Draft EIR properly assesses how the Project would conflict with the South Coast AQMD AQMP and contribute to existing nonattainment of National Ambient Air Quality Standards.

The comment does not provide any suggested additional feasible mitigation measures that the Project could implement to further reduce impacts. CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project's significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible.

Comment O6.23: This comment states that the Project will have significant and unavoidable air quality impacts, even with implementation of the proposed 21 mitigation measures. The comment states that the City is failing to consider all feasible mitigation measures to reduce or avoid the Project's significant air quality impacts.

Response O6.23: As discussed in Responses O6.4, O6.5, and O6.12, CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project's significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible. Further, the comment does not provide any suggested feasible mitigation measures.

Comment O6.24: This comment states that the Draft EIR acknowledges that the Project's NO_x emissions will exceed regulatory thresholds and has an obligation to adopt all feasible mitigation measures. The comment states that instead of adopting stronger measures, the Draft EIR proposes a five-minute truck idling limit mitigation measure, which is already required by state law. The comment states that this is misleading because compliance with existing regulations does not qualify as a true mitigation measure under CEQA.

The comment states that the California Attorney General recommends a two-minute idling limit and the Draft EIR does not explain why limiting idling to two minutes is not feasible. The comment states the mitigation measure must be revised to require idling times to be reduced to two minutes.

Response O6.24: In response to comments provided by this and other commenters, Mitigation Measure AQ-8 has been revised as follows and as further detailed in Final EIR Section 3.0, *Revisions to the Draft EIR*:

Mitigation Measure AQ-8: Idling Regulations. The Project plans and specifications shall include signs at loading dock facilities that include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than 35 minutes once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged pursuant to Title 13 of the California Code of Regulations, Section 2485; and 3) telephone numbers of the building facilities manager, South Coast AQMD and CARB to report violations. Signs shall be installed prior to receipt of an occupancy permit.

Furthermore, the commenter incorrectly states that the California Attorney General Recommends a two-minute idling limit. Page 9 of the Attorney General’s *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* clearly states, “Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.”¹²

Comment O6.25: This comment states that the Project will increase traffic near sensitive receptors. The comment states that Project should incorporate measures recommended by the California Attorney General, including installing vegetative or structural barriers to block pollution and applying all options under Mitigation Measure AQ-21, including providing a 1,000-foot setback between loading docks and sensitive receptors, a ban on diesel trucks in Phase II, and a site-specific Health Risk Assessment. The comment states that even if the Health Risk Assessment shows no threshold exceedance, the other protections should still be required, as there is no evidence they are infeasible.

Response O6.25: The City considered the references provided by California Attorney General when developing the mitigation measures for the Project. However, CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will “substantially lessen” a project’s significant impacts (CEQA Guidelines Section 15041). The Draft EIR’s mitigation measures are consistent with and support the overarching recommendations in the provided references and no revisions are warranted.

Comment O6.26: This comment states that noise from the Project, particularly from diesel trucks and unloading activities, poses a significant impact to nearby residents and wildlife and has not been adequately addressed in the Draft EIR. The comment states that the Draft EIR fails to analyze the impact of construction and operational noise on local species, despite research showing that traffic noise can harm wildlife, particularly migrating songbirds, by reducing feeding and increasing stress, ultimately lowering survival rates. The comment states that studies have shown notable declines in bird abundance and behavioral disruptions at noise levels similar to those expected from the Project.

Response O6.26: The Project site is located in a relatively developed area directly adjacent to Interstate 215. Additionally, the results of the Habitat Assessment (Draft EIR Appendix D) confirm that there is no noise sensitive habitat within or near the Project site. Further, as detailed in Draft EIR Section 5.1.2, *Noise*, impacts

¹² California Attorney General (September 2022). *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act*. <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>

related to onsite construction and operational noise were determined to be less than significant. Therefore, the Project would not result in significant onsite noise impacts to sensitive receivers or sensitive wildlife habitat.

Comment O6.27: This comment states that the Draft EIR fails to analyze the Project's noise impacts on nearby sensitive receptors, including homes and an elementary school located 66 feet away from the Project site. The comment states that noise pollution is the second leading environmental health risk after air pollution and that long-term exposure to noise has been linked to serious health issues such as heart disease, stroke, diabetes, sleep disorders, mental health problems, and developmental delays in children. The comments states that children are especially vulnerable, with noise shown to impair learning, memory, and concentration. The comment states that a thorough assessment and incorporation of mitigation of noise impacts are needed due to the Project's proximity to sensitive receptors.

Response O6.27: The Draft EIR adequately analyzed noise impacts on sensitive receptors near the Project site. As detailed on Tables 5.12-7 through 5.12-12, construction noise from Phase 1, Phase 2 with the Overlay, and Phase 2 Without the Overlay would not exceed the Perris Municipal Code 80 dBA Lmax daytime construction noise level threshold at the nearby sensitive receiver locations. Additionally, construction related increases to ambient noise would not exceed the 12 dBA threshold of significance. Therefore, impacts related to construction noise from Phase 1, Phase 2 with the Overlay, and Phase 2 Without the Overlay would be less than significant.

Further, as described on Draft EIR Page 5.12-28 through 5.12-29, with authorization from the City of Perris, the Project may involve nighttime concrete pouring. However, as shown on Table 5.12-13, concrete pouring activities would range from 50.9 to 55.9 dBA Lmax at the nearby receiver locations, which would be less than the City's 60 dBA Lmax residential nighttime noise level standard. Therefore, potential impacts from nighttime concrete pouring activities onto nearby receptors would be less than significant.

As indicated on Table 5.12-27, with operation of Phase 1, the daytime increase in noise would range from 0.0 to 1.0 dBA Leq and Table 5.12-28 shows that the nighttime increase in noise would range from 0.1 to 0.9 dBA Leq, which would not generate a significant daytime or nighttime operational noise level increase at the sensitive receiver locations. As shown in Table 5.12-29, with operation of Phase 2 with Overlay, the daytime increase in noise would range from 0.0 to 0.8 dBA Leq and Table 5.12-29 shows that the nighttime increase in noise would range from 0.1 to 1.5 dBA Leq, which would not generate a significant daytime or nighttime operational noise level increase at the sensitive receiver locations. As shown in Table 5.12-31, with operation of Phase 2 without the Overlay, the daytime increase in noise would range from 0.0 to 4.0 dBA Leq and Table 5.12-32 shows that the nighttime increase in noise would range from 0.1 to 1.5 dBA Leq, which would not generate a significant daytime or nighttime operational noise level increase at the sensitive receiver locations. Therefore, operational impacts to nearby sensitive receptors would be less than significant. As such, there is no nexus for requiring noise mitigation related to onsite noise generation.

Comment O6.28: This comment states that the Draft EIR determined that traffic noise would be potentially significant; however, the Draft EIR did not include feasible mitigation measures recommended by the California Attorney General. The comment states that these recommended measures include installing noise barriers, relocating noisy equipment away from sensitive areas, using properly maintained mufflers, surrounding combustion equipment with noise protection, restricting construction hours, paving roads with low-noise asphalt, and limiting PA system volume and orientation.

Response O6.28: The City considered the references provided by California Attorney General when developing the mitigation measures for the Project. However, CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041). Further, the Draft EIR includes a detailed discussion of how there are no feasible mitigation measures to reduce traffic noise on page 5.12-30. As

discussed, noise barriers and rubberized asphalt are not considered feasible mitigation for the proposed Project and impacts related to traffic noise level increases would be significant and unavoidable.

Comment O6.29: This comment states that the Draft EIR lacks substantial evidence to support its conclusion that the Project's impact on biological resources would be less than significant. The comment states that the Draft EIR failed to conduct adequate surveys, contains inconsistencies in data, and provides insufficient mitigation. The comment states that potential impacts to burrowing owls, other raptors, rare plants, and riparian and riverine habitats must be more thoroughly examined and mitigated. The comment states that the Draft EIR also fails in complying with the Western Riverside Multiple Species Habitat Conservation Plan, particularly in assessing impacts to burrowing owls, raptors, rare plants, and riparian habitats. The comment states that the Draft EIR only provides mitigation for burrowing owls, nesting birds, and riparian habitat even though the Draft EIR states 84 special-status species could exist in the vicinity of the site.

Response O6.29: The comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Responses to the concerns raised by this comment are covered in Responses O6.30 through O6.44.

Comment O6.30: This comment states that the Project site is located within the region of the Western Burrowing Owl, which is currently listed as a candidate species under the California Endangered Species Act. The comment describes that western burrowing owl population are affected by number of factors including a loss of habitat due to development and unsuccessful relocation attempts. The comment notes that the Project's impacts to the western burrowing owl should be fully considered and disclosed to the public.

Response O6.30: Potential impacts to burrowing owl have been fully considered and disclosed to the public in the Burrowing Owl Focused Survey Report included as Appendix E to the Draft EIR and on pages 5.4-31 through 5.4-35 of the Draft EIR.

Comment O6.31: This comment claims that the burrowing owl surveys conducted by the Project's biologist were not consistent with the Burrowing Owl Survey Instructions for the Multiple Species Habitat Conservation Plan (MSHCP) or with the recommendations in the California Department of Fish and Wildlife's (CDFW) Staff Report on Burrowing Owl Mitigation. The comment states that the burrowing owl surveys were conducted too quickly compared to the recommended guidance.

Response O6.31: Most of the buffer area surrounding the Project site does not provide suitable habitat for burrowing owl and was not surveyed since it is developed or heavily disturbed. Two of ELMTs biologists along with a biological intern (not listed in the reports) surveyed the mapped suitable habitat. Approximately 358 acres were mapped, which is a little over 100 acres per survey. Therefore, the survey was consistent with the MSHCP guidelines. As the Project site is located within the Western Riverside MSHCP, the CDFW (2012) Staff Report guidelines are not required to be followed. Furthermore, given that burrowing owl were detected onsite, Mitigation Measure BIO-2 is included to require a preconstruction burrowing owl survey. Should burrowing owl be detected during the preconstruction burrowing owl survey, Mitigation Measure BIO-2 would require development of a Burrowing Owl Plan, which would provide measures for avoidance, relocation, and monitoring of onsite burrowing owls in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and the Western Riverside County MSHCP. Therefore, potential impacts to burrowing would be less than significant.

Comment O6.32: This comment claims that the burrowing owl surveys were conducted outside of the period which the species is most active, as recommended by the MSHCP.

Response O6.32: Weather conditions during the surveys and timing of the surveys were suitable since burrowing owls were detected during the first two surveys. Further, surveys were conducted following the requirements set forth by the Western Riverside County MSHCP.

Comment O6.33: This comment claims that the burrowing owl surveys were conducted too close together.

Response O6.33: Weather conditions during the surveys and timing of the surveys were suitable since burrowing owls were detected during the first two surveys. Further, surveys were conducted following the requirements set forth by the Western Riverside County MSHCP.

Comment O6.34: This comment claims that the burrowing owl survey transects were further apart than required by the MSHCP or the CDFW Staff Report.

Response O6.34: The comment does not provide substantial evidence of any environmental impact. The survey transects depicted in Exhibit 4 are not to scale. Transects were spaced 100 feet apart in accordance with the Western Riverside County MSHCP Burrowing Owl Survey Instructions. As the Project site is located within the area subject to the Western Riverside County MSHCP, the CDFW (2012) Staff Report guidelines are not required to be followed.

Comment O6.35: This comment claims that the MSHCP Instructions for burrowing owl surveys direct surveys to map all “potential owl burrows.” The comment states it is unclear whether the Project surveys followed this approach.

Response O6.35: All suitable burrows were mapped during the initial focused burrow survey in accordance with the Western Riverside County MSHCP Burrowing Owl Survey Instructions.

Comment O6.36: This comment states that the burrowing owl surveys are insufficient because they did not follow the instructions of the MSHCP or the CDFW Staff Report. The comment also claims that the original surveys are outdated and may not reflect current conditions of the Project site.

Response O6.36: The burrowing owl surveys were conducted following the Western Riverside County MSHCP Burrowing Owl Survey Instructions. As the Project site is located within the area subject to the Western Riverside MSHCP, the CDFW (2012) Staff Report guidelines are not required to be followed. Additional surveys of the Project site would not change the conclusion of the Draft EIR given that burrowing owl were detected onsite.

Comment O6.37: This comment states that the Habitat Assessment makes conflicting conclusions about what dates burrowing owls were observed on the Project site.

Response O6.37: The burrowing owl observations and associated dates were recorded by the biologist and may not always be exact, as they could differ by a few days. Regardless, burrowing owls were observed onsite during the first couple of surveys and not observed within the subsequent surveys. Additional surveys of the property would not change the conclusion of the Draft EIR given that burrowing owl were detected onsite.

Comment O6.38: This comment states that Mitigation Measure BIO-2 is insufficient in reducing the Project’s impacts on burrowing owl. The comment claims the mitigation is deferred and violates CEQA.

Response O6.38: The CDFW has reviewed the burrowing owl survey and proposed mitigation as part of their review of the Determination of Biologically Equivalent or Superior Preservation (DBESP) for the Project, included as Appendix D to the Final EIR, and has concurred with the suggested mitigation. Further, burrowing owl is a covered species under the Western Riverside County MSHCP. Compliance with the MSHCP, in coordination with the Regional Conservation Authority and Wildlife Agencies to relocate the owls as required by Mitigation Measure BIO-2, would reduce potential impacts to the species to a less than significant level.

Comment O6.39: This comment states that Mitigation Measure BIO-2 does not properly mitigate for occupied burrows in accordance with recommendations in the CDFW Staff Report.

Response O6.39: Please refer above to Response O6.38.

Comment O6.40: This comment states that the Draft EIR does not adequately mitigate impacts to other sensitive raptor species.

Response O6.40: Although incidental observations of prairie falcon were made during the burrowing owl survey, these observations do not indicate that the Project site provides suitable nesting habitat or that the site supports regular or sustained use by these species. The Project site is surrounded by existing urban development and does not contain the large, undisturbed open spaces, cliffs, or mature woodlands typically required for raptor nesting. Consequently, the Project site lacks the habitat features necessary to support nesting prairie falcon or white-tailed kite. The occasional presence of these species is expected given their wide foraging ranges, but such observations do not elevate the site's habitat value or undermine the Draft EIR's conclusion that potential impacts to sensitive raptors would be less than significant with implementation of mitigation. Mitigation Measure BIO-1 is included to require a preconstruction nesting bird survey. With implementation of Mitigation Measure BIO-1, potential impacts to avian species (with the exception of burrowing owl) with the potential to occur and nest onsite would be less than significant.

Comment O6.41: This comment states the Mitigation Measure BIO-1 should be modified to clearly explain the surveying methodology that will be used during preconstruction nesting bird surveys.

Response O6.41: Mitigation Measure BIO-1 clearly outlines the requirements for conducting nesting bird surveys across the entirety of the Project site and states that the surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Therefore, no revisions to Mitigation Measure BIO-1 are warranted.

Comment O6.42: This comment states that the eastern edge of the Project area contains appropriate habitat and soils for special status plants and lies with the Narrow Endemic Plant Species survey area; therefore, the MSHCP requires a focused narrow endemic plant survey to be conducted.

Response O6.42: Given all of the disturbance the site has undergone, as noted in the comment, the suitability of the site to support Narrow Endemic Plant Species has been greatly diminished. Due to the lack of suitable habitat, a Narrow Endemic Plant Species focused survey is not required in accordance with the MSHCP. Focused surveys are only required if the site is determined to provide suitable habitat, which, for the Project site, it does not.

Comment O6.43: This comment states that the Draft EIR does not provide any mitigation measures for impacts to special plant species.

Response O6.43: See Response O6.42 above regarding impacts to special status plant impacts. As discussed on pages 5.4-30 to 5.4-31 of the Draft EIR, 24 special-status plant species are associated with the Project region. None of the special-status plant species were observed during the general biological surveys conducted on August 18, 2023. The Specific Plan Area and surrounding vicinity have been subject to decades of anthropogenic disturbances from development and agricultural activities, which has removed native plant communities that have historically occurred in the area. Based on the habitat requirements for specific species and the quality of onsite habitats, the site has a low potential to support smooth tarplant and paniculate tarplant (*Deinandra paniculata*) and the site has no potential to support the other special-status plant species listed in Table 5.4-1 (EIR Appendix D).

Smooth tarplant and paniculate tarplant are neither federally nor State listed as threatened or endangered; but are listed as California Native Plant Society Rare Plant Rank species. They are not listed as a covered species under the MSHCP. While historic anthropogenic disturbances onsite have removed the natural plant communities that once occurred in the area, smooth tarplant and paniculate tarplant are known for tolerating disturbed conditions and are commonly seen growing in similar areas throughout western Riverside County. In addition, local records show that this species is known to occur in the vicinity of the Specific Plan Area. As such, smooth tarplant and paniculate tarplant were determined to have a low potential to occur within the

Specific Plan Area despite not being observed onsite or in offsite improvement areas during field surveys (EIR Appendix D). The Specific Plan Area is isolated from known occupied areas and previously mentioned observations in the vicinity are scant and widespread. Therefore, if any smooth tarplant or paniculate tarplant are present onsite, they are not expected to contribute to the long-term conservation value of the species. Therefore, development within the Specific Plan Area would result in less-than-significant impacts to special-status plant species.

Comment O6.44: This comment states that the mitigation measure for onsite establishment of herbaceous riparian environment or the purchase of credits would not properly mitigate impacts to riparian ecosystems.

Response O6.44: The CDFW has reviewed the proposed mitigation as part of their review of the DBESP for the Project, included as Appendix D to the Final EIR, and have concurred with the suggested mitigation. Further, the final mitigation plan and monitoring required will be negotiated with the regulatory agencies (CDFW and the RWQCB) during the permit processing, which would reduce potential impacts to a less than significant level.

Comment O6.45: This comment concludes the Center for Biological Diversity's discussion and summarizes the standard practice for Lead Agencies when responding to public comments. The comment also thanks the Lead Agency for giving the Center for Biological Diversity the opportunity to comment on the Draft EIR and contact information if future questions arise.

Response O6.45: The comment is conclusionary in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.