

Comment Letter O7: Perris Neighbors in Action, 5 pages

Jairo Carbajal, Yesenia Contreras & Perris Neighbors in Action Team
July 13, 2025

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RE: Follow-up Comment on the Draft EIR for the Harvest Landing Retail Center and Business Park Project

Dear Mr. Armijo,

This letter constitutes a formal follow-up comment on the Draft Environmental Impact Report (EIR) for the Harvest Landing Retail Center and Business Park Project (the Project) on behalf of the Perris Neighbors in Action team. As previously submitted on September 9, 2024, Perris Neighbors in Action raised substantial environmental, public health, housing, legal, and procedural concerns about this project. Upon review of the May 2025 Draft EIR, it is clear that nearly every concern has either been validated, insufficiently addressed, or made even more pressing by the Project's scope and documented impacts.

O7.1

This Project is fundamentally flawed, poorly mitigated, riddled with CEQA violations, and vulnerable to litigation. If approved in its current form, it will mark a failure of environmental stewardship, community protection, and basic legal responsibility on the part of the City of Perris.

Air Quality Impacts

Per the Draft EIR, impacts AQ-1, AQ-2, and cumulative air quality impacts will remain "Significant and Unavoidable" even after 20 mitigation measures. These measures are largely band-aid fixes which are written to look good on paper and heavily reliant on future tenant compliance. Mitigation strategies such as installing electric vehicle charging "infrastructure" with no requirement for actual deployment or use are inadequate under CEQA, which mandates enforceable and effective mitigation.

O7.2

The CEQA Guidelines (§15126.4) are clear: mitigation must be measurable, certain, and capable of reducing the impact below thresholds. This EIR fails on all counts.

Greenhouse Gas Emissions

The EIR admits that even with five GHG-specific mitigation measures (GHG-1 through GHG-5) greenhouse gas emissions will still remain significant and unavoidable. These measures include vague allusions to solar-readiness, LEED-like compliance, and theoretical waste diversion targets that lack direct enforcement mechanisms. Not a single measure ensures net-zero outcomes or guarantees actual renewable energy deployment.

O7.3

Despite the original Harvest Landing plan featuring mixed-use, open space, and residential elements aligned with climate goals, the City is now proposing a densified warehouse complex that runs counter to the State’s GHG reduction mandates, Executive Order N-79-20, and the Governor’s Climate Goals. This is indefensible and potentially noncompliant with SB 375 and

Val Verde Elementary School Proximity

Val Verde Elementary is a low-income Title 1 school and is set to be surrounded by the project on three sides, yet the EIR relies on Mitigation Measure AQ-21, which gives the developer a “choose your own mitigation” menu of three options:

- Optional buffer (1,000 feet),
- Optional ban on diesel trucks,
- Optional health risk analysis with no concrete mitigation commitment.

O7.4

This is not nearly sufficient enough to protect our community’s children. Allowing such flexibility when the health of hundreds of children is at stake is not mitigation, it is negligence. AB 617, AB 98, and basic CEQA protections for sensitive receptors require mandatory setbacks and maximum emissions controls and needs to be enforced.

Truck Emissions and TRU Exposure Worst-Case analysis is ABSENT

The Draft EIR completely fails to consider the worst-case scenario of high-cube cold storage use, which is allowable under the current site plan. Transport Refrigeration Units (TRUs) are some of the highest sources of diesel particulate pollution in the state. The absence of this modeling violates CEQA’s mandate to assess the reasonable worst-case use of the site.

O7.5

This omission alone may warrant legal challenge. At minimum, the EIR must analyze TRU impacts, require TRU electrification, and prohibit cold storage uses without a future supplemental EIR.

Construction Period Health Risk

The Office of Environmental Health Hazard Assessment (OEHHA) clearly recommends health risk assessments for construction projects lasting longer than two months. This Project anticipates 4+ years of continuous grading, trucking, diesel exhaust, and demolition, yet no cancer risk quantification or health impact assessment has been conducted for nearby residents or Val Verde Elementary.

O7.6

This is an egregious oversight and a textbook CEQA failure to assess long-term construction health impacts, especially for communities with existing pollution burdens.

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Cumulative Impact Analysis

Despite acknowledging that there are at least 68 warehouses within a 5 km radius, the EIR does not perform a cumulative air quality or health risk assessment. There is no modeling of overlapping pollution plumes, cumulative truck traffic, or net pollutant load. CEQA Guidelines §15125 requires that baseline conditions reflect the actual physical environment *at the time of the NOP*, this Draft EIR severely underrepresents the level of cumulative impact that our region is facing today and *omits* the numerous nearby warehouse projects which have been constructed in recent years as amendments to the Harvest Landing Specific Plan, PCCSP and Perris General Plan.

O7.7

This violates CEQA Guidelines §15130, which require a good-faith cumulative analysis of past, present, and reasonably foreseeable future projects. The omission of cumulative risk to Val Verde, Palms, Clearwater, Orange Vista, and Sky View schools, as well as adjacent neighborhoods and parks, is inexcusable.

Alternatives Analysis

The “Alternatives” section reads as if it were designed to fail all non-industrial options. The EIR’s “Reduced Project” alternative still requires full entitlements. The only mixed-use option (Alternative 4) is clearly dismissed despite its compliance with the original Specific Plan and superior environmental profile.

O7.8

The EIR’s alternatives violate CEQA Guidelines §15126.6, which require feasible alternatives that would substantially lessen impacts. A robust mixed-use alternative with 1,000+ housing units and professional office space should have been modeled and seriously evaluated. The EIR’s refusal to do so further undermines this EIR’s validity.

SB 330

The loss of 1,860 residential units and the demolition of three occupied homes directly violates the spirit and likely the letter of SB 330 and AB 98. The proposed "Density Bonus Overlay" and rezoning substitutes do not constitute real housing replacement.

O7.9

Without concurrent, funded, and enforceable housing development elsewhere in the City, this project violates California’s no-net-loss housing mandates. Any approval under current zoning and CEQA would be open to legal challenge under housing statutes and constitutional takings grounds.

Mitigation Efforts

Nearly every meaningful mitigation is deferred to future tenant compliance or conditional permits:

O7.10

- Electric vehicle charging: infrastructure only, no usage required.
- Solar: "ready" infrastructure, not required to be installed.
- Clean fleet standards: left to tenant choice or incentive programs.

O7.10
Cont.

Deferred mitigation without binding performance standards or triggers is noncompliant with CEQA and renders many conclusions meaningless.

Misrepresentation of Warehouse Zoning

The EIR falsely refers to this warehouse-dominated plan as a "Business Park", despite 5 out of 7 structures exceeding 100,000 square feet and qualifying as industrial distribution facilities, not professional-use "business" space.

O7.11

This intentional rebranding appears to be a strategy to avoid Conditional Use Permit scrutiny under the Harvest Landing Specific Plan, which caps warehouse facilities without CUPs. The mischaracterization is both misleading and legally consequential, undermining the integrity of the planning and entitlement process.

Jobs Estimates

The EIR claims "economic growth" and "job creation" as major benefits, yet provides no job-per-acre methodology, source data, or salary projections.

O7.12

Warehousing offers low-wage, high-turnover, often exploitative labor conditions. The replacement of previously promised professional offices and R&D space with speculative warehousing robs the City of Perris of future economic stability and prosperity. The loss of job diversity and quality is a socioeconomic blow that this EIR utterly fails to analyze.

Conclusions

Taken together, this Project is:

- Piecemealed and defers major site-specific planning to future unknown tenants;
- Non-compliant with CEQA, SB 330, AB 617, AB 98, and OEHHA guidelines;
- Failing to mitigate for significant and unavoidable impacts;
- Displacing housing and targeting disadvantaged communities;
- Creating cumulative harms;

O7.13

- Dependent on speculative mitigations.

This EIR, if certified, will place the City of Perris in direct legal jeopardy. The evidentiary record demonstrates that the environmental harms, especially to children and low-income families, are significant, compounding, and inadequately mitigated. There are robust, reasonable alternatives that would reduce impacts but they were ignored.

We strongly urge the Planning Commission and City Council to reject certification of this EIR, reconsider the project scope, and restore community-serving, mixed-use planning aligned with the original Harvest Landing Specific Plan.

Failure to do so will leave this project exceptionally vulnerable to litigation on CEQA, housing, environmental justice, and procedural grounds.

Sincerely,

Jairo Carbajal, Yesenia Contreras

And the Perris Neighbors in Action Team

O7.13
Cont.

Response to Comment Letter O7: Perris Neighbors in Action, July 13, 2025

Comment O7.1: This comment letter was submitted on behalf of Perris Neighbors in Action. This comment states that the letter is provided as a follow-up letter to a letter previously submitted related to the proposed Project. The comment further states that the Draft EIR fails to address all of the commenter's concerns, and that the Project is flawed and poorly mitigated.

Response O7.1: This comment is introductory in nature and does not provide any substantial evidence that the Project would result in a significant environmental impact. As further detailed in the individual responses to comments below, none of the comments indicate that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation as described in CEQA Guidelines Section 15088.5.

Comment O7.2: This comment states that the mitigation measures included within Impacts AQ-1 and AQ-2 are unenforceable and ineffective. The comment states that mitigation requiring the installation of electric vehicle charging infrastructure with no requirement for use is inadequate.

Response O7.2: This comment does not provide substantial evidence of a significant impact not already disclosed in the EIR or evidence that the air quality mitigation measures are inadequate. 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 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 super compliant low VOC paints, Tier 4 final construction equipment, and ridesharing for construction employees. Therefore, these measures do not inappropriately defer the formulation of mitigation until building permit issuance and are fully enforceable in alignment with the requirements of CEQA.

Regarding Mitigation Measures AQ-8 through 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 inappropriately 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 allows 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.¹³ Similarly, based on HVIP's Zero-Emission Vehicle Population Dashboard,¹⁴ 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.

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 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 battery integrated DC fast chargers¹⁵ may be used to reduce strain on the grid and limit the need for expensive utility upgrades. Thus, no further response is warranted.

Comment O7.3: This comment states that the proposed greenhouse gas (GHG) mitigation measures are vague and lack direct enforcement mechanisms as well as fail to include any net-zero measures or renewable energy deployment. This comment further states that the original Harvest Landing Specific Plan was better aligned with climate goals and the proposed Project is noncompliant with the State's GHG reduction mandates EO N-79-20 and SB 375.

Response O7.3: The Project site is located within the jurisdiction of the South Coast AQMD and was evaluated against South Coast AQMD's thresholds and supported by substantial evidence. The proposed Project was found to have a significant impact on GHG emissions and the Draft EIR includes Mitigation Measures GHG-1 through GHG-5, which incorporate measures to reduce GHG emissions during Project operation. The application of a net-zero threshold is unprecedented for warehouse projects and would effectively result in a moratorium on such facilities within the city. While the application of a net-zero threshold may be appropriate and feasible for residential projects, it is not appropriate to apply such a threshold to warehouse and commercial projects where the vast majority of operational GHG emissions result from mobile-source emissions. Similar to the air quality mitigation measures as discussed in Response to Comment O7.2, 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, the proposed mitigation measures are fully enforceable and include enforcement mechanisms as required by under CEQA. In addition, the City of Perris has one of the most stringent good neighbor policies which requires significant GHG environmental measures. The proposed warehouse uses would be subject to the City of Perris Good Neighbor Guidelines.

Additionally, the State's GHG reductions mandates including the 2022 CARB Scoping Plan includes overall State goals, therefore it is not a Project-specific goal. The proposed Project would provide contemporary, energy-efficient/energy-conserving design features and operational procedures. As discussed on page 5.8-28 of the Draft EIR, while the proposed Project would interfere with the State's implementation of AB 1279's

¹³ <https://arb.ca.gov/emfac/>

¹⁴ <https://californiahvip.org/industryinitiatives/#covevdashboard>

¹⁵ <https://freewiretech.com/pro-series/>

target of 85% below 1990 levels and carbon neutrality by 2045 because it is not consistent with the VMT reductions listed in CARB's most recent Scoping Plan (2022) and would result in a substantial exceedance of GHG thresholds, it would not interfere with implementation of the GHG reduction measures listed in CARB's Updated Scoping Plan (2022), as discussed in Section 5.8, *Greenhouse Gas Emissions*, on Table 5.8-10 in the Draft EIR. CARB's 2022 Scoping Plan reflects the 2045 target of a, 85% reduction below 1990 levels, set by Executive Order B-55-18, and codified by AB 1279. Therefore, the Project not being proposed as net zero emissions and while it would exceed the GHG emissions significance threshold and VMT reduction measures, it would not interfere with any plan, policy, or goal related to GHG. The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O7.4: This comment states that the proposed Project is located adjacent to Val Verde Elementary School, a low-income Title 1 school. The comment further states that Mitigation Measure AQ-21 allows too much flexibility for industrial development near a sensitive receiver.

Response O7.4: The commenter is commenting on Mitigation Measure AQ-20, not AQ-21 as stated in the comment. The commenter is incorrect in their statement that this measure allows for a "choose your own mitigation". The mitigation measure states that the Project shall incorporate at least one measure as applicable to Phase 2 development. As stated previously, the CEQA Guidelines allows for the development of mitigation after project approval when it is impractical or infeasible to include those details. In *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, the court held that deferred mitigation is permissible in a program EIR only if it is accompanied by performance standards or specific mitigation commitments. Since there is no proposed development for the Phase 2 portion of the Specific Plan, the mitigation is programmatic and includes specific performance standards to ensure that potential impacts would be mitigated no matter what is proposed on the site. Implementation of the 1,000-foot buffer or the ban on diesel trucks would ensure that potential impacts would be reduced to a less than significant level. Alternatively, future developments can perform a health risk assessment to illustrate that the proposed development would not exceed South Coast AQMD thresholds of significance and, therefore, would not have a nexus for further mitigation. If potential impacts are found to be potentially significant, then the developments are to adopt one of the two available measures to ensure that potential impacts would be less than significant. Thus, it is assured that future developments implementing Mitigation Measure AQ-20 would be mitigated to a less than significant level. No further response is warranted.

Comment O7.5: This comment states that the proposed Project does not include analysis of high-cube cold storage uses which would result in an increase in diesel emissions pollution due to Transport Refrigeration Units (TRUs).

Response O7.5: As identified on page 3-22 of Section 3.0, *Project Description* of the Draft EIR, none of the proposed Phase 1 Business Park buildings are designed to accommodate and would not include any cold storage or refrigerated uses. As such, cold storage is not included as part of the proposed Project. Additionally, the proposed Project would be conditioned to prohibit future cold storage uses. Hypothetically, if the Project was proposed to be later modified to propose cold storage, the analysis would be revised under subsequent CEQA evaluation to evaluate the Project change, including air toxic emissions and health impacts from cold storage and TRUs. In addition, the City Council would have to agree to revise the condition on the prohibition of cold storage. Therefore, the Draft EIR does not need to be revised to address cold storage and TRU use. No further response is warranted.

Comment O7.6: This comment states that the Draft EIR must include a cancer risk quantification for nearby residents and Val Verde Elementary to assess long-term construction health impacts.

Response O7.6: The proposed Projects potential construction cancer and non-cancer health risks were evaluated in the Draft EIR on pages 5.3-61 through 5.3-62 and the quantified results shown in Tables 5.3-44 and 5.3-45. The health risk assessment included analysis of the construction of Phase 2 of the Specific

Plan with Val Verde Elementary remaining onsite and with the overlay on the school site being developed. 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, as shown in Draft EIR Table 5.3-45. As such, neither scenario would exceed the significance threshold of 10 in one million. 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. Location R7 (residences currently under construction at Barret Avenue and West Placentia Avenue, 96 feet east of the Project site) is the nearest receptor to the Project site and would experience the highest concentrations of diesel particulate matter and gasoline dispensing during Project construction. Because all other modeled receptors would experience lower concentrations of diesel particulate matter located and gasoline dispensing during Project construction, all other receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk (including Val Verde School located approximately 66 feet north of the Project site). As such, Project construction would not cause a significant human health or cancer risk to nearby land uses, and potential impacts would be less than significant. Notably, the currently approved uses for the Project site already include multiple warehouse buildings.

Comment O7.7: This comment states that the Draft EIR must include a cumulative air quality and health risk assessment in order to model the overlapping pollution. This comment further states that the Draft EIR understates the cumulative effect the Project would have in combination with nearby warehouse projects in violation of CEQA Guidelines Section 15130.

Response O7.7: The Draft EIR lists the cumulative projects in Draft EIR Table 5-1, *Cumulative Projects List* within Section 5.0, *Environmental Impact Analysis*. Also, as detailed in Draft EIR Section 5.3.7, *Cumulative Impacts*, based on guidance published in the South Coast AQMD's *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*¹⁶, if an individual project's emissions do not exceed the South Coast AQMD's significance thresholds for project-specific impacts, then it would also not result in a cumulatively considerable impact. On the other hand, if an individual project's emissions exceed the South Coast AQMD's significance thresholds for project-specific impacts, then it would also result in a cumulatively considerable impact. As detailed throughout Draft EIR Section 5.3, *Air Quality*, the proposed Project's emissions would not exceed any health risk thresholds and potential impacts would be less than significant. The South Coast AQMD's guidance was explicitly held to satisfy CEQA in *Rialto Citizens for Responsible Growth v. City of Rialto*.

Impacts related to toxics 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 at 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 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 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 be less than significant and would not be cumulatively considerable .

¹⁶ South Coast AQMD. (2003). *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*. <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf>

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 to sensitive receptors in the vicinity of the Project site.

Comment O7.8: This comment states that the Draft EIR alternatives evaluation dismisses non-industrial options, including Alternative 4 which included compliance with the existing Specific Plan. This comment suggests that an alternative including housing and professional office space be evaluated.

Response O7.8: The commenter incorrectly states that Alternative 4, which includes a portion of the site remaining as the original Harvest Landing Specific Plan, was dismissed from further analysis. As discussed in Draft EIR Section 8.0, *Alternatives*, only the Alternate Site Alternative and the Commercial Alternative were rejected as alternatives to the proposed Project. Alternative 4: Phase 2 Residential Alternative was analyzed on Draft EIR pages 8-21 through 8-35 and includes quantitative air quality, GHG, Noise, and Transportation Impact analysis. The Draft EIR found that all of the mitigation measures for the proposed Project would still be applicable to this alternative and this alternative would not avoid the proposed Project's significant and unavoidable air quality, greenhouse gas, traffic noise, or VMT impacts. However, this alternative would result in lessened impacts to four of the 18 environmental topics analyzed in the Draft EIR.

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 such, the alternatives evaluated in the Draft EIR provide a reasonable range of alternatives pursuant to CEQA Guidelines Section 15126.6.

Comment O7.9: This comment states that the proposed Density Bonus Overlay and rezoning of the 1,860 lost residential units violates California's no-net-loss housing mandate, as it does not include concurrent, funded, and enforceable housing development.

Response O7.9: This comment is acknowledged. However, it does not relate to an issue under CEQA and 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). The proposed 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 proposed Project's potentially significant physical impacts on the environment and does not include substantial discussion of the loss of future housing units. Therefore, no further response is warranted. 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 07.10: This comment states that most mitigation measures included in the Draft EIR are deferred to future tenant compliance or conditional permits and do not include performance standards as required for CEQA compliance.

Response 07.10: This general comment does not provide any specific objections or examples, nor does it provide substantial evidence that the proposed Project would result in a significant environmental impact. Please see Response to Comment 07.2 for a response regarding the proposed electric charging infrastructure and clean fleet standards mitigation.

Regarding the solar mitigation, Draft EIR Mitigation Measure GHG-5 requires solar panels to provide 100 percent of the power to the office area and utilize that onsite power for electric plug ins at loading docks and onsite motorized equipment. The proposed Project would include solar infrastructure on each building to support onsite renewable energy generation and use. Although the proposed Project's future tenants are not currently known, and the use of solar panels is generally tailored to the anticipated electrical demands of the tenant, the building tenants would be able to install solar panels offsetting additional building space demand. As stated previously, the CEQA Guidelines allows for the mitigation measures to be refined when it is impractical or infeasible to include those current details. Thus, because the future tenants and their energy needs are not known at this time, it is impractical to detail the energy required to operate. Mitigation Measure GHG-5 would ensure the most effective mitigation for the Project once future tenants are known.

Comment 07.11: This comment states that the Draft EIR misrepresents the proposed zoning as Business Park while a majority of the proposed buildings qualify as industrial distribution facilities in order to avoid requiring a Conditional Use Permit (CUP), as warehouse facilities require a CUP within the Harvest Landing Specific Plan.

Response 07.11: The Business Park area has a Specific Plan Designation of Mixed Business Use (MBU) which allows for a "mix of professional office, light industrial, research, and development, business park, retail commercial, related storage and support services uses, paseos, and pedestrian linkages" as described in the existing Harvest Landing General Plan. The proposed Industrial uses within the Phase 1 Business Park area are accurately described in Draft EIR Section 3.0 *Project Description*, on Table 3-4: *Business Park Site Development Summary*, which lists that the proposed structures include one parcel hub, three light industrial buildings, and three high-cube warehouses. Industrial land uses are allowed within the existing Harvest Landing Specific Plan; the Specific Plan Amendment is required to expand the MBU area and ensure consistency of the floor area ratio with the City of Perris's existing Light Industrial municipal code requirements. The commenter incorrectly states that the Phase I Business Park area is defined as such to avoid the required Conditional Use Permit for warehousing within the Specific Plan. As shown in Draft EIR Section 3.0, *Project Description*, on Table 3-8, *Project Approvals and Permits*, the proposed Project would require approval of a Conditional Use Permit for all three proposed warehouses.

Comment 07.12: This comment states that the proposed Project fails to include source data/methodology for the proposed job creation. This comment further states that warehousing offers low-wage exploitative labor conditions compared to the previously promised professional office uses in the existing Specific Plan. The commenter states that the EIR fails to analyze the loss of job diversity and socioeconomic downfalls of the Project.

Response O7.12: The commenter is incorrect in stating that the Draft EIR does not provide a methodology for the job creation of the proposed Project. Page 5.13-7 within Draft EIR Section 5.13 *Population and Housing*, states that “[t]he County of Riverside General Plan estimates that the MBU designation would employ approximately one worker for every 1,030 square feet of MBU building area and one worker for every 500 square feet of Commercial building area (County of Riverside, 2015).” A link to the Riverside County General Plan where this source can be found is located within Draft EIR Section 5.13.13 *References*.

Regarding the potential salary projections and economic stability, CEQA is an environmental protection statute that is concerned with the 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). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project’s potentially significant physical impacts on the environment and does not include a discussion of the Project’s economic effects. Thus, no further response is warranted. However, the employment 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 O7.13: This comment states that due to the reasons listed in the letter, the City is in legal jeopardy as the environmental impacts are inadequately mitigated and no reasonable alternatives are brought forward. This comment concludes the letter by urging City decision makers to reject the certification of the EIR and bring forward a project aligned with the original Specific Plan; otherwise the City would be vulnerable to litigation on CEQA, housing, environmental justice, and procedural grounds.

Response O7.13: This comment is conclusionary in nature and as substantiated by the previous responses above, 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 O8: Center for Community Action and Environmental Justice (CCA EJ), 4 pages

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
"Bringing People Together to Improve Our Social and Natural Environment"

July 14, 2025

City of Perris Development Services Department
Planning Division
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Perris, CA 92570
Submitted via email to aarmijo@cityofperris.org.

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

Dear Albert Armijo,

This letter is being submitted on behalf of the Center for Community Action and Environmental Justice (CCA EJ) in response to the Draft Environmental Impact Report which has been made available for the proposed Harvest Landing Retail Center & Business Park Project (SCH #2024080337). After reviewing the documents made available, we would like to make the following comments about issues and concerns which were not adequately addressed during the EIR process.

O8.1

While it is relieving to see that all of Phase 1 appears to be siting any warehouse facilities more than a thousand feet from sensitive receptors, the concern remains for Phase 2 which based on the maps included would be located directly adjacent to homes. This would subject those neighborhoods to the ills which accompany these facilities including degraded air quality, noise pollution, light pollution, and more.

O8.2

We are also deeply concerned to see that perhaps the two most important impact areas have not been adequately mitigated. Per Table 1-1: Summary of Impacts included in the EIR, it is identified that Impact AQ-1, Impact AQ-2, GHG-1, and GHG-2 are all listed as having "Significant and unavoidable" impacts even including mitigation. Thus, it is concerning to advance a Project that would continue to poison the air of the community, especially considering the fact that it already experiences some of the worst ozone impacts in the entire state. And while the census tract where the Project is located is only in the 69th percentile on CalEnviroScreen (Figure 1), adjacent tracts which will also be impacted are in the top-25 of most-impacted tracts in the state.

O8.3

It is important to also address the cumulative impacts that this project will have on the already overburdened residents of Perris who have expressed concerns of traffic congestion, road

O8.4

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CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE

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degradation, urban heat island impacts, low life expectancy, and many other negative health and safety impacts.

O8.4
Cont.

We would also like to raise the importance of fully mitigating the truck route to the facilities that would be built by the Project. Based on the maps included in the EIR documents, the Project would be situated in such a manner that trucks would be able to go basically straight from the I-215 freeway to the Project without having to go on many local roads save the Frontage Road which runs between Nuevo Road and Placentia Avenue. We would like to see this identified as the preferred truck route for the Project and truck traffic prohibited from Barrett Avenue, Perris Blvd., or any travel further east of Indian Avenue on Orange Avenue.

O8.5

The residents of Perris have expressed a need for affordable housing. CCAEJ requests that the EIR is explicit about the type of housing this project intends to bring to the community as part of Phase 2. A community benefits package that addresses the mitigations and/or other degradation issues needs to be in place before consideration of this project to address the health and safety of the residents.

O8.6

In summary, the EIR shows that the Project would bring an unacceptable level of air quality and GHG emissions into the Perris community. Additionally, it lacks a clear identification of how it would address the housing issues which it is introducing by rezoning an approved plan to build housing, particularly for that which is affordable and available to those who are struggling to make ends meet. We urge the City to reject this proposal as presented and send it back to ensure that impacts are fully mitigated.

O8.7

Thank you for your time and consideration of these concerns. If there are any questions or concerns to be addressed, please do not hesitate to reach out for answers and clarifications.

Sincerely,



Marven E. Norman
Environmental Policy Analyst

CCAIEJ is a long-standing community based organization with over 40 years of experience advocating for stronger regulations through strategic campaigns and building a base of community power. Most notably, CCAIEJ's founder Penny Newman won a landmark federal case against Stringfellow Construction which resulted in the 'Stringfellow

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Acid Pits’ being declared one of the first Superfund sites in the nation. *CCA EJ* prioritizes community voices as we continue our grassroots efforts to bring lasting environmental justice to the Inland Valley Region.



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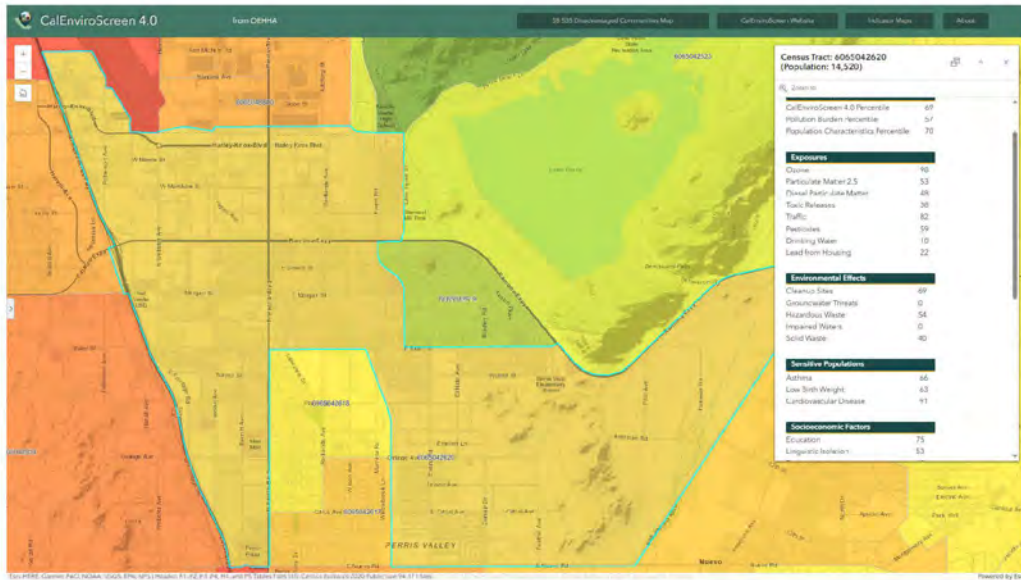


Figure 2. CalEnviroScreen results for Census Tract 6065042620 where the proposed Project would be located.

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Response to Comment Letter O8: Center for Community Action and Environmental Justice, July 14, 2025

Comment O8.1: This comment provides an introduction to the comment letter and states that the comment is submitted on behalf of the Center for Community Action and Environmental Justice.

Response O8.1: 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 O8.2: This comment states that the residents located adjacent to the Phase 2 development area would be exposed to degraded air quality, noise pollution, light pollution, and more.

Response O8.2: The Draft EIR evaluates the potential air quality, noise, and aesthetic (light and glare) impacts of the proposed Project on the existing and future residences located in the vicinity of the Project site. The following provides a summary of the potential impacts to these receptors.

The proposed Projects potential construction cancer and non-cancer health risks were evaluated in the Draft EIR on pages 5.3-61 through 5.3-62 and shown on Tables 5.3-44 and 5.3-45. The health risk assessment included analysis of the construction of Phase 2 of the Specific Plan with Val Verde Elementary remaining onsite and also with the overlay on the school site being developed. 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, as shown on Draft EIR Table 5.3-45. As such, neither scenario would exceed the South Coast Air Quality Management District's (AQMD) significance threshold of 10 in one million. 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 South Coast AQMD's applicable significance threshold of 1.0. Location R7 (residences currently under construction at Barret Avenue and West Placentia Avenue, 96 feet east of the Project site) is the nearest receptor to the Project site and would experience the highest concentrations of diesel particulate matter and gasoline dispensing during Project construction. Because all other modeled receptors would experience lower concentrations of diesel particulate matter located and gasoline dispensing during Project construction, all other receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk (including Val Verde School located approximately 66 feet north of the Project site). As such, the Project construction would not cause a significant human health or cancer risk to nearby land uses, and potential impacts would be less than significant. In order to account for the potential emissions associated with Transport Refrigeration Units (TRUs) accessing the commercial portion of the Project, the Health Risk Analysis has been updated in Appendix A to this Final EIR and Section 3.0, *Revisions to the Draft EIR*, to conservatively include TRUs. As shown, the results of the updated analysis indicate that the potential health risk at maximally exposed residents and school children would not increase as a result of the inclusion of these TRUs and potential impacts would remain less than significant with the proposed mitigation measures.

Noise impacts were evaluated in Draft EIR Section 5.12, *Noise*, which found that off-site traffic noise would result in a significant and unavoidable impact. As discussed on Draft EIR page 5.12-30, a 4 dBA reduction in vehicle tire/pavement noise is attainable using rubberized asphalt under typical operating conditions. However, heavy truck engine and exhaust noise would not be reduced by rubberized pavement due to the height of the truck engine exhaust stack above the pavement. As the proposed Project would result in the use of heavy trucks with a stack height of 11.5 feet off the ground, the tire/pavement noise reduction benefits associated with rubberized asphalt would not reduce primary truck-related noise sources (e.g., truck engine noise and exhaust stack noise). In addition, noise barriers were evaluated for a reduction of vehicular noise impacts. Caltrans guidance in the Highway Design Manual, Section 1102.3(3), indicates that for design purposes, *the noise barrier should intercept the line of sight from the exhaust stack of a truck to the receptor*, and an 11.5-foot-high truck stack height is assumed to represent the truck engine and exhaust noise source. As a result, any noise barriers at noise-sensitive land uses affected by Project-related traffic noise increases

would need to be sufficiently tall and long to obstruct the line-of-sight between the noise source (11.5 feet high, per Caltrans) and the receiver (5 feet high, per FHWA guidance) to achieve a 5 dBA noise reduction, as recommended by FHWA guidance. The Harvest Landing Specific Plan and Perris Municipal Code do not allow a wall exceeding 11.5 feet in height along Barrett Avenue between Placentia Avenue and Orange Avenue (Segment #4) adjacent to residential uses. As a result, off-site noise barriers are not considered feasible, and impacts related to truck traffic noise level increases would be significant and unavoidable.

As discussed on page 5.1-11 in Draft EIR Section 5.1 *Aesthetics*, impacts related to light and glare would be less than significant with through compliance with Perris Municipal Code Section 19.02.110, which requires that lights be shielded in order to prevent spillover onto other parcels. In addition, building materials would not consist of highly reflective materials that could produce additional glare in the area and landscaping is proposed along the Specific Plan boundaries which would screen sources of lights from spilling over and reduce glare further. Thus, light and glare impacts would be less than significant.

Comment O8.3: This comment expresses the commenters concern over the Projects' significant and unavoidable air quality and greenhouse gas (GHG) impacts in an area located in the 69th percentile on CalEnviroScreen as well as adjacent tracts which are in the top 25 most-impacts.

Response O8.3: CalEnviroScreen is a general policy tool. It is generally inappropriate for CEQA review as it relies on socioeconomic factors such as education and poverty rates which are not relevant under CEQA. 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 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. 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 AQMD methodology and thresholds, which is appropriate due to the Project's location within the South Coast Air Basin. The comment asserts lack of adequate mitigation but does not recommend any specific additional mitigation.

Comment O8.4: This comment states that it is important to address the cumulative impacts on the already overburdened residents of Perris related to traffic congestion, road degradation, urban heat island, and other negative health effects.

Response O8.4: An analysis of the potential for emissions from nearby warehouse uses to cumulative combine with proposed Project operations to result in health risk impacts was prepared. As shown in Draft EIR Figure 5.3-2, 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.

Comment O8.5: This comment states that trucks accessing the Project site should utilize Frontage Road which should be designated as a preferred truck route, and truck traffic should be prohibited on Barrett Avenue, Perris Boulevard, or any travel further east of Indian Avenue on Orange Avenue.

Response O8.5: The City of Perris General Plan Circulation Element-designated truck route map is shown on Draft EIR Figure 5.16-2, *Perris Truck Routes*. The existing truck routes that currently serve the Project vicinity include Frontage Road, Indian Avenue, and Placentia Avenue including the I-215 interchanges at Harley Knox Boulevard and Placentia Avenue. As discussed on Draft EIR page 5.16-19 in Section 5.16 *Transportation*, the proposed 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. Phase 2 development without the Overlay would require at least one truck driveway along Frontage Road and at least two truck driveways along Indian Avenue. Development of the Overlay Area would require an additional truck driveway along Indian Avenue, should the site be developed. The Project would prohibit trucks from the industrial buildings from utilizing Barrett Avenue north of Orange Avenue, which would be prevented through installation of signage as required by Mitigation Measure AQ-17. Therefore, the proposed Project would be consistent with the truck routes identified in the General Plan Circulation Element and the Harvest Landing Specific Plan. Thus, potential impacts related to truck route facilities would not occur.

Comment O8.6: This comment states that the residents of Perris have expressed a need for affordable housing and the EIR should discuss what type of housing is included in Phase 2 of the proposed Project.

Response O8.6: As discussed on page 3-23 and 3-24 of Draft EIR Section 3.0 *Project Description*, the Phase 2 development would include future MBU uses. No housing is proposed as part of the Project. However, up to 615 housing units are evaluated for the Phase 2 area under Alternative 4, the Phase 2 Residential Alternative. This alternative assumes that the housing would be a mix of low density (110 units), medium density (160 units), and high density units (345 units) as shown on Draft EIR Figure 8-1, *Alternative 4 Land Use Plan*.

Comment O8.7: This comment concludes with the letter by stating that the Project would bring an unacceptable level of air quality and GHG emissions. Further the comment states that the EIR must identify how the loss of housing units would be addressed, particularly regarding affordable housing.

Response O8.7: This comment expresses the commenter's opinion that the Project would bring an unacceptable level of air quality and GHG emissions. The commenter's opinion is included in the Final EIR and will be considered by the City of Perris City Council when it chooses whether to approve or deny the proposed Project. In addition, the loss of any planned but not existing affordable housing is not treated as an effect on the environment. Therefore, no further response is warranted.

Comment Letter O9: Inland Valley Alliance for Environmental Justice, 8 pages



Franco Pacheco,
July 13, 2025

Albert Armijo
City of Perris Planning Division
135 North "D" Street
Perris, CA 92570
armijo@cityofperris.org

RE: Comment on the Draft EIR for the Harvest Landing Retail Center and Business Park Project

Dear Mr. Armijo,

Inland Valley Alliance submits the following comment in response to the May 2025 Draft Environmental Impact Report (EIR) for the Harvest Landing Retail Center and Business Park Project. After comprehensive review, it is abundantly clear that the Project poses serious, unmitigated risks to environmental integrity, public health, housing equity, and legal compliance.

O9.1

Despite prior concerns raised during the scoping phase, the Draft EIR fails to meaningfully address critical issues. Instead, it confirms the severity and immediacy of our objections. The Project's current scope reflects structural deficiencies, insufficient mitigation, and numerous violations of the California Environmental Quality Act (CEQA)—rendering it legally indefensible and highly vulnerable to litigation.

Air Quality Impacts: Legally Deficient and Scientifically Unsupported Mitigation

The Draft EIR explicitly concedes that air quality impacts—namely AQ-1, AQ-2, and cumulative regional impacts—will remain *significant and unavoidable*, even after implementing 20 mitigation measures. This admission is not a formality. It is a declaration of failure.

O9.2

These so-called mitigations are superficial and speculative—crafted more to satisfy appearances than to produce real environmental benefit. Many rely on voluntary actions by future tenants, absent any binding

enforcement mechanisms. For instance, installing electric vehicle (EV) charging “infrastructure” without mandating actual deployment or usage is not mitigation; it is optics. Under CEQA, this is unacceptable.

CEQA Guidelines §15126.4 establish a clear legal standard:

- Mitigation must be **enforceable**, not aspirational.
- It must be **measurable**, not theoretical.
- It must be **effective**, not symbolic.

The Draft EIR fails all three. It offers hollow assurances while disregarding its legal duty to reduce impacts below thresholds of significance. By leaning on uncertain technologies and voluntary compliance, it exposes the City of Perris to substantial legal risk and environmental injustice.

This is not just an environmental failure. It is a procedural breakdown, a legal liability, and a betrayal of public trust.

O9.2
Cont.

Greenhouse Gas Emissions: Climate Noncompliance Disguised as Progress

The Draft Environmental Impact Report (EIR) concedes that greenhouse gas (GHG) emissions will remain *significant and unavoidable*, even after implementing five mitigation strategies (GHG-1 through GHG-5). This is not a minor shortfall—it’s a glaring admission of regulatory failure.

The proposed measures gesture toward sustainability but deliver none of it. Vague promises of “solar-readiness,” LEED-style design elements, and waste diversion goals sound progressive, but lack binding mandates, verifiable benchmarks, or guaranteed implementation. Not a single measure ensures net-zero outcomes. Not one requires actual deployment of renewable energy systems.

This level of abstraction violates CEQA’s mitigation standards under §15126.4, which demand:

- **Mandatory enforcement**, not voluntary compliance
- **Quantifiable results**, not aspirational language
- **Proven reduction in impacts**, not conceptual window-dressing

More troubling is the City’s abandonment of its original climate-conscious vision. The earlier Harvest Landing plan featured mixed-use zoning, open space, and residential elements aligned with California’s climate objectives. That vision has now been gutted—replaced with a warehouse-dense, vehicle-heavy footprint that accelerates emissions and contradicts:

- **Executive Order N-79-20**, requiring a zero-emission economy by 2045
- **SB 375**, integrating land use planning with climate-smart growth strategies
- **CARB Scoping Plan**, which prioritizes infill development and low-VMT projects

O9.3

O9.4

This is more than policy negligence—it’s climate regression. Approving the Project in its current form would make the City of Perris complicit in undermining California’s climate goals, risking legal challenges and irreversible environmental harm.

O9.4
Cont.

To rubber-stamp this development is to codify inaction when bold climate leadership is most needed.

Sensitive Receptors and Inadequate Protection for Val Verde Elementary

Val Verde Elementary School, a designated Title 1 institution serving a predominantly low-income student population, will be encircled on three sides by the proposed Project site. Despite this proximity, the Draft EIR relies on Mitigation Measure AQ-21—a deeply flawed provision that grants developers a discretionary menu of three unmandated options:

- An **optional** 1,000-foot buffer
- An **optional** ban on diesel truck activity
- An **optional** health risk assessment, with no binding mitigation attached

This approach is not mitigation. It is abdication.

Allowing developers to “choose their own adventure” when hundreds of children’s health is directly at risk is indefensible. Mitigation under CEQA must be **mandatory, enforceable, and effective**—especially when sensitive receptors such as schools are involved.

O9.5

The proposed strategy fails to meet minimum legal standards outlined in:

- **CEQA Guidelines** (§15126.4) — requiring binding and performance-based mitigation
- **AB 617** — emphasizing pollution reduction in environmental justice communities
- **AB 98** — mandating protective setbacks and emissions controls for sensitive land uses

Children attending Val Verde Elementary face compounding exposure to diesel emissions, particulate matter, and chronic air pollution—conditions scientifically linked to asthma, developmental harm, and reduced academic performance. Providing developers with flexible options rather than imposing strict standards betrays both the spirit and the letter of California’s environmental justice laws.

Moreover, approving this project risks the long-term viability of Val Verde Elementary as an educational institution. The adverse health impacts and deteriorating air quality will likely lead to declining enrollment, as families seek safer environments for their children. This decline could jeopardize the school’s federal Title 1 funding, which is contingent on maintaining a certain level of enrollment and serving a low-income population. The loss of these critical funds would further harm the educational opportunities and resources available to the remaining students, compounding the injustice.

O9.6

We demand that the City of Perris enforce mandatory setbacks, prohibit diesel operations adjacent to the school, and impose stringent emissions controls in full compliance with CEQA and State law. Anything less is environmental negligence.

Failure to Analyze Reasonably Foreseeable Uses Violates CEQA Mandates

The Draft Environmental Impact Report (EIR) entirely overlooks the plausible worst-case scenario: high-cube cold storage usage, which is permissible under the existing site plan. This is not a speculative concern. Transport Refrigeration Units (TRUs), which would accompany such a use, are widely recognized as significant sources of diesel particulate matter—one of the most toxic air pollutants in California.

Under CEQA, an agency is obligated to analyze all reasonably foreseeable consequences of a proposed project. The omission of TRU-related pollution modeling constitutes a serious procedural failure and renders the EIR legally deficient. Courts have consistently ruled that failing to assess worst-case scenarios—especially those with well-documented environmental harm—undermines the integrity of CEQA review and exposes the project to judicial invalidation.

Violation of CEQA's Substantive Requirements

- CEQA mandates disclosure of potential environmental effects. Ignoring TRU emissions, given their known health hazards, fails this core requirement.
- By not modeling TRU impacts, the EIR fails to evaluate project-related air quality degradation and disproportionate impacts on nearby vulnerable communities, violating CEQA's intent to protect public health.

O9.7

Potential for Legal Challenge and Judicial Remedies

This omission opens the door to legal challenge on the grounds of:

- Inadequate environmental review;
- Failure to consider foreseeable impacts;
- Lack of meaningful mitigation measures.

Required Corrective Actions

- Immediate inclusion of TRU-related diesel pollution modeling in the Final EIR.
- Mandatory electrification standards for all TRUs used on-site to prevent public health risks.
- A firm prohibition on cold storage operations until a Supplemental EIR is completed and certified.

Construction Period Health Risk

The Draft Environmental Impact Report (EIR) ignores a glaring and dangerous omission: it fails to include a Health Risk Assessment (HRA) for long-term construction emissions, despite clear OEHHA guidance requiring such analysis for projects lasting more than two months. This Project is expected to

O9.8

span over four years of diesel-heavy activity—including grading, trucking, and demolition—directly adjacent to Val Verde Elementary School, which serves hundreds of young children.

Under CEQA, children are considered sensitive receptors—and rightly so. They breathe faster, have developing lungs, and are significantly more vulnerable to diesel particulate matter and air toxics. By failing to quantify cancer risks and other chronic health hazards from prolonged exposure to diesel exhaust, the EIR not only falls short legally—it abandons its moral obligation to protect the community’s most defenseless population.

O9.8
Cont.

This project needs :

- A full Health Risk Assessment focused on Val Verde Elementary and nearby residents. Immediate modeling of diesel particulate exposure and cancer risk over the 4+ year construction period.
- Inclusion of mitigation measures specifically protecting children, such as buffer zones, equipment electrification, and restricted operating hours during school days.
- A revised or supplemental EIR that incorporates all findings and ensures meaningful public review and correction.

Cumulative Impact Neglect

Despite noting 68 warehouses within a 5 km radius, the EIR fails to perform any cumulative air quality or health risk assessment. No modeling of overlapping diesel pollution plumes, truck traffic impacts, or total pollutant load is presented. This region is already saturated with warehouse-related emissions, and CEQA Guidelines §15125 clearly require that baseline conditions reflect the actual environmental reality—something this EIR fails to do.

Violation of CEQA’s Cumulative Analysis Requirements (§15130)

By excluding past, present, and foreseeable future projects—including developments approved through amendments to the Harvest Landing Specific Plan, PCCSP, and Perris General Plan—the EIR violates CEQA’s mandate for a good-faith cumulative impact evaluation. This is not just a technical oversight—it’s a violation of law.

O9.9

Children Are at Risk

The omission of cumulative health risk modeling for Val Verde Elementary, Palms, Clearwater, Orange Vista, and Sky View schools is inexcusable. These are schools filled with young students—designated sensitive receptors under CEQA—who are highly susceptible to diesel particulate exposure, respiratory illness, and long-term health complications. These risks are exacerbated in communities with preexisting pollution burdens.

Alternatives Analysis

The “Alternatives” section of the EIR lacks the good-faith effort required by CEQA to evaluate feasible alternatives that could substantially reduce environmental impacts. The so-called “Reduced Project”

O9.10

retains full industrial entitlements and environmental burdens. Meanwhile, **Alternative 4**, the only mixed-use proposal aligning with the original Specific Plan, is prematurely dismissed without meaningful analysis—even though it carries a far superior environmental profile and conforms with adopted planning goals.

O9.10
Cont.

This omission reflects a failure to evaluate viable, environmentally preferable alternatives such as a **robust mixed-use scenario** with 1,000+ housing units and professional office space. CEQA does not permit agencies to present alternatives merely to reject them—it requires the consideration of land use models that mitigate environmental damage and serve long-term community interests.

SB 330

The proposed project will result in the **loss of 1,860 planned residential units** and the **demolition of three occupied homes**, undermining the spirit and potentially the letter of **SB 330** and **AB 98**. These laws were enacted to stem California’s housing crisis by protecting existing housing stock, prohibiting downzoning, and enforcing the **no-net-loss mandate**.

O9.11

The project’s proposed “Density Bonus Overlay” and speculative rezoning efforts **do not constitute enforceable housing replacement**, and without concurrent, funded, and shovel-ready housing development elsewhere in the City, the project becomes vulnerable to legal challenge under both statutory and constitutional grounds—including **takings claims** due to displacement without recourse.

Deficient Mitigation Efforts

The Draft Environmental Impact Report (EIR) improperly defers critical mitigation measures without binding requirements or objective performance standards, rendering its conclusions noncompliant with **CEQA Guidelines §15126.4(a)(1)**. Under CEQA, mitigation must be **specific, enforceable, and capable of reducing significant environmental impacts**—not based on speculative future actions by tenants or discretionary permitting.

Examples of Improper Deferral

- **Electric Vehicle Charging:** The EIR proposes infrastructure installation but lacks a requirement for actual usage, vehicle electrification, or tenant participation in clean fleet operations.
- **Solar Energy Systems:** Facilities are designated “solar-ready,” yet no mandate exists to install or activate photovoltaic systems, violating CEQA’s requirement for implementation certainty.
- **Clean Fleet Standards:** Compliance is optional and left to tenant discretion or future incentives. These are not enforceable commitments and do not constitute valid mitigation under CEQA.

O9.12

Legal Precedent and Compliance Failure

- CEQA case law—such as *POET, LLC v. CARB (2013)* and *California Native Plant Society v. County of El Dorado (2009)*—confirms that deferral of mitigation is only allowed when coupled with **specific performance criteria, objective triggers, and a commitment to implementation through adopted plans or permit conditions**.

- Here, the Draft EIR fails to incorporate any enforceable schedules, funding mechanisms, or agency oversight, making its mitigation claims **legally and factually unreliable**.
- As such, the EIR’s conclusion that impacts will be “less than significant with mitigation” is unsupported and legally vulnerable.

O9.12
Cont.

Misrepresentation of Warehouse Zoning

The Draft EIR misleadingly refers to this warehouse-centric proposal as a “**Business Park**”, despite clear evidence that **5 out of 7 structures exceed 100,000 square feet**, a threshold that aligns with **industrial distribution use**, not professional office space. This classification is inaccurate and materially affects both the CEQA review and land use entitlement process.

Under the **Harvest Landing Specific Plan**, warehouse facilities over a certain scale are subject to **Conditional Use Permit scrutiny**. Rebranding these facilities as components of a generic “Business Park” appears to be a deliberate tactic to **circumvent the CUP threshold**, thereby avoiding the public transparency and discretionary oversight that the CUP process. Mislabeling industrial-scale warehouses as “business” obscures the true environmental impacts, including traffic, air quality, and operational emissions. Mischaracterizing the project undermines the adopted standards in the **Harvest Landing Specific Plan**, resulting in possible entitlement conflicts and exposing the project to legal challenge. Bypassing the CUP process through semantic obfuscation undermines the integrity of planning oversight and public engagement.

O9.13

Jobs Estimates

The Draft Environmental Impact Report (EIR) repeatedly references “job creation” and “economic growth” as key project benefits. Yet, it provides no supporting data: no job-per-acre estimates, no workforce projections by industry type, no salary benchmarks, and no analysis of employment stability. This absence violates CEQA’s requirement to disclose and substantiate claimed socioeconomic benefits, particularly when used to offset substantial environmental and land use harms.

Industrial Jobs vs. Promised Economic Diversity

This project replaces previously envisioned professional office and research & development (R&D) space—uses that typically offer diverse career pathways, higher wages, and long-term economic growth—with large-scale speculative warehousing. The proposed structures (5 of 7 exceeding 100,000 sq ft) cater to low-wage, high-turnover logistics labor that has been widely associated with:

- **Temp agency dependence**
- **Limited benefits or advancement**
- **Increased workplace injury rates**
- **Automation-induced job volatility**

Without concrete workforce modeling, this shift cannot be labeled “economic growth.” Instead, it reflects a narrowing of economic opportunity, with disproportionate impacts on marginalized workers.

O9.14

Community-Level Socioeconomic Harm

The failure to provide a job quality analysis—especially for a region already burdened by environmental injustice and low employment diversity—undermines long-term economic sustainability. The City of Perris risks sacrificing upward mobility and resilience for short-term, speculative development. This is a socioeconomic harm that CEQA requires the agency to evaluate, and the omission constitutes a procedural deficiency.

Action Items for the Planning Commission

- Reject the current EIR until it includes a full economic analysis, including:
 - Job-per-acre projections for each land use category
 - Salary and benefits modeling by job type
 - Comparison of job quality between proposed and original land uses
- Require inclusion of **economic diversity metrics**, such as STEM, healthcare, and education-related job potential under alternative scenarios
- Reassess project merits with focus on **long-term economic vitality**, not speculative industrial turnover.

O9.15

Conclusion – Opposition to Certification of the Harvest Landing EIR

The Harvest Landing Draft EIR is legally and substantively inadequate. It fails to comply with core CEQA requirements, misrepresents the scale and nature of industrial development, defers critical mitigation measures without enforceable standards, and omits cumulative health risk assessments affecting nearby schools and vulnerable communities. It erases significant housing opportunities in violation of SB 330 and AB 98, and substitutes long-term economic growth with speculative warehousing that offers low-wage, low-mobility jobs.

O9.16

These deficiencies—spanning air quality, land use, public health, housing, and economic analysis—are not minor oversights. They reflect a systemic failure to assess foreseeable impacts, disclose accurate information, and protect the public interest. Certification of this EIR under its current form would expose the City to serious legal risk and irreversible community harm.

For these reasons, I urge the Planning Commission to reject the EIR and require a revised or supplemental analysis that meets both the letter and spirit of California law.

Sincerely,

Franco Pacheco

Inland Valley Alliance for Environmental Justice

Response to Comment Letter O9: Inland Valley Alliance for Environmental Justice, July 13, 2025

Comment O9.1: This comment states that upon review of the Draft EIR, it is clear that the Project would pose serious unmitigated risks to the environmental integrity, public health, housing equity, and the Draft EIR fails to meaningfully address critical issues, and that the Project is flawed and insufficiently mitigated.

Response O9.1: This comment is introductory and conclusory in nature and does not provide any substantial evidence that the Project would result in a new or increased significant environmental impact beyond those identified in the EIR. As further detailed in the individual responses to comments below, none of the comments indicate that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation as described in CEQA Guidelines Section 15088.5.

Comment O9.2: This comment states that the mitigation measures included within impacts AQ-1 and AQ-2 are unenforceable and ineffective. The comment states that mitigation requiring the installation of electric vehicle charging infrastructure with no requirement for use is inadequate. The comment states that the Draft EIR fails to provide enforceable, measurable, and effective mitigation as detailed in CEQA Guidelines Section 15126.4.

Response O9.2: This comment does not provide substantial evidence of a significant impact not already disclosed in the EIR or evidence that the air quality mitigation measures are inadequate. 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 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 super compliant low VOC paints, tier 4 final construction equipment, and ridesharing for construction employees. Therefore, these measures do not inappropriately defer the formulation of mitigation until building permit issuance and are fully enforceable in alignment with the requirements of CEQA.

Regarding Mitigation Measures AQ-8 through 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, which are currently unknown. These measures do not inappropriately 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 do 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, CEQA Guidelines allows for the development of mitigation after project approval when it is impractical or infeasible to include those details. Due to the current limited availability of zero emission trucks to utilize the charging stations, this mitigation measure would be implemented when these trucks are commercially available (as determined by the City) and would utilize charging stations onsite.

The CARB Emission Factor (EMFAC) Model data for 2024 indicates that 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.¹⁷ Similarly, based on California's Clean Truck and Bus Voucher Incentive Project (HVIP) Zero-Emission Vehicle Population Dashboard,¹⁸ 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.

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. Therefore, the mitigation measure requires implementation when feasible, as determined by the City. Thus, the recommended mitigation measures are enforceable and would be effective. No further response is warranted.

Comment O9.3: This comment states that the proposed greenhouse gas (GHG) mitigation measures are vague and lack direct enforcement mechanisms as well as fails to include any net-zero measures or renewable energy deployment.

Response O9.3: The Project site is located within the jurisdiction of the South Coast AQMD and was evaluated against South Coast AQMD's thresholds and supported by substantial evidence. The proposed Project was found to have a significant impact on GHG emissions and the Draft EIR includes Mitigation Measures GHG-1 through GHG-5, which incorporates measures to reduce GHG emissions during Project operation. The application of a net-zero threshold is unprecedented for warehouse projects and would effectively result in a moratorium on such facilities within the city. While the application of a net-zero threshold may be appropriate and feasible for residential projects, it is not appropriate to apply such a threshold to warehouse and commercial projects where the vast majority of operational GHG emissions result from mobile-source emissions. Similar to the air quality mitigation measures discussed in Response to Comment O9.2, 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, the proposed mitigation measures do not defer the formulation of mitigation, are fully enforceable, and include enforcement mechanisms, as required by CEQA. In addition, the City of Perris has one of the most stringent good neighbor policies which requires significant GHG environmental measures. The proposed warehouse uses would be subject to the City of Perris Good Neighbor Guidelines.

Comment O9.4: This comment states that the proposed Project goes against the City's climate-conscious vision by removing the existing Harvest Landing General Plan which includes mixed use housing and open space for the proposed Project. The comment further states that the proposed Project is noncompliant with the State's GHG reduction mandates EO N-79-20, SB 375, and the CARB Scoping Plan.

Response O9.4: The State's GHG reductions mandates including the 2022 CARB Scoping Plan includes overall state goals, and it is not a Project specific goal. The proposed Project would provide contemporary, energy-efficient/energy-conserving design features and operational procedures. Draft EIR Mitigation Measure GHG-4 requires that all development within the MBU areas shall achieve certification of compliance or demonstrate equivalency with LEED Silver building standards. As discussed on page 5.8-28 of the Draft

¹⁷ <https://arb.ca.gov/emfac/>

¹⁸ <https://californiahvip.org/industryinitiatives/#cavezdashboard>

EIR, while the proposed Project would interfere with the State's implementation of AB 1279's target of 85% below 1990 levels and carbon neutrality by 2045 because it is not consistent with the VMT reductions listed in CARB's most recent Scoping Plan (2022) and would result in a substantial exceedance of GHG emissions significance thresholds, it would not interfere with implementation of the GHG reduction measures listed in CARB's Updated Scoping Plan (2022), as discussed in Section 5.8, *Greenhouse Gas Emissions*, in Table 5.8-10 in the Draft EIR. CARB's 2022 Scoping Plan reflects the 2045 target of an 85% reduction below 1990 levels, set by Executive Order B-55-18, and codified by AB 1279. Therefore, the Project is not being proposed as net zero emissions, as it is infeasible for the Project to eliminate vehicular emissions, and while it would conflict with the GHG emissions significance threshold and VMT reduction measures, it would not interfere with the implementation of any plan, policy, or goal related to GHG. The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O9.5: This comment states that the proposed Project is located adjacent to Val Verde Elementary School, a low-income Title 1 school. The comment further states that Mitigation Measure AQ-21 allows too much flexibility for industrial development near a sensitive receiver. The commenter also states that students at Val Verde Elementary School already face health impacts from chronic air pollution.

Response O9.5: The commenter is commenting on Mitigation Measure AQ-20, not AQ-21 as stated in the comment. The commenter is incorrect in their statement that this measure allows for a "choose your own mitigation". The mitigation measure states that the Project shall incorporate at least one measure as applicable to Phase 2 development. As stated previously, the CEQA Guidelines allows for the development of mitigation after project approval when it is impractical or infeasible to include those details. In *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, the court held that deferred mitigation is permissible in a program EIR only if it is accompanied by performance standards or specific mitigation commitments. Since there is no proposed development for the Phase 2 portion of the Specific Plan, the mitigation is programmatic which includes specific performance standards to ensure that potential impacts would be mitigated no matter what is proposed on the site. Implementation of the 1,000-foot buffer or the ban on diesel trucks would ensure that potential impacts would be reduced to a less than significant level. Future developments can elect to perform a health risk assessment to illustrate that the proposed development would not exceed South Coast AQMD thresholds of significance and, therefore, would not have a nexus for further mitigation. If potential impacts are found to be potentially significant, then the developments are to adopt one of the two available measures to ensure that potential impacts would be less than significant. Thus, it is assured that future developments implementing Mitigation Measure AQ-20 would be mitigated to a less than significant level. No further response is warranted.

Comment O9.6: This comment states that implementation of the proposed Project would result in health impacts to the students at Val Verde Elementary School due to increased air pollution. This comment further states that the increase in adverse health impacts would result in a decrease in enrollment at the school which would result in a loss of federal Title 1 funding.

Response O9.6: As detailed previously in response O9.5, the Draft EIR appropriately provides an analysis of potential DPM emissions associated with truck movements in the Phase 2 area. The City of Perris will be conditioning any future development within the Phase 2 area to solely provide truck driveways on Orange Avenue in order to avoid the sensitive receptors located along Indian Avenue and Barrett Avenue. In addition, as required by the Harvest Landing Specific Plan and the City's Good Neighbor Guidelines, internal circulation routes and loading docks would be oriented away from sensitive receptors, where possible, and truck courts would be required to be screened from offsite view. All future industrial or warehouse developments in Phase 2 would be subject to the requirements set forth in the City's Good Neighbor Guidelines, which would further reduce impacts related to trucks on Val Verde Elementary School and the residential development on Barrett Avenue.

Comment 09.7: This comment states that the proposed Project does not include analysis of high-cube cold storage uses which would result in an increase in diesel emissions pollution due to Transport Refrigeration Units (TRUs).

Response 09.7: As identified on page 3-22 of Section 3.0, *Project Description* of the Draft EIR, none of the proposed Phase 1 Business Park buildings are designed to accommodate and would not include any cold storage or refrigerated uses. As such, cold storage is not included as part of the proposed Project. Additionally, the proposed Project would be conditioned to prohibit future cold storage uses. Hypothetically, if the Project was proposed to be later modified to propose cold storage, the analysis would be revised under subsequent CEQA evaluation to evaluate the Project change, including air toxic emissions and health impacts from cold storage and TRUs. In addition, the City Council would have to agree to revise the condition on the prohibition of cold storage. Therefore, the Draft EIR does not need to be revised to address cold storage and TRU use. No further response is warranted.

Comment 09.8: This comment states that the Draft EIR must include a cancer risk quantification for nearby residents and Val Verde Elementary to assess long-term construction health impacts.

Response 09.8: The proposed Projects potential construction cancer and non-cancer health risks were evaluated in the Draft EIR on pages 5.3-61 through 5.3-62 and the quantified results shown in Tables 5.3-44 and 5.3-45. The health risk assessment included analysis of the construction of Phase 2 of the Specific Plan with Val Verde Elementary remaining onsite and with the overlay on the school site being developed. 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, as shown on Table 5.3-45. As such, neither scenario would exceed the significance threshold of 10 in one million. 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. Location R7 (residences currently under construction at Barret Avenue and West Placentia Avenue, 96 feet east of the Project site) is the nearest receptor to the Project site and would experience the highest concentrations of diesel particulate matter and gasoline dispensing during Project construction. Because all other modeled receptors would experience lower concentrations of diesel particulate matter and gasoline dispensing during Project construction, all other receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk (including Val Verde School located approximately 66 feet north of the Project site). In addition, residential sensitive receptor locations experience longer exposure times as people spend more time in their residence than at school. As such, Project construction would not cause a significant human health or cancer risk to nearby land uses, and potential impacts would be less than significant. Notably, the currently approved uses for the Project site already include warehouse buildings.

Comment 09.9: This comment states that the Draft EIR must include a cumulative air quality and health risk assessment in order to model the overlapping pollution. The comment further states that the Draft EIR understates the cumulative effect the Project would have in combination with nearby warehouse projects in violation of CEQA Guidelines Section 15130.

Response 09.9: The Draft EIR lists the cumulative projects in Draft EIR Table 5-1, *Cumulative Projects List* within Section 5.0, *Environmental Impact Analysis*. Also, as detailed in Draft EIR Section 5.3.7, *Cumulative Impacts*, based on guidance published in the South Coast AQMD's *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*¹⁹, if an individual project's emissions do not exceed the

¹⁹ South Coast AQMD. (2003). *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*. <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf>

South Coast AQMD's significance thresholds for project-specific impacts, then it would also not result in a cumulatively considerable impact. On the other hand, if an individual project's emissions exceed the South Coast AQMD's significance thresholds for project-specific impacts, then it would also result in a cumulatively considerable impact. As detailed throughout Draft EIR Section 5.3, *Air Quality*, the proposed Project's emissions would not exceed any health risk thresholds and potential impacts would be less than significant. The South Coast AQMD's guidance was explicitly held to satisfy CEQA in *Rialto Citizens for Responsible Growth v. City of Rialto*.

Impacts related to toxics and health effects are discussed on pages 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 with mitigation is estimated at 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 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 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.

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 to sensitive receptors in the vicinity of the Project site.

Comment O9.10: This comment states that the Draft EIR alternatives dismisses non-industrial options, including Alternative 4 which included compliance with the existing Specific Plan. This comment suggests that an alternative including housing and professional office space be evaluated.

Response O9.10: The commenter incorrectly states that Alternative 4, which includes a portion of the site remaining as the original Harvest Landing Specific Plan, was dismissed from further analysis. As discussed in Draft EIR Section 8.0, *Alternatives*, only the Alternate Site Alternative and the Commercial Alternative were rejected as alternatives to the proposed Project. Alternative 4: Phase 2 Residential Alternative was analyzed on Draft EIR pages 8-21 through 8-35 and includes quantitative air quality, GHG, Noise, and Transportation Impact analysis. The Draft EIR found that all of the mitigation measures for the proposed Project would still be applicable to this alternative and this alternative would not avoid the proposed Project's significant and

unavoidable air quality, greenhouse gas, traffic noise, or VMT impacts. However, this alternative would result in lessened impacts to four of the 18 environmental topics analyzed in the Draft EIR.

The Draft EIR includes 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 be based primarily on the ability to reduce impacts relative to the proposed project. As such, the alternatives utilized by the EIR provide a reasonable range of alternatives pursuant to CEQA Guidelines Section 15126.6.

Comment O9.11: This comment states that the proposed Density Bonus Overlay and rezoning of the 1,860 lost residential units violates California’s no-net-loss housing mandate, as it does not include concurrent, funded, and enforceable housing development.

Response O9.11: This comment does not relate to an issue under CEQA and does not provide any substantial evidence that the Project would result in a significant environmental impact. 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 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 proposed Project is vacant. Property owners within the development footprint voluntarily sold their property to the 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 proposed 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 removal of residential zoning within the 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. 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)).

Regarding the City’s Housing Element, 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 site inventory can simply be updated to reflect a site’s exclusion and communicated to HCD through the annual reporting process.

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 O9.12: This comment states that most mitigation measures included in the Draft EIR are deferred to future tenant compliance and do not include performance standards as required for CEQA compliance.

Response O9.12: This general comment does not provide any specific objections or examples of mitigation, nor does it provide substantial evidence that the proposed Project would result in a significant environmental impact. Please see Response to Comment 07.2 for a response regarding the proposed electric charging infrastructure and fleet electrification mitigation.

Regarding the solar mitigation, Draft EIR Mitigation Measure GHG-5 requires solar panels to provide 100 percent of the power to the office area and utilize that onsite power for electric plug ins at loading docks and onsite motorized equipment. The proposed Project would include solar infrastructure on each building to support onsite renewable energy generation and use. Although the proposed Project's future tenants are not currently known, and the use of solar panels is generally tailored to the anticipated electrical demands of the tenant, the building tenants would be able to install solar panels offsetting additional building space demand. As stated previously, the CEQA Guidelines allows for mitigation measures to be refined when it is impractical or infeasible to include those current details. Thus, because the future tenants and their energy needs are not known at this time, it is impractical to detail the energy required to operate. Mitigation Measure GHG-5 would ensure the most effective mitigation for the Project once future tenants are known.

Comment O9.13: This comment states that the Draft EIR misrepresents the proposed zoning as Business Park while a majority of the proposed buildings qualify as industrial distribution facilities in order to avoid requiring a Conditional Use Permit (CUP), as warehouse facilities require a CUP within the Harvest Landing Specific Plan.

Response O9.13: The Business Park area has a Specific Plan Designation of Mixed Business Use (MBU) which allows for a "mix of professional office, light industrial, research, and development, business park, retail commercial, related storage and support services uses, paseos, and pedestrian linkages" as described in the existing Harvest Landing General Plan. The proposed Industrial uses within the Phase 1 Business Park area are accurately described in Draft EIR Section 3.0 *Project Description*, on Table 3-4: *Business Park Site Development Summary*, which lists that the proposed structures include one parcel hub, three light industrial buildings, and three high-cube warehouses. These proposed uses would be allowed within the existing Harvest Landing Specific Plan, the Specific Plan Amendment is required to expand the MBU area. The commenter incorrectly states that the Phase I Business Park area is defined as such to avoid the required Conditional Use Permit for warehousing within the Specific Plan. As shown in Draft EIR Section 3.0, *Project Description*, on Table 3-8, *Project Approvals and Permits*, the proposed Project would require approval of a conditional use permit for all three proposed warehouses.

Comment O9.14: This comment states that the proposed Project fails to include source data/methodology for the proposed job creation. This comment further states that warehousing offers low-wage exploitative labor conditions compared to the previously promised professional office uses in the existing Specific Plan. The commenter states that the EIR fails to analyze the loss of job diversity and socioeconomic downfalls of the Project.

Response O9.14: The commenter is incorrect in stating that the Draft EIR does not provide a methodology for the job creation of the proposed Project. Page 5.13-7 within Draft EIR Section 5.13 *Population and Housing*, states that "[t]he County of Riverside General Plan estimates that the MBU designation would employ approximately one worker for every 1,030 square feet of MBU building area and one worker for every 500 square feet of Commercial building area (County of Riverside, 2015)." A link to the Riverside County General Plan where this source can be found is located within Draft EIR Section 5.13.13 *References*.

Regarding the potential salary projections and economic stability, CEQA is an environmental protection statute that is concerned with the 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). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include a discussion of the Project's economic effects. Thus, no further response is warranted. However, the employment 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 O9.15: This comment states that the Draft EIR should provide a job quality analysis to disclose the socioeconomic impacts related to the low employment diversity of the proposed Project.

Response O9.15: CEQA is an environmental protection statute that is concerned with the 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). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include a discussion of the Project's economic effects. Thus, no further response is warranted. However, the job quality 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 O9.16: This comment states that due to the reasons listed in the letter, the City is in legal jeopardy as the environmental impacts are inadequately mitigated and no reasonable alternatives are brought forward. This comment concludes the letter by urging City decision makers to reject the certification of the EIR and bring forward a project aligned with the original Specific Plan otherwise be vulnerable to litigation on CEQA, housing, environmental justice, and procedural grounds.

Response O9.15: This comment is conclusionary in nature and as substantiated by the previous responses above, 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 O10: Golden State Environmental Justice Alliance, 68 pages

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August 1, 2025

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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.

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 (1

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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 24-00009 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.

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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

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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.

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

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

² <https://www.rcoc.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.

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.

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.

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⁸ Ibid.

⁹ OEHHA 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.

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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

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.

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.”

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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.”

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

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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.

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

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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-social-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.

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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.

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)).

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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.

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:

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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.

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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.

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.

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.

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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.”

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.

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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:

“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.¹⁷

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

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://hcdpowerbi.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 RHINA following the potential approval of the proposed project.

It is clear that upon approval of the proposed project, the City will not able to meet its RHINA throughout the planning period. Notably, Table 7-5: Accommodation of the 2021-2029 RHINA 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 RHINA following the approval of the proposed project.

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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.

¹⁹ Housing Crisis Act of 2019/SB 330

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=2019202008B330

²⁰ SB 8 https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=2021202208B8

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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.

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.

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

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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.”

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

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.

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:

- 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.”

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.

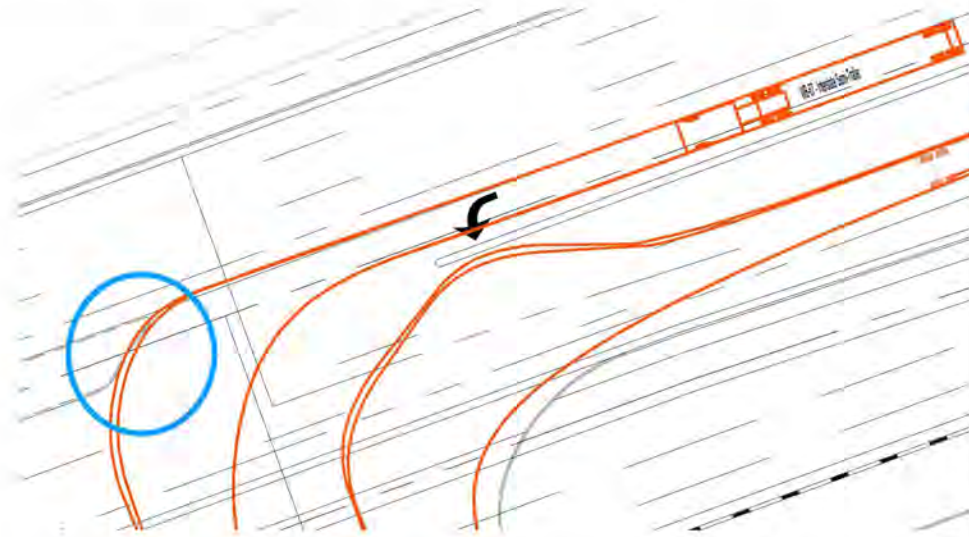
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Further, the EIR has underreported the quantity VMT generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional 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.

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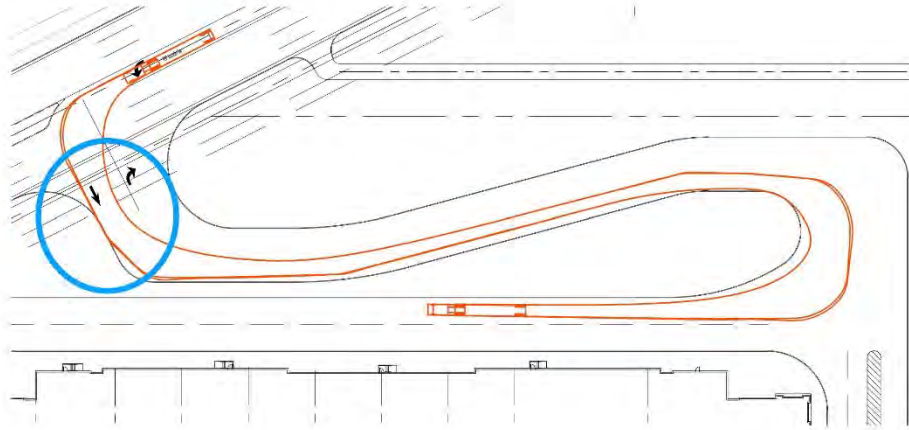
of conflict internally within the site and at adjacent intersections. As shown below, the truck entering the site via Frontage Road at Building 2 will overlap the median in the intersection, indicating there is not suitable available space to accommodate truck maneuvering.



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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.

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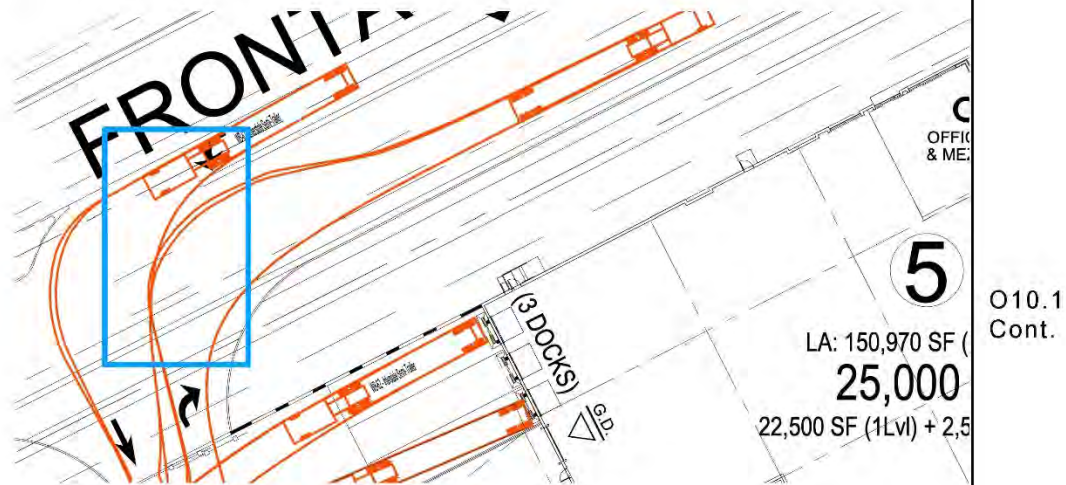
A similar issue exists for the truck entering the site via Frontage Road at Private Drive A between Buildings 2 and 3. This truck will also overlap on the curb, indicating there is not suitable available space to accommodate truck maneuvering. The geometric design of the circulation system and project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

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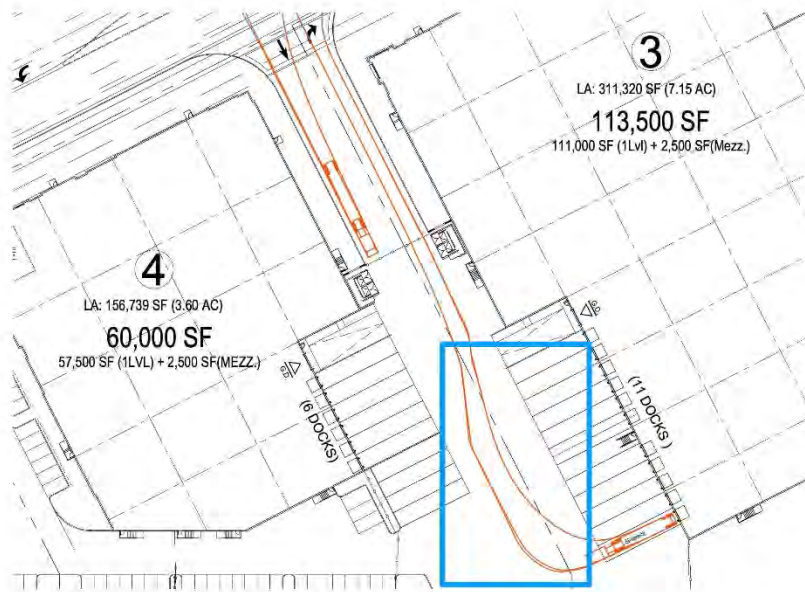
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It is particularly notable that the trucks accessing the site via Frontage Road at Building 5 will collide on Frontage Road. The geometric design of the circulation system and project site will substantially increase hazards and a significant and unavoidable 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.

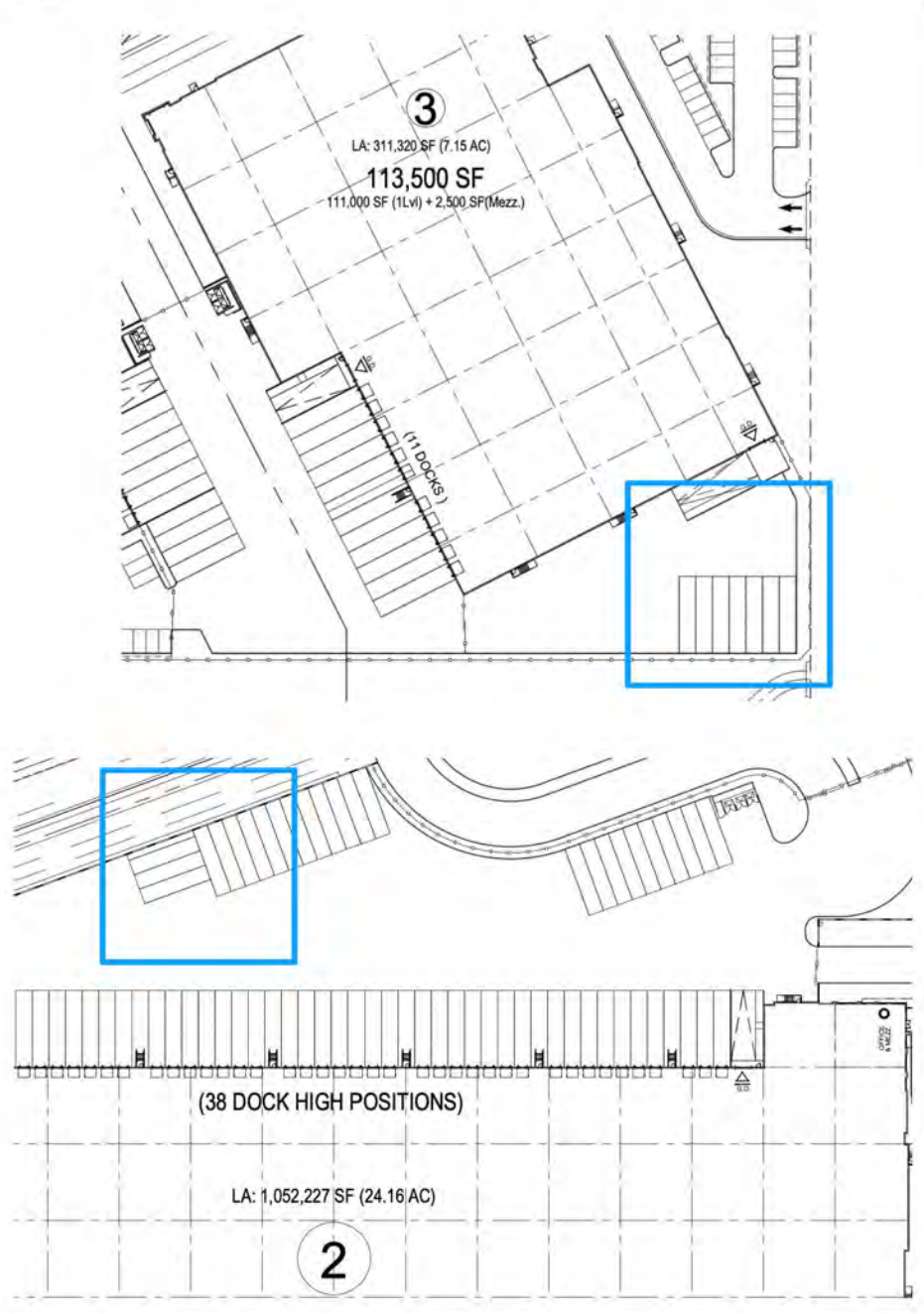
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There are no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the parking areas of the site. For example, the truck/trailer parking spaces are located within the truck/trailer loading dock court and 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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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.

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.

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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."

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

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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.

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.

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Impact on Biological Resources

Please see the attached comments and analysis from Dr. Smallwood.

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.

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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.

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Sincerely,



Vashon Simien
Blum, Collins & Ho, LLP

Attachments:

1. Shawn Smallwood, PhD Analysis Report

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Gary Ho
Blum Collins Ho LLP
707 Wilshire Blvd
Los Angeles, CA 90017

29 July 2025

RE: Harvest Landing Retail Center & Business Park

Dear Mr. Ho,

I write to comment on the analysis of potential impacts to biological resources that is reported in the Draft Environmental Impact Report (DEIR) prepared for the proposed Harvest Landing Retail Center & Business Park. I understand Phase 1 of the project would add a 139.89-acre business park six warehouse/industrial buildings totaling 1,727,579 square feet; a 22.16-acre community shopping center totaling 250,457 square feet in buildings as tall as 57.5 feet (according to renderings in the DEIR); and a 24.33-acre commercial big box retail site totaling 167,050-square feet with a 12-pump gas station and two 5,500 square-foot fast food restaurants, and with Phase 2 of the Specific Plan the project would add 5,735,535 square feet of Multiple Business Use uses and 428,507 square feet of commercial uses on 358.28 acres between E Frontage Rd, N Perris Blvd, and W Placentia Ave in Perris, California. My comments that follow address my concerns that the DEIR mischaracterizes the existing environmental setting, and that its impacts analysis is flawed and its mitigation measures are inadequate.

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My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I’ve lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology’s premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached.

THE WILDLIFE COMMUNITY AS BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA’s Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is “to prevent the elimination of fish or wildlife species due to man’s activities, insure that fish and wildlife

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populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species, but applies to wildlife populations and plant and animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." This definition is consistent with the scientific definition of habitat, which is that portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997). The CEQA Checklist Evaluation assigns priority to special-status species to balance information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

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All wildlife species should be of concern in a CEQA review, but the CEQA prioritizes special-status species. The species I consider to be special-status species are those listed in California's Special Animals List inclusive of threatened and endangered species under the California and federal Endangered Species Acts, candidates for listing under CESA and FESA, California's Fully Protected Species, California species of special concern, and California's Taxa to Watch List (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>), continental and region-specific US Fish and Wildlife Service Birds of Conservation Concern (<https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf>), and naturally rare species such as raptors protected by California's Birds of Prey laws, Fish and Game Code Sections 3503, 3503.5, 3505 and 3513 (see <https://wildlife.ca.gov/Conservation/Birds/Raptors>).

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master of Science Degree from California State University Los Angeles, visited the site of the proposed project for 3 hours of diurnal survey from 17:09 to 20:09 hours and 2 hours of nocturnal survey from 19:44 to 21:44 hours on 18 July 2025, and for 3 hours of diurnal survey from 6:04 to 9:04 hours on 21 July 2025. During daylight, Noriko walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. During the night, Noriko mounted a Pettersson M500 bat detector on a 30-foot pole, and she identified bat species by sonograms of their foraging calls with use of Sonobat Live. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level.

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Conditions were sunny with 8 MPH northwest wind and temperatures of 89-79° F during the diurnal survey on 18 July 2025, clear with 4 MPH northwest wind and temperatures of 79-72° F during the nocturnal survey on 18 July 2025, and cloudy with 2 MPH west wind and temperatures of 62-67° F on 21 July 2025. The site is annual

grassland that's regularly disced with patches of mule fat and tamarisk and sparse trees such as eucalyptus and pepper (Photos 1 and 2).

Noriko saw burrowing owl (Photo 3), red-tailed hawk and American kestrel (Photos 4 and 5), lesser goldfinch (Photo 6), mourning dove and Eurasian collared-dove (Photos 7 and 8), common raven (Photos 9 and 27), Anna's hummingbird (Photos 10 and 11), Say's phoebe and Cassin's kingbird (Photos 12 and 13), northern mockingbird and house finch (Photos 14 and 15), barn swallow and cliff swallow (Photos 16 and 17), California ground squirrel (Photos 18 and 19), monarch and canyon bat (Photos 20, 21, and 22), western yellow bat and silver-haired bat (Photos 23 and 24), Mexican free-tailed bat and western mastiff bat (Photos 25 and 26), among the other species listed in Table 1. Noriko detected 33 species of vertebrate wildlife at or adjacent to the project site, including eight species with special status (Table 1).

Noriko Smallwood certifies that the foregoing and following survey results are true and accurately reported.

Noriko Smallwood
Noriko Smallwood

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Photos 1 and 2. Views of the project site, 21 July 2025. Photos by Noriko Smallwood.



Photo 3. Burrowing owl adult (left) and juvenile (right) on the project site, 18 July 2025. Photo by Noriko Smallwood.

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Photos 4 and 5. Red-tailed hawk (left), and American kestrel (right) on the project site, 28 June 2025. Photos by Noriko Smallwood.



Photo 6. Lesser goldfinch on the project site, 18 July 2025. Photo by Noriko Smallwood.

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Photos 7 and 8. Juvenile mourning dove (left) and Eurasian collared-dove (right) on the project site, 21 and 18 July 2025. Photos by Noriko Smallwood.



Photo 9. Common raven juvenile (left) begging for food from adult (right) on the project site, 18 July 2025. Photo by Noriko Smallwood.

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Photos 10 and 11. Anna's hummingbirds on the project site, 21 and 18 July 2025. Photos by Noriko Smallwood.



Photos 12 and 13. Say's phoebe (left), and Cassin's kingbird (right) on the project site, 18 July 2025. Photos by Noriko Smallwood.



Photo 14. Northern mockingbird on the project site, 18 July 2025. Photo by Noriko Smallwood.

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Photo 15. House finches on the project site, 21 July 2025. Photo by Noriko Smallwood.

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Photos 16 and 17. Barn swallow (left), and cliff swallow (right) on the project site, 21 and 18 July 2025. Photos by Noriko Smallwood.

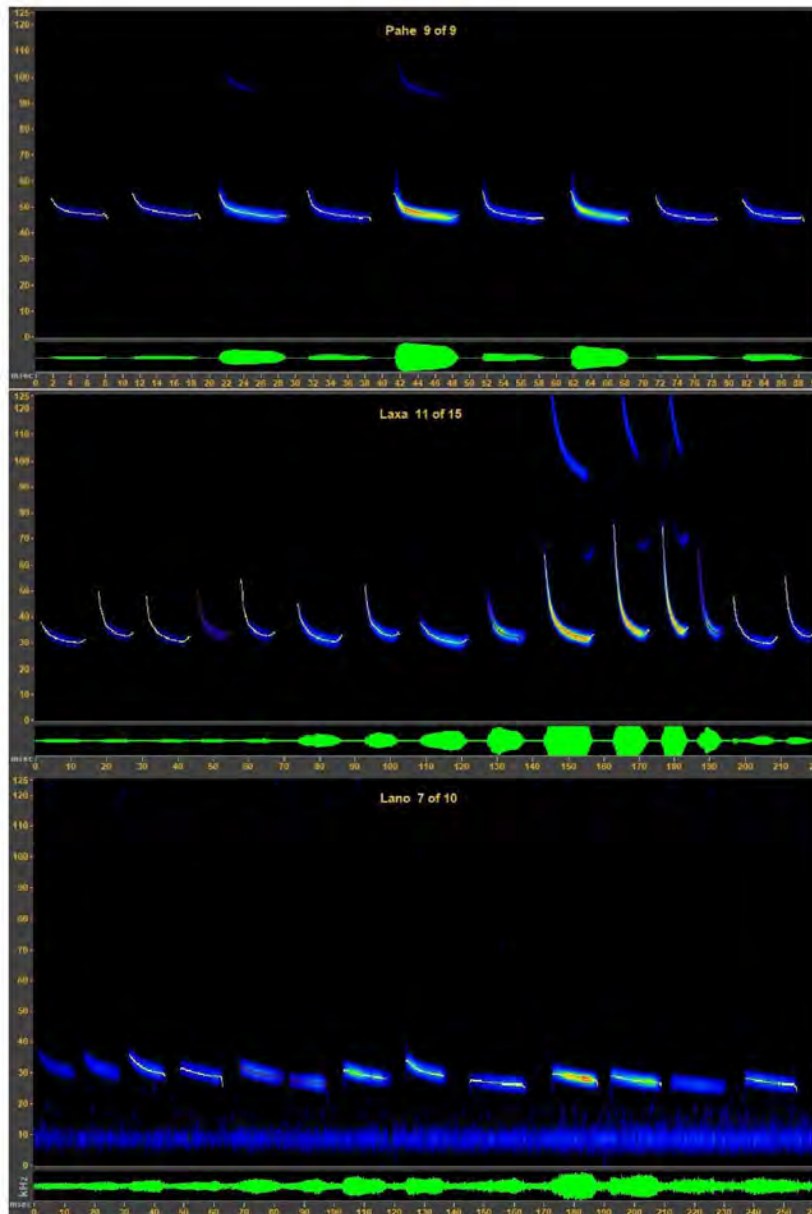


Photos 18 and 19. California ground squirrels on the project site, 21 and 18 July 2025. Photos by Noriko Smallwood.

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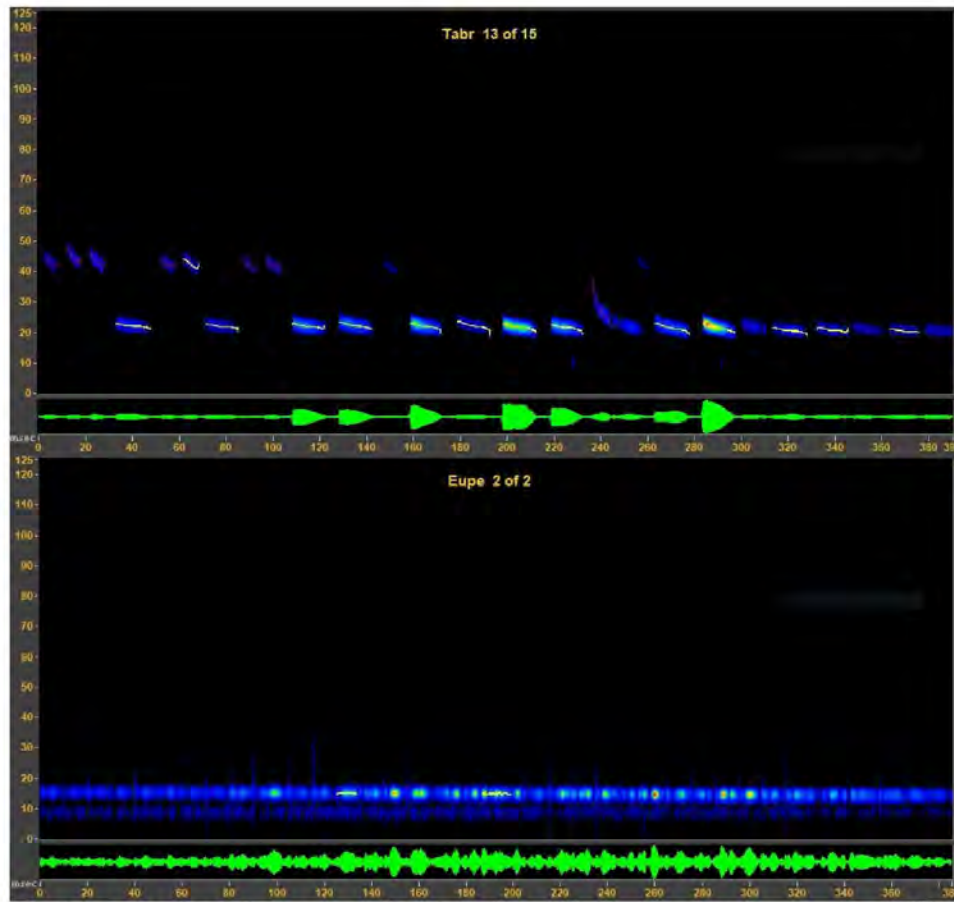


Photos 20 and 21. Monarch (left), and canyon bat (right) on the project site, 21 and 18 July 2025. Photos by Noriko Smallwood.



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Photos 22, 23, and 24. Sonogram of canyon bat (top), western yellow bat (middle), and silver-haired bat (bottom) detected on site using Sonobat Live and a Pettersson M500, 18 July 2025.



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Photos 25 and 26. Sonogram of Mexican free-tailed bat (top) and western mastiff bat (bottom) detected on site using Sonobat Live and a Pettersson M500, 18 July 2025.

Table 1. Species of wildlife Noriko observed during 3 hours of diurnal survey and 2 hours of nocturnal survey on 18 July 2025, and 3 hours of diurnal survey on 21 July 2025.

Common name	Species name	Status ¹	Notes
Harvester ant	<i>Pogonomyrmex sp.</i>		Ecological keystone species
Monarch	<i>Danaus plexippus</i>	FC	
Western side-blotched lizard	<i>Uta stansburiana elegans</i>		
Rock pigeon	<i>Columba livia</i>	Non-native	
Eurasian collared-dove	<i>Streptopelia decaocto</i>	Non-native	Foraged
Mourning dove	<i>Zenaida macroura</i>		Juvenile, likely nested on or near site
Anna's hummingbird	<i>Calypte anna</i>		Foraged
Costa's hummingbird	<i>Calypte costae</i>		
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP	
Burrowing owl	<i>Athene cunicularia</i>	BCC, CC, SSC2, BOP	2 adults, 2 chicks nesting
American kestrel	<i>Falco sparverius</i>	BOP	Foraged
Cassin's kingbird	<i>Tyrannus vociferans</i>		Nested on or near site
Black phoebe	<i>Sayornis nigricans</i>		
Say's phoebe	<i>Sayornis saya</i>		Foraged
American crow	<i>Corvus brachyrhynchos</i>		
Common raven	<i>Corvus corax</i>		Nested in onsite eucalyptus
Barn swallow	<i>Hirundo rustica</i>		Foraged
Cliff swallow	<i>Petrochelidon pyrrhonota</i>		Many, foraged
Northern mockingbird	<i>Mimus polyglottos</i>		Likely nested on/near site
European starling	<i>Sturnus vulgaris</i>	Non-native	
House sparrow	<i>Passer domesticus</i>	Non-native	Gathered nest material from site
House finch	<i>Haemorphous mexicanus</i>		Many foraged; likely nested on or near site
Lesser goldfinch	<i>Spinus psaltria</i>		Many, foraged
Canyon bat	<i>Parastrellus hesperus</i>	WBWG:M	
Silver-haired bat	<i>Lasionycteris noctivagans</i>	WBWG:M	
Western yellow bat	<i>Lasiurus xanthinus</i>	SSC, WBWG:H	
Mexican free-tailed bat	<i>Tadarida brasiliensis</i>	WBWG:L	
Western mastiff bat	<i>Eumops perotis</i>	SSC, WBWG:H	
Desert cottontail	<i>Sylvilagus audubonii</i>		Observed one
California ground squirrel	<i>Otospermophilus beecheyi</i>		Observed 5
Coyote	<i>Canis latrans</i>		Called near site
Kangaroo rat	<i>Dipodomys sp.</i>		Burrows
California vole	<i>Microtus californicus</i>		Burrows
Botta's pocket gopher	<i>Thomomys bottae</i>		Burrows

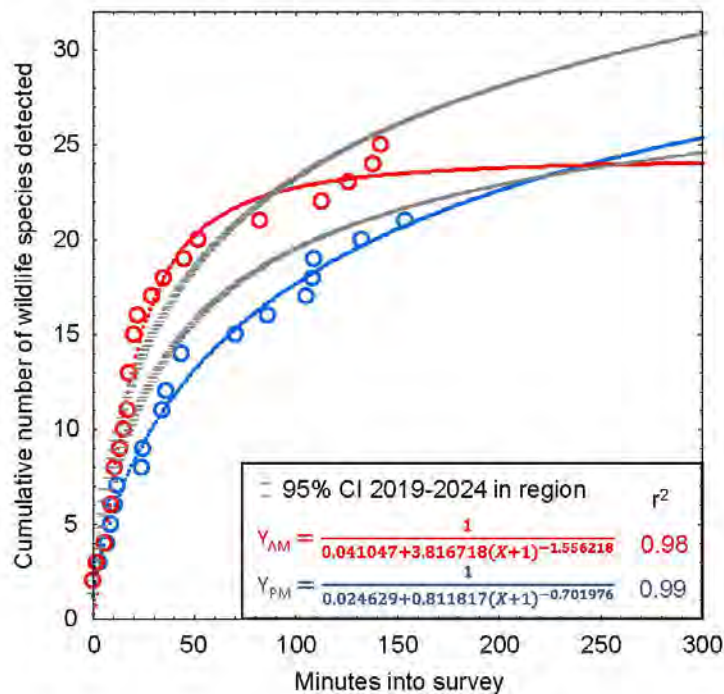
¹ Listed on CDFW's Special Animals List as FC = federal candidate for listing, , CC = California Candidate for listing, SSC = California Species of Special Concern numbered by priority), WL =

Taxa to Watch List (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>); BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern (<https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf>); BOP = protected by Birds of Prey (California Fish and Game Code 3503.5), and WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H).

Noriko detected 33 species of vertebrate wildlife, which was a relatively large number for the brevity of her survey effort. However, the species of wildlife Noriko detected at the project site were not the only species that were present during her surveys, as some species typically go undetected. To demonstrate this, I fit nonlinear regression models to Noriko's cumulative numbers of vertebrate species detected with time into her surveys to predict the numbers of species that she would have detected with longer surveys or perhaps with additional biologists available to assist her. The model is a logistic growth model which reaches an asymptote that corresponds with the theoretical maximum number of vertebrate wildlife species that could have been detected during the survey. The model fit to Noriko's evening survey data, for example, predicts 41 species of vertebrate wildlife were available to be detected that evening, or twice the number of species she detected that evening (Figure 1). Her rate of species detections during the morning survey followed and even exceeded the upper bound of the 95% confidence interval I estimated from other morning surveys in the region (Figure 1).

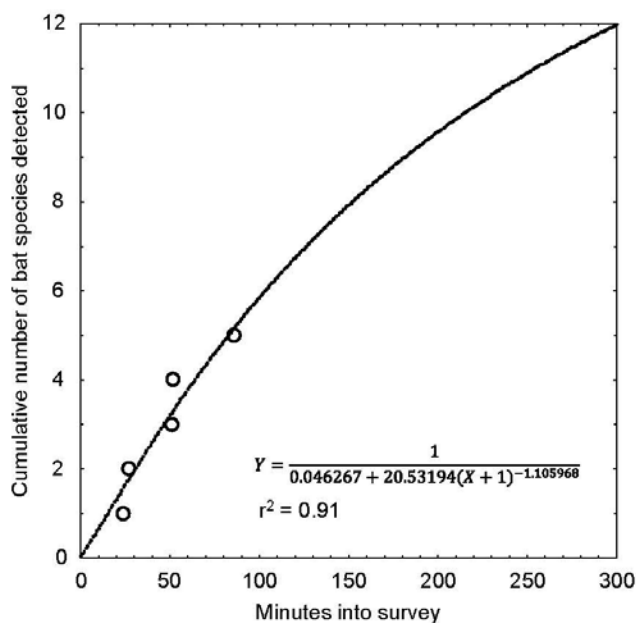
O10.6

Figure 1. Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan surveys on 18 and 21 July 2025.



The same type of model fit very well to Noriko’s cumulative number bat species detections with increasing time into her nocturnal survey (Figure 2). The model predicts that had she continued her survey for five hours, she would have detected 12 species of bats.

Figure 2. Actual and predicted relationships between the numbers of bat species detected and the elapsed survey time based on Noriko’s nocturnal survey on 18 July 2025.



O10.6
Cont.

Unknown are the identities of the species Noriko missed, but the species that Noriko did and did not detect on 18 and 21 July 2025 composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, some require more survey effort due to their high crypticity, and the members of other species would visit the site only periodically while patrolling large home ranges. A survey on only one or two days cannot possibly detect all of the species of the local wildlife community.

At least a year’s worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko’s two surveys. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. This analytical bridge draws inference from the pattern of species detections more than it does from the research site, and I note that the pattern, i.e., rate, of species detections is consistent from site to site.

As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used

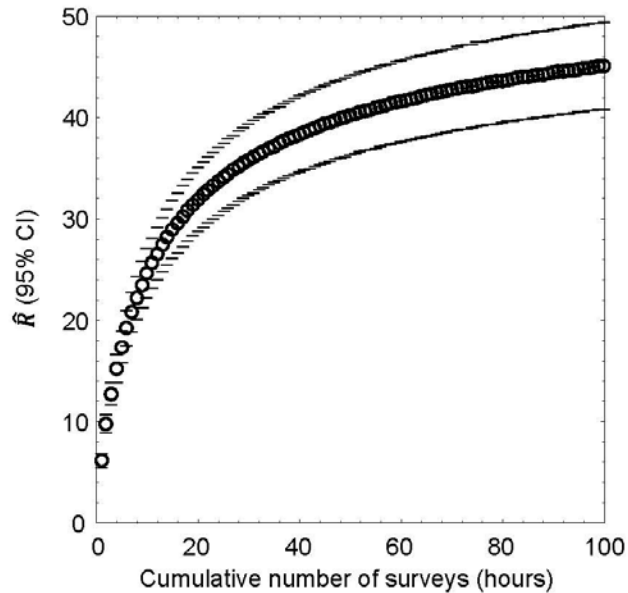
binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+bx \times (\text{Hours})^c}$, where \hat{R} represented cumulative species richness detected. The coefficients of determination, r^2 , of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 3). On average I would have detected 19.2 species over my first 6 hours of diurnal surveys at my research site in the Altamont Pass (6 hours to match the 6 hours Noriko surveyed during daylight hours at the project site), which composed 33.7% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 3, the 29 diurnally active species Noriko detected after her 6 hours of daylight survey at the project site likely represented 33.7% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $29/0.337 = 86$ species of diurnally active vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 86 predicted species, then continued surveys would eventually detect 21 special-status species of diurnally active vertebrate wildlife.

Because my prediction of 86 species of vertebrate wildlife, including 21 special-status species, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Noriko's reconnaissance surveys should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her two surveys to inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort. The patterns in the data and what I know of nocturnal species, I predict at least 120 species of vertebrate wildlife rely on the project site as habitat.

O10.6
Cont.

Figure 3. Mean (95% CI) predicted wildlife species richness, \bar{R} , as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere.



O10.6
Cont.

EXISTING ENVIRONMENTAL SETTING

The first step in analysis of potential project impacts to biological resources is to accurately characterize the existing environmental setting, including the wildlife community and any key ecological relationships and known and ongoing threats to special-status species. A reasonably accurate characterization of the environmental setting can provide the baseline against which to analyze potential project impacts. For these reasons, characterization of the environmental setting, including the project site’s regional setting, is one of the CEQA’s essential analytical steps. Methods to achieve this first step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species. In the case of the proposed project, these required steps remain incomplete and misleading.

O10.7

Environmental Setting informed by Field Surveys

To the CEQA’s primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources. In the case of this project, however, information collected from field surveys was incomplete and misinterpreted; the wildlife community of the existing environmental setting was mischaracterized.

O10.8

ELMT (2025a) deployed two biologists to survey the project site on 18 August 2023. The survey objectives were to “inventory and evaluate the condition of habitat on the project site,” and to verify plant communities mapped by aerial photos. According to ELMT (2025a:7), the biologists recorded “All plant and wildlife species observed...,” and “No limitations significantly affected the results and conclusions given herein. The survey was conducted during the appropriate season to observe the target species, in good weather conditions, by qualified biologists who followed all pertinent protocols.” In other words, ELMT asserts that its biologists detected all the wildlife species that were available to be detected. This assertion is indefensible largely due to multiple substantial survey limitations.

O10.8
Cont.

One survey limitation could have been reported as the survey (or five surveys if the focused burrowing owls surveys are counted) having occurred on one day, and another could have been reported as having occurred in the middle of one of the hottest months of the year. Although ELMT accurately reports that the survey was completed within the avian nesting season, wildlife biologists know that mid-August is the tail-end of the nesting season, and that most breeding birds would have finished nesting long before the end of August. ELMT (2025a:14) reports that “No active nests were directly observed on-site during the field survey, which was conducted in the final weeks of the breeding season.” But this outcome should come as no surprise given the lateness of the breeding season. Additional limitations could have been hidden by the lack of reporting of the survey start time and survey duration, since starting late in the day or surveying for only a brief period would severely limit the survey outcome.

Both ELMT (2023) and ELMT (2025a) report having detected 17 species of vertebrate wildlife. Common to both reports is the reconnaissance survey of 18 August 2023, but the 2025 report was inclusive of four focused burrowing owl surveys performed between 21 and 30 August 2023. The reporting implies that all 17 species were detected during the reconnaissance survey, but this would mean that the species detected during the burrowing owl survey were some or all the same species, or alternatively that species detected during the burrowing owl survey are not reported. ELMT fails to clarify which species were detected during which surveys, and it adds uncertainty about the meaning of the results by failing to report the duration of any of the surveys.

Compared to ELMT’s findings, Noriko Smallwood, working alone on two survey dates, detected twice the number of species as did ELMT’s two biologists working across five survey dates. ELMT’s biologists detected five species that Noriko did not, but Noriko detected 20 species that ELMT’s biologists did not. The disparity in survey findings is large enough to question whether Noriko and ELMT’s biologists surveyed the same wildlife community, even though they obviously did. Applying the Sørensen *Index of Similarity* $= \frac{2c}{a+b}$ (Sørensen 1948), where a is the number of species found by ELMT (2024), b is the number of species found by Noriko, and c is the number of species found by both ELMT and Noriko, the Index of Similarity of the two wildlife communities is only 0.49 on a scale of 0 to 1. For perspective, the mean Index of Similarity among 40 comparisons of surveys I completed over the same time periods and at the same place in Rancho Cordova, California, but on different days over three

O10.9

years 2020-2023, was 0.755 with a high value of 0.90. An Index value of 0.49 is low, likely resulting from an inadequate survey effort or insufficient reporting by ELMT.

Combined, Noriko's and ELMT's surveys have confirmed the presence of 37 species of vertebrate wildlife. As my model in Figure 1 and my analytical bridge to the data in Figure 3 reveal, the project site supports many more species than the 37 thus far detected. The reporting of the surveys completed by ELMT (2023, 2025a) misrepresent the wildlife community, and it therefore provides an unsound foundation for analyzing potential project impacts and formulating an appropriate mitigation strategy.

O10.9
Cont.

The focused burrowing owl surveys met the minimum standards of the MSHCP survey guidelines, but just barely, or perhaps not at all. To the latter possibility, the survey transect separation was reportedly no greater than 30 m, but according to ELMT's (2023) Exhibit 4, the average transect separation was 38.6 m. Furthermore, performing all four surveys within the last 10 days of August most assuredly minimized the likelihood of detecting burrowing owls while still meeting the defined breeding season in the survey guidelines. The surveys came nowhere close to meeting the minimum standards of the CDFW (2012) survey guidelines. In my opinion, and even though ELMT's biologists detected burrowing owls, the survey effort completed by ELMT was timed inappropriately and overall grossly deficient.

O10.10

According to ELMT (2023:9), "A total of seven (7) burrowing owls, including four (4) adults and three (3) juveniles, were observed roosting on-site." Roosting is an odd term to use, as the burrowing owls observed were at nest sites. They were nesting. I also point out that more burrowing owls likely nested on the project site than were detected by ELMT, because ELMT started its survey too late in the year.

Whereas ELMT detected burrowing owls during its first two surveys of 21 and 23 August 2023, the owls were gone by ELMT's surveys of 26 and 30 August 2023. The fledglings likely dispersed between the 23rd and the 26th. I note that Noriko surveyed one month earlier in the breeding season, and she found a family of burrowing owls at a different location on the project site. Though ELMT detected burrowing owls nesting on the project site, ELMT likely failed to detect all the nest attempts that occurred during 2023. The distribution and abundance of burrowing owls on the project site have yet to be characterized by an appropriate survey effort.

Regarding Stephen's kangaroo rat, ELMT (2025a:32) explains that "Since the project site is not located within or adjacent to any of the Core Reserve Areas, no focused SKR surveys or on-site mitigation would be required. On-site mitigation is only recommended in County Ordinance 663.10 when a site is located within or adjacent to a Core Reserve Area. As a result, the project applicant will only be required to pay the SKR HCP Mitigation Fee prior to development of the project site." All the same, there was nothing preventing the applicant from supporting focused SKR surveys to learn how many SKR occur on site, where they occur, and whether onsite mitigation would make more sense than simply paying the SKR mitigation fee.

O10.11

Whereas the DEIR (p. 5.4-30) reports “None of the special-status plant species were observed during the general biological surveys conducted on August 18, 2023,” ELMT did not follow the rare plant species survey guidelines of CDFW (2018). Late August was unlikely to have been the blooming season of most rare plants, ELMT relied on only the one survey, and there was no use of reference sites. That no special-status species of plants were detected might reflect the lack of survey effort more than it does the presence or absence of special-status species on the project site.

O10.11
Cont.

Environmental Setting informed by Desktop Review

The purpose of literature and database reviews and of consulting with local experts is to inform the field survey, and to augment interpretation of its outcome. Analysts need this information to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and migration flight paths. In the case of this project, the desktop review was incomplete, and the review that *was* completed was distorted to downplay the likelihoods of occurrence of special-status species.

O10.12

To begin with, ELMT (2025b) states that the mapped land cover, Non-native grassland, composes the majority of the site, and then states that the mapped land cover, Disturbed, composes the majority of the site. These statements cannot both be true.

In its desktop review, ELMT (2025a) reportedly queried the California Natural Diversity Data Base (CNDDDB) for species occurrence records within two USGS Quadrangles inclusive of the project site. ELMT’s (2025a) query was much more spatially limited than typical of desktop reviews which query out to five miles or across all adjoining Quadrangles. ELMT’s (2025a) query would have generated an unusually narrow list of special-status species with occurrence records near the project site. ELMT (2025a) does not mention use of additional species occurrence databases such as eBird (<https://eBird.org>) and iNaturalist (<https://www.inaturalist.org>).

By querying the CNDDDB to establish the pool of special-status species for analysis of occurrence likelihoods, ELMT (2025a) screens out many special-status species from further consideration in the characterization of the wildlife community as part of the existing environmental setting. The CNDDDB is not designed to support absence determinations or to screen out species from characterization of a site’s wildlife community. As noted by the CNDDDB, “*The CNDDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present.*” ELMT (2025a) and hence the DEIR misuse the CNDDDB.

O10.13

The CNDDDB relies entirely on volunteer reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to the CNDDDB. Many properties have been surveyed multiple times, but

not all survey outcomes reported to the CNDDDB. Furthermore, the CNDDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to the CNDDDB than were species assigned special status since the inception of the CNDDDB. Therefore, occurrence records in the CNDDDB are most abundant for species assigned special status decades ago, but fewest for species only recently assigned special status. And because negative findings are not reported to the CNDDDB, the CNDDDB is also inappropriate as a basis for weighting occurrence likelihoods such as absent, not expected, unlikely, low, moderate or high. Whereas the CNDDDB can be confirmatory of species presence, it cannot support absence determinations or assignments of low likelihood of occurrence. And again, the screening out of a species due to lack of occurrence records in the CNDDDB is the same as an absence determination, and this step is being taken without adequate support of field surveys.

O10.13
Cont.

In my assessment based on a database review and a site visit, 141 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Of these 141 species, 10 (7%) were recorded on or just off the project site, and another 35 (25%) species have been documented within 1.5 miles of the site (Very close), another 22 (16%) within 1.5 and 4 miles (Nearby), and another 65 (46%) within 4 to 30 miles (In region). Almost half (48%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports multiple special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. The site is far richer in special-status species than the DEIR would have the reader believe.

Of the 141 special-status species listed in Table 2, the DEIR analyses the occurrence likelihoods of only 61 (43%) of them. Of these 61 special-status species, 54 are given occurrence likelihoods of "Presumed absent" (Hereafter "absent"). Of the species determined to be "absent," three of them were observed on the project site, and 32 of them have been observed within 4 miles of the site. The occurrence likelihoods assigned to 61 special-status species largely fail to comport with the available occurrence records in public databases and with what Noriko saw on the project site.

O10.14

Of the 141 special-status species listed in Table 2, the DEIR fails to analyze the occurrence likelihoods of 57% of them. Of these species not analyzed for occurrence potential, Noriko detected six of them on the project site.

Of the 141 special-status species listed in Table 2, only 47 (33.33%) are covered by the MSHCP's Incidental Take Permit. This means that two-thirds of the special-status species in Table 2 are not covered. Of these 94 special-status species lacking coverage, eight were detected on site by Noriko, 16 others have been recorded within 1.5 miles of the project site, and another 12 have been recorded between 1.5 and 4 miles from the project site. In all, 36 special-status species lacking MSHCP coverage have been recorded on or close enough to the project site to warrant additional surveys and serious analysis for occurrence likelihoods and potential project impacts. The DEIR's desktop review is grossly incomplete, inaccurate, and therefore inadequate.

The desktop review is inaccurate in other ways, as well. For example, ELMT (2023) inaccurately reports that the CDFW declined to adopt the listing petition of 2003, as it was the California Fish and Game Commission that made this decision – a decision premised on the mistaken belief that the Imperial Valley population of burrowing owls would provide recruitment to more northern populations thereby sustaining the statewide population. More recently, the California Fish and Game Commission adopted a new listing petition (Miller 2024), and hence the burrowing owl is a candidate for listing under the California Endangered Species Act. The DEIR recognizes the owl's candidate status, but ELMT (2025a,b) continues to report the burrowing owl as a species of special concern.

O10.14
Cont.

ELMT (2023) additionally mischaracterizes the natural history of the burrowing owl. For example, ELMT (2023) reports that burrowing owls are crepuscular in their activities, but burrowing owls are more active with foraging at night than they are crepuscular. ELMT (2023) also reports that burrowing owls require short-stature vegetation in which to forage, but burrowing owls forage in tall vegetation as well as in short vegetation. Contrary to ELMT's reporting, some burrowing owls in California migrate to the north, not to the south. For an impacts analysis of burrowing owls to be credible, an understanding of the species' natural history basics is requisite.

ELMT (2023:6) writes, "Under Section 6.3.2 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), the burrowing owl is considered an adequately conserved covered species that may still require focused surveys in certain areas as designated in Figure 6-4 of the MSHCP." But the burrowing owl is not an adequately conserved covered species under the MSHCP. The 2023 Annual Report of the MSHCP (p. 8-8) states, "The species objectives for Burrowing Owl (*Athene cunicularia hypugaea*) require the conservation of five Core Areas, plus interconnecting linkages, containing a breeding population of 120 Burrowing Owls with no fewer than five pairs in any one Core Area." (<https://www.wrc-rca.org/document-library/annual-reports/>) In 2022, there were 7 pairs in one Core Area, 4 of which produced a total 4 fledglings (1 fledgling per successful nest attempt). In 2023, this Core Area was down to 5 pairs, of which one succeeded in producing a single fledgling. Another Core area contained 3 pairs in 2022, and 3 fledglings were recorded by one of these pairs. In 2023, this Core Area was down to 2 pairs, one of which produced 5 fledglings. The evidence shows a dismal failure of the MSHCP to conserve burrowing owls, as the documented breeding population was 20 (16.67% of the target) in 2022 and 14 (11.67% of the target) in 2023, and only one (20%) Core Area contained at least five pairs in either year. The MSHCP has so far failed, and its performance is declining. Assuming that the MSHCP is going to mitigate project impacts on burrowing owls would be a mistake.

O10.15

An inaccurate baseline characterization of the wildlife community is ill-suited for accurate analysis of project impacts on wildlife, and therefore ill-suited for formulating appropriate mitigation

Table 2. Occurrence likelihoods of special-status bird species at or near the proposed project site, according to eBird/iNaturalist records (<https://eBird.org>, <https://www.inaturalist.org>) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Entries in bold font identify species detected by Noriko Smallwood.

Common name	Species name	Status ¹	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	FT	Yes	Absent	In region
San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	FE		Absent	In region
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	FE	Yes	Absent	In region
Delhi sands flower-loving fly	<i>Rhaphiomidas terminatus abdominalis</i>	FE	Yes		In region
Monarch	<i>Danaus plexippus</i>	FC			Very close/ On site
Quino checkerspot butterfly	<i>Euphydryas editha quino</i>	FE	Yes	Absent	In region
Crotch's bumble bee	<i>Bombus crotchii</i>	CCE		Absent	Very close
Western spadefoot	<i>Spea hammondi</i>	FC, SSC	Yes	Absent	Nearby
California red-legged frog	<i>Rana draytonii</i>	FT, SSC	Yes		In region
Western pond turtle	<i>Emys marmorata</i>	FC, SSC	Yes	Absent	In region
Blainville's horned lizard	<i>Phrynosoma blainvillii</i>	SSC	Yes	Absent	Nearby
Orange-throated whiptail	<i>Aspidoscelis hyperythra</i>	WL	Yes	Absent	Nearby
Coastal whiptail	<i>Aspidoscelis tigris stejnegeri</i>	SSC	Yes		Very close
San Diegan legless lizard	<i>Anniella stebbinsi</i>	SSC		Absent	Very close
California glossy snake	<i>Arizona elegans occidentalis</i>	SSC		Absent	In region
Coast patch-nosed snake	<i>Salvadora hexalepis virgulata</i>	SSC		Absent	In region
Two-striped gartersnake	<i>Thamnophis hammondi</i>	SSC			In region
South coast gartersnake	<i>Thamnophis sirtalis pop. 1</i>	SSC			In region
Red-diamond rattlesnake	<i>Crotalus ruber</i>	SSC	Yes	Absent	Very close
Fulvous whistling-duck	<i>Dendrocygna bicolor</i>	SSC1			In region
Brant	<i>Branta bernicla</i>	SSC2			Nearby
Cackling goose (Aleutian)	<i>Branta hutchinsii leucopareia</i>	WL			In region
Redhead	<i>Aythya americana</i>	SSC2		Absent	Nearby

Common name	Species name	Status ¹	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
Western grebe	<i>Aechmophorus occidentalis</i>	BCC			Nearby
Clark's grebe	<i>Aechmophorus clarkii</i>	BCC			Nearby
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	FT, CE	Yes		In region
Black swift	<i>Cypseloides niger</i>	SSC ₃ , BCC	Yes		In region
Vaux's swift	<i>Chaetura vauxi</i>	SSC ₂		Absent	Very close
Calliope hummingbird	<i>Selasphorus calliope</i>	BCC			In region
Rufous hummingbird	<i>Selasphorus rufus</i>	BCC			Very close
Allen's hummingbird	<i>Selasphorus sasin</i>	BCC			Very close
Mountain plover	<i>Charadrius montanus</i>	SSC ₂ , BCC	Yes	Absent	Nearby
Snowy plover	<i>Charadrius nivosus</i>	BCC			In region
Western snowy plover	<i>Charadrius nivosus nivosus</i>	FT, SSC			In region
Long-billed curlew	<i>Numenius americanus</i>	WL		Absent	Nearby
Marbled godwit	<i>Limosa fedoa</i>	BCC			In region
Red knot (Pacific)	<i>Calidris canutus</i>	BCC			In region
Pectoral sandpiper	<i>Calidris melanotos</i>	BCC			In region
Short-billed dowitcher	<i>Limnodromus griseus</i>	BCC			In region
Lesser yellowlegs	<i>Tringa flavipes</i>	BCC			Nearby
Willet	<i>Tringa semipalmata</i>	BCC			Nearby
Laughing gull	<i>Leucophaeus atricilla</i>	WL			In region
Franklin's gull	<i>Leucophaeus pipixcan</i>	BCC			In region
Heermann's gull	<i>Larus heermanni</i>	BCC			Nearby
Western gull	<i>Larus occidentalis</i>	BCC			In region
California gull	<i>Larus californicus</i>	BCC, WL		Absent	Very close
California least tern	<i>Sternula antillarum browni</i>	FE, CE, CFP			In region
Black tern	<i>Chlidonias niger</i>	SSC ₂ , BCC			In region
Elegant tern	<i>Thalasseus elegans</i>	BCC, WL			In region
Black skimmer	<i>Rynchops niger</i>	BCC, SSC ₃			In region
Common loon	<i>Gavia immer</i>	SSC			Nearby
Double-crested cormorant	<i>Phalacrocorax auritus</i>	WL	Yes	Absent	Very close

Common name	Species name	Status ¹	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
American white pelican	<i>Pelicanus erythrorhynchos</i>	SSC ₁		Absent	Nearby
Least bittern	<i>Ixobrychus exilis</i>	SSC ₂			In region
Reddish egret	<i>Egretta rufescens</i>	BCC			In region
White-faced ibis	<i>Plegadis chihi</i>	WL	Yes	Absent	Nearby
Turkey vulture	<i>Cathartes aura</i>	BOP	Yes		Very close
Osprey	<i>Pandion haliaetus</i>	WL, BOP	Yes	Absent	Nearby
White-tailed kite	<i>Elanus leucurus</i>	CFP, BOP	Yes	Moderate	Nearby
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA, CFP, BOP, WL	Yes	Absent	Very close
Northern harrier	<i>Circus cyaneus</i>	BCC, SSC ₃ , BOP	Yes	High	Very close
Sharp-shinned hawk	<i>Accipiter striatus</i>	WL, BOP	Yes	High	Very close
Cooper's hawk	<i>Accipiter cooperii</i>	WL, BOP	Yes	High	Very close
Bald eagle	<i>Haliaeetus leucocephalus</i>	CE, BGEPA, BOP	Yes	Absent	Nearby
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP			Very close
Swainson's hawk	<i>Buteo swainsoni</i>	CT, BOP	Yes	Absent	Very close
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP			On site/ On site
Ferruginous hawk	<i>Buteo regalis</i>	WL, BOP	Yes	Absent	On site
Zone-tailed hawk	<i>Buteo albonotatus</i>	BOP			In region
Harris' hawk	<i>Parabuteo unicinctus</i>	WL, BOP			In region
Rough-legged hawk	<i>Buteo lagopus</i>	BOP			In region
American barn owl	<i>Tyto furcata</i>	BOP			Very close
Western screech-owl	<i>Megascops kennicotti</i>	BOP			In region
Great horned owl	<i>Bubo virginianus</i>	BOP			Very close
Burrowing owl	<i>Athene cunicularia</i>	BCC, SSC ₂ , BOP, CCE	Yes	Present	Very close/ On site
Long-eared owl	<i>Asio otus</i>	BCC, SSC ₃ , BOP		Absent	In region
Short-eared owl	<i>Asia flammeus</i>	BCC, SSC ₃ , BOP			In region
Lewis's woodpecker	<i>Melanerpes lewisii</i>	BCC			In region
Nuttall's woodpecker	<i>Picoides nuttallii</i>	BCC			Very close
American kestrel	<i>Falco sparverius</i>	BOP			Very close/ On site

Common name	Species name	Status ¹	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
Merlin	<i>Falco columbarius</i>	WL, BOP	Yes	Absent	Very close
Peregrine falcon	<i>Falco peregrinus</i>	BOP	Yes	Absent	Very close
Prairie falcon	<i>Falco mexicanus</i>	WL, BOP	Yes	Absent	Very close
Olive-sided flycatcher	<i>Contopus cooperi</i>	BCC, SSC ₂			In region
Willow flycatcher	<i>Empidonax traillii</i>	CE		Absent	In region
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	FE, CE	Yes	Absent	In region
Vermilion flycatcher	<i>Pyrocephalus rubinus</i>	SSC ₂		Absent	Very close
Least Bell's vireo	<i>Vireo bellii pusillus</i>	FE, CE	Yes	Absent	Very close
Loggerhead shrike	<i>Lanius ludovicianus</i>	SSC ₂	Yes	Low	Very close
Oak titmouse	<i>Baeolophus inornatus</i>	BCC			Very close
California horned lark	<i>Eremophila alpestris actia</i>	WL	Yes	High	Very close
Bank swallow	<i>Riparia riparia</i>	CT			In region
Purple martin	<i>Progne subis</i>	SSC ₂	Yes		In region
Wrentit	<i>Chamaea fasciata</i>	BCC			Very close
California gnatcatcher	<i>Polioptila c. californica</i>	FT, SSC ₂	Yes	Absent	Very close
California thrasher	<i>Toxostoma redivivum</i>	BCC			Very close
Cassin's finch	<i>Haemorhous cassinii</i>	BCC			In region
Lawrence's goldfinch	<i>Spinus lawrencei</i>	BCC		Absent	Very close
Grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC ₂		Absent	Nearby
Black-chinned sparrow	<i>Spizella atrogularis</i>	BCC	Yes		In region
Gray-headed junco	<i>Junco hyemalis caniceps</i>	WL			In region
Bell's sparrow	<i>Amphispiza b. belli</i>	WL	Yes	Absent	Very close
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>	SSC ₂			In range
Southern California rufous-crowned sparrow	<i>Aimophila ruficeps canescens</i>	WL	Yes	Absent	Very close
Yellow-breasted chat	<i>Icteria virens</i>	SSC ₃	Yes	Absent	Nearby
Yellow-headed blackbird	<i>X. xanthocephalus</i>	SSC ₃		Absent	Nearby
Bullock's oriole	<i>Icterus bullockii</i>	BCC			Very close
Tricolored blackbird	<i>Agelaius tricolor</i>	CT, BCC, SSC ₁	Yes	Absent	Nearby
Lucy's warbler	<i>Leiothlypis luciae</i>	SSC ₃			In region

Common name	Species name	Status ¹	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
Virginia's warbler	<i>Leiothlypis virginiae</i>	WL, BCC			In region
Prothonotary warbler	<i>Protonotaria citrea</i>	BCC			In region
Prairie warbler	<i>Setophaga discolor</i>	BCC			In region
Yellow warbler	<i>Setophaga petechia</i>	SSC ₂	Yes	Absent	Very close
Summer tanager	<i>Piranga rubra</i>	SSC ₁			In region
Little brown bat	<i>Myotis lucifugus</i>	WBWG: M			In region
Yuma myotis	<i>Myotis yumanensis</i>	WBWG: LM		Absent	In region
Long-eared myotis	<i>Myotis evotis</i>	WBWG: M			In region
Fringed myotis	<i>Myotis thysanodes</i>	WBWG: H			In region
Long-legged myotis	<i>Myotis volans</i>	WBWG: H			In range
California myotis	<i>Myotis californicus</i>	WBWG: L			In region
Small-footed myotis	<i>Myotis ciliolabrum</i>	WBWG: M			In range
Canyon bat	<i>Parastrellus hesperus</i>	WBWG: M			In region/ On site
Big brown bat	<i>Episticus fuscus</i>	WBWG: L			In region
Silver-haired bat	<i>Lasionycteris noctivagans</i>	WBWG: M			In range/ On site
Hoary bat	<i>Lasiurus cinereus</i>	WBWG: M			In region
Western red bat	<i>Lasiurus blossevillii</i>	SSC, WBWG: H			In region
Western yellow bat	<i>Lasiurus xanthinus</i>	SSC, WBWG: H		Absent	In region/ On site
Spotted bat	<i>Euderma maculatum</i>	SSC, WBWG: H			In range
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC, WBWG: H			In region
Pallid bat	<i>Antrozous pallidus</i>	SSC, WBWG: H			In range
Mexican free-tailed bat	<i>Tadarida brasiliensis</i>	WBWG: L			In region/ On site
Pocketed free-tailed bat	<i>Nyctinomops femorosaccus</i>	SSC, WBWG: M		Absent	In range
Western mastiff bat	<i>Eumops perotis</i>	SSC, WBWG: H		Absent	In range/ On site
San Diego black-tailed jackrabbit	<i>Lepus californicus bennettii</i>	SSC	Yes	Absent	In range
Northwestern San Diego pocket mouse	<i>Chaetodipus fallax fallax</i>	SSC	Yes	Absent	In region
Pallid San Diego pocket mouse	<i>Chaetodipus fallax pallidus</i>	SSC			In range
Stephens' kangaroo rat	<i>Dipodomys stephensi</i>	FE, CT	Yes	Absent	In region

Common name	Species name	Status ¹	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
Los Angeles pocket mouse	<i>Perognathus longimembris brevinasus</i>	SSC	Yes	Absent	In region
San Diego Bryant's woodrat	<i>Neotoma bryanti</i>	SSC	Yes	Absent	In region
Southern grasshopper mouse	<i>Onychomys torridus ramona</i>	SSC		Absent	In range
American badger	<i>Taxidea taxus</i>	SSC		Absent	In region

¹ Listed on Special Animals List (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>) as FT, FE or FC = federal threatened, endangered, or candidate for listing, BCC = US Fish and Wildlife Service Bird of Conservation Concern (<https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf>), CT or CE = California threatened or endangered, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent, and SSC₁, SSC₂ and SSC₃ = California Bird Species of Special Concern priorities 1, 2 and 3, respectively, WL = Taxa to Watch List, WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see <https://wildlife.ca.gov/Conservation/Birds/Raptors>); and BGEPA = Bald and Golden Eagle Protection Act.

O10.16
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BIOLOGICAL IMPACTS ASSESSMENT

Whether the impacts analysis is made by the lead agency or by an expert, the analysis involves prediction. Predictions are necessary because measuring the impacts directly could not happen until after the impacts occur, and this type of measurement would prevent the formulations of avoidance and minimization mitigation strategies that are prioritized by the CEQA. Impact predictions are necessary as part of the environmental review. The accuracy of the predictions of impacts and their significance ultimately relies on the degree of accuracy in the characterization of the existing environmental setting (Figure 4).

Assess species occurrence likelihoods

1. Desktop review
 - a. Species geographic range overlap or database occurrence records
 - b. Crosswalk habitat associations with mapped ground cover
2. Reconnaissance survey/Habitat assessment
3. Detection surveys for special-status species



Characterize wildlife community

4. Lists of species detected and of those expected but not yet detected, and any known trends



Outcomes

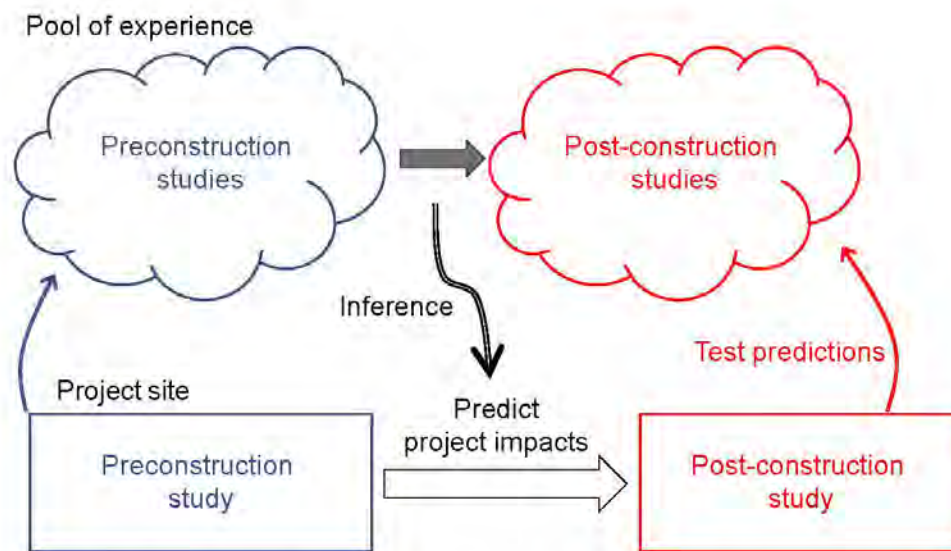
5. Predict impacts
6. Formulate mitigation strategy
7. Determine significance of impacts

Note: Impact predictions and significance determinations have been of unknown accuracy in the absence of experimental measurement

Figure 4. General flow of information from the gathering stage through the characterization of the existing environment to predictions of impacts and their significance.

Impact predictions can derive from speculation or from some level of experience (Figure 5). Speculation is repeatedly discouraged in the CEQA Guidelines, and for good reason because prediction accuracy improves with experience. But the experience that can be brought to bear on impact predictions ranges from anecdotes to careful use of scientific inference. Any type of experience is usually better than relying on speculation, but careful scientific inference, especially inference drawn from experiments, have proven most effective. An analogy would be predicting the boiling temperature of water at a certain place with a known atmospheric pressure after having measured it hundreds of times at other places under various atmospheric pressures. The experience of measuring the boiling temperature at all these other places would certainly result in a more accurate prediction of the boiling point as compared to a speculative prediction. We know that use of inference in this example is certainly more predictive, and not potentially more predictive, because we have a long successful history with the application of this type of experimentation to draw predictive inference.

O10.17



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Cont.

Figure 5. A framework for arriving at predicted project impacts based on experience with other project sites. Ideally, there is a pool of similar projects in similar circumstances where predicted impacts were compared to realized impacts, and into which the proposed project can also contribute to experience.

In the following, I analyze several types of impacts likely to result from the project, none of which is adequately analyzed in the DEIR.

REDUCED PRODUCTIVE CAPACITY FROM HABITAT LOSS

Habitat loss results in a reduced productive capacity of affected wildlife species, but the DEIR does not attempt to estimate the numerical or productive capacities of the site for nesting birds. The site is proven to serve as habitat to at least 37 species of wildlife which ELMT and Noriko observed on the site, but the number of avian nest sites remains unknown. Because Noriko’s surveys were only reconnaissance surveys and therefore unsuitable for detecting all bird nests on the site, estimating total nest density of birds was not possible. The alternative method would be to infer productive capacity from estimates of total nest density elsewhere. Noriko has completed several studies to estimate total avian nest density in similar environments in the local area.

O10.18

Noriko estimated 5.56 nests/acre on a 3.6-acre site of ruderal grassland bordering a woodland strip in Murrieta, and 1.86 nests/acre on another 4.83-acre grassland site bordering a strip of woodland in Murietta. The average of the above two estimates is 3.71 nests/acre. This density applied to the 358.28 acres of the project site would predict 1,329 nest sites. To be conservative by assuming the vegetation management of the project site would allow for only half Noriko’s average, let’s assume the annual number

of nest sites is 665. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate 924 nest attempts per year on the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 2,680 fledglings/year at the project site.

The loss of 665 nest sites and 924 nest attempts per year would qualify as significant impacts that have not been analyzed in the DEIR. But the impacts would not end with the immediate loss of nest sites. The reproductive capacity of the site would be lost. The project would prevent the production of 2,680 fledglings per year. Assuming an average bird generation time of 4 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): $\{(nests/year \times chicks/nest \times number\ of\ years) + (2\ adults/nest \times nests/year) \times (number\ of\ years \div years/generation)\} \div (number\ of\ years) = 3,013\ birds\ per\ year\ denied\ to\ California.$

The loss of 3,013 birds per year would be a loss of significant habitat value that is currently provided by the project site. Most if not all the birds at issue are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds. In my opinion, the project's impacts to breeding bird would be very substantial and highly significant, and the mitigation measures would be grossly inadequate (see below).

O10.18
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INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. Unfortunately, both the DEIR and its contributing consultant, ELMT, focus on whether the project site includes, or is situated within, a wildlife movement corridor. Moreover, the DEIR and ELMT cannot even agree on the definition of a corridor. According to the DEIR (p. 5.4-23), "Wildlife corridors connect otherwise isolated pieces of habitat and allow movement or dispersal of plants and animals. Corridors can be local or regional in scale. Their functions may vary temporally and spatially based on conditions and species present. Local wildlife corridors allow access to resources such as food, water, and shelter within the framework of their daily routine. Animals use these corridors, which are often hillsides or tributary drainages, to move between different habitats." According to ELMT (2025a:14), "A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging." Both definitions accurately define the effects of corridors as enabling wildlife movement related to dispersal, foraging and home range patrol, but they otherwise differ in terms of the condition of habitat at either end of the corridor, landscape context, shape, and ground cover. Scientific definitions of corridors do not ascribe ground cover conditions or landscape context other than the generation of corridors as byproducts of habitat fragmentation caused by anthropogenic developments (Smallwood 2015).

O10.19

The definition of a corridor aside, the DEIR's focus on whether the site represents a regional wildlife movement corridor is misdirected. The principal phrase of the CEQA question at issue goes to wildlife movement in the region regardless of whether the movement is channeled by a corridor. The CEQA question uses the existence of a corridor as an example of a feature that pertains to wildlife movement in the region, but only a fraction of wildlife movement occurs along corridors,¹ most of which are human artefacts of habitat fragmentation (Smallwood 2015). Again, the CEQA question goes to wildlife movement in the region, and not specifically to whether the site is part of, or inclusive of, a corridor. The species detected on site by both Noriko and ELMT would not have been detected there had their members not moved to the site for its habitat. Noriko observed and photographed Monarch moving across the site, as well as multiple species of birds and bats. The project site is obviously important to wildlife movement in the region.

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What was needed in support of the DEIR, but not provided, was a program of observation to characterize how wildlife use the site for movement in the region. Biologists should have observed how wildlife utilize the project site to achieve their needs to move in the region. For example, patterns of bird flights could have been quantified from visual-scan surveys, and patterns of mammalian travel could have been revealed by use of a thermal-imaging camera at night, or a search for tracks during daytime. Biologists know how to detect patterns of wildlife movement; they were just not assigned the task in the case of this environmental review. A consequence is that ELMT and the City of Perris can only speculate on whether and how the site is important to wildlife movement in the region. And in this case, the speculation on whether the site is important to wildlife movement lacks credibility due to obvious fallacies.

TRAFFIC IMPACTS TO WILDLIFE

The DEIR neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photo 27), including along roads far from the project footprint but which would nevertheless be traversed by automobiles as they head to or from the project's buildings. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

O10.20

¹ Wildlife are often channeled in their movements by natural features such as streams and valleys, but if all wildlife moved along such features, then predators would always know where to capture prey, and prey would always know where to expect predators. For these reasons, wildlife often move outside of natural corridors. Constructed corridors are different by serving as the only pathways remaining to wildlife in the face of habitat fragmentation (see Smallwood 2015).



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Photo 27. Common raven killed by a car on E Frontage Rd bordering the project site, 21 July 2025. Photo by Noriko Smallwood.

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass

persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,028 animals killed per mile along a county road in Contra Costa County. The estimated numbers of fatalities were 1.75% birds, 26.4% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 67.4% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 4.4% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

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Predicting project-generated traffic impacts to wildlife

The DEIR's Air Quality analysis predicts 76,507,862 annual VMT in Phase 1, 48,306,051 annual VMT in Phase 2, and 124,813,913 annual VMT following the completions of both Phases 1 and 2 development. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks \times 2.5 miles \times 365 days/year \times 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 53,090 vertebrate wildlife fatalities per year due to project-generated traffic.

O10.21

Based on my analysis, the project-generated traffic would cause substantial, significant impacts to wildlife. The DEIR does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts, and that, as the DEIR is currently written, these impacts would be unmitigated.

CUMULATIVE IMPACTS

The CEQA Guidelines state that “an EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable, as defined in section 15065 (a)(3).” Incremental effects are those in combination with related effects of other projects. Additionally, the Guidelines state, “The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence...” The Guidelines describe two general approaches to analyzing cumulative impacts, one approach consisting of a listing of past, ongoing, planned and foreseeable future projects. The DEIR proceeds with this project-list approach, but it does not clarify the status of projects listed in its Table 5-1, such as whether they already exist, are under construction, approved, proposed, or foreseeable. Nor is there any attempt in the DEIR to relate the effects of these other projects to those predicted of the project under review.

O10.22

According to the DEIR (p. 5.4-35), “The Project would not have significant impacts related to wildlife movement, local ordinances or regulations protecting biological resources, habitat conservation plans, plant communities, and habitat fragmentation.” On the whole, this statement is inaccurate, but the latter assertion that the project would have no significant impact on habitat fragmentation is conclusory to boot, as no argument in support of this assertion is made by ELMT (2023, 2025a) or by the DEIR. The term, habitat fragmentation, appears only once in the DEIR, and it is on p. 5.4-35 in the section on cumulative impacts. The notion that the project would not contribute significantly to habitat fragmentation is fantastical in light of the 358.28 acres at issue, the landscape setting, and the rapid transformation of open space to human-intensive uses. Over the last 30 years, nearly 100% of open space has been lost to industrial buildings within 4.5 miles to the north, nearly 100% of open space has been lost to residential development within two miles to the east, and much of the open space to the west has been taken by warehouses. The proposed project would largely complete the process of habitat fragmentation in the area, as it would leave no significant expanse of open space that could serve as habitat to wildlife species. The burrowing owl would lose the last patch of habitat sufficiently large to support successful nesting, and many other species of wildlife would likewise lose the last remaining patch of habitat in the area that is large enough to support breeding territories. The DEIR’s assertion of no significant impact to habitat fragmentation is inaccurate and indefensible.

O10.23

The DEIR (p. 5.4-35) continues, “In addition, although the Project could have potentially significant impacts to nesting birds, burrowing owls, and jurisdictional waters, compliance with Mitigation Measures BIO-1 through BIO-3 would reduce potential impacts to less-than-significant levels. Multiple projects identified in Table 5-1 are proposed adjacent to the Specific Plan Area. Similar to the Project, the cumulative projects within the general vicinity are surrounded by urban development and are not within any MSHCP Criteria Cells. ... Since all projects would be required to implement their respective mitigation measures, their contribution would not be cumulatively considerable. There are no projects that would, in combination with the Project, produce a significant impact to biological resources. Therefore, potential Project impacts would be less than cumulatively considerable and would be less than significant.” This reasoning implies that cumulative impacts are really nothing more

O10.24

than the residual impacts of insufficient mitigation, and it further assumes that the proposed mitigation would avoid impacts just as the mitigation for other projects listed in the DEIR's Table 5-1 have avoided impacts. This reasoning, however, is inconsistent with the CEQA's definition of cumulative impacts, and it is inconsistent with the CEQA Guidelines' admonition that mitigated direct impacts can still contribute to cumulative impacts.

Serving as an expert in other cases involving development projects, I have often seen the DEIR's claim of no cumulative impacts to wildlife due to the project's mitigation and due to the assumed compliance of other projects with their required mitigation. I decided to test the veracity of this argument. In collaboration with Noriko Smallwood, I measured the impacts – inclusive of cumulative impacts – of wildlife habitat loss that was caused by mitigated development projects. We revisited 80 sites of proposed projects that we had originally surveyed in support of comments on the CEQA review documents (Smallwood and Smallwood 2023). We revisited the sites to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration to measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. We found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. "Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds (-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment," and despite all the mitigation measures per existing laws, policies and regulations. We also specifically tested for the cumulative effects of projects on wildlife in neighboring habitats, and found significant decreases in species richness and overall abundance in those areas as well. The proposed project would cause the same declines in wildlife abundance and species richness, and based on what I see in the DEIR, these would qualify as significant unmitigated cumulative impacts.

O10.24
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MITIGATION MEASURES

Before I comment specifically on the mitigation strategy, I will repeat that the formulation of an appropriate mitigation strategy can follow only from an adequate survey effort for wildlife on and around the project site. The characterizations of the plant and wildlife communities need to be sufficiently accurate to accurately characterize the existing environmental setting. This accuracy is needed to formulate the appropriate mitigation strategy.

O10.25

Other than the requirement to pay the MSHCP's SKR mitigation fee, the DEIR requires three mitigation measures. Each is summarized below in italics, followed by my comment(s) in regular font.

Mitigation Measure BIO-1: Nesting Bird Survey. *Initiation of construction all avoid the nesting season “to the greatest extent possible,” but otherwise shall retain a qualified biologist to conduct a preconstruction take-avoidance survey within three days prior to construction. If active nests are found, the Project biologist shall establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience, ... and shall monitor the nest during construction to determine the efficacy of the buffer.*

Regarding the start of construction outside the breeding season, this measure is not a requirement, but rather a condition for implementing a preconstruction survey. Moreover, its implementation would not prevent the permanent loss of avian productive capacity that exists on the project site, and which I predicted earlier in this letter.

Preconstruction, take-avoidance surveys consist of two steps, both of which are very difficult. First, the biologist(s) performing the survey must identify birds that are breeding. Second, the biologist(s) must locate the breeding birds' nests. The first step is typically completed by observing bird behaviors such as food deliveries and nest territory defense. To be successful these types of observations typically require many surveys on many dates spread throughout the breeding season even for a single species. To identify and locate the birds of all species nesting on a site requires a much greater survey effort. Even assuming all the nests could be found, which would be highly unlikely across 358 acres and only within 3 days of construction, the mitigation measure would apply only to the breeding season. In all years following that of the preconstruction survey, California would be denied the production of birds from the project site. The project's impact on birds would be permanent and of large magnitude.

Furthermore, this mitigation language allows a single individual to make subjective decisions, outside the public's view, to determine the no-disturbance buffers for any given species. This measure lacks objective criteria, and it is therefore unenforceable.

O10.26

Mitigation Measure BIO-2: Preconstruction Burrowing Owl Survey & Burrowing Owl Plan. *The Project proponent shall retain a qualified biologist to conduct a pre-construction survey for burrowing owls within 30 days prior to commencement of construction activities ...The preconstruction survey and any relocation activity shall be conducted in accordance with the Burrowing Owl Survey Instructions for the Western Riverside MSHCP. ... If burrowing owl are detected, the CDFW shall be sent written notification by the City within three days of detection ... the Project biologist and Project proponent shall coordinate with the City of Perris Planning Division, the FWS, and the CDFW to develop a Burrowing Owl Plan ... When the Project biologist determines that burrowing owls are no longer occupying the Project site per the criteria in the Burrowing Owl Plan, Project activities may begin.*

O10.27

Burrowing owls are already known to be nesting on the project site. There is no compelling reason to wait for the result of a preconstruction survey to consult with CDFW regarding the presence of burrowing owls in the face of a major development project. Now that the burrowing owl is a candidate species for listing, the City and

applicant need to consult with CDFW to obtain an incidental take permit. The relocation strategies summarized in CDFW (2012) are probably not going to be permitted, and the mitigation for loss of foraging habitat is probably going to be required.

O10.27
Cont.

Mitigation Measure BIO-3: Establishment of Onsite Drainage Feature. ... *the Applicant shall obtain required permits from the CDFW (1601-1603 Streambed Alternation Permits) and Santa Ana Regional Water Quality Control Board (401 Permit). In response to the requirements associated with these permits, a Mitigation Plan shall be developed ..., and it shall require mitigation at a ratio of 2:1 (0.5 acre) through onsite establishment of herbaceous riparian habitat within the Phase 2 development area, or, if such credits become available, purchase of mitigation credits at a ratio of 2:1.*

O10.28

The 2:1 mitigation ratio for the onsite establishment of herbaceous riparian habitat qualifies as an aspirational performance objective, but it lacks the details needed for it to be enforceable. The measure needs to identify which herbaceous plant species are to be established, and it needs to specify what establishment means. There needs to be a monitoring plan linked to specific performance thresholds and alternative prescriptions. If performance is to be interpreted in terms of riparian habitat, then species that depend on riparian habitat should be the subjects of performance monitoring, which also means there needs to be a baseline characterization of the plant and wildlife communities that currently exist in the habitat. Furthermore, there needs to be the commitment of a meaningful performance bond.

RECOMMENDED MEASURES

Habitat loss: Should the project go forward, compensatory mitigation is needed for the loss of habitat. Habitat of equal or greater area should be protected as close to the project site as feasible. Payment of the required mitigation fee into the MSHCP would not suffice, because two-thirds of the special-status species at issue are not covered by the MSHCP. Moreover, additional mitigation to the payment of the MSHCP mitigation fee would be needed for the species that are covered by its ITP because the MSHCP is not performing to expectations.

O10.29

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by the project-generated road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

O10.30

Fund Wildlife Rehabilitation Facilities: Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured by collisions with automobiles traveling to and from the buildings.

O10.31

Landscaping: If the project goes forward, California native plant landscaping (i.e., grassland and locally appropriate scrub plants) should be considered to be used as opposed to landscaping with lawn and exotic shrubs and trees. Native plants offer more structure, cover, food resources, and nesting substrate for wildlife than landscaping with lawn and ornamental trees. Native plant landscaping has been shown to increase the abundance of arthropods which act as important sources of food for wildlife and are crucial for pollination and plant reproduction (Narango et al. 2017, Adams et al. 2020, Smallwood and Wood 2022.). Further, many endangered and threatened insects require native host plants for reproduction and migration, e.g., monarch butterfly. Around the world, landscaping with native plants over exotic plants increases the abundance and diversity of birds, and is particularly valuable to native birds (Lerman and Warren 2011, Burghardt et al. 2008, Berthon et al. 2021, Smallwood and Wood 2022). Landscaping with native plants is a way to maintain or to bring back some of the natural habitat and lessen the footprint of urbanization by acting as interconnected patches of habitat for wildlife (Goddard et al. 2009, Tallamy 2020). Lastly, not only does native plant landscaping benefit wildlife, it requires less water and maintenance than traditional landscaping with lawn and hedges.

O10.32

Thank you for your consideration,



Shawn Smallwood, Ph.D.

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Response to Comment Letter O10: Golden State Environmental Justice Alliance (GSEJA), August 1, 2025

Comment O10.1 through O1.32: This comment letter includes a copy of the letter included in this Final EIR as letter O4. The letter is duplicative of the comments provided as part of Letter O4.

Response O10.1 through O10.32: Please see Responses O4.1 through O4.31 for responses to this comment letter.

Comment O10.2: This comment introduces the attached letter by describing the proposed Project. The comment introduces concerns regarding the Draft EIR mischaracterizing the existing environmental setting and states that the impact analysis is flawed and mitigation measures are inadequate. The comment then provides the qualifications for the author of the letter.

Response O10.2: The comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. As substantiated by the responses 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 O10.3: This comment states that while CEQA assigns priority to special-status species, it does not exclude the need to evaluate environmental impacts on other species. The comment includes the CEQA definition of wildlife habitat and states that special-status species depend on other species for survival and reproduction. The comment also includes the commenter's definition of special-status species.

Response O10.3: 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. No revisions per this comment are required and no further response is warranted.

Comment O10.4: This comment states that, on the commenter's behalf, a wildlife biologist visited the site to conduct a biological survey. This comment documents the conditions at the time of two different site visits were commenced as well as the different species that were observed during the site visit. The comment states that the site contains grassland that is regularly disked with patches of mule fat and tamarisk, as well as sparse trees. The comment states that the biologist saw burrowing owl, red-tailed hawk, American kestrel, lesser goldfinch, mourning dove, Eurasian collared dove, common raven, Anna's hummingbird, Say's phoebe, Cassin's kingbird, northern mockingbird, house finch, barn swallow, cliff swallow, California ground squirrel, monarch, canyon bat, western yellow bat, silver-haired bat, Mexican free-tailed bat, western mastiff bat, and other species listed in a table. The comment includes images of species seen onsite at the time of the site visit.

Response O10.4: As discussed on page 5.4-30 of the Draft EIR, general biological surveys of the Project site were conducted on August 18, 2023. Tables 5.4-1 and 5.4-2 include lists of plant and animal species with the potential to occur at the Project site. 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 (Draft EIR Appendix D).

As discussed on page 5.4-31 of the Draft EIR, as shown in Table 5.4-2, a total of 80 special-status animal species have been identified with the potential to occur within the Project region. Three special-status wildlife species were observed during the field investigation on August 18, 2023: burrowing owl, white-tailed kite, and prairie falcon. Based on the habitat requirements for specific species and the availability of onsite habitats, the Habitat Assessment determined that the Specific Plan Area has a high potential to support Cooper's hawk, sharp-shinned hawk, Costa's hummingbird, northern harrier, and California horned lark; and

a low potential to support great egret, great blue heron, snowy egret; loggerhead shrike. The Specific Plan Area does not have the potential to support any of the other special-status species listed in Table 5.4-2. None of the species with the potential to occur onsite are federally or State listed as endangered or threatened; however, burrowing owl is currently a candidate for State listing. In addition, burrowing owl, white-tailed kite, prairie falcon, Cooper's hawk, sharp-shinned hawk, northern harrier, California horned lark, great blue heron, and loggerhead shrike are covered species under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Of the species with the potential to occur onsite, burrowing owl, Costa's hummingbird, and California horned lark have a higher potential to nest onsite and burrowing owl were observed nesting onsite. Given the potential for Costa's hummingbird and California horned lark to nest onsite, 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. Given the presence of burrowing owl within the Specific Plan Area, 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 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl (March 2012) and the MSHCP. Therefore, potential impacts to sensitive-status species would be less than significant with implementation of Mitigation Measures BIO-1 and BIO-2. No revisions per this comment are required and no further response is warranted.

Comment O10.5: This comment includes a table of the species of wildlife that was observed during the site visit.

Response O10.5: 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 commenter is referred to Response O10.35 for a discussion of the Project's potential impacts to special-status species. No revisions per this comment are required and no further response is warranted.

Comment O10.6: This comment states that, based on the amount of wildlife observed during the commenters site visit, using a model can determine how many wildlife species are actually present onsite over a longer period than can be observed during a survey. Based on modeling data and data from the Altamont Pass Wind Resource Area, the commenter estimates at least 120 species of vertebrate wildlife rely on the Project site for habitat.

Response O10.6: The Project site's environmental conditions are not comparable to the conditions that the commenter describes for the Altamont Pass Wind Resource Area. The Project site is surrounded by urban development on all sides including I-215 to the west, retail and residential uses to the south, commercial and residential uses to the east, and public and industrial uses to the north. The Altamont Pass Wind Resource Area is located in a rural area of Northern California. Therefore, the two locations are not comparable for purposes of onsite biological habitat. Furthermore, biological analysis under CEQA does not rely on modeling for an estimate of how many species could occur onsite, but on the review of existing databases and field surveys.

Comment O10.7: This comment states that an accurately characterized environmental setting is crucial in assessing biological impacts. The comment states that a survey for the site and reviews of literature, databases, and local experts are required to assess an accurate baseline, which is incomplete and misleading in the case of the proposed Project.

Response O10.7: The analysis within the Draft EIR was based on the Habitat Assessment and MSHCP Consistency Analysis, Burrowing Owl Focused Survey Report, Jurisdictional Delineation, and Determination of Biologically Equivalent or Superior Preservation Report (included as Draft EIR Appendices D through G).

The Habitat Assessment and MSHCP Consistency Analysis is based in part on a thorough literature review of biological resources occurring within the Specific Plan Area and surrounding vicinity. The literature review was based on the review of the following: aerial photographs, topographic maps, and database searches of the California Natural Diversity Data Base, the U.S. Fish and Wildlife Service Endangered Species Lists, and the California Native Plant Society rare plant lists. In addition, field surveys were conducted to document existing conditions within the Specific Plan Area and surrounding lands. A general biological field survey, infield habitat assessments, burrowing owl habitat assessments and focused surveys, vegetation mapping, and investigation of jurisdictional waters and wetlands were also conducted. As discussed above and below, the Draft EIR and biological reports prepared by ELMT are sufficient and do not warrant revisions. Thus, no further response is warranted.

Comment O10.8: This comment states that information gathered during the field survey was incomplete and misleading. The commenter states that the biologist incorrectly inferred that all wildlife species that were available were detected during the field survey. The commenter states that this is indefensible as the surveys occurred over five days, including the burrowing owl surveys, and took place in the tail-end of the nesting bird season, when most breeding birds would have finished nesting. The commenter further states that the unknown timing of the survey could result in a limitation of the findings.

Response O10.8: 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. 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 owl would be less than significant.

Further, regarding nesting birds, the general biological assessment is not required to be conducted during the nesting bird season. Nevertheless, the biological assessment properly discloses that the Project site has a high potential to support Cooper's hawk, sharp-shinned hawk, Costa's hummingbird, northern harrier, and California horned lark; and a low potential to support great egret, great blue heron, snowy egret; loggerhead shrike. In addition, burrowing owl, white-tailed kite, prairie falcon, Cooper's hawk, sharp-shinned hawk, northern harrier, California horned lark, great blue heron, and loggerhead shrike are covered species under the MSHCP. Of the species with the potential to occur onsite, burrowing owl, Costa's hummingbird, and California horned lark have a higher potential to nest onsite and burrowing owl were observed nesting onsite. Given the potential for Costa's hummingbird and California horned lark to nest onsite, 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 O10.9: This comment states that ELMT reported detecting 17 species but does not note whether they were all detected during the reconnaissance survey or during the burrowing owl surveys. The commenter further states that their site visit resulted in the detection of twice as many species, and ELMT's surveys misrepresent the existing wildlife community onsite.

Response O10.9: The level of survey effort was appropriate given the highly disturbed and urbanized context of the Project site, and the findings are consistent with the site's limited habitat value. The differences cited by the commenter do not undermine the adequacy of the Draft EIR's analysis or its compliance with CEQA. No further response is warranted.

Comment O10.10: The comment states that ELMT's survey transect separation was 38.6 meters, greater than the required 30 meters. The comment further states that because the surveys were all conducted within 10 days, the survey results are deficient and do not meet the CDFW standards. The commenter's biologist surveyed the site earlier in the breeding season and detected burrowing owls at different locations that were not noted in ELMT's report and, thus, the true nature of burrowing owls on the site has not yet been appropriately discussed.

Response O10.10: 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 County 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 MSHCP. Therefore, potential impacts to burrowing owl would be less than significant.

Comment O10.11: This comment states that though the Project site is not located within or adjacent to a Core Reserve Area for Stephen's Kangaroo Rat, and impacts would be mitigated through the SKR HCP Mitigation Fee, the Applicant could include focused SKR surveys to see if onsite mitigation would be more useful than paying the fee. This comment states that surveys did not follow the rare plant species survey guidelines of CDFW as it occurred late in the blooming season and did not utilize reference sites.

Response O10.11: A focused survey for Stephen's kangaroo rat was not warranted given the lack of habitat onsite for this species. Given all of the disturbance the site has undergone, the suitability of the site to support special-status plant species has been greatly diminished. Due to the lack of suitable habitat, focused surveys were not required or recommended. Focused surveys are only needed if the site was determined to provide suitable habitat.

Comment O10.12: This comment states that the literature and database reviews were incomplete and downplays the likelihoods of occurrence of special-status species.

Response O10.12: This comment is introductory in nature and does not provide any evidence to show that the literature and database reviews were incomplete. Please refer to Response O10.44 below for a further response related to the desktop review.

Comment O10.13: This comment states that ELMT's desktop review was insufficient as their report listed that both Non-native grassland and Disturbed habitat make up the majority of the site. The comment states that the California Natural Diversity Data Base (CNNDDB) record search by ELMT was spatially limited as it did not include all adjoining quadrangles. The comment also states that CNDDDB is not designed to rule out species from consideration but rather to identify previous positive occurrences. Additionally, CNDDDB only reports special status species and may be more or less reliable depending on how long a species has been designated as special status. Thus, screening out the presence of a species using CNDDDB lacks adequate support.

Response O10.13: The desktop review was conducted consistent with industry standards, including CNDDDB queries for the Project site and surrounding area, review of available land cover data, and consultation of other relevant sources. While CNDDDB data alone does not demonstrate absence, they provide a reliable, state-maintained source of occurrence information to help identify which species warrant focused consideration.

The scope of the database query was appropriate given the Project site's highly urbanized setting and lack of high-quality habitat or natural connectivity that would support many of the species known from the

broader region. Further, desktop reviews are intended to inform, not replace, field surveys. Qualified biologists conducted multiple field surveys to identify special-status species and habitat conditions onsite.

Comment O10.14: This comment states that based on the commenter's database review, 141 special status species have the potential to occur onsite. The comment further states the Draft EIR only analyzes the occurrence of 61 of the potential 141 species, and three species that were found onsite were "presumed absent" in the Draft EIR. The comment further states that only 47 of the 141 potential onsite species are covered by the MSHCP's Incidental Take Permit. Thus 36 special-status species that potentially occur onsite lack coverage or mitigation and warrant additional surveys to address Project impacts. Additionally, ELMT's report incorrectly reports burrowing owls as a species of special concern.

Response O10.14: Desktop reviews are intended to inform, not replace, field surveys. Qualified biologists conducted multiple field surveys to identify special-status species and habitat conditions onsite to further define the potential for certain species to occur onsite. Further, the surveys provided by the commenter include species that were spotted onsite and within the general vicinity. Therefore, even if the species were spotted during the commenter's survey, there may be no habitat onsite for the species to remain at the Project site. The Western 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 this species to a less than significant level.

Regarding the commenter's assertion that ELMT's report incorrectly lists burrowing owls as a species of special concern, the Draft EIR correctly discloses that burrowing owl is a candidate species on page 5.4-8. Therefore, burrowing owl was correctly analyzed as a candidate species within the Draft EIR.

Comment O10.15: This comment states that ELMT mischaracterized the nature of the burrowing owl, incorrectly citing that they are crepuscular in their activities when they are more active at night or that they require short-stature vegetation to forage, but burrowing owls forage in tall vegetation as well. The comment further states that burrowing owls are not adequately conserved under the MSHCP and relying on it for mitigation would be a mistake.

Response O10.15: Contrary to the commenter's claim, the Project site is not part of Core Areas designated for MSHCP population targets. As such, the Draft EIR appropriately evaluates potential impacts in the context of local, site-specific owl presence rather than projecting outcomes based on distant Core Area performance. The Draft EIR's use of the MSHCP framework reflects that the species is a covered species, and compliance with MSHCP protocols—including focused surveys, avoidance, and relocation measures—provides a reasonable and legally defensible basis for impact assessment.

Assuming that the Project would cause significant impacts solely because some regional Core Areas are below population targets misapplies the MSHCP's conservation objectives. CEQA requires evaluation based on substantial evidence at the Project site. The Draft EIR's analysis, using site surveys and professional observation, provides that evidence. The MSHCP remains the accepted regulatory mechanism for addressing burrowing owl impacts in Western Riverside County, and the Draft EIR's reliance on it is appropriate and consistent with standard practice.

Comment O10.16: This table provides a list of the potential of special-status species.

Response O10.16: This 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. As discussed above and below, the Draft EIR and biological reports prepared by ELMT are sufficient and do not warrant revisions. Thus, no further response is warranted.

Comment O10.17: This comment provides a description of the importance of well-informed predictions based on experience.

Response O10.17: The Draft EIR's analyses relied on established biological survey methods and site-specific data, providing a sound basis for predicting impacts. These predictions are not speculative; they are based on the characterization of existing environmental conditions and professional judgment consistent with the CEQA Guidelines. Therefore, the Draft EIR's conclusions regarding potential impacts are supported by substantial evidence and meet CEQA's requirements for reasoned prediction.

Comment O10.18: This comment states that based on the commenter's site visit and surveys near the Project site, 655 nesting bird sites are estimated to occur onsite which is not evaluated in the Draft EIR. The loss of nesting sites would result in the loss of approximately 3,013 birds, which is the loss of a significant habitat value and the proposed mitigation would be inadequate.

Response O10.18: The biological assessment properly discloses that the Project site has a high potential to support Cooper's hawk, sharp-shinned hawk, Costa's hummingbird, northern harrier, and California horned lark; and a low potential to support great egret, great blue heron, snowy egret; loggerhead shrike. In addition, burrowing owl, white-tailed kite, prairie falcon, Cooper's hawk, sharp-shinned hawk, northern harrier, California horned lark, great blue heron, and loggerhead shrike are covered species under the MSHCP. Of the species with the potential to occur onsite, burrowing owl, Costa's hummingbird, and California horned lark have a higher potential to nest onsite and burrowing owl were observed nesting onsite. Given the potential for Costa's hummingbird and California horned lark to nest onsite, 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 O10.19: This comment states that the Draft EIR and the ELMT report are inconsistent on the definition of a wildlife corridor. The comment further states that the Draft EIR does not provide a characterization of how wildlife use the site for movement in the region such as bird flight paths or patterns or mammalian travel. As such, the Draft EIR's analysis of wildlife movement is speculative and lacks credibility.

Response O10.19: The Project site is located within a highly urbanized portion of the City of Perris, surrounded by residential, commercial, and industrial development, and does not provide habitat linkages, wildlife corridors, or other landscape features that would facilitate regional wildlife movement. As such, the site does not function as an important movement area for mammals, birds, or other wildlife. While avian species may cross over the Project site, the Project site does not provide for a wildlife corridor due to the surrounding urban environment.

Comment O10.20: This comment states that the Draft EIR fails to analyze the potential impacts to wildlife due to the increased roadway traffic.

Response O10.20: The commenter's analysis significantly overstates potential wildlife mortality and does not provide substantial evidence of a project-level impact. The methodology inappropriately applies results from Mendelsohn et al. (2009), which examined vehicle-wildlife interactions along Vasco Road—a rural roadway with adjacent open space and natural habitat that support higher rates of wildlife movement across roads. In contrast, the Project site is located within a highly urbanized setting and is surrounded by existing development and roadway infrastructure. Therefore, it is highly unlikely that the Project would result in an increase in wildlife mortality due to increased roadway traffic.

Comment O10.21: This comment states that based on the Draft EIR's air quality and VMT analysis, the proposed Project would result in 53,090 vertebrate wildlife fatalities due to Project generated traffic. The comment further states that this is a significant impact caused by the Project, and mitigation measures should be included to minimize this impact.

Response O10.21: See Response O10.51 regarding traffic impacts on wildlife.

Comment O10.22: This comment discusses the CEQA requirement for a discussion of cumulative impacts and states that the Draft EIR's cumulative project list does not clarify the status of the listed projects.

Response O10.22: In response to comments provided by the commenter, Draft EIR Table 5-1 has been revised to include the status of the cumulative projects as further detailed in Final EIR Section 3.0, *Revisions to the Draft EIR*.

Comment O10.23: This comment states that neither the Draft EIR nor ELMT report provide any evidence to support the conclusion that there would be no significant impacts related to habitat fragmentation. The comment further states that implementation of the proposed Project would complete the process of habitat fragmentation and remove the last remaining piece of open space in the area.

Response O10.23: The Project site is located within a highly urbanized portion of the City of Perris, surrounded by residential, commercial, and industrial development, and does not provide habitat linkages, wildlife corridors, or other landscape features that would facilitate regional wildlife movement. As such, the site does not function as an important movement area for mammals, birds, or other wildlife and would not contribute cumulatively impacts related to habitat fragmentation.

Comment O10.24: This comment states that impacts related to burrowing owls can be cumulatively considerable even with implementation of project specific mitigation. The comment explains a survey study completed by the commenter, which found that implementation of mitigation did not effectively decrease impacts related to habitat loss. The study found that cumulatively, urban development reduced vertebrate species richness despite mitigation and existing policies and regulation. Thus, the commenter concludes that the proposed Project would result in a significant unmitigated cumulative impact related to the loss of wildlife.

Response O10.24: As described above in Response O10.54, the Project site is located within a highly urbanized portion of the City of Perris, surrounded by residential, commercial, and industrial development, and does not provide suitable habitat. Implementation of Mitigation measure BIO-2 would ensure that burrowing owls onsite are able to nest onsite and then be relocated to a habitat which is not surrounded by urban uses for long term viability. Any potential cumulative impacts to burrowing owl associated with the proposed Project would not be cumulatively considerable.

Comment O10.25: This comment states that formulation of mitigation can follow only from an adequate survey for wildlife on and around the Project site. The comment letter introduces the mitigation measures included in the Draft EIR.

Response O10.25: The comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Thus, no further response is warranted.

Comment O10.26: This comment summarizes Mitigation Measure BIO-1 and states that the measure is a condition for implementing a pre-construction survey and would not prevent the permanent loss of avian reproductive capacity. This comment states that three days is not sufficient to conduct nesting bird surveys, on a 358-acre site. The comment concludes that the mitigation measure does not mitigate the permanent loss of birds at the Project site.

Response O10.26: Pre-construction surveys are an industry standard mitigation measure that is utilized to ensure that the Project would not violate the Migratory Bird Treaty Act or Fish and Game Code. The City, as the CEQA Lead Agency for the proposed Project, will enforce this mitigation measure through implementation of the Mitigation Monitoring and Report Program, included as Section 4.0 to this Final EIR. As discussed previously, the Project site is heavily disturbed and does not provide significant habitat for nesting bird species. While shrubs and trees within the site may be utilized by nesting birds and raptors

during the nesting bird season, Mitigation Measure BIO-1 would ensure that no nesting birds are directly impacted as part of Project construction.

Comment O10.27: This comment summarizes Mitigation Measure BIO-2. This comment states that since presence of burrowing owls onsite is already known, CDFW consultation should begin earlier to obtain an incidental take permit. The comment states that the relocation strategies summarized in the CDFW Staff Report on Burrowing Owl (March 2012) may not be permitted.

Response O10.27: 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), included as Appendix D to the Final EIR, for the Project and have concurred with the suggested mitigation. Further, the Western 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 this species to a less than significant level.

Comment O10.28: This comment summarizes Mitigation Measure BIO-3. This comment states that the mitigation for the loss of riparian habitat lacks enforceable details such as which herbaceous plants are to be established, what establishment means, and a monitoring plan with specific performance thresholds and alternatives. The comment concludes in stating that a baseline characterization of the plant and wildlife communities are needed and a commitment of a meaningful performance bond.

Response O10.28: The CDFW has reviewed the proposed mitigation as part of their review of the DBESP, included as Appendix D to the Final EIR, for the Project 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 Regional Water Quality Control Board) during the permit processing, which would reduce potential impacts to a less than significant level.

Comment O10.29: This comment recommends a mitigation measure requiring additional compensatory mitigation for the impacts to special-status species not covered by the MSHCP.

Response O10.29: Compliance and consistency with the MSHCP, in coordination with the Regional Conservation Authority and Wildlife, would reduce potential impacts to the species to less than significant levels. The MSHCP was set up to set aside “high” quality habitat for the MSHCP listed species, while allowing development in the “lesser” quality habitats areas. The Project site is not located within an MSHCP designated Criteria Cell and is not described for conservation under the MSHCP. Furthermore, the Project site does not contain suitable habitat for the majority of species described by the commenter and, therefore, development of the proposed Project would not result in a loss of quality habitat.

Comment O10.30: This comment recommends a mitigation measure requiring compensatory mitigation for the increased wildlife fatalities due to project generated road traffic.

Response O10.30: Based on the analysis provided in the Draft EIR and the responses to the comments in this letter, compensatory mitigation for potential wildlife road mortality is not warranted. The Project site is surrounded by existing urban development and an established roadway network where traffic volumes are already high. The incremental increase in vehicle trips associated with the Project would not substantially change existing conditions or measurably increase wildlife vehicle collisions. Therefore, there is no nexus for requiring compensatory mitigation for wildlife and vehicle collisions.

Comment O10.31: This comment recommends a mitigation measure requiring compensatory mitigation for the costs of injured animals that would be delivered to wildlife rehabilitation facilities.

Response O10.31: See Response O10.61 above regarding mitigation for wildlife road mortality.

Comment O10.32: This comment recommends a mitigation measure requiring the use of California native plant landscaping.

Response O10.32: Draft EIR Mitigation Measure GHG-2 requires low-water landscaping and trees be installed throughout the Project site and use recycled (purple pipe) irrigation water with drip irrigation and weather based smart irrigation controllers. As required by City of Perris and Harvest Landing Specific Plan guidelines, the Project would include native plant landscaping. Thus, no further response is warranted.

Comment Letter 11: Elissa Curiel, 1 page

From: [Albert Armijo](#)
To: [Meaghan Truman](#)
Cc: [Patricia Brenes](#)
Subject: Fw: Harvest Landing Specific Plan Draft EIR
Date: Friday, May 30, 2025 8:00:08 AM

[NON-EPD]

From: elissacuriel <elissacuriel@gmail.com>
Sent: Thursday, May 29, 2025 10:02 PM
To: Albert Armijo <aarmijo@CityofPerris.org>
Subject: RE: Harvest Landing Specific Plan Draft EIR

Thank you for sharing, I see that they want to use it for industrial and I'm opposed to it. I feel like we need more residential, entertainment for our children, and banks such as a chase..

11.1

Sent From my Galaxy

----- Original message -----
From: Albert Armijo <aarmijo@CityofPerris.org>
Date: 5/29/25 8:47 PM (GMT-08:00)
To: elissacuriel@gmail.com
Subject: Harvest Landing Specific Plan Draft EIR

Hello Elissa.

Please find attached the Notice of Availability for the Harvest Landing Specific Plan Draft Environmental Impact Report (DEIR) public review. The Notice contains information about the Project, where the DEIR can be found, the public review period time frame (May 30-July14), and how/to whom your comments can be provided.

Best.

Albert Armijo
 Project Planner

Response to Comment Letter 11: Elissa Curiel, May 29, 2025

Comment 11.1: This comment states that the commenter is opposed to industrial development at the Project site and requests more residential and entertainment uses.

Response 11.1: This comment expresses the commenter's opposition to the proposed industrial development at the Project site and their request for more residential and entertainment uses. This comment does not question the content or conclusions of the Draft EIR or identify any potential environmental impacts that were not evaluated in the Draft EIR. Thus, no further response is warranted. However, the commenter's opinions are included in the Final EIR and will be considered by the City of Perris City Council when it chooses whether to approve or deny the proposed Project.

Comment Letter I2: JC Franco, 1 page

Traffic Impact Analysis/Study in the EIR Appendices. The EIR contains a detailed Vehicle Miles Traveled analysis.

From: JC Franco <francojc.arch@gmail.com>
Sent: Tuesday, June 10, 2025 4:23 PM
To: Albert Armijo <aarmijo@CityofPerris.org>
Cc: Rafael Garcia <rgarcia@CityofPerris.org>
Subject: Fwd: Request for Zoom meeting re: Harvest Landing

Good afternoon

Just a soft follow up on this item. Thank you

----- Forwarded message -----

From: JC Franco <francojc.arch@gmail.com>
Date: Fri, Jun 6, 2025 at 12:51 PM
Subject: Request for Zoom meeting re: Harvest Landing
To: <aarmijo@cityofperris.org>
CC: <rgarcia@cityofperris.org>

Albert

- | | |
|---|------|
| Thank you for the brief call earlier today. If available next week, would be great to schedule a Zoom to discuss in length the Harvest Landing project. | 12.1 |
| In the meantime, here are some preliminary questions I have for you and your team: | |
| - was the "NOTICE OF AVAILABILITY" sent out to residents in Spanish or only English? | 12.2 |
| - are there any formal community benefits agreed upon for this project ? | |
| - what other projects (local or other cities) does Harvest Landing resemble in scale and/or zoning breakdown (ex. Is this project bigger than the Ferguson project) | 12.3 |
| - is there a reason the existing FAR is lower than the Light Indust. general plan ? | |
| - where does this EIR measure in terms of its baseline? Has the city/owners requested EIRs that put projects under higher or lower amounts of scrutiny? | 12.4 |
| - is there a list of businesses that are targeted for this development? List for business that are excluded from operating here? | 12.5 |
| - how does traffic (city and highway) compare to other similar projects? | 12.6 |

Response to Comment Letter I2: JC Franco, June 10, 2025

Comment I2.1: This comment introduces the letter requesting a meeting to discuss the proposed Project and states that there are some preliminary questions on the Project.

Response I2.1: This comment is introductory 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 warranted.

Comment I2.2: This comment asks if the Notice of Availability was sent to residents in Spanish or only English

Response I2.2: The CEQA Guidelines do not mandate that notices are translated into non-English languages. The Notice of Availability was mailed out to owners and occupants within a 1,000-foot radius of the Project site on May 20, 2025 in English only. This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. Thus, no further response is warranted.

Comment I2.3: This comment asks if there are any formal community benefits related to the Project, if there are any other Projects similar in scale to the proposed Project, and why the proposed FAR is lower than the light industrial General Plan Designation allows.

Response I2.3: Benefits agreed upon between the City and the Applicant are not within the scope of CEQA. CEQA is an environmental protection statute that is concerned with the 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). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include a discussion of the Project's economic or social effects.

Comment I2.4: This comment asks what the EIR measured as the baseline. The comment further asks if the City/owners have requested an EIR that puts the Project under higher or lower scrutiny.

Response I2.4: Per CEQA Guidelines Section 15125, the lead agency should describe physical environmental conditions as they exist at the time the Notice of Preparation of a Draft EIR is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Therefore, the baseline conditions for the Draft EIR were the conditions of the Project site at the date the Notice of Preparation was released on August 9, 2024.

Comment I2.5: This comment asks if there is a list of business targeted for the proposed Project or if any are excluded from operating on the site.

Response I2.5: The potential tenants for the Specific Plan are not known at this time. Thus, no further response is warranted.

Comment I2.6: This comment asks how the proposed Project's traffic impacts compare to other similar projects.

Response I2.6: As part of the 2019 amendments to the CEQA Guidelines, California Senate Bill 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 City of Perris is no longer allowed to analyze impacts related to traffic congestion in a

CEQA document as it shall not be considered an impact on the environment. Thus, no further response is warranted.

Comment Letter I3: Diana Dominguez, 1 page

From: Diana Dominguez <dianamd2020@gmail.com>
Sent: Sunday, June 15, 2025 11:56 PM
To: Albert Armijo <aarmijo@CityofPerris.org>
Subject: Harvest landing

Hello my name is Diana, I have been a resident of the city of Perris for over 30 years, I have watched this city grow over the last couple years, recently this project in part one has got me wanting to leave this city, we the residents want to have this plan revised! We don't need any more warehouses! What happened to the housing, parks and other amenities that were promised to us? This is a complete disgrace. We have enough smog and traffic caused by these warehouses enough is enough!

I3.1

Response to Comment Letter I3: Diana Dominguez, June 15, 2025

Comment I3.1: This comment states that the residents want to have the Project plan revised, questions what happened to the housing, parks, and other amenities that the residents were promised (the original Specific Plan), and states that there is already too much smog and traffic caused by warehouses.

Response I3.1: This comment expresses the commenter's opposition to the Project as proposed and the opinion that there is already too much smog and traffic caused by warehouses. This comment does not question the content or conclusions of the Draft EIR or identify any potential environmental impacts that were not evaluated in the Draft EIR. Thus, no further response is warranted. However, the commenter's opinions are included in the Final EIR and will be considered by the City of Perris City Council when it chooses whether to approve or deny the proposed Project.

Comment Letter I4: Selene Orozco, 1 page

From: [Albert Armijo](#)
To: [Meaghan Truman](#); [Charlie Cisakowski](#); [Emilio Lozano](#); [Brady Connolly](#)
Cc: [Patricia Brenes](#); mbrown@cadenceenv.com
Subject: Fw: Proposed Development for Harvest Landing
Date: Monday, July 14, 2025 10:45:12 AM

[NON-EPD]
FYI.

From: Selene O <seleneorozco91@gmail.com>
Sent: Monday, July 14, 2025 9:47 AM
To: Albert Armijo <aarmijo@CityofPerris.org>
Subject: Proposed Development for Harvest Landing

Dear City of Perris Planning Department,
My name is Selene Orozco, and I am a resident of Perris, writing to express my strong opposition to the proposed warehouse developments currently planned for the Harvest Landing site.

The original 2010 plan offered a much-needed vision for our community. Providing new homes, acres of park space, a recreation center, and even a lake. These features would have greatly benefited Perris residents by supporting housing availability, encouraging outdoor activity, and improving quality of life for families.

However, the updated 2024 version appears to eliminate all of those essential community benefits in favor of building more warehouses and a gas station. This is unacceptable. We already have more than enough warehouses in our city. The increase in truck traffic, pollution, and noise directly impacts the health and safety of our families, especially our children and elderly residents.

Please prioritize long-term community development over short-term industrial profit. **I urge you to reject the current 2024 proposal** and work to revive the original Harvest Landing plan that focused on housing, green space, and recreation.

Thank you for your time and consideration.

14.1

Response to Comment Letter I4: Selene Orozco, July 14, 2025

Comment I4.1: This comment states that the commenter is opposed to the proposed industrial development at the Project site. The comment cites characteristics of the original Specific Plan and states that that the proposed Project would increase impacts related to traffic, pollution and noise, which would directly impact the health and safety of Perris residents. The commenter states that the proposed Project should be rejected and the site should be built according to the original Specific Plan including housing and open space.

Response I4.1: This comment expresses the commenter's opposition to the proposed industrial development at the Project site and their request for more residential and open space uses under the original Specific Plan. This comment does not question the content or conclusions of the Draft EIR or identify any potential environmental impacts that were not evaluated in the Draft EIR. Thus, no further response is warranted. However, the commenter's opinions are included in the Final EIR and will be considered by the City of Perris City Council when it chooses whether to approve or deny the proposed Project.

Comment Letter I5: Susan Segundo, 1 page

From: [Albert Armijo](#)
To: [Meaghan Truman](#); [Charlie Cisakowski](#); [Emilio Lozano](#); [Brady Connolly](#)
Cc: [Patricia Brenes](#); [mbrown@cadenceenv.com](#)
Subject: Fw: Public Comment Opposing New Warehouse Developments – Preserve Original Harvest Landing Plan
Date: Monday, July 14, 2025 11:56:40 AM

[NON-EPD]
FYI.

From: Susan Segundo Gonzalez <ssegundo.gon@gmail.com>
Sent: Monday, July 14, 2025 10:59 AM
To: Albert Armijo <aarmijo@CityofPerris.org>
Subject: Public Comment Opposing New Warehouse Developments – Preserve Original Harvest Landing Plan

Dear City of Perris Planning Department,

My name Susan Segundo, and I am a resident of Perris, writing to express my strong opposition to the proposed warehouse developments currently planned for the Harvest Landing site.

The original 2010 plan offered a much-needed vision for our community. Providing new homes, acres of park space, a recreation center, and even a lake. These features would have greatly benefited Perris residents by supporting housing availability, encouraging outdoor activity, and improving quality of life for families.

However, the updated 2024 version appears to eliminate all of those essential community benefits in favor of building more warehouses and a gas station. This is unacceptable. We already have more than enough warehouses in our city. The increase in truck traffic, pollution, and noise directly impacts the health and safety of our families, especially our children and elderly residents.

Please prioritize long-term community development over short-term industrial profit. I urge you to reject the current 2024 proposal and work to revive the original Harvest Landing plan that focused on housing, green space, and recreation.

Thank you for your time and consideration.

I5.1

Response to Comment Letter I5: Susan Segundo, July 14, 2025

Comment I5.1: This comment states that the commenter is opposed to the proposed industrial development at the Project site. The comment cites characteristics of the original Specific Plan and states that that the proposed Project would increase impacts related to traffic, pollution and noise, which would directly impact the health and safety of Perris residents. The commenter states that the proposed Project should be rejected and the site should be built according to the original Specific Plan including housing and open space.

Response I5.1: This comment expresses the commenter's opposition to the proposed industrial development at the Project site and their request for more residential and open space uses under the original Specific Plan. This comment does not question the content or conclusions of the Draft EIR or identify any potential environmental impacts that were not evaluated in the Draft EIR. Thus, no further response is warranted. However, the commenter's opinions are included in the Final EIR and will be considered by the City of Perris City Council when it chooses whether to approve or deny the proposed Project.

Comment Letter I6: Jose Quintero Jr, 1 page

From: [Albert Armijo](#)
To: [Meaghan Truman](#); [Charlie Cisakowski](#); [Emilio Lozano](#); [Brady Connolly](#)
Cc: [Patricia Brenes](#); mbrown@cadenceenv.com
Subject: Fw: Harvest Landing
Date: Monday, July 14, 2025 12:33:41 PM

[NON-EPD]
FYI

From: Jose Quintero JR <quintero.jr@hotmail.com>
Sent: Monday, July 14, 2025 12:31 PM
To: Albert Armijo <aarmijo@CityofPerris.org>
Subject: Harvest Landing

The Project, as currently proposed, fails to comply with the substantive and procedural requirements of CEQA. The EIR does not adequately mitigate significant environmental impacts, nor does it provide compelling justification for overriding those impacts. The City should:

16.1

- **Deny approval of the current Project**
- **Require a revised EIR** with meaningful alternatives and mitigation
- **Reconsider the land use designations and annexations**, particularly in light of environmental justice, climate policy, and regional planning goals.

Furthermore, the City must consider the **already significant number of vacant or underutilized warehouses** within city limits and the broader county area before approving amendments that authorize additional industrial or warehouse development. The Draft EIR and associated project documents fail to provide any **market justification, demand analysis, or vacancy study** that would support the need for expanding industrial land uses. Building more industrial facilities — especially when existing ones remain unleased — leads to **inefficient land use, unnecessary environmental degradation, and speculative overdevelopment**.

16.2

v/r
Jose

Response to Comment Letter I6: Jose Quintero Jr, July 14, 2025

Comment I6.1: This comment states that the Draft EIR does not adequately mitigate significant environmental impacts or provide adequate justification for overriding significant environmental impacts. The comment urges the City to deny approval of the Project, require a revised Draft EIR, and reconsider the land use designations and annexations proposed.

Response I6.1: This comment expresses the commenter's opinion that the Draft EIR does not adequately mitigate significant environmental impacts or provide adequate justification for overriding significant environmental impacts. However, the commenter does not provide any additional data or specific mitigation measures for consideration or incorporation to reduce the significant impacts of the Project. Per CEQA Section 21002.1(a), the purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." Therefore, the Draft EIR is not intended to serve as the justification for adopting a Statement of Overriding Considerations or as basis for the approval or denial of the Project, but to disclose the environmental consequences of approving the Project. Through the public hearing process, the City Council will take into consideration the environmental impacts caused by the Project in if it decides to approve the Project.

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. In accordance with CEQA Section 21081(b) and CEQA Guideline Section 15093, in order to approve the Project, the City is required to determine that the unavoidable adverse environmental impacts may be considered acceptable due to specific considerations which outweigh the unavoidable, adverse environmental impacts of the Project. If the City approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the City shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. This Statement of Overriding Considerations shall be supported by substantial evidence in the record. If the City decides to approve the Project and makes a Statement of Overriding Considerations, the statement will be included in the record of the Project approval and will be mentioned in the notice of determination.

Comment I6.2: This comment states that the City should consider existing vacant or underutilized warehouses within the City limits before approving a project for new warehouse development. The comment also states that the Draft EIR does not provide economic justification that would support the need for additional industrial land uses in the City.

Response I6.2: This comment provides the commenter's opinion that the City should consider existing vacant or underutilized warehouses within the City limits before approving a project for new warehouse development and that the Draft EIR does not provide economic justification that would support the need for additional industrial land uses in the City. The opinion that the City should consider existing vacant or underutilized warehouses within the City limits before approving a project for new warehouse does not question the content or conclusions of the Draft EIR. Regarding comments on the economic justification that would support the need for additional industrial land uses in the City, CEQA is an environmental protection statute that is concerned with the 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). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potential physical impacts on the environment and does not include a discussion of the Project's merits 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, completed for the purpose of identifying and disclosing environmental impacts, to inform both the public and the City's decision makers. It is then up to the

City Council to weigh the environmental impacts identified in the environmental impact report, against the Project merits (which includes its economic and social effects), in deciding whether to approve or disapprove a proposed Project. Thus, no further response is warranted. However, the commenter's opinions are included in the Final EIR and will be considered by the City of Perris City Council when it chooses whether to approve or deny the proposed Project.

Comment Letter I7: JC Franco, 1 page

From: [Albert Armijo](#)
To: [Meaghan Truman](#); [Charlie Cisakowski](#); [Emilio Lozano](#); [Brady Connolly](#)
Cc: [Patricia Brenes](#); [mbrown@cadenceenv.com](#)
Subject: Fw: Harvest Landing: EIR concerns and responsible development
Date: Monday, July 14, 2025 2:32:31 PM

[NON-EPD]
FYI.

From: JC Franco <francojc.arch@gmail.com>
Sent: Monday, July 14, 2025 2:16 PM
To: Albert Armijo <aarmijo@CityofPerris.org>
Cc: Michael Vargas <mayor@cityofperris.org>; David Starr Rabb <DSRabb@cityofperris.org>; Malcolm Corona <MCorona@cityofperris.org>; Marisela Nava <mnav@cityofperris.org>; Elizabeth Vallejo <evallejo@cityofperris.org>
Subject: Harvest Landing: EIR concerns and responsible development

Mr. Armijo and City Council Members,
As a pro-business Perris resident who supports responsible developments, I am deeply concerned by the Draft EIR's significant and unavoidable impacts for Harvest landing. While I appreciate mitigated areas, the unaddressed issues of **air quality (AQMP conflict, emissions), greenhouse gas, off-site traffic noise, and increased vehicle miles traveled** are unacceptable and negligent to a positive future here in Perris. This development directly harms our community's health and quality of life.
I urge you to demand better mitigation and alternative designs that embrace the diversity in development shown in the 2011 Harvest Landing Plan. Our City's progress should not continue to be subsidized by industries that compromise our lungs, our time, and our wallets. My vote depends on your commitment to a truly responsible and sustainable development that prioritizes our community's well-being, property values, and overall public image.

I7.1

Sincerely,
JC Franco

Response to Comment Letter I7: JC Franco, July 14, 2025

Comment I7.1: This comment states that the topics of air quality, greenhouse gas, off-site traffic noise, and increased vehicle miles traveled are unaddressed in the Draft EIR. The comment also states that the Project would be harmful to the health and quality of life of the surrounding community. The comment also states that the City should adopt better mitigation and alternative designs that reflect the variety in development presented in the 2011 Harvest Landing Plan.

Response I7.1: This comment states that the topics of air quality, greenhouse gas, off-site traffic noise, and increased vehicle miles traveled are unaddressed in the Draft EIR. However, the commenter does not identify any specific issues under these topics that were not addressed in the Draft EIR. Each of these topics was evaluated in the Draft EIR. The comment also states that the City should adopt better mitigation and alternative designs that reflect the variety in development presented in the 2011 Harvest Landing Plan. However, the commenter does not identify any specific mitigation measures for consideration or incorporation to reduce the significant impacts of the Project. Thus, no further response is warranted. However, the commenter's opinions are included in the Final EIR and will be considered by the City of Perris City Council when it chooses whether to approve or deny the proposed Project.

Comment Letter I8: George Hague, 14 pages

To: Albert Armijo,

July 14, 2025

Re: Harvest Landing DEIR comments

Less than one year ago the Compass Danbe Centerpointe warehouse developer agreed to all the mitigation measures under "Exhibit 1" found under my name as part of a settlement agreement. They are therefore judged feasible and the Harvest Landing project Final EIR will be inadequate unless they or better measure are incorporated. The settlement was for a warehouse in the city of Moreno Valley that is less than 15 miles from the city of Perris. For each mitigation measure not incorporated the Final EIR must fully justify the reasons why. Since they are feasible cost cannot be considered justification.

I8.1

The Final EIR needs to compare the proposed plan's pollution levels – including, but not limited to noise, air, greenhouse gas, odor, and light -- with one that incorporates all of those found under my name from the Compass Danbe Centerpointe settlement agreement during the first ten years of operation or it will be inadequate. The fact that a nearby warehouse developer signed the settlement agreement proves they are considered feasible.

I8.2

Please keep me informed of all meetings and documents related to the warehouse project.

Sincerely,

George Hague

EXHIBIT 1
PROJECT MITIGATION

Buffering and Screening Areas

- A. Real Party shall provide Petitioners with a landscape plan and plant palette prior to execution of this Agreement. The landscape plan and plant palette shall become an enforceable part of this Agreement and shall include the following:
 - 1. Along Alessandro Boulevard, the Compass Danbe Project must incorporate a heavily screened 20-ft setback, measured from the nearest on-site development (including but not limited to truck loading and parking areas) to the property line of the Project. If a public sidewalk lies within the property line of the Project, the buffer area shall be measured from the nearest on-site development (including but not limited to truck loading and parking areas) to the edge of the sidewalk nearest to the Project. The west, south, and east boundaries of the Project must incorporate a heavily screened setback as shown in the Petitioner-approved landscape plan.
 - 2. Buildings shall additionally set back from the property line a horizontal distance no shorter than the building is tall. The setback shall incorporate buffering and screening elements.
 - 3. Evergreen, drought-tolerant trees that grow at least 50 feet tall shall be used as the outermost layer of the solid screen buffering treatment along the perimeter of the property to provide a solid wall of vegetation (i.e., interlacing or overlapping canopies) within five (5) years of planting. No palm trees shall be used. Real Party shall maintain trees for the life of the Project and shall replace dead or dying trees immediately with mature trees of a similar species.
 - 4. All screening trees shall have their own dedicated irrigation system and shall be provided with sufficient water to reach their full width and height for the life of the Project. Real Party shall not prune trees except as necessary for the health of the tree or for public safety.
- B. Real Party shall seek the City's approval of the landscape plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.

18.3

2. **Site Design**

A. Real Party shall provide Petitioners with a site plan prior to execution of this Agreement. The site plan shall become an enforceable part of this Agreement and shall include the following:

1. Loading docks shall be oriented such that no truck maneuvering into a loading dock or parked at a loading dock encroaches within 300 feet of the property line of the nearest sensitive receptor.
2. Warehouse buildings shall be single-story (excluding office and mezzanine) with an inside clear height no greater than 40 feet. Total building height, including roof-mounted equipment and screening elements, shall not exceed 50 feet. All rooftop equipment shall be shielded from view with a shield that is or appears to be an integrated part of the building.
3. Any warehouse facade shall be designed with enhanced architectural relief to minimize the appearance of a flat-wall surface typical of "tilt up" concrete construction. This shall include enhanced details to break up the appearance of long, flat walls along public rights of way. Design features may include faux windows, wall offsets, and varied panels. Real Party shall provide final renderings of building design options to Petitioners prior to building construction and buildings shall be constructed in accordance with one of the design options provided in those renderings. Renderings shall clearly identify all building elements, including true windows and faux windows.
 - (a) Any and all faux windows (blue panels) shall be glass, rather than painted-on wall coloring.
 - (b) The frame around any and all window areas shall be a three-dimensional relief, not just a painted wall separated by reveals.
4. For the life of the Project, any paints, architectural coatings, and industrial maintenance coatings used in building construction and maintenance shall have volatile organic compound levels of less than 10 g/L.

18.4

B. Prior to the issuance of any building permit, Real Party shall seek the City's approval of the site plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.

3. **Tenant Operations**

A. Real Party shall communicate to prospective tenants, in writing, a preference for tenant(s) (1) that do not require three employee shifts and (2) that will limit operating hours to between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday. Notwithstanding the foregoing, 24/7 operations are not prohibited. Real

18.5

Party shall provide Petitioners with written proof of compliance with this provision upon request.

18.5 cont.

Solar Power and Battery Storage

A. Real Party shall install the maximum amount of on-site rooftop solar generation permitted under the existing Moreno Valley Utility ordinance and other applicable law. If the existing Moreno Valley Utility ordinance is amended to allow additional onsite rooftop solar generation, and if that additional generation is approved by the Moreno Valley Utility and any other applicable utility and is allowed by other applicable law, then Real Party shall install additional on-site rooftop solar generation in an amount sufficient to meet the Project's electricity demand, including but not limited to all building electrical demand, all warehouse equipment electrical demand (including yard goats, hostlers, sweepers, forklifts, and all other equipment required to be electric by these terms), and all electrical demand related to on-site charging of clean fleet and passenger electric vehicles. Under no circumstances shall onsite solar generation supply less than 50 percent of the Project's electricity demand. If rooftop space is insufficient to meet this solar generation requirement, Real Party shall where feasible install additional solar photovoltaic panels on covered automobile parking spaces. For the purposes of this requirement, such solar panels shall be considered feasible where (i) covered automobile parking spaces are permitted by law and (ii) the solar photovoltaic panel(s) placed on covered automobile parking spaces would generate at least 50 percent of the energy generated by an equivalently-sized portion of the rooftop solar array in an average year.

18.6

1. Real Party shall include with the building permit application sufficient solar panels to meet this requirement. Real Party shall include its application an analysis of (a) projected power requirements at the start of operations and as power demand increases corresponding to the implementation of the "clean fleet" requirements in Section 20 below, and (b) generating capacity of the solar installation. Real Party shall provide Petitioners with a copy of the building permit application and solar analysis at the time Real Party submits said documents to the City.
2. Prior to issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification that sufficient solar panels have been installed and are operational. Real Party shall annually monitor energy use throughout the life of the facility, and, as allowed by law and the applicable utility provider(s), shall install additional solar panels to serve increased demand. Real Party shall provide a copy of the Project's annual energy use and energy generation data to Petitioners on an annual basis.
3. If the on-site solar photovoltaic system will not be able to supply the Project's full operational electricity demand, including demand resulting from EV charging requirements, Real Party shall provide documentation prior to the issuance of any certificate of occupancy demonstrating that the

additional electrical demand will be supplied with 100 percent carbon-free electricity sources for the life of the facility.

- 4. In the event of any change in law, rule, or regulation that removes limits on or otherwise allows for the installation of additional solar photovoltaic capacity, Real Party shall, within one year of the effective date of the change in law, rule, or regulation, increase the size of the Project's solar photovoltaic system to the maximum capacity permitted by law. Real Party shall provide Petitioners with written verification of compliance with this requirement within one month of any system upgrade.

- B. Prior to the issuance of any certificate of occupancy, Real Party shall install an operational battery storage system, either on the south side of or inside the Project buildings, that provides sufficient battery storage to support at least 4 hours of Project operation or is scaled to the size of the Project's on-site solar photovoltaic array as required by the current California Energy Code, whichever is greater. Also prior to the issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification of compliance with this requirement. Battery storage or an equivalent renewable energy storage system shall be maintained for the life of the Project.

18.6 cont.

- C. The Project's electrical room(s) shall be designed and built large enough to accommodate expansion as electrical demand increases to accommodate employee cars and the clean fleet phase-in set forth in Section 20 below. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.

5. **Roof Material**

- A. The portion of any building's rooftop that is not covered with solar panels or other utilities shall have a solar reflective index of not less than 78. This material shall maintain the minimum solar reflective index rating for the life of the building. Real Party shall provide Petitioners with written verification that this requirement has been met within one month of the issuance of any certificate of occupancy.

18.7

6. **LEED Design**

- A. The Project shall be built to the most current Leadership in Energy and Environmental Design (LEED) Silver standards. Within one month of issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification that this requirement has been met. Said verification shall include the US Green Building Council checklist prepared by a certified LEED professional.

18.8

7. **Lighting**

- A. Real Party shall provide Petitioners with a lighting plan prior to issuance of a building permit. The lighting plan shall include the following:

18.9

- 1. The mounted height for exterior lights on buildings and poles shall have a height limit of 18 feet as measured from surface grade of the parking and loading areas, except that exterior lights on buildings and poles in the truck yards on the south side of Project buildings shall have a height limit of 30 feet. Lights on the northern, eastern, and western elevations shall be dimmed to 25 percent when no motion is detected for eight minutes, except in case of emergency. In the event the Municipal Code does not allow exterior lights to be dimmed to 25 percent, lights shall be dimmed to limit light intrusion to neighboring properties and to conserve energy to the fullest extent possible. Interior lights shall be dimmed by 25 percent and/or shielded where visible to residential units. Real Party shall provide Petitioners with verification of compliance with this provision via a submission of the Project's photometric plan prior to issuance of any building permit. If the City determines that lights built to the standards required by this paragraph would not meet applicable requirements of state or local codes, lights shall be no taller and no brighter than necessary to meet those code requirements.
- 2. Light shields shall be installed on all building-mounted lights and perimeter pole lights to eliminate obtrusive glare onto the public right of way or to other properties in the area.
- 3. Lights of all exterior lighting fixtures shall be compliant with the Mount Palomar Lighting Standards (as indicated in Riverside County Ordinance No. 655) as well as International Dark Sky Standards. Prior to issuance of the first building permit, Real Party shall prepare a photometric or other appropriate technical study to confirm the Project has been designed to these lighting standards and that the light color of all Project exterior lighting will be 3,000 Kelvin or below. Real Party shall provide Petitioners with a copy of said study within one month of its completion.
- B. Real Party shall seek the City's approval of the lighting plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.

18.9 cont.

8. Noise Controls

- A. The City's applicable noise standards shall be met during Project operations. The Project shall not cause noise levels to exceed noise standards for residential zones. In the event of nighttime loading operations occurring after 9:00 p.m., Real Party shall insure through tenant lease(s) or other appropriate means that all trucks and outdoor on-site cargo handling and similar equipment (including, but not limited to, forklifts, pallet jacks, yard equipment, yard goats, yard hostlers, sweepers, yard trucks, and tractors) shall be equipped with "self-adjudging" back-up beepers (alarms) to reduce (or increase) noise levels to no more than 5 decibels above the ambient noise level throughout every 24 hours each day. Real Party shall provide Petitioners with written proof of compliance upon request.

18.10

- B. The use of an outdoor PA system or any other amplified sound shall be prohibited between the hours of 7 p.m. and 7 a.m. unless necessary for emergency purposes. Public address systems shall be oriented away from residential receptors and shall operate at a volume not readily audible past the property line.

18.10 cont.

9. **Construction Equipment**

- A. All powered construction equipment, including but not limited to hand tools, forklifts, and pressure washers (excluding scissor lifts) shall be electric.
- B. Prior to issuance of building or grading permits, Real Party shall document in writing to Petitioners that all construction equipment is electric and that all non-electric construction vehicles meet the most stringent, highest tier California Air Resources Board ("CARB") emissions guidelines in existence at the time of construction. In no case shall construction equipment include equipment lower than Tier IV. During construction, Real Party shall ensure that a list of all operating equipment in use on the construction site is maintained on-site for verification by the City. The construction equipment list shall state the makes, models, Equipment Identification Numbers, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to 5 minutes (total) or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. Prior to the issuance of building or grading permits, Real Party shall ensure that all construction (e.g., demolition and grading) plans clearly show the requirement for the highest rated CARB Tier technology for construction equipment. Real Party shall also install signage at the entrance to all construction areas describing the restriction of nonessential idling. Signage shall be in English and Spanish.
- C. Real Party shall provide sufficient on-site charging for all electric construction equipment and vehicles.
- D. All heavy-duty trucks entering the construction site during the grading and building construction phases shall be model year 2014 or later and shall meet CARB's lowest optional low-oxides of nitrogen (NOx) standard.

18.11

10. **Construction Hours**

- A. Grading and construction shall be restricted to the hours between 7:30 a.m. and 5:30 p.m., Monday through Friday. Grading and construction shall be prohibited on weekends, except that construction entirely within the building envelope may occur between 7:30 a.m. and 5:30 p.m. on Saturdays.
- B. Grading shall be prohibited on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the Project area.

18.12

11. Construction Recycling

A. Real Party shall recycle a minimum of 75 percent of the Project’s “construction waste materials” as that term is defined by CalGreen. Within one month after completion of construction, Real Party shall provide written confirmation to Petitioners that this requirement has been met.

18.13

12. Truck Idling and Auxiliary Power

A. Truck idling at the Project site shall be limited to three minutes total per truck. For the purpose of this requirement, “idling” means the operation of a combustion engine while a truck is stationary. It does not include periods when trucks are in motion.

B. Electric plug-in units shall be installed at every dock door to allow auxiliary power units (APUs) to plug in. Truck operators with electric APUs shall be required to utilize electric plug-in units when at loading docks or when parked. Non-electric APUs shall not be operated for more than three minutes (total) while at the Project site. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.

18.14

C. Real Party shall install permanent signage in English and Spanish in various locations around the facility, including but not limited to the loading docks, parking areas, and entrance and exit driveways detailing idling restrictions, parking restrictions, the availability and mandated use of APU plug-ins, the availability of an air-conditioned rest area, and the truck route available to Project trucks. In particular, permanent signage shall be posted at loading dock doors and on opposite the loading docks in large, reflective lettering that is readable from a truck cab identifying idling and parking restrictions and the availability of plug-ins. Signs opposite loading docks must be centered in front of each dock. Signage shall be in English and Spanish. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.

13. Truck Routes, Circulation, and Parking

A. Real Party shall provide Petitioners with a Truck Routing Plan prior to execution of this Agreement which demonstrates that Project-related truck traffic shall be restricted as follows:

- 1. Inbound: All inbound trucks shall approach the site from I-215 to Cactus Avenue, turn left on Frederick St, and turn right on Alessandro Blvd to the Project site. Per day, at least 90% of non-electric trucks shall enter the Project site at the westernmost driveway closest to Frederick St.
- 2. Outbound: All outbound trucks shall exit the site towards Graham Street, turn right on Graham Street, and turn right on Cactus Avenue to I-215. Per

18.15

day, at least 90% of non-electric trucks shall exit the Project site from the easternmost driveway closest to Graham Street.

- 3. No Project-affiliated truck may use any other City truck route, including but not limited to Alessandro Boulevard west of Frederick Street, Alessandro Boulevard east of Graham Street, Frederick Street north of Alessandro Boulevard, or Heacock Street.
 - 4. The Truck Routing Plan shall become an enforceable part of this Agreement.
 - 5. On-site truck movements shall be limited to the minimum necessary for facility operations.
- B. Real Party shall ensure compliance with the Truck Routing Plan for the life of the project. Any proposed changes to the Truck Routing Plan require Petitioners' approval, which approval shall not be unreasonably withheld so long as the proposed changes do not increase traffic on Alessandro or Heacock.
- C. Prior to issuance of any certificate of occupancy, Real Party shall seek City approval to install signage at all intersections along the truck route identified in the Truck Routing Plan indicating the required direction of travel. Signage shall be in English and Spanish. Real Party shall install such signage and provide Petitioners with written proof of installation within six months in the event of City's approval.
- D. Real Party shall provide Petitioners with a driveway plan prior to execution of this Agreement. The driveway plan shall become an enforceable part of this Agreement and shall include the following:
- 1. Real Party shall install signage that can be read from a truck cab at Project driveways to indicate required direction of travel. Signage shall be in English and Spanish.

18.15 cont.

1. Employee and Driver Facilities

- A. Real Party shall provide an indoor, air-conditioned employee break area in each building that is accessible to truck drivers and is sized to accommodate all employees and truck drivers at the Project site. The break areas shall include amenities including, but not be limited to, restrooms, drinking fountains with cold water, television, sufficient places for employees and drivers to charge their electrical devices, and several vending machines that are maintained and well stocked. The break areas must contain signs that can be read at a distance of five feet that provide information on bus routes. The break areas must also contain signs readable from 5 feet explaining idling (including APU idling), parking, and truck route restrictions. Signage shall be in English and Spanish and shall be maintained for the life of the Project.

18.16

- B. Real Party shall comply with the Cal/OSHA Heat Illness Prevention in Indoor Place of Employment requirements.¹
- C. All buildings will be designed with proper ventilation.

18.16 cont.

15. Facility Electrification

- A. Building operations, including but not limited to HVAC, water heating, refrigeration, and automated equipment shall be powered by electricity for the lifetime of the Project. Neither natural gas nor propane shall be used.
- B. Diesel-powered backup generators shall be prohibited during construction and for the lifespan of the facility unless required by the Fire Department for an onsite fire pump, in which case a generator shall be the minimum size necessary to support the fire pump and shall be used only for that fire pump in the event of a fire emergency. Any generator shall include signage on the generator indicating that it shall not be used except to operate the fire pump in the event of a fire emergency. Any signage shall be in English and Spanish and shall be capable of being read from at least five (5) feet away.
- C. All on-site equipment and vehicles, including but not limited to yard hostlers, yard equipment, forklifts, yard trucks, tractors, and pallet jacks shall be electric from the start of operations.
- D. Landscaping and maintenance crews shall be required to use only electric equipment for the life of the facility. Pursuant to Section 23, below, Real Party shall expressly include this requirement in all contracts with landscaping and maintenance crews.
- E. Real Party shall provide sufficient charging and other infrastructure to support all electric vehicles and equipment.

18.17

Real Party shall provide Petitioners with written verification of facility electrification for each building within one month of the issuance of that building's final certificate of occupancy. Verification shall include documentation showing that building equipment and on-site equipment and vehicles are powered by electricity, that landscape and maintenance contracts include a requirement to use electric equipment, and that sufficient infrastructure is available to meet the anticipated charging needs of that equipment.

¹ <https://www.dir.ca.gov/oshsb/documents/Indoor-Heat-updated-txtbrdconsider.pdf>

16. **Cold Storage**

- A. Real Party shall record a covenant on the title of the underlying property ensuring that the property cannot be used to provide chilled, cooled, or freezer warehouse space.

18.18

17. **Landscaping**

- A. All landscaping shall be documented in the landscape plan and plant palette prepared pursuant to Section 1 of this Agreement.
- B. All landscaping shall use only drought-tolerant plants and trees.
- C. Trees shall be installed in automobile parking areas to provide at least 50% shade cover of parking areas within 10 years. Trees shall be planted at a density of no less than one (1) tree per eight (8) parking spaces and shall be maintained and replaced for the life of the Project, unless parking spaces are otherwise covered by solar photovoltaic carport structures. Trees planted in the buffer area described in Section 1 above shall not count towards the shade tree requirement. Tree planting areas shall have a minimum inside planting width of six (6) feet to promote sufficient root growth and vehicle protection. Real Party shall provide Petitioners with written proof of compliance upon request.

18.19

18. **Parking and EV Charging**

- A. Parking areas and concrete flatwork shall use light colored concrete with a solar reflective index of not less than 30.
- B. At least 15 percent of all passenger vehicle parking spaces shall be equipped with working Level 2 quick-charge electric vehicle (EV) charging stations that are installed and operational prior to building occupancy. Level 2 quick-charge units shall generate at least 19kW of charging output power. These stations shall be maintained or replaced with equivalent or better-performing stations for the life of the Project. At minimum, an additional 25 percent of all passenger vehicle parking spaces shall be "EV Ready," as defined by the 2022 Green Building Code, and/or may be equipped with working Level 2 EV quick charge stations. Real Party shall convert EV Ready spaces to working Level 2 EV quick charge stations at a rate of at least two spaces per year. Dedicated EV parking spaces shall be located adjacent to each Project building. Real Party shall install permanent signs at all EV charging stations indicating that vehicles not using the charger are subject to towing at the owner's expense. Real Party shall provide written verification of compliance with this requirement to Petitioners within one month of the issuance of any certificate of occupancy.
- C. A minimum of 10 percent of heavy-duty truck loading docks shall be equipped with EV charging infrastructure for future use by electric trucks. Real Party shall design such infrastructure to facilitate future expansion. At least one electric heavy-duty (Class 7 and 8) truck charger shall be installed by or before two years

18.20

from the first final certificate of occupancy issued for a Project building. Real Party shall timely provide proof of installation to Petitioners and shall update Petitioners as future chargers are added. Conduit to support medium-duty vehicle, delivery van, and truck (Class 2 through 6) charging shall be installed during initial Project construction, and at least one charger shall be installed and operational prior to issuance of any final certificate of occupancy. Real Party shall provide written verification of compliance with this requirement to Petitioners within one month of the issuance of the first final certificate of occupancy issued for a Project building and within one month of the installation of any new chargers or charging infrastructure.

18.20 cont.

- D. Vehicle headlights, including truck headlights, shall be turned off within five minutes of parking. Signs that are legible from ten feet, reflective, and clearly visible at night shall be posted in vehicle and truck parking areas and drive aisles stating that headlights shall be turned off after five minutes. Signs shall be permanent for the life of the Project.
- E. Real Party shall provide one motorcycle parking stall for every 25 employee parking stalls near employee entrances or in view of the office windows.

9. **Bike Lockers**

- A. The Project shall comply with Title 24 of the California Code of Regulations (the California Green Building Code) by providing (1) covered, lockable enclosures with permanently anchored racks for bicycles; (2) lockable bicycle rooms with permanently anchored racks; or (3) lockable, permanently anchored bicycle lockers in the amount required by the Code. In addition to the standard requirements, the Project shall provide at least three (3) electric charging stations for electric bikes and electric scooters (aka "e-bikes" or "e-scooters"). Real Party shall provide Petitioners with written verification of compliance with this section within one month of issuance of any certificate of occupancy.

18.21

10. **Air Quality and Clean Fleet Requirements**

- A. Real Party shall ensure that all heavy-duty trucks (Class 7 and 8) serving the Project comply with model year 2014 or later emissions standards from start of operations and shall transition to electric vehicles (EVs), with the fleet fully electric within three (3) years of the issuance of the first final certificate of occupancy for the Project, or when widely commercially available for the intended application, whichever date is later. An EV shall ordinarily be considered widely commercially available if the vehicle is capable of serving the intended purpose and is widely available for purchase for less than 150% the cost of a Class 7 or 8 heavy-duty combustion-engine truck meeting the emissions standards in place at the time the comparison is made (model year 2014 or later emissions standards). For the purpose of this cost comparison, "cost" shall mean the total vehicle cost for the first five (5) years of ownership, including any purchase incentives, rebates, and fuel and electricity costs. Any comparison must

18.22

be like-for-like, i.e., must compare an EV with a new production combustion-engine truck of the same class and substantially similar trim level that is widely available for purchase at the time the comparison is made.

- H. In order to demonstrate that such vehicles are not widely commercially available, Real Party must submit documentation to Petitioners from a minimum of three (3) EV dealers identified on the <https://californiaevip.org> website demonstrating the inability to obtain the required EVs or equipment meeting the above standard within 6 months ("Offer of Proof").² An Offer of Proof by Real Party creates a rebuttable presumption that EVs are not widely commercially available for the intended application. Petitioners may rebut a presumption that EVs are not widely commercially available by submitting documentation to Real Party from a minimum of three (3) EV dealers identified on the <https://californiaevip.org> website demonstrating the ability to obtain the required EVs or equipment meeting the above standard within 6 months. If Real Party demonstrates, and Petitioners cannot rebut, that EVs meeting the above standard are not widely commercially available for the intended application, then these clean fleet requirements shall be adjusted as minimally as possible to accommodate the unavailability of such vehicles or trucks until such vehicles or trucks become widely commercially available. Real Party shall re-confirm EV availability and provide Petitioners with a new Offer of Proof every twenty four (24) months until these clean fleet requirements are fully implemented. Petitioners may demonstrate EV availability at any time. Real Party shall comply with Section 20(A) within six (6) months after receiving evidence that EV trucks are widely commercially available.
- C. Real Party shall ensure that all vehicles/delivery vans/trucks (Class 2 through 6) serving the Project meet the following requirements: (i) 33% of the fleet will be EVs at start of operations, (ii) 50% of the fleet will be EVs within two years of the first certificate of occupancy for the Project, (iii) 65% of the fleet will be EVs within four years of issuance of the first certificate of occupancy for the Project, (iv) 80% of the fleet will be EVs within five (5) years of issuance of the first certificate of occupancy, and (v) 100% of the fleet will be EVs within seven years of issuance of the first certificate of occupancy.
- D. Prior to issuance of any certificate of occupancy for the Project, Real Party shall pay to the Fund Administrator (defined below) \$5,000 to fund the installation of one or more air quality monitor stations.
- E. Real Party shall provide Petitioners with written verification of compliance within 30 days of any deadline established by this Section 20.

18.22 cont.

² If <https://californiaevip.org> goes out of publication or ceases to provide the information required to comply with this term 20(B), the Parties shall negotiate in good faith to determine an alternative list of EV dealers.

F. HVAC Fund

1. If Real Party cannot ensure that all heavy-duty (Class 7 and 8) trucks serving the Project are fully electric within three (3) years of the first final certificate of occupancy because EV trucks are not widely commercially available within the meaning of 20(A) and (B), or if Real Party cannot meet the clean fleet timelines established in 20(A) and (C) above for any other reason, Real Party shall fund an air filtration fund ("HVAC Fund") to be administered by the Fund Administrator (defined below). The HVAC Fund shall be in the amount of \$1,200,000 (plus an "Administration Fee" of \$120,000 (based on 10 percent of the HVAC Fund), which administration fee shall be paid to the Fund Administrator. The HVAC Fund shall be established and funds described herein provided to the Fund Administrator within three (3) months of Real Party's verification that it has not met or cannot meet the truck EV requirements in Section 20 of this Agreement.
2. The HVAC Fund shall be administered by the Center for Community Action and Environmental Justice ("Fund Administrator") pursuant to this Agreement.
3. Real Party shall have no obligation to monitor the actions of the Fund Administrator or to determine the appropriateness of any application or disbursement of the HVAC Fund.
4. In no event shall payment of the HVAC Fund be construed as liquidated damages for Real Party's failure to comply with the clean fleet requirements in 20(A) – (C). Real Party shall continue to comply with 20(A) – (C) even if Real Party has paid the HVAC Fund.

18.22 cont.

21. Trucking Regulation

- A. Prior to the first certificate of occupancy, Real Party shall provide Petitioners with a monitoring and compliance plan which shall describe how Real Party will monitor and ensure compliance with all current air quality regulations for on-road trucks including, but not limited to, CARB's Heavy-Duty (Tractor-trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation. The monitoring and compliance plan shall become an enforceable part of this Agreement.

18.23

22. Site Maintenance

- A. Prior to the first certificate of occupancy, Real Party shall provide Petitioners with a site maintenance plan. The site maintenance plan shall become an enforceable part of this Agreement and shall include the following:
 1. Real Party shall perform maintenance at the Project site on a monthly basis, or more frequently as needed. Real Party shall remove all graffiti

18.24

Response to Comment Letter 18: George Hague, July 14, 2025

Comment 18.1: This comment states that the Compass Danbe Centerpointe warehouse developer agreed to all of the mitigation measures listed under Exhibit 1 as part of a settlement agreement. The comment states that they are, therefore, feasible and the Harvest Landing Project Final EIR will be inadequate unless the measures or better measures are incorporated. The comment states that the settlement was for a warehouse in the City of Moreno Valley, less than 15 miles away from Perris. The comment states that each mitigation measure not incorporated must fully justify the reasons why and cost cannot be considered a justification.

Response 18.1: The comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. However, the comment suggests that mitigation adopted for a different project in a different jurisdiction is applicable to the proposed Project. Each of the mitigation measures listed under Exhibit 1 is discussed in the following responses.

Comment 18.2: This comment states that the Final EIR needs to compare the proposed plan's pollution levels, including noise, air, greenhouse gas, odor, and light, with one that incorporates all of those found under the commenter's name from the Compass Danbe Centerpointe settlement agreement during the first ten years of operation or it will be inadequate. The comment states that the fact that a nearby warehouse developer signed the settlement agreement proves they are considered feasible. The comment asks that the commenter is informed of all meetings and documents related to the proposed Project.

Response 18.2: A settlement agreement with mitigation measures does not cement such measures as feasible or required for all projects. The applicability and feasibility, or infeasibility, for each mitigation measure included in the Compass Danbe Centerpointe settlement agreement is included in Responses 18.3 through 18.24. As discussed below, measures that are infeasible for the Project would not be implemented and an analysis of the reduced impacts associated with implementation of infeasible mitigation measures is not required. Further, many of the measures provided have been incorporated as either design features within the proposed Project or mitigation measures in the Draft EIR and, therefore, their associated impact reductions have already been evaluated. Overall, CEQA does not require an impact comparison of the Project, as proposed, with the Project incorporating all of the measures listed by the commenter.

Comment 18.3: This comment provides measures for buffering and screening of the Compass Danbe Centerpointe project as well as requirements for landscape plans and plant palettes. The measures include requirements for setbacks, trees, irrigation, and approval of the landscape plan.

Response 18.3: The comment does not provide substantial evidence of any environmental impact and is not related to the environmental analysis within the Draft EIR. The measures provided do not relate any specific potential environmental impacts of the Harvest Landing Retail Center & Business Park Project as they are specific to the Compass Danbe Centerpointe project. The Harvest Landing Specific Plan includes requirements for buffering, screening, and landscaping that are identified within Section 4.0, *Development Standards*, and Section 5.0, *Design Guidelines*, of the Specific Plan. The proposed warehouse uses would also be subject to the City of Perris Good Neighbor Guidelines which also include policies that have been adopted for the purpose of protecting neighborhood characteristics and providing buffers between warehouses and sensitive receptors. The comment does not raise any issue with these standards included in the Project and the Good Neighbor Guidelines, and no additional response is warranted.

Comment 18.4: This comment provides requirements from the Compass Danbe Centerpointe settlement agreement for site design such as:

- Loading docks shall be oriented away from sensitive receptors and not within 300 feet of a sensitive receptor
- Warehouses shall be single-story and shall not exceed 50 feet in height with all rooftop equipment shielded

- Warehouse facades shall include design features to minimize the appearance of a flat wall surface
- All architectural coatings and paints shall have volatile organic compound (VOC) levels of less than 10 g/L

The settlement agreement also requires that the City of Moreno Valley approve the site plan prior to the issuance of any building permit, and the Petitioners shall be provided with a copy of the approved plan.

Response 18.4: The comment does not provide substantial evidence of any environmental impact that was not evaluated in the Draft EIR. The provided measures and requirements do not relate to the Harvest Landing Retail Center & Business Park Project as they are specific to the Compass Danbe Centerpointe project. However, the proposed Project would be consistent with these site design features. As required by the Harvest Landing Specific Plan, the Phase 1 Business Park area is not located within 300 feet of any sensitive receptors. Future development within the Phase 2 MBU area would be required to construct dock doors at least 300 feet from Val Verde Elementary School and the other surrounding residences, consistent with the City of Perris Good Neighbor Guidelines. Further, proposed Phase 1 MBU buildings would have a maximum height of 60 feet and commercial buildings would have a maximum height of 50.5 feet, consistent with the requirements set forth in the Harvest Landing Specific Plan. Rooftop equipment would be screened pursuant to City and Specific Plan requirements. Furthermore, the buildings would be designed with various architectural elements such as smooth concrete, masonry block with textured or sandblasted finishes, glass and curtainwall glazing systems, natural and manufactured stone and limited metal panel systems to limit the appearance of a flat surface. In addition, Mitigation Measure AQ-1 requires the use of Super-Compliant low VOC paints with no more than 10 g/L of VOC for architectural coating and exterior building surfaces. Therefore, the Project would be consistent with the site design measures listed by the comment. No additional requirements or revisions to the Draft EIR are warranted.

Comment 18.5: This portion of the settlement agreement requires that the Compass Danbe Centerpointe applicant communicate to tenants that it is preferred that tenants do not require three employee shifts and that tenants limit operating hours to between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday. This measure does not prohibit 24/7 operations but requires written proof of compliance to the Petitioners.

Response 18.5: To provide a conservative analysis of Project operations, an evaluation of 24-hour operations has been provided in the Draft EIR. The specific tenants and operations of each future tenant are currently unknown. Thus, the Draft EIR includes an appropriate analysis of 24-hour operations. In addition, limiting operating hours between 7:00 a.m. and 9:00 p.m., Monday through Friday would not measurably reduce any of the Project's significant impacts (air quality, greenhouse gas, off-site traffic noise, and VMT). Further, high cube warehouses and commercial deliveries typically operate 24/7 and have off-peak truck deliveries to limit congestion on highways and interstates. Therefore, it would be technically infeasible to limit the Project's hours of operation.

Comment 18.6: This portion of the settlement agreement requires that the Compass Danbe Centerpointe project install the maximum amount of rooftop solar onsite as permitted to meet the Project's electricity demand. The measure requires that under no circumstances shall solar generation supply less than 50 percent of the Project's electricity demand. The agreement includes other provisions related to the installation of solar panels and verification to be provided to the Petitioners. The agreement requires that, if solar panels cannot provide power to supply the full operational electricity demand, 100 percent carbon-free electricity sources should be provided for the rest of the life of the facility. The agreement also requires installation of a battery energy storage system and that the electrical rooms are designed and constructed to accommodate the necessary infrastructure.

Response 18.6: 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. Further, the Project's design provides solar-ready infrastructure that allows for future expansion as technology or tenant needs evolve. However, implementing mitigation requiring installation of solar panels to offset 100 percent of each building's electricity demand is infeasible at the present time due to numerous economic and technological factors listed below:

- **Roof Structural Capacity:** Due to the nature of warehouse construction, warehouse rooftops have a limited carrying capacity as they are constructed using lightweight materials. Each typical solar panel system can add approximately three to four pounds per square foot to a roof's structural load, which substantially limits live loads available that are required to be maintained for temporary loads and maintenance.²⁰ Further, warehouse rooftops would already have a large portion of space taken up by heating and ventilation equipment, further limiting the ability of the rooftop to maintain enough photovoltaic panels to offset 100 percent of a building's electricity demand.
- **Grid Capabilities.** Installing solar equipment to offset 100 percent of each building's energy use would also be technologically and legally infeasible at the present time as it would require significant off-site grid improvements by Southern California Edison that would be outside of the City of Perris's control. Therefore, as the City has no control over Southern California Edison's grid improvements, this measure would be legally infeasible.
- **Economic Infeasibility.** As shown on Table 5.6-17 of the Draft EIR, the Phase 1 MBU buildings would have an annual electricity demand of 10,499,829 kWh. Assuming the average commercial solar panel system produces between 1,000 and 1,300 kWh per year and costs an average of three dollars per watt to install, it would cost up to \$28,500,000 to install solar panels to offset 100 percent of the electricity demand of only the MBU buildings in Phase 1.²¹ The Project applicant has informed the City that this cost would ultimately render the Project infeasible from an economic perspective as there would be a negligible return on investment for the Project developer and transferring costs to tenants would make the buildings too expensive to lease.

Installation of a 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 that would reduce impacts to a less than significant level, given the majority of emissions from the Project are from mobile sources. An EIR is not required to adopt a mitigation measure that does not effectively address a significant impact (*Napa Citizens for Honest Gov't v Napa County Bd. of Supervisors* (2001) 91 CA4th 342, 365). Furthermore, requiring installation of a battery energy storage system is not a feasible mitigation measure at the present time given the technological and economic limitations of battery energy storage on the scale necessary to store solar energy to power the industrial buildings. Further, battery energy storage units can occupy the equivalent of approximately four parking spaces, with multiple units required to store the necessary backup energy needed based on the comment. In addition, additional fire safety clearances would be necessary to install battery energy storage systems given their associated fire risk, which may result in additional impacts. For all of the reasons listed above, installation of battery energy storage systems to support at least four hours of Project operation would currently be infeasible.

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

²⁰ Gen819 Roofing & Solar. (2025). *Solar Panel Installation on Commercial Roofs: Considerations and Benefits*. <https://www.gen819.com/solar-panel-installation-on-commercial-roofs-guide/>

²¹ Coldwell Solar. (2025). *How Much Do Industrial Solar Panels Cost?* <https://coldwellsolar.com/how-much-do-industrial-solar-panels-cost/>

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. Overall, no additional mitigation measures or revisions to currently proposed mitigation measures are warranted.

Comment 18.7: This portion of the settlement agreement requires that roof material have a solar reflective index of no less than 78 and that the Applicant must provide Petitioners with written verification that this requirement has been met within one month of issuance of any certificate of occupancy.

Response 18.7: 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 building standards require that all roofing material for buildings be CRRC Rated 0.15 aged solar reflectance or greater and 0.75 thermal emittance. Therefore, the Project would be consistent with the measure provided in the comment.

Comment 18.8: This portion of the settlement agreement requires the Compass Danbe Centerpointe project be built to LEED Silver standards and certain verifications.

Response 18.8: LEED Silver standards are already required through Mitigation Measure GHG-4, which requires compliance or demonstration of equivalency with LEED Silver building standards. Therefore, the Project would be consistent with the measure provided in the comment.

Comment 18.9: This portion of the settlement agreement requires the Compass Danbe Centerpointe project provide Petitioners with a lighting plan that limits exterior light poles to 18 feet except lights on the south side of project buildings. It requires lights to be dimmed when no motion has been detected for eight minutes and shielding of lights.

Response 18.9: The comment does not provide substantial evidence of any environmental impact that was not evaluated in the Draft EIR. The measures provided do not relate to the Harvest Landing Retail Center & Business Park Project as they are specific to the Compass Danbe Centerpointe project. The Harvest Landing Specific Plan includes requirements for lighting within Section 5.0, *Design Guidelines*, of the Specific Plan. As discussed on Draft EIR pages 5.1-11 and 5.1-12, lights would be shielded consistent with Perris Municipal Code Section 19.02.110 and Harvest Landing Specific Plan requirements. The proposed Project would create limited new sources of light or glare from security and site lighting but would not adversely affect day or nighttime views in the area given the similarity of the existing lighting in the surrounding urbanizing environment. Thus, operation of the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The comment does not identify any potential new or increased Project impact. No additional mitigation measures or revisions to currently proposed mitigation measures are warranted.

Comment 18.10: This portion of the settlement agreement requires the Compass Danbe Centerpointe project to meet the City's applicable noise standards and requires that vehicles unloading/loading after 9:00 p.m. include self-adjudging back-up beepers to reduce noise levels to no more than 5 decibels above the ambient noise level. The settlement agreement prohibits the use of an outdoor PA system between 7:00 p.m. and 7:00 a.m., unless for emergency purposes and that PA systems are oriented away from residential receptors.

Response 18.10: CEQA Guidelines Sections 15126.4 (a)(4)(A)–(B) specifies that mitigation is only required where there is an essential nexus between impacts and proposed mitigation. As detailed in Draft EIR Section 5.12, Noise, impacts related to onsite operational noise would be less than significant. Thus, there is no nexus for requiring the measures provided in the settlement agreement. Further, Section 5.0, *Design Guidelines*, of the Harvest Landing Specific Plan specifies that loading docks should be oriented away from sensitive receptors to limit noise impacts. The proposed warehouse uses would also be subject to the City of Perris

Good Neighbor Guidelines which also include policies that have been adopted for the purpose of protecting neighborhood characteristics and providing buffers between warehouses and sensitive receptors. Overall, no additional mitigation measures or revisions to the currently proposed Draft EIR mitigation measures are warranted.

Comment 18.11: This portion of the settlement agreement requires the Compass Danbe Centerpointe project use electric-powered construction equipment, and all nonelectric equipment must meet the most stringent, highest tier California Air Resources Board emissions guidelines. The measure requires that a construction equipment list be kept onsite for verification by City staff and that no equipment idle longer than 5 minutes. The measure also requires that the City provide onsite charging for electric construction equipment and vehicles and that all heavy-duty trucks accessing the site be model year 2014 or later and meet California Air Resources Board's lowest optional low NOx standard.

Response 18.11: The City of Perris does consider the requirement to use electric construction equipment to be a feasible mitigation measure as electric construction equipment is not readily commercially available and is not technologically feasible for most pieces of construction equipment. Equipment being not readily commercially available means that it is not available for purchase at a commercial level by contractors or is cost prohibitive for use on a larger scale. However, Tier 4 construction equipment is required under Mitigation Measure AQ-4 and idling over 5 minutes is prohibited by state law. Further, Mitigation Measure AQ-5 requires Project construction plans and specifications to require on-road heavy-duty haul trucks to be model year 2014 or newer if diesel-fueled. As such, no additional mitigation measures or revisions to the currently proposed Draft EIR mitigation measures are warranted.

Comment 18.12: This portion of the settlement agreement restricts the construction hours for Compass Danbe Centerpointe project to between 7:30 a.m. and 5:30 p.m., Monday through Friday, with building construction allowed between 7:30 a.m. and 5:30 p.m. on Saturday. The agreement also prohibits grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project.

Response 18.12: 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 could require occasional nighttime concrete pours due to the cooler temperatures needed for pouring concrete tilt-up structures. The majority of construction activities would occur between 7:00 a.m. and 7:00 p.m., pursuant to Perris Municipal Code Section 7.34.060. Mitigation Measure AQ-4 already prohibits grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone. The comment does not identify any potential new or increased Project impact. As such, no additional mitigation measures or revisions to currently proposed mitigation measures are warranted.

Comment 18.13: This portion of the settlement agreement requires the Compass Danbe Centerpointe project recycle a minimum of 75 percent of construction waste materials and provide confirmation to Petitioners within one month after completion of construction.

Response 18.13: Recycling 75 percent of Project's construction waste materials is not a meaningful mitigation measure as it is only 10 percent more than the 65 percent minimum that is currently required by Section 5.408 of the California Green Building Standards (CALGreen) Code As such, no additional mitigation measures or revisions to the currently proposed Draft EIR mitigation measures are warranted.

Comment 18.14: This portion of the settlement agreement requires the Compass Danbe project Centerpointe to limit idling to three minutes per truck and install electric plug-ins at every dock door. It requires that auxiliary power units operate no longer than three minutes at the project site and requires that signage be installed in English and Spanish detailing idling restrictions, parking restrictions, use of plug-ins, and the truck route.

Response 18.14: Limiting truck idling to three minutes and signage stating such is already required by Mitigation Measure AQ-8, as modified in Section 3.0, *Revisions to the Draft EIR*, of this Final EIR. Requiring 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. Further, Mitigation Measure AQ-17 requires the posting of signs at every truck driveway providing directional information to the truck route in English and Spanish, as modified in Section 3.0, *Revisions to the Draft EIR*. Therefore, the Project would be consistent with these measures. No additional mitigation measures or revisions to currently proposed mitigation measures are warranted.

Comment 18.15: This portion of the settlement agreement requires the Compass Danbe Centerpointe project provide Petitioners with a Truck Routing Plan prior to execution of the settlement agreement and provides specific restrictions for truck routing for the project. The agreement also requires installation of signage indicating the direction of travel to the truck route and provision of a driveway plan.

Response 18.15: The City of Perris General Plan Circulation Element designates adopted truck routes (shown in Draft EIR Figure 5.1 6-1). The existing truck routes that currently serves the Project vicinity 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 on Orange Avenue, one truck driveway on Harvest Landing Way, and one truck driveway on Barrett Avenue south of Orange 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 the Project 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 (so long as Val Verde Elementary school is operational along Indian Avenue) and Barrett Avenue. Mitigation Measure AQ-17 requires posting of signs at every truck driveway providing directional information to the truck route. The comment does not identify any potential new or increased Project impact. No additional mitigation measures or revisions to currently proposed mitigation measures are warranted.

Comment 18.16: This portion of the settlement agreement requires that the Compass Danbe Centerpointe project provide indoor employee break areas in each building that are accessible to truck drivers and provide amenities. The agreement also requires that break areas include signage related to idling.

Response 18.16: All proposed MBU buildings would include employee break rooms that could be utilized by truck drivers. In addition, Draft EIR Mitigation Measure AQ-8 requires Project plans and specifications to include signs at loading dock facilities instructing drivers that idling is restricted to no more than three minutes. As such, no additional mitigation measures or revisions to the currently proposed Draft EIR mitigation measures are warranted.

Comment 18.17: This portion of the settlement agreement restricts the use of natural gas by the Compass Danbe Centerpointe project and that diesel-powered backup generators be prohibited unless for use of a fire pump. The agreement requires that all onsite equipment and landscaping equipment be electrified and sufficient charging be provided for such equipment.

Response 18.17: 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 generator 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.

All-electric onsite equipment and all-electric landscaping equipment is already required by Mitigation Measures AQ-10 and AQ-17, respectively. As such, no additional mitigation measures or revisions to the currently proposed Draft EIR mitigation measures are warranted.

Comment 18.18: This portion of the settlement agreement requires a covenant of the title of the property prohibits the use of cold warehouse space.

Response 18.18: As identified on page 3-22 of Section 3.0, *Project Description* of the Draft EIR, none of the proposed Phase 1 Business Park buildings are designed to accommodate and would not include any cold storage or refrigerated uses. As such, cold storage is not included as part of the proposed Project. Additionally, the proposed Project would be conditioned to prohibit future cold storage uses. Hypothetically, if the Project was proposed to be later modified to propose cold storage, the analysis would be revised under subsequent CEQA evaluation to evaluate the Project change, including air toxic emissions and health impacts from cold storage and Transport Refrigeration Units. In addition, the City Council would have to agree to revise the condition on the prohibition of cold storage.

Comment 18.19: This portion of the settlement agreement requires landscaping be documented and utilize drought-tolerant plants and trees to provide at least 50% shade cover over parking areas

Response 18.19: Drought tolerant landscaping is already required by Mitigation Measure GHG-2. The Harvest Landing Specific Plan includes requirements for landscaping within Section 4.0, *Development Standards*, and Section 5.0, *Design Guidelines*, of the Specific Plan consistent with Perris Municipal Code Section 19.02.130.B. Additionally, 50% shade coverage of the parking area is required within 5 years of planning, consistent with Perris Municipal Code Section 10.71.050 and Section 5.106.12 of the CALGreen Code (15 years). Therefore, the Project would be consistent with these measures and no additional requirements related to landscaping are warranted.

Comment 18.20: This portion of the settlement agreement requires parking areas to use light colored concrete with a reflective index of no less than 30. The agreement also requires at least 15 percent of all passenger vehicle parking spaces to be equipped with working Level 2 quick-charge EV charging stations and a minimum of 10 percent of loading docks to be equipped with EV charging infrastructure. At least one electric charger is to be installed within two years of issuance of the final certificate of occupancy. The agreement also requires signage stating that headlights are to be turned off after five minutes and one motorcycle parking stall for every 25 employee parking stall shall be provided.

Response 18.20: 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 at least 300 electric vehicle capable stalls with 76 electric vehicle charging stalls. The 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.

Regarding signage stating that headlights are to be turned off after five minutes, as discussed on page 5.1-11 of the Draft EIR, proposed landscaping along the Specific Plan boundaries would screen sources of light

from surrounding properties. The proposed Project would create limited new sources of light or glare from security and site lighting but would not adversely affect day or nighttime views in the area given the similarity of the existing lighting in the surrounding urbanizing environment. Thus, operation of the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, and potential impacts would be less than significant. Given that impacts related to operational light impacts are less than significant, there is no nexus for requiring such a mitigation measure. In addition, the measure would not result in meaningful change and is infeasible as it is unenforceable given that Project tenants could not enforce visitors to turn off headlights within five minutes of arriving within the Project.

Regarding provision of motorcycle parking, motorcycles would be allowed to park in any passenger vehicle space. Provision of parking specifically for motorcycles would not result in a reduction in air quality or GHG emissions as provision of parking is not directly correlated with employees and/or visitors solely utilizing motorcycles instead of passenger vehicles. Therefore, provision of motorcycle parking would not result in a quantifiable reduction in emissions and would not be a meaningful mitigation measure.

Comment 18.21: This portion of the settlement agreement requires bike lockers or racks in compliance with Title 24 of the California Code of Regulations. The agreement further requires at least three electric charging stations for electric bikes and scooters.

Response 18.21: As discussed in Draft EIR Section 3.0, *Project Description*, each Business Park building would include bike racks in compliance with Title 24 requirements. Compliance with Title 24 requirements is required and is not project-specific mitigation for an otherwise potentially significant impact. As such, no additional mitigation measures or revisions to the currently proposed Draft EIR mitigation measures are warranted.

Comment 18.22: This portion of the settlement agreement requires that all heavy-duty trucks serving the project comply with model year 2014 emissions standards and transition to a fully electric fleet within three years of issuance of the final certificate of occupancy. The agreement states that that the Compass Danbe Centerpointe project shall provide documentation demonstrating the inability to obtain the required EV's and must offer documentation every 24 months. The agreement further requires a 100% electric fleet of vehicle/delivery vans/trucks within seven years of issuance of the first certificate of occupancy as well as provide \$5,000 to fund the installation of one or more air quality monitors. If an EV fleet of heavy-duty trucks cannot be obtained within three years of the first certificate of occupancy, the Compass Danbe project shall fund an air filtration fund in the amount of \$1,200,000.

Response 18.22: Draft EIR Mitigation Measure AQ-12 requires that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2014 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. However, the City of Perris cannot restrict the types of trucks accessing the Project site that are not owned and operated by a Project tenant. 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.

Installation and funding of air quality monitoring stations is not a meaningful mitigation measure as it would not 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). An air filtration fund is not warranted as CEQA Guidelines Sections 15126.4 (a)(4)(A)-(B) specify 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 would be less than significant, as detailed in Draft EIR Section 5.3, *Air Quality*. Thus, there is no nexus for requiring the Applicant to pay for enhanced air filtration at nearby residences. As such, no additional mitigation measures or revisions to the currently proposed Draft EIR mitigation measures are warranted.

Comment 18.23: This portion of the settlement agreement requires that the Compass Danbe Centerpointe project provide a monitoring and compliance plan to ensure compliance with current air quality regulations for on-road trucks.

Response 18.23: Draft EIR Mitigation Measure AQ-18 ensures that agreements for each industrial building require that every tenant to train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also, if the tenant/facility operator owns its own fleet of vehicles, subject to 13 California Code of Regulations section 2025, require such tenants/facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request. Additionally, a monitoring and compliance plan for trucks is required by Mitigation Measure AQ-19 and the South Coast AQMD WAIRE Rule. As such, no additional mitigation measures or revisions to the currently proposed Draft EIR mitigation measures are warranted.

Comment 18.24: This portion of the settlement agreement requires that the Compass Danbe Centerpointe project provide a site maintenance plan.

Response 18.24: The proposed Project would be required to remove any graffiti onsite per Perris Municipal Code Section 7.26.050. Additionally, as discussed in Draft EIR Section 3.0, *Project Description*, the proposed Business Park site could be operational 24/7, which would deter graffiti onsite. As such, no additional mitigation measures or revisions to the currently proposed Draft EIR mitigation measures are warranted.

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