

**RESOLUTION NUMBER 4111**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2006101147), ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS OF ENVIRONMENTAL IMPACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR: (1) TENTATIVE MAP 34999 TO SUBDIVIDE 58.8 ACRES INTO FIVE PARCELS PLUS FOUR PUBLICLY DEDICATED ROADWAY LOTS LOCATED AT THE SOUTHEAST CORNER OF THE 215 FREEWAY AND ETHANAC ROAD; (2) STREET VACATIONS 07-0112 AND 07-0113 TO VACATE ENCANTO DRIVE BETWEEN THE NEW "A" STREET AND ETHANAC ROAD AND TO VACATE TRUMBLE ROAD BETWEEN THE NEW "A" STREET AND THE HOMELAND-ROMOLAND DRAINAGE CHANNEL; AND (3) DEVELOPMENT PLAN REVIEW 06-0337 FOR THE PLOTTING AND BUILDING ARCHITECTURE OF SAID COMMERCIAL DEVELOPMENT.**

**WHEREAS**, on August 4, 2006, the applicant MTC Consolidated, LLC, filed a formal planning application for: (1) Environmental Impact Report (State Clearinghouse #2006101147) to assess the potential environmental impacts of the proposed project; (2) Tentative Map 34999 to subdivide the 58.8 acre project site into five parcels plus four publicly dedicated roadway lots; (3) Street Vacations 07-0112 and 07-0113 to vacate Encanto Drive between the new "A" Street (created by the Tentative Map) and Ethanac Road and to vacate Trumble Road between the new "A" Street and the Homeland-Romoland drainage channel; and (4) Development Plan Review 06-0337 for the plotting and building architecture of the proposed commercial development (together, the "Project"); and

**WHEREAS**, the Project, which will include up to 484,300 square feet of retail commercial space on approximately 58.8 acres, is located in the City of Perris, within the County of Riverside; and

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Res. Code, §§ 21000 et seq.) ("CEQA"), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) the City determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the Project; and

**WHEREAS**, the City issued a Notice of Preparation (“NOP”) of a Draft EIR on or about October 25, 2006 and circulated the NOP until November 24, 2006; and

**WHEREAS**, the City solicited comments from potential responsible and trustee agencies; and

**WHEREAS**, the City received two (2) written comments in response to the NOP, which assisted the City in narrowing the issues and alternatives for analysis in the Draft EIR; and

**WHEREAS**, on or about December 21, 2007, the City initiated a 45-day public review period by filing a Notice of Completion and Availability (NOC) with the State Office of Planning and Research and releasing the Draft EIR for public review and comment; and

**WHEREAS**, the City also provided a NOC to all organizations and individuals who had previously requested such notice, and published the NOC in a newspaper of general circulation in the Project area on or about December 22, 2007. The NOC also was mailed to all residents and property owners within 300 feet of the Project, comprised of approximately 13 individuals. Copies of the Draft EIR were provided to interested public agencies and organizations and copies of the Draft EIR were available at the City’s Department of Planning and Community Development and the Cesar Chavez Public Library. Copies were available to the public free of charge, in both hard copy and electronic copy on CD in .pdf format; and

**WHEREAS**, pursuant to State CEQA Guidelines Section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day comment period; and

**WHEREAS**, the City received eight (8) written comment letters in addition to the State Clearinghouse notification during the public review period for the Draft EIR; and

**WHEREAS**, the City prepared the Final EIR (the “Final EIR”) including responses to the eight (8) written comment letters received on the Draft EIR. Pursuant to Public Resources Code Section 21092.5, the City provided copies of the Final EIR to all commenting agencies and persons requesting copies of the Final EIR. Copies of the Final EIR were available at the City’s Department of Planning and Community Development and the Cesar Chavez Public Library. Copies were available to the public free of charge, in both hard copy and electronic copy on CD in .pdf format; and

**WHEREAS**, the Planning Commission of the City of Perris (the “Planning Commission”), at its regularly scheduled public meeting on April 16, 2008, held a public hearing to consider the Final EIR and the Project. As a result of the City Planning Commission’s deliberations at this public hearing, the Planning Commission adopted Resolution No. 08-12 unanimously recommending that the City Council certify the Final EIR, adopt a Statement of Overriding Considerations of Environmental Impact, and review, make findings in support thereof, and approve the Project, subject to the Project conditions of approval; and

**WHEREAS**, the City Council of the City of Perris (the “City Council”), at its regularly scheduled public meeting on May 13, 2008, held a public hearing to consider the Final EIR and the Project; and

**WHEREAS**, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Final EIR and the Project; and

**WHEREAS**, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the Final EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

**WHEREAS**, the Final EIR prepared in connection with the Project sufficiently analyzes Project Requirements, the feasible Mitigation Measures necessary to avoid or substantially lessen the Project’s potential environmental impacts, and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines; and

**WHEREAS**, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

**WHEREAS**, environmental impacts identified in the Final EIR that the City finds are less than significant and do not require mitigation are described in Section 2 hereof; and

**WHEREAS**, environmental impacts identified in the Final EIR as potentially significant but which the City finds can be mitigated to a level of less than significant through the imposition of Project Requirements and feasible Mitigation Measures identified in the Final EIR and set forth herein are described in Section 3 hereof; and

**WHEREAS**, environmental impacts identified in the Final EIR as potentially significant and that the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all Project Requirements and feasible Mitigation Measures identified in the Final EIR and set forth herein, are described in Section 4 hereof; and

**WHEREAS**, the cumulative impacts of the Project are described in Section 5 hereof; and

**WHEREAS**, a discussion of any significant irreversible environmental changes due to the Project is contained in Section 6 hereof; and

**WHEREAS**, the potential growth-inducing impacts of the Projects are identified in Section 7 hereof; and

**WHEREAS**, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section 8 hereof; and

**WHEREAS**, prior to taking action, the City Council has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Final EIR and all oral and written evidence presented to it during all meetings and hearings; and

**WHEREAS**, the Final EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

**WHEREAS**, no comments made in the public hearings conducted by the City or any additional information submitted to the City have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines Section 15088.5; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris, that the above recitals are true and correct, the determinations reflect the independent judgment of the City Council, and as follows:

**Section 1.** Findings. At a regular session assembled on **Month, Day, 2008**, the City Council determined that, based on all of the evidence presented, including but not limited to the Final EIR, written and oral testimony given at meetings and hearings, and submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: (1) less than significant and do not require mitigation; or (2) potentially significant and each of these impacts will be avoided or reduced to a level of insignificance through the identified Project Requirements and Mitigation Measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified Project Requirements and Mitigation Measures.

**Section 2.** Resolution Regarding Environmental Impacts not Requiring Mitigation. The City Council hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of Mitigation Measures.

A. Aesthetics

1. Impact: The Project will not have a substantial adverse effect on a scenic vista. (EIR pp. 4.1-6 – 4.1-7).

Supporting Explanation: The Project site is located in a developing area in which natural viewsheds have been altered by commercial, agricultural, rural, and residential development. (EIR p. 4.1-6.) Views of foothills to the north, west, and east and the San Bernardino Mountains to the north are visible from the Project site, I-215, and adjacent roadways. (Ibid.) Although buildings in the Towne Center Project could partially obstruct views

to the lower elevations of the foothills (Ibid.), the Project is consistent with its General Plan land use designation of Community Commercial. The City of Perris General Plan EIR states that “because the bulk of developable land within the City of Perris is located on the flat, broad basin, virtually all future building construction consistent with land use and development standards set forth in General Plan will obstruct views to the foothills from at least some vantage points. The [significance] criterion, however, relates to a scenic vista more narrowly defined as a view through an opening, between a row of buildings or trees, or at the end of a vehicular right-of-way. To this end, the east-west and north-south oriented roadway network and the streetscapes that define them will frame and preserve scenic vistas from public rights of way to the distant horizons and foothills.” (City of Perris General Plan EIR, page V1-2.) Because the Project site does not constitute a significant panoramic or local focal point due to the flat nature of its terrain and absence of unique onsite visual features, because the Project will be designed and constructed per applicable City of Perris Municipal Code and General Plan standards, and because views to the north, south, east, and west will be maintained with onsite parking and circulation areas, impacts to scenic vistas will be less than significant and mitigation is not required. (EIR pp. 4.1-6 - 4.1-7.)

2. Impact: The Project will not substantially damage scenic resources within a state scenic highway. (EIR p. 4.1-7.)

Supporting Explanation: The Project site is a fallow agricultural field that lacks significant scenic value; it is not located within a state scenic highway nor is it visible from a state scenic highway (EIR p. 4.1-7.) For these reasons, no impacts related to this issue will result and mitigation is not required. (Ibid.)

3. Impact: Although the Project will alter the existing visual character of the Project site from that of an agricultural field to that of a retail shopping center, the Project is compatible with and continues the pattern of urban development that currently exists within the Project vicinity. (EIR p. 4.1-7 – 4.1-8). The Project will not substantially degrade the existing visual character or quality of the site and its surroundings. (Ibid.)

Supporting Explanation: The Project site is located in a developing area. (EIR p. 4.1-6.) Land uses adjacent to the Project site include agricultural fields, residential homes, commercial buildings, and the I-215 Freeway. (EIR p. 4.1-7.) The design and construction of the Towne Center Project’s buildings and the installation of landscaping, lighting, and signage will conform to City standards and will be consistent with the City’s General Plan. (Ibid.) The Project’s buildings will provide variation in color, material, and architectural treatment to satisfy the design requirements established for the City’s Community Commercial (CC) zone. (Ibid.) Also, landscaping will be provided in accordance with Municipal Zoning Code Section 19.70. (Ibid.) Based on the Project’s conceptual landscape plan, several hundred 24-inch boxed trees, and more than 4,000 shrubs in 5-gallon and 1-gallon containers will be planted throughout the Project site. (Ibid.) The Project also will include a number of signs and submittal of the Sign Plan to the City for review and approval is required prior to the installation of any signage; compliance with the conditions established by the City during its review and approval of the Sign Plan will be required. (EIR p. 4.1-8.) Because the design and construction of the Project’s buildings and the installation of landscaping, lighting, and signage

will conform to applicable City standards and will be consistent with the City's General Plan, impacts related to the changed visual character of the site are less than significant and mitigation is not required. (Ibid.)

4. Impact: Operation of the Project will not result in an economic-driven impact that may contribute to physical deterioration within the Project area that is so prevalent and substantial that it impairs the proper utilization of the area, or the health, safety, and welfare of the surrounding community. (EIR pp. 4.1-8 - 4.1-9.)

Supporting Explanation: According to the Project's Fiscal and Urban Decay Analyses (EIR Appendices J1 and J2), based on market supply, market demand, and other factors, the Project is expected to draw most of its customers from a five-mile radius primary trade area and a seven-mile radius secondary trade area. (EIR p. 4.1-8.) As documented in Appendices J1 and J2, area residents are currently traveling outside of the Project's primary and secondary trade areas to shop for retail services and products. (Ibid.) As concluded by an Urban Decay Analysis (EIR Appendix J2), at Project buildout (year 2011), the Towne Center market area will still reflect an overall projected consumer demand that is substantially in excess of projected retail supply. (EIR pp. 4.1-8 – 4.1-9.) The Project's projected sales will be met by a surplus of consumer demand in the market area, and will therefore not divert sales from existing merchants. (EIR p. 4.1-9.) The capture of existing retail demand within the primary and secondary market areas will help improve retail performance for existing businesses and reduce sales that are currently being leaked to other markets. (Ibid.) Therefore, the Project will not cause urban decay attributable to business closures, nor will the operation of the proposed uses result in other economic or social conditions that could affect the physical environment of the Project site or surrounding areas. (Ibid.) Accordingly, impacts related to this issue will be less than significant and mitigation will not be required. (Ibid.)

5. Impact: The Project will not create a new source of substantial light or glare that will adversely affect day or nighttime views in the area. (EIR pp. 4.1-9 - 4.1-10.)

Supporting Explanation: Exterior surfaces of the Project's buildings will be finished with a combination of architectural coatings, trim, and/or other building materials (e.g., brick, wood, tile, rock, etc.). (EIR p. 4.1-10). Because the Project does not include the installation of large reflective surfaces (e.g., reflective or mirrored glass or polished metal), the Project will not significantly increase the amount of glare in the Project area, and impacts related to glare will be less than significant. (Ibid.) Although the Project will add new artificial lighting sources in the form of street lights, parking lot lighting, and lighting for signage and buildings, the Project will be required to adhere to City standards related to the placement and shielding of lighting fixtures and/or lighted signage. (EIR pp. 4.1-9 - 4.1-10.) The Project will comply with Sections 19.02.110 A and B and 19.69.030.C.5.h of the City of Perris Zoning Code, which provides regulations for safe and secure, yet adequate lighting. (EIR p. 4.1-9). The Zoning Code states that all lighting, including security lighting, shall be directed away from adjoining properties and the public right-of-way and prohibits the use of certain light fixtures emitting into the night sky undesirable light rays which have an effect on astronomical observation and research. (Ibid.) The Zoning Code also establishes the type and operation of

lighting fixtures in commercial parking areas. (Ibid.) As a Project design feature, outdoor artificial lighting will be automatically dimmed to the minimum illumination levels needed for safety and security during night-time hours when businesses are not in operation. (EIR pp. 3-4 and 4.1-9.) The Project Developer is required to submit a lighting plan to the City for review and approval that identifies the type, intensity, and location of each proposed onsite lighting source for building and parking lot lighting. (EIR pp. 4.1-9 – 4.1-10.) The submittal of this plan is required by the City as evidence that the proposed onsite lighting sources will meet lighting standards established by the City. (EIR p. 4.1-10.) Because the Project is required to meet lighting standards established by the City, impacts related to lighting will be less than significant and mitigation is not required. (Ibid.)

## B. Agricultural Resources

1. Impact: The Project will not conflict with existing zoning for agricultural use, or a Williamson Act contract. (EIR p. 4.2-4.)

Supporting Explanation: The Project site and its offsite improvement area are not part of a Williamson Act contract. (EIR p. 4.2-4.) The site is zoned by the City of Perris as Community Commercial (CC). (EIR p. 2-2). Consequently, no impacts or conflicts will result to agricultural zoning or Williamson Act contracts. (EIR p. 4.2-4)

2. Impact: The Project site and its offsite improvement area do not contain lands mapped by the California Resources Agency's Farmland Mapping and Monitoring Program (FMMP) as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; therefore, the Project will not convert such lands to a non-agricultural use. (EIR pp. 4.2-4 - 4.2-5.) About 91.2 percent of the site and a portion of the Project's off-site improvement area are mapped by the FMMP as containing Farmland of Local Importance, the conversion of which is considered to be a less than significant impact. (Ibid.)

Supporting Explanation: Neither the Project site nor its offsite improvement area are designated by the FMMP as containing Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. (EIR p. 4.2-5.) Approximately 91.2 percent of the Project site is designated as Farmland of Local Importance and the remaining 8.8 percent has not been provided a FMMP farmland designation. (Ibid.) The Project's offsite improvement area is designated by the FMMP as Farmland of Local Importance and Urban and Built-Up Land. (Ibid.) Because the Project site and its offsite improvement area are not located within an area mapped by the California FMMP as containing Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, the Project will not convert these lands to non-agricultural uses, impacts are considered less than significant and mitigation is not required. (EIR pp. 4.2-4 - 4.2-5.)

3. Impact: The construction and operation of the Project and the offsite improvement of a segment of Ethanac Road could increase development pressure on adjacent agricultural properties, but it would not preclude the continuation of existing cultivation on those properties. (EIR p. 4.2-5.) Because no adjacent properties are designated by the FMMP as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, the Project will not

involve changes in the existing environment that could result in the conversion of these lands to non-agricultural use. (Ibid.)

Supporting Explanation: Although the Project will result in the construction and operation of a commercial retail shopping center on a property that is adjacent to other properties under active agricultural cultivation, it will not directly preclude the continuation of existing cultivation on existing properties, in the event the adjacent property owners elected to do so. (EIR p. 4.2-5.) While the operation of commercial uses on the Project site and the offsite infrastructure improvements proposed by the Project would place some development pressure on adjacent agricultural properties, given the pattern of development surrounding the site and the vision for build-out of the area evidenced by the current General Plan land use and zoning designations, conversion of the nearby agricultural properties is already reasonably foreseeable. The development of the proposed Project would not significantly contribute to this conversion. Properties north and northeast of the site are currently being used for agricultural use; however, no adjacent property is designated by the FMMP as containing Unique, Prime, or Statewide Important Farmland (“Farmland”). (Ibid.) Further, properties west of I-215 being used for cultivation also are not designated by the FMMP as Farmland. (Ibid.) Impacts are determined to be less than significant and mitigation is not required. (EIR pp. 4.2-5 – 4.2-6.)

### C. Air Quality

1. Impact: The Project is consistent with the South Coast Air Quality Management District’s (SCAQMD’s) Air Quality Management Plan (AQMP). (EIR pp. 4.3-11 – 4.3-13.) Although construction activities associated with the Project will exceed localized significance thresholds for PM<sub>2.5</sub> and PM<sub>10</sub>, long-term localized emissions from Project operations will be consistent with the National and California Ambient Air Quality Standards, and thus the Project would not conflict with or obstruction to the implementation of the AQMP. (EIR p. 4.3-11 – 4.3-12.)

Supporting Explanation: Two criterion for determining consistency with the AQMP are defined in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD’s CEQA Air Quality Handbook (1993). (EIR p. 4.3-11.) The Project is consistent with Consistency Criterion No. 1 because the Project will not exacerbate existing violations of the State one- and eight-hour carbon monoxide (CO) concentration standards. Although the Project will exceed the California Ambient Air Quality Standards (CAAQS) localized significance thresholds for PM<sub>2.5</sub> and PM<sub>10</sub> during construction, because the AQMP is a long range planning document intended to improve air quality within the air basin, temporary construction-related impacts to air quality will not conflict with or obstruct the overall implementation of the AQMP since it is operational impacts that have the longest and more substantial effects on the attainment within the South Coast Basin of the NAAQS and CAAQS. (EIR p. 4.3-11 – 4.3-12.) During Project operation, Project emissions will not exceed localized significance thresholds set by the SCAQMD for any pollutant, nor will it result in a CO hotspot. (EIR p. 4.3-12). The Project is thus consistent with Consistency Criterion No. 1. The Project also is consistent with Consistency Criterion No. 2 because the Project is consistent with its Community Commercial land use and zoning designations and, therefore, will not exceed the

growth assumptions used in the AQMP. (Ibid.) Because the Project does not conflict with the AQMP's consistency criteria, the Project will not delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. (Ibid.) Impacts are determined to be less than significant and mitigation is not required. (EIR p. 4.3-11 – 4.3-13.)

2. Impact: Construction activities associated with the Project will emit CO and sulfur oxides (SOx) below the emission significance thresholds established by the SCAQMD. (EIR p. 4.3-13.)

Supporting Explanation: Grading and construction activities associated with the development of the Project will result in short-term emissions of CO and SOx. (EIR pp. 4.3-13 – 4.3-15.) Based on standard construction practices, a 2-month grading schedule, a 12-month construction schedule, and ten (10) pieces of heavy equipment operated on the Project site for eight hours per day, emissions of emissions of SOx are calculated to be 0.23 lbs/day during grading and 0.17 lbs/day during construction, which are below the SCAQMD significance threshold of 150 lbs/day. (EIR pp. 4.3-14 – 4.3-15 and EIR Table 4.3-3.) Emissions of CO are calculated to be 110.09 pounds per day (lb/day) during grading and 166.51 lbs/day during construction, which is below the SCAQMD significance threshold of 550 lbs/day. (Ibid.) Construction related impacts associated with CO and SOx emissions are therefore less than significant and mitigation is not required. (EIR pp. 4.3-13 – 4.3-15.)

3. Impact: Project operation will result in emissions of SOx below the emission significance threshold established by the SCAQMD. (EIR p. 4.3-13.)

Supporting Explanation: Operation of the Project will result in emissions of SOx at levels calculated to be 2.09 lbs/day in the summer months and 1.71 lbs/day in the winter months, which are below the SCAQMD significance threshold of 150 lbs/day. (EIR pp. 4.3-19 – 4.3-20 and EIR Tables 4.3-5 and 4.3-6.) Operational impacts associated with SOx emissions are therefore less than significant and mitigation is not required. (Ibid.)

4. Impact: The Project will be consistent with the California Environmental Protection Agency's (EPA's) Climate Action Team (CAT) Report, which identifies strategies to reduce California's greenhouse gas emissions to levels proposed in Executive Order S-3-05. (EIR pp. 4.3-23 – 4.3-25 and EIR Table 4.3-9.) Due to the overwhelming scope of global climate change, and in consideration of the Project's proposed energy efficiency measures and the Project's consistency with CAT strategies, the Projects contribution of greenhouse gas emissions is not considered to be cumulatively considerable. Thus, the Project will have a less than significant impact on global climate change. (EIR p. 4.3-25.)

Supporting Explanation: No single development can be deemed individually responsible for global temperature increases, as global climate change is a world-wide issue and thus a cumulative impact issue. Additionally, there are no published federal, state, regional, or local thresholds of significance for measuring the impact of global climate change on or from an individual development project. (EIR p. 4.3-21.) During the

construction phase of the Project, greenhouse gas emissions will be released through the burning of fossil-fuels in construction equipment. (EIR p. 4.3-22.) During Project operation, the majority of greenhouse gas emissions will be the result of increased Project-related motor vehicle activity. (Ibid.) Emissions for carbon dioxide, methane, and nitrous oxide were calculated for Project operation. Without incorporation of the energy efficiency measures, the Project will emit approximately 0.0383 Tg CO<sub>2</sub> Equivalent per year, or about 0.0078% of California's 2004 total CO<sub>2</sub> emissions. (EIR pp. 4.3-22 to 4.3-23.) The data shows that with implementation of the Project's energy efficiency design features, CO<sub>2</sub> Equivalent greenhouse gas emissions will be approximately 0.0365 Terra Grams (Tg) per year, representing 0.0074 % of California's 2004 total CO<sub>2</sub> emissions. (Ibid.)

The California EPA prepared a CAT Report that identifies strategies to reduce California's emissions to levels proposed in Executive Order S-3-05. (EIR p. 4.3-23 – 4.3-25 and EIR Table 4.3-9.) Because the Project complies with all feasible and applicable strategies as identified by the CAT, the Project is considered to be consistent with the goals and objectives of the emissions reduction targets set forth in Assembly Bill 32 (AB32). (Ibid.) In consideration of the Project's energy efficiency measures and the Project's consistency with CAT strategies, the Project's contribution of greenhouse gas emissions is not considered to be cumulatively considerable and impacts are considered less than significant and mitigation is not required. (EIR p. 4.3-25.)

5. Impact: Project operation will not expose sensitive receptors to substantial pollutant concentrations by creating a CO hotspot. (EIR p. 4.3-26.)

Supporting Explanation: The CALINE4 model was used to predict future CO concentrations at the study area's roadway intersections. (EIR p. 4.3-26.) The average CO concentrations at the AM and PM peak hours as well as the 8-hour average will not exceed the allowable concentration levels. (EIR pp. 4.3-26 – 4.3-27 and EIR Tables 4.3-11 and 4.3-12.) The highest concentration in the Project's study area is calculated to be 8.20 parts per million (ppm) whereas the California Ambient Air Quality Standard is 20.0 ppm. (Ibid.) Therefore, CO hotspots will not occur near these intersections, and the contribution of Project traffic-related CO at these intersections will be less than significant and mitigation is not required. (EIR p. 4.3-27.)

6. Impact: Project operation will not expose people to significant levels of diesel particulate matter. (EIR p. 4.3-26.)

Supporting Explanation: Diesel particulate matter emissions will be generated from mobile sources (i.e., diesel trucks) servicing the Project. (EIR p. 4.3-30.) A diesel health risk assessment was prepared for the Project, which concluded that the maximum predicted risk-level for carcinogenic exposures is 7.9 per one million persons based on a 70-year exposure, high-end point estimate. (Ibid.) This exposure rate does not exceed the SCAQMD or Proposition 65 significance threshold of 10 per one million persons. (Ibid.) Because the Project will not result in carcinogenic exposures that exceed State or SCAQMD thresholds, impacts associated with exposure diesel particulate matter is considered less than significant and mitigation is not required. (EIR p. 4.3-30 – 4.3-31.)

7. Impact: Construction and operation of the Project will not generate emissions of CO or NO<sub>2</sub> that exceed localized significance thresholds (LSTs), and Project operation will not generate emissions of PM<sub>10</sub> or PM<sub>2.5</sub> that exceed LSTs. (EIR p. 4.3-27 – 4.3-29.)

Supporting Explanation: The Industrial Source Complex Short Term (ISCST3) model was used to calculate the Project's localized emissions resulting from construction and operational activities (EIR p. 4.3-27 and EIR Appendix B1). For construction and operational activity, emissions of CO are calculated to be 1.37 ppm and 1.28 ppm respectively, well below the 9.0 ppm significance threshold (EIR pp. 4.3-23 and 4.3-24 and EIR Tables 4.3-13 and 4.3-14.) Emissions of NO<sub>2</sub> are calculated to be 2.40 for construction activities and 2.22 for operational activities, which are well below the 20.00 ppm significance threshold. (Ibid.) For Project operations, emissions of PM<sub>10</sub> would be 2.26 µg/m<sup>3</sup>, which is below the threshold of 2.5 µg/m<sup>3</sup>, and emissions of PM<sub>2.5</sub> would be 2.10 µg/m<sup>3</sup>, which is below the threshold of 2.5 µg/m<sup>3</sup>. Impacts are less than significant and mitigation is not required. (Ibid.)

8. Impact: The Project will not create objectionable odors affecting a substantial number of people. (EIR p. 4.3-31.)

Supporting Explanation: The Project does not include the following land uses that are generally associated with odor complaints: agricultural uses (livestock and farming); wastewater treatment plants; food processing plants; composting operations; refineries; landfills; dairies; and fiberglass molding facilities. (EIR p. 4.3-31.) Commercial projects typically include uses that prepare food for human consumption; odors emitted by food preparation and service establishments (restaurants) are not typically considered to be objectionable by humans. (Ibid.) As a result, odor impacts associated with the operation of the Project are determined to be less than significant and mitigation is not required. (Ibid.) During construction, odors associated with painting and paving will be temporary and highly localized; as such, these impacts are considered less than significant and mitigation is not required. (Ibid.)

#### D. Biological Resources

1. Impact: The Project will not have a substantial adverse effect on any riparian habitat or other sensitive community identified in local or regional plans, policies, and regulations or by the CDFG or USFWS because no sensitive communities or riparian habitats exist on the Project site or in the Project's offsite improvement area. (EIR p. 4.4-14.)

Supporting Explanation: Existing vegetation on the Project site and in its offsite improvement area consists of agriculture and non-native grasslands, neither of which is a sensitive community. (EIR p. 4.4-14.) Two ephemeral drainage ditches occur on the property, but based on their physical characteristics, they do not meet the MSHCP definition of Riparian Areas (i.e., they do not "contain habitat dominated by trees, shrubs, persistent

emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source”). (Ibid.) Because the onsite ephemeral drainages and their downstream components do not provide growing habitat for riparian resources, they do not have a relationship to riparian/riverine habitat. (Ibid.) Therefore, the biological functions and values of riparian/ riverine areas do not exist. (Ibid.) No other kinds of aquatic features are present on the site or in the offsite improvement area. (Ibid.) The Project, therefore, will not have an adverse impact on any riparian habitat or other sensitive community, because they do not exist on the site or in the offsite improvement area. (Ibid.) Consequently, mitigation is not required. (Ibid.)

2. Impact: The Project will not have a direct effect on federally protected wetlands as defined by Section 404 of the Clean Water Act because the onsite drainage ditches are non-wetland waters of the U.S., and are not federally protected wetlands. (EIR pp. 4.4-14 – 4.4-15.) The Project will result in less than significant indirect impacts to offsite wetlands (in the adjacent Romoland-Homeland Line A flood control channel) with adherence to mandatory Project Requirements to comply with National Pollutant Discharge Elimination System (NPDES) permit requirements, to obtain a Water Quality Certification from the Regional Water Quality Control Board (RWQCB), to obtain a Nationwide Permit from the ACOE, and to obtain a Streambed Alteration Agreement from the CDFG. (Ibid.)

Supporting Explanation: The two onsite drainage trenches fall under ACOE and CDFG jurisdictional because upstream of the ditch and directly off the site, there appears to be minor signs of water flow. (EIR pp. 4.4-14 – 4.4-15.) ACOE and CDFG jurisdiction associated with the two onsite drainage ditches totals approximately 0.10 acres; this acreage is classified as non-wetland waters of the U.S. (Ibid.) The drainage ditches do not qualify as federally protected wetlands because they do not contain the hydrophytic vegetation, hydric soils, and hydrology that is required to meet the criteria of a wetland under Section 404 of the Clean Water Act. (Ibid.) Consequently, the Project will result in no direct impacts relating to federally protected wetlands. (Ibid.) Because the offsite Romoland-Homeland Line A flood control channel is classified as a wetland and the Project will ultimately discharge surface water to this channel, the Project has an indirect relationship to this offsite wetland. (Ibid.)

The Project developer is required to comply with Sections 401 and 404 of the Clean Water Act by obtaining a Water Quality Certification from the Regional Water Quality Control Board and a Nationwide Permit from the ACOE. (Ibid.) These permits are required to be approved prior to disturbance of the onsite jurisdictional waters of the U.S. (Ibid.) In addition, the Project developer is required to comply with Section 1600 of the California Fish & Game Code and obtain a Streambed Alteration Agreement. (Ibid.) A mitigation fee will be paid to the Santa Ana River Arundo Removal/Control Program or other mitigation (at a minimum 1:1 ratio) will be required by the CDFG as part of the Streambed Alteration Agreement approval. (Ibid.) The Project developer is also required to comply with National Pollutant Discharge Elimination System (NPDES) requirements and implement the Best Management Practices (BMPs) specified in the Project’s Water Quality Management Plan. (Ibid.) With adherence to the Project Requirements listed below, indirect effects on wetlands in the offsite Romoland-Homeland Line A flood control channel will be reduced to a level of less than significant and mitigation is not required. (Ibid.)

Project Requirements:

PR 4.4-1 - The Project developer is required to comply with Sections 401 and 404 of the Clean Water Act. A Water Quality Certification and a Nationwide Permit subject to review and approval by the U.S. Army Corps of Engineers are required for disturbance to the onsite jurisdictional waters of the U.S. A mitigation fee to the Santa Ana River Arundo Removal/Control Program will be paid by the Project developer, or other mitigation as required by the Regional Water Quality Control Board and/or the U.S. Army Corps of Engineers will be implemented, as part of the permit approval. (EIR p. 4.6-15.)

PR 4.4-2 - The Project developer is required to comply with National Pollutant Discharge Elimination System (NPDES) requirements and implement the Best Management Practices (BMPs) specified in the Project's Water Quality Management Plan. (Ibid.)

PR 4.4-3 - The Project developer is required to comply with Section 1600 of the California Department of Fish and Game Code. A mitigation fee to the Santa Ana River Arundo Removal/Control Program will be paid by the Project developer, or other mitigation as required by the California Department of Fish and Game will be implemented, as part of the permit approval. (Ibid.)

3. Impact: The Project will not interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, and will not impede the use of native wildlife nursery sites. (EIR p. 4.4-16.)

Supporting Explanation: The Project site contains a fallow agricultural field and the Project's offsite improvement area contains a paved road and fallow agricultural land. (EIR p. 4.4-16.) Because the Project site is a vacant field, some wildlife species are likely to move across the property; however, the site is not connected to or part of a distinct wildlife movement corridor and does not connect large areas of native habitat, as properties surrounding the Project site are either developed, farmed, or are separated from the site from the site by the I-215 Freeway (Ibid.) Further, the site contains fallow agricultural fields that do not provide sufficient cover to allow for wildlife movement. (Ibid.) It is also not likely that wildlife moves across the offsite improvement area due to its condition as a paved roadway and a strip of agricultural land. (Ibid.) No native wildlife nurseries are located on the site. Consequently, it is determined that impacts to wildlife movement and native wildlife nursery sites are less than significant and mitigation is not required. (Ibid.)

4. Impact: The Project will not conflict with any local policies or ordinances protecting biological resources, including the City of Perris General Plan's Conservation Element and the Western Riverside County Multiple Species Habitat Conservation Program (MSHCP). (EIR p. 4.4-16.)

Supporting Explanation: Development of the Project on a site containing fallow agricultural lands, non-native grasslands, and no sensitive species will not conflict with the City's General Plan Conservation Element, particularly Goal II which provides for the "preservation of areas with significant biotic communities." (EIR p. 4.4-16.) The Project site is not located in the MSHCP Criteria Area and complies with the MSHCP requirements for properties outside of the Criteria Area. (Ibid.) The Project will, therefore, also be consistent with the City's General Plan Conservation Element Goal III which provides for the "implementation of the Multi-Species Habitat Conservation Plan." (Ibid.) Compliance with the MSHCP constitutes full mitigation for impacts to the MSHCP's 146 covered species. (Ibid.) With the exception of the MSHCP, there are no other local policies or ordinances protecting biological resources that apply to the site. (Ibid.) As such, the Project will result in less than significant impacts and mitigation is not required. (Ibid.)

5. Impact: The Project site does not contain any plant species identified as candidate, sensitive, or special status species in plans, policies, or regulations, or by the CDFG or USFWS other than the San Diego tarplant, impacts to which are less than significant due to its classification as a CNPS List 4.2 plant species. (EIR pp. 4.4-16 – 4.4-17.)

Supporting Explanation: No endangered, rare, threatened, or special status plant species (or associated habitats) are known to occur or were found within the Project site during biological field surveys conducted in 2006 and 2007 except for a few individual San Diego tarweed plants found scattered along the two drainage ditches. (EIR pp. 4.4-3 – 4.4-5 and 4.4-17.) The California Native Plant Society (CNPS) has classified the San Diego tarweed as a List 4.2 species. (EIR p. 4.4-17.) The Policy on Mitigation Guidelines Regarding Impacts to Rare, Threatened, and Endangered Plants (California Native Plant Society Rare Plant Scientific Advisory Committee (February 1991, revised April 1998) does not include, or specifically exclude, List 4 plant species. (Ibid.) The document is intended to guide in the assessment and mitigation of impacts to rare and endangered plants. (Ibid.) The loss of small, isolated populations of List 4.2 species is not considered to be an impact requiring mitigation according to CNPS or the CDFG. (Ibid.) Impacts to the San Diego tarweed are thus considered to be less than significant and mitigation is not required. (Ibid.)

## E. Cultural Resources

1. Impact: Historical resources are not located on the Project site or in the offsite improvement area and are not expected to be discovered. Thus, the Project will not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. (EIR p. 4.5-8.)

Supporting Explanation: The Project site has been and is currently used for agricultural purposes and no structures exist on the site. (EIR p. 4.5-8.) A site investigation conducted in August 2006 by ASM Associates, Inc. located a foundation of a small residential building located offsite adjacent to the boundary of the Project area near Trumble Road; however, it was concluded that the methods used in the construction of the foundation were modern in nature and, therefore, the structure does not qualify as a possible historical resource. (Ibid.) Additionally, record searches, historical research, and Native American

consultations conducted by ASM Associates, Inc. concluded that no historic sites are present on the Project site or within the offsite disturbance area. (EIR p. 4.5-9.) For these reasons, impacts to historical resources will not occur and mitigation is not required. (Ibid.)

## F. Geology and Soils

1. Impact: The Project will not expose people or structures to potentially substantial adverse effects involving rupture of a known earthquake fault. (EIR pp. 4.6-6 - 4.6-7.)

Supporting Explanation: The City of Perris is not listed as a city affected by the Alquist-Priolo Earthquake Fault zones; therefore, fault rupture in the City of Perris is considered very remote. (EIR pp. 4.6-6 - 4.6-7.) Additionally, there are no known active faults within the Project site. (Ibid.) For these reasons, impacts resulting from the rupture of a known fault are determined to be less than significant and mitigation is not required. (Ibid.)

2. Impact: The Project will not expose people or structures to potentially substantial adverse effects involving seismic-related ground failure, including liquefaction. (EIR p. 4.6-7.)

Supporting Explanation: During geotechnical field surveys conducted by EnGen Corporation, groundwater was not encountered within 50 feet of the ground surface and high relative densities were encountered in the majority of the soils below the zone of proposed recompaction. (EIR p. 4.6-7.) Further, the majority of the site's soils are comprised of a relatively high clay content (estimated greater than 15%). (Ibid.) Due to the depth of groundwater and the clay composition of soils, seismic-related ground failure including liquefaction potential is very low. Impacts are determined to be less than significant and mitigation is not required. (Ibid.)

3. Impact: The Project will not expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving landslides. (EIR p. 4.6-7.)

Supporting Explanation: The Project site is relatively flat and not located near any slopes or unstable soil areas that possess potential landslide characteristics. (EIR p. 4.6-7.) No impacts will occur relating to landslides and mitigation is not required. (Ibid.)

4. Impact: The Project will not use septic tanks or alternative wastewater disposal systems, thereby avoiding impacts relating to soils incapable of supporting septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (EIR p. 4.6-7.)

Supporting Explanation: The Project will connect with the existing sewer system and will not require the use of septic tanks or alternative wastewater disposal systems. (EIR p. 4.6-7.) Consequently, no impacts relating to the soil's ability to

support septic tanks or alternative wastewater disposal systems would occur and mitigation is not required. (Ibid.)

5. Impact: With required compliance with the California Building Code (CBC) with respect, the Project will not expose people and/or structures to potentially substantial adverse effects resulting from strong seismic ground shaking. (EIR pp. 4.6-7 – 4.6-8.)

Supporting Explanation: Ground shaking resulting from an earthquake on a regional fault could affect people and structures on the Project site. (EIR p. 4.6-8.) Because the Project site lies in Seismic Zone 4, structures are required to be designed in accordance with applicable parameters of the current CBC. (Ibid.) As stipulated in the Geotechnical Engineering Study prepared for the Project site, specific engineering design and construction measures required by the CBC for the construction of new buildings and/or structures are required to be implemented to avoid the potential for adverse impacts to human life and property caused by seismically induced ground shaking. (Ibid.) With adherence with the Project Requirement listed below, impacts would be less than significant and mitigation is not required. (Ibid.)

#### Project Requirement:

PR 4.6-1 - Prior to issuance of building permits, the Project developer shall demonstrate to the City Building Division that the design of the Project complies with all applicable provisions of the CBC with respect to seismic design for Zone 4, and recommendations included in the Project-specific geotechnical engineering study, provided in Appendix E [of the EIR]. (EIR p. 4.6-7.)

6. Impact: The Project will not be placed on a geologic unit or soil that is unstable, or that will become unstable as a result of the Project; therefore, impacts related to landslides, lateral spreading, subsidence, liquefaction or collapse will be less than significant. (EIR pp. 4.6-9 - 4.6-10.)

Supporting Explanation: The Project site contains flat terrain, so there is no potential for landslides. (EIR p. 4.6-10.) Liquefaction potential for the site is low because the depth to groundwater on the Project site is in excess of 50 feet below the ground surface and the soils underlying the Project site are of relatively high clay content. (Ibid.) As determined by the Project's geotechnical engineering study (EIR Appendix E), Project structures will be safe from excessive settlement or subsidence under the anticipated design loadings and conditions. (Ibid.) Soils will be stable and the Project will not impose any adverse effects on adjacent structures. (Ibid.) Pursuant to Project Requirement 4.6-1, the Project will meet all requirements of the CBC and will adhere to the recommendations contained in the Project's geotechnical engineering study (EIR Appendix E), which will ensure soil stability and reduce impacts to less than significant. (Ibid.) Mitigation is not required. (Ibid.)

#### G. Hazards and Hazardous Materials

1. Impact: The Project site is not located within one-quarter mile of an existing or proposed school and will therefore not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school. (EIR p. 4.7-8.)

Supporting Explanation: The nearest school to the Project site is Romoland Elementary School, located approximately 0.9 miles northeast of the Project site. (EIR p. 4.7-8.) Consequently, no impacts to existing or proposed schools resulting from hazardous waste will occur and mitigation is not required. (Ibid.)

2. Impact: The Project site is not included on a list of hazardous materials sites pursuant to California Government Code Section 65962.0 and, as a result, will not create a significant hazard to the public or the environment. (EIR p. 4.7-8 – 4.7-9)

Supporting Explanation: A records search was conducted for the Project site as part of the site-specific Phase I Environmental Site Assessment prepared by NATEC International. (EIR pp. 4.7-1 – 4.7-9 and EIR Appendix G). The records search concluded that the Project site is not a hazardous materials site listed pursuant to Government Code 65962.0. Consequently, impacts will not occur and mitigation is not required. (Ibid.)

3. Impact: The Project site is not located within the vicinity of a private airstrip and will, therefore, not result in a safety hazard for people residing or working in the project area. (EIR p. 4.7-9.)

Supporting Explanation: Perris Valley Airport, a small private airport with uses that include skydiving and hot air ballooning, is located approximately 2.0 miles northwest of the Project site. (EIR p. 4.7-9.) The Project is not located within the take-off or landing zones for the airport, and is not located within the Airport Influence Zone for the airport. (Ibid.) The Project does not propose any structures that will interfere with air traffic patterns. (Ibid.) Airport hazard impacts will not occur and mitigation is not required. (Ibid.)

4. Impact: The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (EIR p. 4.7-9.)

Supporting Explanation: The site contains no emergency facilities, does not serve as part of an emergency evacuation route, and along with the adjacent roadways, it does not serve as part of a comprehensive emergency evacuation plan or emergency response plan adopted by the City of Perris or County of Riverside. (EIR p. 4.7-9.) The Project site is designated for commercial development by the City of Perris General Plan and is zoned for commercial development by the City Municipal Zoning Code. (Ibid.) Consequently, no impacts will result in relation to an adopted emergency response plan or emergency evacuation plan and mitigation is not required. (Ibid.)

5. Impact: The Project will not expose people or structures to a significant risk or loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands. (EIR p. 4.7-9.)

Supporting Explanation: The Project site is located in an area predominated by agricultural land uses and is not adjacent to wildlands. (EIR p. 4.7-9.) Adjacent lands include the I-215 freeway, agricultural, commercial, residential, light industrial lands, a drainage channel, utility easements, and vacant parcels. (EIR p. 2-2.) The site is not located within the area designated as a Wildfire Hazard Area in the City of Perris General Plan, and is thus not considered to be within an area prone to wildland fires. (EIR p. 4.7-9.) Consequently, no impacts associated with wildland fires will occur mitigation is not required. (Ibid.)

6. Impact: The Project site is not located in an airport land use plan, nor is it within two miles of an airport; therefore, the Project will not result in a safety hazard for people shopping or working in the project area. (EIR pp. 4.7-12 – 4.7-13.)

Supporting Explanation: The Project site is not located within the Airport Influence Area for Perris Valley Airport, Hemet-Ryan Airport, or March Air Reserve Base (ARB). (EIR p. 4.7-13.) As such, the Project site is not located within an adopted airport land use plan. No other public airport or public use airports occur within 2.0 miles of the Project site. (Ibid.) Because the Project site is not located within an airport land use plan or within 2.0 miles of a public airport or public use airport for which a land use plan has not been adopted, no impacts relating to airport hazards will occur and mitigation is not required. (Ibid.)

#### H. Hydrology and Water Quality

1. Impact: The Project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. (EIR p. 4.8-10.)

Supporting Explanation: The Project is a commercial shopping center and does not include housing or other residential uses. (EIR p. 4.8-10.) As such, the Project will not place housing in a 100-year floodplain, no impacts will occur, and mitigation is not required. (Ibid.)

2. Impact: The Project structures will not place structures within a 100-year flood hazard area that will impede or redirect flood flows. (EIR p. 4.8-10.)

Supporting Explanation: The City of Perris General Plan indicates that the Project site is entirely within the 100-year flood hazard area of the San Jacinto River. (EIR p. 4.8-10.) However, the recently approved Homeland and Romoland Area Drainage Plan Amendments (MDPs) and the Romoland/Homeland Area Drainage Plan Amendment (ADP) provide for the improvement of the flood control channel located adjacent to the southern boundary of the Project site. (Ibid.) Once the flood control channel (Line A) is

improved in accordance with the MDPs and ADP, the Project site will be removed from the 100-year flood hazard area of the San Jacinto River. (Ibid.) The Project proposes that structures onsite will be constructed subsequent to the completion of the Line A improvements. (Ibid.) When Line A is constructed, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be processed, removing the Project area (as well as other areas) from the regulatory floodplain. Because the Project site will be outside of the 100-year floodplain at buildout, the Project's structures will not impede or redirect flood flows. (Ibid.) Impacts will be less than significant and mitigation is not required. (Ibid.)

3. Impact: The Project will not result in inundation by seiche, tsunami, or mudflow. (EIR p. 4.8-10.)

Supporting Explanation: The Project site is located inland, away from the dangers of a tsunami. (EIR p. 4.8-10.) The surrounding topography is relatively flat, minimizing a risk of impacts resulting from mudflows. (Ibid.) Lake Perris is the nearest body of water capable of producing a seiche, and it is located approximately 6.7 miles north of the Project site. (Ibid.) Impacts resulting from seiche are considered to be less than significant due to the distance between the Project site and Lake Perris. (Ibid.) Impacts relating to tsunami, mudflows, and seiche will not occur and mitigation is not required. (Ibid.)

4. Impact: Project construction will temporarily disturb surface soils and remove vegetative cover, causing short-term impacts on water quality; however, with adherence to NPDES permit requirements, the Project's construction phase will not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality. (EIR p. 4.8-11.)

Supporting Explanation: During the construction period, grading and excavation activities will result in exposure of soil to storm runoff, potentially causing erosion and sediment in runoff. (EIR p. 4.8-11.) Stockpiles and excavated lots on the Project site will be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation in local drainage ways such as the San Jacinto River. (Ibid.) The Project is required to obtain coverage under a NPDES permit. (Ibid.) The Project also requires the preparation of a Storm Water Pollution Prevention Program (SWPPP) for construction discharges that is subject to City of Perris review and approval prior to construction. (EIR pp. 4.8-4 and 4.8-11.) The Project addresses water quality during the construction phase through the use of Best Management Practices (BMPs). (EIR p. 4.8-11.) During construction, BMPs will be used to reduce sediment generated by erosion and construction waste discharge associated with ground disturbing activities and construction of improvements. (Ibid.) Typical BMPs include slope stabilization, storm drain inlet protection, gravel bag chevrons, and silt fencing. These BMPs will be developed specifically for the Project and documented in the Project's SWPPP. (Ibid.) The SWPPP is a requirement under the NPDES program that was formed under the Clean Water Act (CWA) with the intention to reduce pollution discharges. With adherence to Project Requirements listed below, impacts are determined to be less than significant and mitigation is not required. (EIR p. 4.8-12.)

### Project Requirements:

PR 4.8-1 - Prior to the first issuance of a permit by the City (which includes the issuance of grading permits and building permits), the Project applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board to be covered under the State NPDES General Construction Permit for discharge of stormwater associated with construction activities. (Ibid.)

PR 4.8-2 - Prior to the first issuance of a permit by the City (which includes the issuance of each grading permit and each building permit), the Project applicant shall submit to and receive approval from the City of Perris a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control onsite and offsite erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural BMPs to control sediment and nonvisible discharges from the site. (Ibid.)

PR 4.8-3 - The Construction Contractors shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the Contractors and available for City inspection. In addition, the Contractors will also be required to maintain an inspection log and have the log onsite to be reviewed by the City of Perris and the representatives of the Regional Water Quality Control Board (RWQCB). (Ibid.)

5. Impact: Project operation will contribute urban pollutants to runoff, creating impacts to water quality; however, with adherence to a Project-specific Water Quality Management Plan (WQMP) as required by the RWQCB, Project operation will not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality. (EIR p. 4.8-12 – 4.8-14.)

Supporting Explanation: The Project will convert permeable surfaces to impermeable surfaces, which will alter the current drainage pattern of the site and create storm runoff from the roadways, parking lots, and commercial buildings that can carry, and be tainted by, a variety of urban pollutants (EIR p. 4.8-12 – 4.8-14.) Pollutant concentrations in urban runoff are extremely variable and are dependent on storm intensity, land use, elapsed time since previous storms, and the volume of runoff generated in a given area that reaches a receiving water. (EIR p. 4.8-13.) As such, potential water quality impacts are related to the increase in the peak runoff, new urban uses, and the sensitivity of the receiving water. (Ibid.) A comprehensive Project-specific WQMP has been prepared for the Project (EIR Appendix K.) The WQMP will be required to be incorporated by reference or attached to the Project's SWPPP as the Post-Construction Management Plan. (EIR p. 4.8-13.) The Project's WQMP identifies the construction of onsite bio-swale filtration trenches located in the landscaped areas and addresses management of urban runoff both in terms of the amount and quality of water leaving the Project site. With adherence to the Project Requirement listed below, impacts are determined to be less than significant and mitigation is not required. (EIR pp. 4.8-12 – 4.8-14.)

Project Requirement:

PR 4.8-4: Prior to the first issuance of a permit by the City (which includes the issuance of grading permits and building permits), the Project applicant shall receive approval from the City of Perris of a project-specific Final Water Quality Management Plan (WQMP). The Final WQMP shall specifically identify pollution prevention, source control, treatment control measures, and other BMPs that shall be used on site to control predictable pollutant runoff in order to reduce impacts to water quality to the maximum extent practicable. (EIR p. 4.8-14.)

6. Impact: The Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level. (EIR pp. 4.8-14 – 4.8-15.)

Supporting Explanation: The Project will install impermeable surfaces which will incrementally reduce the amount of land available for groundwater recharge. (EIR p 4.8-14.) Because the Project implements the Community Commercial land use designation applied to the site by the City of Perris General Plan, and EMWD's West San Jacinto Groundwater Basin Management Plan anticipated buildout of the City in accordance with its General Plan, the Project will not conflict with the Basin Management Plan and will not deplete groundwater supplies. (EIR pp. 4.8-14 – 4.8-16.) While the Project site encompasses a total of 58.8 acres, portions of the Project site are devoted to landscaping and filtration bio-swales. (Ibid.) The amount of land rendered impermeable by implementation of the Project totals (at most) approximately 0.04 percent of the Basin Management Plan's total recharge area of 164,200 acres. (Ibid.) Additionally, EMWD has approved an Urban Water Management Plan (UWMP) that includes provisions for the maintenance of sufficient regional groundwater levels. (Ibid.) Because the Project is consistent with the Basin Management Plan and UWMP, impacts related to the quantity of groundwater is determined to be less than significant and mitigation is not required. (Ibid.)

Two EMWD water wells (Wells 77 and 89) are located approximately 300 feet east of the Project site, and 100 feet and 199 feet away from the Ethanac Road right-of-way. (EIR p. 4.8-15.) The Project and its offsite improvements (temporary or permanent), will not interfere with or impact Wells 77 and 89 and also will not interfere with groundwater, as the Project proposes a grading depth of only approximately four feet, while the depth to groundwater drawn by the wells is 70.2 feet and 73.3 feet. (Ibid.) As a condition of Project approval, the City of Perris will require that future Project improvement plans acknowledge the location of Wells 77 and 89 and contain appropriate notes to ensure that the Project contractor(s) protects the wells in-place and does not restrict access to the wells for routine maintenance. (Ibid.) Impacts will be less than significant and mitigation is not required. (EIR p. 4.8-16.)

7. Impact: Project runoff will flow to the Homeland-Romoland Area Drainage Plans' Line A Flood Control Channel. (EIR p. 4.8-18.) The volume of runoff water will not exceed the capacity of the planned stormwater drainage system. (Ibid.)

Supporting Explanation: Runoff generated on the Project site will be routed to the Line A Channel, adjacent to the southern boundary of the site. (EIR p. 4.8-18.) The Line A Channel has been designed to contain the runoff for the Line A floodplain under General Plan Buildout Conditions. (Ibid.) The Project is consistent with General Plan land use designations for the site; thus, the runoff generated by the Project will not exceed capacity of the planned MDP facilities. (Ibid.) Project impact to the stormwater system capacity will be less than significant and mitigation is not required. (Ibid.)

8. Impact: The Project will not provide substantial additional sources of polluted runoff to the stormwater drainage system. (EIR p. 4.8-18.)

Supporting Explanation: Potential stormwater pollutants associated with development of the Project include: sediment and turbidity, nutrients, oxygen demanding substances, bacteria and viruses, pesticides, trash and debris, organic compounds, oil, grease, and metals. (EIR p. 4.8-18.) The Project includes a system of grassy swales with biofiltration trenches that will be used for water quality treatment. (Ibid.) The Project's grass bioswales are designed with very shallow slopes in order to allow maximum contact time with the vegetation. (Ibid.) Project design features such as the grassy swales, as well as mandatory compliance with Project Requirements PR 4.8-1 – 4.8-4 will reduce the Project's short- and long-term water quality impacts to less than significant levels and mitigation is not required. (Ibid.)

9. Impact: The Project site is located within a mapped dam inundation plain. However, due to the extreme improbability of dam failure coupled with the feasibility of evacuation of the dam inundation areas, impacts relating to the exposure of people or structures to a significant flooding risk is considered to be less than significant. (EIR p. 4.8-20.)

Supporting Explanation: The Project site, as is much of the City of Perris, is located within the dam inundation plain of three reservoirs: Pigeon Pass Reservoir to the north in the City of Moreno Valley, Lake Perris Reservoir to the immediate northeast of the City of Perris, and Little Lake Reservoir to the east of Hemet. (EIR p. 4.8-20.) Inundation from breach of the Lake Perris dam is assumed to be the worst-case scenario in terms of volume and minimal elapsed time from breach to maximum flow within the City. (Ibid.) A dam inundation study for Lake Perris prepared in 2000 by the California Department of Water Resources indicates a maximum flood flow of 365,000 cfs will reach central Perris approximately 3.1 hours after the initial dam leak. (Ibid.) A maximum flood depth of 28.0 feet could be reached in the lowest lying areas of the City of Perris. (Ibid.) The Lake Perris dam is subject to periodic inspection by state authorities and the Riverside County Flood Control and Water Conservation District (RCFCWCD). The RCFCWCD performs daily surveillance and periodic security inspections of all RCFCWCD. (Ibid.) The failure of Lake Perris dam is considered an extreme improbability; however, in the worst case scenario, the scenario outlined in the inundation study indicates that flooding will occur hours after the beginning of the dam breach. (Ibid.) The City of Perris General Plan EIR (2005) evaluated the feasibility of evacuation in response to a dam failure and determined that the evacuation of those living and

working within the dam inundation area is feasible. The City of Perris General Plan (2005) also determined that “the feasibility of evacuation combined with the extreme improbability of a dam breach allows the impacts associated with dam inundation to be deemed less than significant.” Consequently, impacts associated with the development of the Project related to dam inundation are considered to be less than significant and mitigation is not required. (Ibid.)

## I. Land Use and Planning

1. Impact: The Project will not conflict with any applicable habitat conservation plan, such as the Western Riverside County MSHCP, Stephen’s kangaroo rat HCP, or other natural community conservation plan. (EIR p. 4.9-4.)

Supporting Explanation: The applicable Habitat Conservation Plan (HCP) is the Western Riverside County MSHCP, a comprehensive, multi-jurisdictional HCP focusing on conservation of species and their associated habitats in Western Riverside County. (Ibid.) An Implementation Agreement (IA) between the US Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), and the County of Riverside and its jurisdictions was executed and associated 10(a)(1)(B) Permit No. TE-088609 was issued on June 22, 2004. (Ibid.) The Project site is not located in the MSHCP Criteria Area. (Ibid.) As such, it is not planned for open space preservation. The Project is consistent with MSHCP requirements for areas outside of the Criteria Area. Therefore, impacts are less than significant and mitigation is not required. (Ibid.)

2. Impact: The Project will not physically divide an established community. (EIR p. 4.9-5.)

Supporting Explanation: The Project will not divide the physical arrangement of an established community because the site is generally vacant and does not provide consistent access between existing communities. (EIR p. 4.9-5.) Although the Project will vacate a portion of Trumble Road from ‘A’ Street to the Line A flood control channel south of the Project site, as well as a portion of Encanto Drive from its intersection with Ethanac Road to the proposed ‘A’ Street, the existing communities will not be physically divided. (Ibid.) Access will be provided to the neighborhood south of the site via the construction of ‘A’ Street. (Ibid.) The neighborhood south of the site will also have access via McLaughlin Road (east-west) and Sherman Road (north-south). (Ibid.) Although there will be a net loss of accessibility, the Project will not physically divide an established community and mitigation is not required. (Ibid.)

3. Impact: The Project is consistent with all applicable land use plans, policies, and regulations, the purpose of which avoids or mitigates an environmental effect; therefore impacts related to consistency with long-range plans and policies are less than significant. (EIR p. 4.9-5.)

Supporting Explanation: As required by Section 15125(d) of the CEQA Guidelines, this EIR discusses any inconsistencies between the Project and applicable regional and local plans. (EIR pp. 4.9-5 – 4.9-23.) Regional plans relevant to the

Project, and for which a consistency analysis is provided in the EIR, include the Southern California Association of Governments' (SCAG's) Regional Comprehensive Plan and Guide (1996), the SCAG Regional Transportation Plan (2004), the RWQCB's Santa Ana Water Quality Control Plan (Basin Plan) for the Santa Ana Region (1995), and the SCAQMD's Air Quality Management Plan (2007). (Ibid.) The EIR identified no inconsistencies and mitigation is not required.

The local plans relevant to the Project, and for which a consistency analysis is also provided in the EIR, include the MSHCP (County of Riverside 2003), the City of Perris General Plan Conservation Element (City of Perris 2005), the City of Perris Zoning Code (City of Perris 1997), the City of Perris 1994 Redevelopment Project Area (1994), the County of Riverside General Plan (County of Riverside 2003), and the County of Riverside Zoning Ordinance (County of Riverside 2005). (Ibid.) The EIR identified no inconsistencies and mitigation is not required. (Ibid.) The Project is also consistent with the recently-adopted Sustainable Development section of the City of Perris General Plan Conservation Element, as demonstrated by the energy efficiency measures that are a part of the Project Description. (EIR pp. 3-3 to 3-4.) This impact is less than significant.

## J. NOISE

1. Impact: The Project is not located within the take-off or landing zones of a private airstrip; therefore, people shopping or working in the Project area will not be exposed to excessive airport noise levels. (EIR p. 4.10-9.)

Supporting Explanation: Perris Valley Airport, a small private airport with uses that include skydiving and hot air ballooning, is located approximately 2.0 miles northwest of the Project site. (EIR p. 4.10-9.) The Project is not located within the take-off or landing zones for the airport, and is not located within the Airport Influence Zone for the airport. (Ibid.) The distance between Perris Valley Airport and the Project site is great enough that noise generated by the airport will be overshadowed by ambient noise in the Project vicinity from traffic on I-215. (Ibid.) Therefore, the Project will not be exposed to excessive levels of noise associated with the Perris Valley Airport. (Ibid.) Impacts are less than significant and mitigation is not required. (Ibid.)

2. Impact: Patrons and employees of the Project's retail commercial center will experience a noise environment up to approximately 77 dBA CNEL, which is considered a conditionally acceptable noise level for commercial uses. (EIR p. 4.10-12.) The Project will, therefore, not expose people to severe noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Ibid.)

Supporting Explanation: The results of noise measurements and the projected future noise environment (contained in EIR Appendix H) show that the Project will be located in an environment exposed to noise levels approaching 77 dBA CNEL. (EIR p. 4.10-12.) According to the noise compatibility matrix contained in the City of Perris General Plan Noise Element, noise levels of up to 77 dBA CNEL are considered

“conditionally acceptable,” which means the development of a commercial use is satisfactory with conventional construction including fresh air supply systems or air conditioning units to allow windows to be closed for a quieter indoor noise environment. (Ibid.) The Project is thus compatible with the existing and future noise environments, and will not expose people to severe noise levels in excess of applicable standards for commercial uses. Impacts will be less than significant and mitigation is not required. (Ibid.)

Project Requirement:

PR 4.10-1 - All buildings shall be equipped with a fresh air supply system or an air conditioning system. Prior to the issuance of building permits, the City of Perris shall verify that this equipment is specified on building construction plans.

3. Impact: The Project will not expose persons to, or generate excessive groundborne vibration or groundborne noise levels. (EIR pp. 4.10-17 – 4.10-18.) Construction activities that generate levels of groundborne vibration and noise that do not extend more than approximately 100 feet from the source. There will be no measurable groundborne effects caused by Project operation. (Ibid.)

Supporting Explanation: Although there may be some temporary annoyance at residences near the Project site during construction, the level of vibration will not be excessive or permanent, nor will it cause any damage to existing buildings because the nearest sensitive receptor is located more than 100 feet from the source of the vibration, and vibration levels are not expected to be excessive or permanent. (EIR pp. 4.10-17 – 4.10-18.) Vibration from Project operation will be exclusively limited to on-road vehicle-related vibration and vehicles traveling on smooth, paved roadway surfaces produce little vibration. (Ibid.) It is anticipated that the Project’s roadways and parking lots, and the surrounding public roadway system will be properly maintained, reducing impacts to less than significant and requiring no mitigation. (Ibid.)

4. Impact: The Project is not located within an airport land use plan, but the privately-owned public-use Perris Valley Airport is located approximately 2.0 miles northwest of the project site. (EIR p. 4.10-18.) Aircraft noise will be periodically audible, but will not exceed acceptable noise levels for commercial uses. (Ibid.)

Supporting Explanation: The Project site is not located within the take-off or landing zones for the Perris Valley Airport, and is not located within the Airport Influence Zone for the airport. (EIR p. 4.10-18.) The distance between the Perris Valley Airport and the Project site is great enough that noise generated by the airport will be overshadowed by ambient noise in the Project vicinity from traffic on I-215. (Ibid.) Impacts are less than significant and mitigation is not required. (Ibid.)

5. Impact: Noise impacts due to construction would constitute a less than significant impact. With the incorporation of the following Project Requirement and Mitigation Measures, these less than significant impacts would be further reduced.

Project Requirement:

PR 4.10-1 - The Project shall comply with Section 7.34.060 of the City of Perris Municipal Code, which limits the permitted hours of construction activities. (EIR p. 4.10-11.)

Mitigation Measures:

MM 4.10-1 - During all excavation and grading activities associated with Project construction, the construction contractor(s) shall ensure that all construction equipment, fixed or mobile, is equipped with properly operating and maintained mufflers, consistent with manufacturers' standards. This requirement shall be noted on the specification sheet of all grading and construction plans. (Ibid.)

MM 4.10-2 - During all construction and grading activities associated with the Project, the construction contractor(s) shall ensure that all stationary construction equipment is placed in such a manner that emitted noise is directed away from offsite noise sensitive receptors (occupied residential homes located east and south of the site). This requirement shall be noted on the specification sheet of the Project's grading and construction plans. (Ibid.)

MM 4.10-3 - During all excavation and grading activities associated with the Project, the construction contractor(s) shall locate equipment staging in areas a minimum of 1,000 feet from offsite sensitive receptors (occupied residential homes located east and south of the site). This requirement shall be noted on the specification sheet of the Project's grading and construction plans. (Ibid.)

MM 4.10-4 - During all excavation and grading activities associated with the Project, the construction contractor(s) shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass noise-sensitive land uses, including occupied residential dwellings on Trumble Road adjacent to the site. The City of Perris shall approve the haul route prior to the issuance of a grading permit. (Ibid.)

Supporting Explanation: Project construction activities on the Project site and in the offsite improvement area will involve the use of heavy equipment that can generate loud noise. (EIR p. 4.10-9.) Construction noise levels at existing residences located to the east of the site at 130 feet from grading operations would be approximately 81.5 dBA. (Ibid.) Construction noise levels at existing residences located to the south of the site at 700 feet would be approximately 67.6 dBA. (Ibid.) The City of Perris Municipal Code regulates construction noise impacts. (EIR 4.10-11.) Section 7.34.060 of the Municipal Code implicitly recognizes the need for construction activities by allowing them provided that they do not occur on Sundays or from 7 p.m. to 7 a.m. the rest of the week (due to the facts that these are the most sensitive times for residents and construction activities traditionally occur and are accepted during daylight hours). (Ibid.) Pursuant to Project Requirement 4.10-1 listed above,

the Project will comply with these limitations. Section 7.34.060 further limits construction noise in residential zones in the City from exceeding 80 dB. (Ibid.) The project site itself is located in a commercial zone, while the houses located across Trumble Road are located in agricultural zones. (Ibid.) Therefore, the 80 dBA limitation does not apply to these locations. The group of houses to the south of the site are located in a residential zone, but are located at a distance of 700 feet. (Ibid.) As noted above, the worst case noise level from the Project site would attenuate to 67.7 dBA at this distance, consistent with Section 7.34.060. The Project is therefore concluded to result in less than significant impacts with regard to construction noise since it would comply with limitations on when construction could occur and would not violate the 80 dBA standard for construction noise impacts in residential zones. (Ibid.) However, Mitigation Measures are listed above to further reduce this less than significant impact.

#### K. Public Services

1. Impact: The Project will not have an effect upon, or result in a need for new or altered police protection services. (EIR p. 4.11-3.)

Supporting Explanation: The Project will be serviced by the Perris Station located at 403 East 4th Street in Perris, which opened in 2007. (EIR p. 4.11-1.) The City monitors staffing levels to ensure that adequate police protection continues to be provided as individual development projects are proposed and on an annual basis as part of the City Council's budgeting process. Also, the City collects fees to offset impacts associated with new development. (Ibid.) These development impact fees (DIFs) are one-time charges applied to new developments and are imposed to raise revenue for the construction or expansion of capital facilities located outside of the project boundaries. (Ibid.) Accordingly, funding for new police facilities commensurate with any Project-related increase in demand for services in the City of Perris will be provided from taxes and capital improvement fees levied on the Project. (Ibid.) Lastly, the Project would be designed and operated per applicable standards required by the City and the Riverside County Sheriff's Department for new development. The Project will not cause or create the need for expanded law enforcement facilities and mitigation is not required. (Ibid.)

2. Impact: The Project will not have an effect upon, or result in a need for new or altered fire protection services. (EIR p. 4.11-7.)

Supporting Explanation: Operation of the Project will increase the demand for fire protection, prevention, and emergency medical services. (EIR p. 4.11-7.) Because the Project site is located only 1.6 miles from the nearest fire station (Station No. 7), response time for fire protection services will be within the General Plan response time goal of 5 minutes. (Ibid.) In addition, the City is planning the construction of a new fire station near the intersection of Trumble Road and Watson Road, approximately 0.5 miles from the Project site. As such, another fire station in addition to those already existing and planned will be needed to service the Project site. (Ibid.) The City collects DIF fees to offset impacts associated with new development. (Ibid.) Payment of the mandatory DIF fee will reduce the Project's impact to fire facilities to a less than significant level. In addition, because the City of Perris contracts staff from the Riverside County Fire Department (RCFD) to operate its fire

stations, the County receives funds quarterly from the City's General Fund to pay for the fire protection services contract (personnel). (Ibid.) With participation in the City's DIF program in addition to ongoing General Fund allocations to pay for County personnel to staff the City's fire stations, the Project's potential impacts to fire protection services and facilities are less than significant and mitigation is not required. (Ibid.)

L. Transportation and Traffic

1. Impact: The Project is not located within the Influence Area of any airport and will not result in impacts to air traffic patterns. (EIR p. 4.12-16.)

Supporting Explanation: The Project is not located within an Airport Influence Area. The maximum height of architectural projections will be 42 feet. (EIR p. 4.12-16.) Due to the relatively low building profile associated with the shopping center and because the Project is not located within the Influence Area of any airport, the Project will not affect air traffic patterns and mitigation is not required. (EIR p. 4.12-16.)

2. Impact: The Project will not increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (EIR p. 4.12-6.)

Supporting Explanation: The Project's circulation plan has been reviewed by the City Engineer to ensure compliance with all applicable municipal ordinances and regulations governing safety. (EIR p. 4.12-6.) No sharp curves or dangerous intersections will occur as a result of the Project. (Ibid.) Additionally, the Project is implementing its land use and zoning designation of Community Commercial, as called for by the City of Perris General Plan; thus, no incompatible land uses will occur and no transportation safety hazards will result. (Ibid.) Impacts will be less than significant and mitigation is not required. (Ibid.)

3. Impact: The Project will not result in inadequate parking capacity. (EIR p. 4.12-17.)

Supporting Explanation: Surface parking areas will be constructed as part of the Project to support the site's retail commercial land uses. (EIR p. 4.12-17.) Approximately 2,620 parking spaces will be provided with a parking ratio of about 5.4 spaces per 1,000 s.f. of commercial space. (Ibid.) The parking ratio exceeds the City of Perris standard of 1.0 parking space per 200 s.f. of commercial space (5.0 parking spaces per 1,000 s.f. of commercial space). (Ibid.) With adherence to the City's parking ratio and the provision of at least 5.0 spaces per 1,000 s.f. of commercial space, no impact will occur and mitigation is not required. (Ibid.)

4. Impact: Adequate emergency access will be provided to the Project site at buildout. (EIR p. 4.12-38.)

Supporting Explanation: Adequate access to and from the site will be available for emergency vehicles, with access from Trumble Road, 'A' Street, and Encanto Drive. (EIR p. 4.12-38 – 4.12-39.) The Towne Center Development Plan has been reviewed by the City Engineer to ensure the adequacy of access for emergency vehicles. (Ibid.) No significant access issues related to emergency vehicles have been identified in relation to the Proposed Project. (Ibid.) Impacts are less than significant and mitigation is not required. (Ibid.)

5. Impact: The Project will not conflict with adopted policies, plans, or programs supporting alternative transportation. (EIR p. 4.12-39.)

Supporting Explanation: The County of Riverside Transportation Commission (RCTC) is currently working with the City of Perris and County of Riverside on the development of the Perris Valley Line (PVL) with bus transit and commuter rail service into the downtown Perris area. The proposed terminus of the PVL would be located 0.4 miles west of the Project site at the intersection of Ethanac Road and Case Road. No impacts to the PVL are anticipated associated with the proposed Project. (EIR p. 4.12-39.)

The City of Perris General Plan Circulation Element (2005) provides policies and goals related to alternative transportation. (EIR p. 4.12-39.) The design of the proposed Project will be required to adhere to these and other applicable City standards which support and/or facilitate alternative means of transportation, such as providing site access to public transportation. Also, the Transportation Demand Management (TDM) element of SCAG's Regional Transportation Plan (RTP) provides strategies that encourage the use of rideshare, transit, and non-motorized modes (i.e., bicycles, walking). (EIR p. 4.12-40.) The Project site is located near bus and planned rail service facilities and the Project design includes sidewalks. (Ibid.) The Project also includes several design features that support alternative transportation, and which will be enforced by the City through conditions of approval, including: 1) Bicycle storage racks and sidewalks will be provided on-site to encourage employees and patrons to use non-vehicular forms of transportation when traveling to and from the site; 2) To further encourage employees to walk and bicycle to work, employee locker rooms will be installed in all tenant spaces with more than 50,000 square feet of floor space; and 3) To encourage employee carpooling/vanpooling, the Project will provide designated parking areas for vehicles used by carpools and vanpools. (Ibid.) The Project is consistent with alternative transportation policies and mitigation is not required. (Ibid.)

#### M. UTILITIES AND SERVICE SYSTEMS

1. Impact: The Project will install new potable water and recycled water lines on the site and beneath adjacent roadway rights-of-way in order to extend water service to the site from existing water lines. The Project does not require the construction or expansion of treatment facilities and does not require the installation of new water lines or facilities beyond the boundaries of the site or adjacent roadways. (EIR p. 4.13-4.)

Supporting Explanation: The Project will provide domestic water to the site by installing a water line beneath Trumble Road from the intersection of

Ethanac Road to the proposed 'A' Street, and a water line beneath 'A' Street that will connect to an existing water main located beneath Encanto Drive. (EIR p. 4.13-4.) The Project will provide recycled water to the site by installing a recycled water line beneath Encanto Drive beginning at the intersection with 'A' Street and extending south of the Project site to connect to an existing recycled water line beneath McLaughlin Road. (Ibid.) These lines will be installed in the public roadway rights-of-way as an integral part of Project construction. (EIR p. 3-5 and EIR Figures 3-5 and 3-6.) Adherence to standard EMWD and City conditions relative to the design and installation of new water infrastructure and/or connections to existing water infrastructure will ensure that no significant impact to water supply infrastructure will result from the construction or operation of the Project. (EIR pp. 4.13-4 – 4.13-5.) Physical environmental effects resulting from installing the lines onsite and offsite are addressed under each applicable environmental subject area in the EIR. (EIR pp. 4.1-1 – 4.13-15.) EMWD has indicated that it can sufficiently accommodate the water supply needs of the Project through approval of a Water Supply Assessment dated January 2008. (EIR Appendix L.) Therefore, the Project will not create a need for the construction of new water treatment facilities or expansion of existing facilities beyond those already planned, less than significant impacts will result, and mitigation is not required. (EIR pp. 4.13-4 – 4.13-5.)

2. Impact: Sufficient water supplies are available to serve the Project and no new or expanded entitlements are needed. (EIR p. 4.13-5.)

Supporting Explanation: The Project will include several water conservation features, including: 1) Incorporating drought tolerant plants into the landscaping palette; 2) Use of water-efficient irrigation techniques; 3) Use of recycled water for landscaping; and 4) Use of water conserving features that meet the Energy Policy Act of 1992 for fixture performance requirements. (EIR p. 3-4.) Based on a commercial water consumption factor of 2,000 gallons per gross acre per day, water demand for Project is estimated to total 118,201 gallons per day (gpd) or 132 acre feet per year (af/yr). (EIR p. 4.13-6.) EMWD has indicated that it can sufficiently accommodate the water supply needs of the Project through approval of a Water Supply Assessment dated January 2008. (EIR Appendix L.) Anticipated total water supplies in the EMWD total 115,200 and 172,000 af/yr in 2010 and 2030, respectively. (EIR p. 4.13-6.) The water demand required for the Project totals 0.12 and 0.08 percent of EMWD's 2010 and 2030 supplies. (Ibid.) The demand estimated for this Project is within the limit of growth projected in EMWD's 2005 Urban Water Management Plan. (Ibid.) Less than significant water supply impact will result from Project construction and operation and mitigation is not required. (Ibid.)

3. Impact: The Project's wastewater will be conveyed to EMWD's Perris Valley Regional Water Reclamation Facility (PVRWRF) for treatment. Project operation will not exceed wastewater treatment capacities or requirements of the RWCQB. (EIR p. 4.13-9.)

Supporting Explanation: The NPDES permitted discharge quality and quantity levels in EMWD's NPDES permit for the PVRWRF represents the legal baseline for impact analysis regarding RWQCB compliance. (EIR p. 4.13-9.) The NPDES permit system requires all existing and future municipal and industrial discharges to surface

waters within the City to be subject to requirements specified in the RWQCB Basin Plan and in project permits. (Ibid.) Operational discharge flows from the proposed Project would be treated at the PVRWRF, which would be required to comply with their associated waste discharge requirements. Mandatory compliance with the NPDES permit, the condition or permit requirements established by the City and EMWD, and waste discharge requirements at the PVRWRF will ensure that discharges into the sewer or stormwater system resulting from the operation of the Project do not exceed applicable RWQCB wastewater treatment requirements. (Ibid.) For these reasons, less than significant impacts will occur and mitigation is not required. (Ibid.)

4. Impact: The Project will install new sewer lines on the site and beneath adjacent roadway rights-of-way in order to extend sewer service to the site from existing lines. The Project does not require the installation of new sewer lines or facilities beyond the boundaries of the site or adjacent roadways. (EIR pp. 4.13-9- 4.13-10.)

Supporting Explanation: The Project will extend sewer lines to the site by connecting to an existing sewer line located beneath McLaughlin Road and to an existing sewer line located beneath Encanto Drive. (EIR p. 4.13-9- 4.13-10.) The Project will install four sewer lines: 1) a sewer line beneath Trumble Road from the northwestern portion of the Project site to the intersection with 'A' Street; 2) a sewer line beneath the entire length of the onsite 'A' Street; and 3) a sewer line beneath Encanto Drive from the intersection with 'A' Street extending south of the site to connect to the existing sewer line beneath McLaughlin Road; and 4) a sewer line beneath Trumble Road from the northernmost Project driveway to Ethanac Road where it will connect with an existing sewer line. (Ibid.) These lines will be installed in the public roadway rights-of-way as an integral part of Project construction. (EIR p. 3-5 and EIR Figure 3-7.) Adherence to standard EMWD and City conditions relative to the design and installation of new sewer infrastructure and/or connections to existing sewer infrastructure will ensure that no significant impact to water supply infrastructure will result from the construction or operation of the Project. (EIR pp. 4.13-9 – 4.13-10.) Physical environmental effects resulting from installing the lines onsite and offsite are addressed under each applicable environmental subject area in the EIR. (EIR pp. 4.1-1 – 4.13-15.) The PVRWRF has adequate surplus capacity to accommodate anticipated wastewater flows from the Project site. Therefore, the Project will not create a need for the construction of new sewer treatment facilities or expansion of existing facilities beyond those already planned. (EIR pp. 4.13-9 – 4.13-10.) Less than significant impacts will result and mitigation is not required. (Ibid.)

5. Impact: Project operation will not exceed the wastewater treatment capacity of the PVRWRF. (EIR p. 4.13-10.)

Supporting Explanation: Wastewater flows from the Project site will be conveyed to and processed by the PVRWRF. Current capacity at this facility is 11 million gallons per day (mgd) with an existing inflow of approximately 7.7 mgd. (EIR p. 4.13-10.) It is anticipated that the Project will generate approximately 0.107 mgd of wastewater, which is equivalent to approximately 3.3 percent of the facility's average daily surplus capacity. (Ibid.) Improvements planned by EMWD for the PVWRF will increase capacity to 18 mgd and 25 mgd in 2010 and 2011, respectively; improvements planned for this facility are in the

implementation as well as the planning stages. (Ibid.) Because adequate surplus capacity is present at the PVRWRF, impacts associated with wastewater capacity are less than significant and mitigation is not required. (Ibid.)

6. Impact: The Project will not be served by a landfill with insufficient permitted capacity to accommodate the Project's solid waste disposal needs, and will not significantly impact current operations or the expected lifetime of any of the landfills serving the Project area. (EIR p 4.13-12.)

Supporting Explanation: The Project is anticipated to generate approximately 6,368 pounds (3.37 tons) of solid waste per day. (EIR p 4.13-12.) The Lamb Canyon, Badlands, and El Sobrante Landfills are permitted to accept a maximum of 1,946 tons, 4,000 tons, and 10,000 tons of solid waste per day, respectively. The volume of solid waste generated by the Project represents 0.17, 0.09 and 0.04 percent of the current daily capacity at these landfills, respectively and totals 0.32, 0.21 and 0.73 percent of the existing surplus capacities. Because adequate daily surplus capacity exists at the receiving landfills, development of the Project will not significantly impact current operations or the expected lifetime of any of the landfills serving the Project area. (Ibid.) Impacts are less than significant and mitigation is not required. (Ibid.)

7. Impact: The Project will not conflict with federal, state, and local statutes and regulations related to solid waste. (EIR p. 4.13-13.)

Supporting Explanation: The Project site is designated by the City's General Plan for commercial uses; therefore, the solid waste disposal needs of the Project have been incorporated into local and regional waste management planning. (EIR p. 4.13-13.) The City is responsible for meeting the requirements of AB 939, which include a 50 percent disposal reduction by year 2000 and preparation of a solid waste reduction plan to help reduce the amount of solid waste disposed at the landfills. (Ibid.) As of 2002, 52 percent of the solid waste generated by the City of Perris was diverted to recycling facilities, which exceeds the AB 939 requirement. (Ibid.) The Project developer will be required to coordinate with a waste hauler to collect recyclable materials for the Project on a common schedule as set forth in applicable local, regional, and state programs. Because the City currently maintains source reduction rates in excess of State requirements and because the proposed commercial uses will be conditioned to adhere to applicable solid waste reduction programs, a less than significant impact will occur and mitigation is not required. (Ibid.)

***Section 3.*** Resolution Regarding Environmental Impacts Mitigated to a Level of Less Than Significant. The City Council hereby finds that Mitigation Measures and Project Requirements have been identified in the EIR which will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts and the Mitigation Measures and Project Requirements that will reduce the impacts to a less than significant level are as follows:

A. Air Quality

1. Impact: Construction activities associated with the Project will contribute substantially to an existing or projected air quality violation by exceeding established SCAQMD significance thresholds for PM2.5 and PM10. (EIR p. 4.3-13.)

Finding: The following Project Requirement and Mitigation Measure will reduce and mitigate potential impacts from exceeding established SCAQMD significance thresholds for PM2.5 and PM10 during Project construction. After mitigation, impacts will be less than significant.

Project Requirement:

PR 4.3-1 - During grading and construction activities, the Project developer is required to comply with SCAQMD Rule 403, Fugitive Dust. (EIR p. 4.3-16.)

Mitigation Measure:

MM 4.3-1 - Prior to the approval of grading and construction plans, the City of Perris Engineer shall ensure that all grading and construction plans include the following fugitive dust best management practices (BMPs) notes. Adherence to the BMPs shall be ensured through monitoring of grading and construction operations by the construction supervisor, City of Perris, and the SCAQMD.

(a) No more than 14.75 acres of the site shall be under simultaneous heavy grading activity.

(b) Grading activities shall be halted when sustained wind speeds exceed 25 mph.

(c) Vehicles hauling dirt, sand, soil, or other loose material shall be tarped with a fabric cover and maintain a freeboard height of at least 12 inches.

(d) Disturbed/loose soil shall be kept moist at all times. Water shall be applied at least once every three (3) hours.

(e) All stockpiled dirt, sand, soil, or other loose material shall be stabilized by covering, wetting, or binding.

(f) Paved public roads shall be swept/washed daily when visible soil carried from the construction site is present.

(g) During earth-moving, minimum soil moisture of 12% shall be required. Moisture may be applied by use of a moveable sprinkler system, water truck, or other comparable method.

(h) Vehicle speeds on unpaved portions of the construction site shall be restricted to 15 mph or less by radar enforcement.

(i) Trackout-control devices and gravel bed trackout aprons shall be installed at all vehicle exits from the construction site, or trucks and other equipment shall be washed before leaving the construction site.

(j) Chemical soil stabilizers or comparable dust suppressant shall be applied on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).

(k) Within 30 days after the completion of grading activities, vegetative ground cover or other comparable soil stabilization shall be placed on all areas of the site that are not scheduled for paving, building construction, or landscaping within the following 45 days. (EIR pp. 4.3-16 – 4.3-17.)

Supporting Explanation: Grading and construction activities associated with the development of the Project will result in short-term emissions of VOC, PM<sub>2.5</sub> and PM<sub>10</sub>. (EIR pp. 4.3-13 – 4.3-15.) Based on standard construction practices, a 2-month grading schedule, a 12-month construction schedule, ten (10) pieces of heavy equipment operated on the Project site for eight hours per day, and a maximum import of 275 truck loads of soil per day, Project grading operations will produce approximately 326.91 pounds of PM<sub>10</sub> per day during grading, which exceeds the SCAQMD significance threshold of 150 pounds per day. (EIR pp. 4.3-13 – 4.3-15.) During building construction, emissions of PM<sub>10</sub> will be 16.76 lbs/day, which is below the SCAQMD significance threshold. (Ibid.) Grading operations also will result in short-term emissions of PM<sub>2.5</sub> at 77.75 lbs/day, which exceeds the SCAQMD significance threshold of 55 pounds per day, resulting in a significant direct short-term impact. (Ibid.) During building construction, emissions of PM<sub>2.5</sub> will be 11.90 pounds per day, which is below the SCAQMD significance threshold. (Ibid.) With the incorporation of the Project Requirements and Mitigation Measures identified above, impacts would be reduced to below a level of significance. (EIR p. 4.3-18.) Emissions of PM<sub>10</sub> during grading will be reduced to 132.28 lbs/day and emissions of PM<sub>2.5</sub> will be reduced to 34.57 lbs/day. (EIR Table 4.3-4.)

2. Impact: Construction activities associated with the Project will contribute substantially to an existing or projected air quality violation by exceeding established SCAQMD significance thresholds for VOC. (EIR p. 4.3-13.)

Finding: The following Mitigation Measure will mitigate potential impacts from exceeding established SCAQMD significance thresholds for VOC during Project construction. After mitigation, impacts shall be less than significant.

MM 4.3-4 - Prior to approval of grading and construction plans, the City of Perris Engineer shall ensure that all grading and construction plans include a statement that construction crews must use Low-VOC paints and other architectural surface coatings, which contain no more than 103 grams/liter of VOC. Use of paints and coatings containing VOC shall be limited to no more than 60 gallons per day. Paints and other architectural coatings shall be applied using either high volume low pressure (HVLP) spray equipment or by hand application. (Ibid.)

Supporting Explanation: Construction activities generate evaporative emissions of VOCs from paints, solvents, asphalt, roofing tar and other coatings. (EIR p. 4.3-16). Application of more than 37.5 gallons per day of paint containing VOCs will cause the SCAQMD threshold of 75 pounds per day of VOCs to be exceeded, resulting in a significant direct short-term impact. (Ibid.) Project construction using paints containing VOCs will result in VOC emission of 462.51 lbs/day which exceeds the SCAQMD significance threshold of 75 lbs/day, resulting in a significant direct short-term impact. (Ibid.) With the incorporation of the Mitigation Measure identified above, VOC emissions will be reduced to 73.59 lbs/day, reducing the impact to below a level of significance. (EIR Table 4.3-4.)

## B. Biological Resources

1. Impact: Implementation of the Project could have a substantial adverse impact on a species identified as sensitive, the western burrowing owl. Although the site is not currently occupied by burrowing owls and lacks suitable habitat for them, it may have the potential to support the species should site conditions change. Due to its migratory nature, burrowing owls could move onto the site prior to grading. If the species is present and is impacted during grading, impacts will be significant. (EIR p. 4.4-17.)

Finding: The following Mitigation Measures will mitigate potential adverse impacts to the western burrowing owl to a less than significant level.

### Mitigation Measures:

MM 4.4-1 - No more than thirty (30) days prior to grading, a qualified biologist shall conduct a pre-construction burrowing owl survey. The determination shall be documented in a report to be reviewed and accepted by the City of Perris. If the species is determined to be present, and the MSHCP's stated objectives 1-4 for burrowing owl have not been met, mitigation shall be required in compliance with the MSHCP, Appendix E which states:

(a) If the site contains or is part of an area supporting less than 35 acres of suitable habitat or the survey reveals that the site and surrounding area supports less than three pairs of burrowing owls, the owls shall be passively or actively relocated following accepted protocols.

(b) If the site (including adjacent areas) supports three or more pairs of burrowing owls, or supports greater than 35 acres of suitable

habitat that is non-contiguous with MSHCP Conservation Area lands, at least 90 percent of the area with long-term conservation value and burrowing owl pairs shall be conserved onsite. (EIR p. 4.4-18.)

Supporting Explanation: No threatened or endangered wildlife species were observed during field surveys of the Project site conducted in 2006 and 2007. (EIR p. 4.4-17.) The Project site occurs within the MSHCP Burrowing Owl Survey Area; a site specific Burrowing Owl Habitat Assessment was conducted with negative results. (EIR Table 4.3-4.) Although the site is not currently occupied by burrowing owls, the site may have the potential to support burrowing owls should site conditions change and should the species move onto the site prior to Project grading. (EIR Table 4.3-4.) The Mitigation Measure listed above will reduce the impact to less than significant with mitigation. (EIR p. 4.4-18.)

2. Impact: The Project site contains three large eucalyptus trees in the northwest corner, and additional trees adjacent to Ethanac Road in the offsite improvement area. While the trees are considered undesirable as potential raptor nesting sites because they are growing adjacent to a freeway off-ramp and/or roadways, the potential exists that raptors could use these trees for nesting. If active nests are present and are impacted during tree removal or adjacent Project grading and construction activities, impacts will be significant. (EIR pp. 4.4-17 - 4.4-18.)

Finding: The following Mitigation Measure will mitigate potential adverse impacts to potential active raptor nesting sites to a less than significant level.

Mitigation Measure:

MM 4.4-2 - If vegetation is to be removed during the nesting migratory bird season (February 1 – August 31), a qualified biologist shall conduct a nesting bird survey of potentially suitable nesting vegetation no more than three (3) days prior to vegetation removal. If active nests are identified, the nesting vegetation shall be avoided until the nesting event has completed and the juveniles can survive independently from the nest. The biologist shall flag the nesting vegetation in the field and shall establish an adequate buffer around the nesting vegetation within which no construction activity shall occur. The size of the buffer shall be based on the type of bird nesting. Clearing and grading shall not occur within the buffer until the nesting event has completed as determined by the biologist. (EIR p. 4.3-18.)

Supporting Explanation: Three large eucalyptus trees growing in the northwest corner of the site and trees growing along Ethanac Road in the Project's offsite improvement area were evaluated for their raptor nesting potential and were determined to be undesirable as potential raptor nesting sites because they are growing adjacent to a freeway off-ramp and a frontage road. (EIR p. 4.4-17.) There are no signs of past or present nest building in the trees. (Ibid.) Even though these locations are undesirable, the potential still exists that raptors could use these trees for nesting. (Ibid.) The Mitigation Measure listed above will reduce the impact to less than significant with mitigation. (Ibid.)

3. Impact: The Project is consistent with the Western Riverside County MSHCP and the Stephens' kangaroo rat HCP, although impacts to the western burrowing owl could occur, which is a species requiring focused surveys under the MSHCP requirements. (EIR pp. 4.4-18 – 4.3-19.)

Finding: The following Project Requirements and Mitigation Measure will mitigate potential adverse impacts to the Western Riverside County MSHCP and the Stephens' kangaroo rat HCP to less than significant levels.

Project Requirements:

PR 4.4-4 - The Project developer is required to pay the Western Riverside County MSHCP Local Development Mitigation Fee prior to the issuance of grading permits. (EIR p. 4.4-19.)

PR 4.4-5 - The Project developer is required to pay the Stephens' kangaroo rat HCP Mitigation Fee prior to the issuance of grading permits. (EIR p. 4.4-20.)

Mitigation Measure:

MM 4.4-3 - Mitigation Measure 4.4-1 shall apply.  
(Ibid.)

Supporting Explanation: The Project site is not located within the MSHCP Criteria Area and as such is not designated for open space conservation by the MSHCP. (EIR pp. 4.4-18 – 4.4-20.) An Implementation Agreement (IA) between the US Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), the County of Riverside, and participating cities was executed and associated 10(a)(1)(B) Permit No. TE-088609 was issued on June 22, 2004. (Ibid.) Properties outside of the Criteria Area are not identified for preservation; however, properties outside of the Criteria Area are required to be reviewed for consistency MSHCP provisions. (Ibid.) The Project is consistent with the required provisions, including: a) the guidelines regarding species associated with riparian/riverine areas and vernal pools; b) provisions for the protection of narrow endemic plant species; c) Wildland/Urban Interface Guidelines; and d) requirements for additional surveys, including the requirement to conduct focused surveys for western burrowing owl. (Ibid.) Regarding focused burrowing owl surveys, survey results were negative, but because the species is migratory in nature, it has the potential to move onto the site prior to Project grading and be impacted. (Ibid.) The Mitigation Measure listed above will reduce the impact to less than significant with mitigation. (Ibid.) In addition, with payment of the mandatory MSHCP and SKR mitigation fees, the Project will be consistent with the MSHCP and the SKR Habitat Conservation Plan and impacts to SKR will be considered fully mitigated and less than significant. (Ibid.)

C. Cultural Resources

1. Impact: No archaeological resources are known to exist on the Project site or in the offsite improvement area; however, unique archaeological resources

may be present beneath the ground surface. If unique archaeological resources are present, they may be unearthed during ground disturbing activities associated with Project grading and construction. As such, the Project has the potential to cause a substantial adverse change in the significance of such resources. (EIR p. 4.5-9.)

Finding: The following Mitigation Measures will mitigate potential adverse impacts of unique archeological resources that are present to less than significant levels.

Mitigation Measures:

MM 4.5-1 - Prior to any clearing, grubbing and/or earth-moving activities, a qualified archaeologist approved by the City of Perris shall be retained by the Developer to prepare and implement a mitigation plan and a discovery clause/treatment plan to address the handling and management of any archaeological resources and other site specific data encountered during any ground disturbing activities associated with construction of the Project. The treatment plan shall be developed in consultation with the Soboba Band of Luiseño Indians and shall account for treatment of any archaeological remains and associated data uncovered by brushing, grubbing, or earth-moving. (EIR p. 4.5-9.)

MM 4.5-2 - In preparing the mitigation plan and discovery clause/treatment plan, the contracted archaeologist shall consult with the Soboba Band of Luiseño Indians for input and counsel. A pre-grading meeting between the archaeologist, the designated Native American representative, and the excavation and grading contractor shall take place to ensure an understanding of the protective measures identified and listed in the mitigation plan and discovery clause/treatment plan. (EIR p. 4.5-10.)

MM 4.5-3 - The archaeological mitigation plan and discovery clause/treatment plan shall include, but not be limited to, the following content: 1) procedures for ensuring proper resource recovery, permanent storage, maintenance, archiving and recordation at a pre-determined repository, such as the San Bernardino County Museum, of discovered archaeological artifacts and associated specimen, geologic and geographic site data; 2) consultation requirements between the paleontological and construction staff; 3) general monitoring requirements including area(s) to be monitored, monitoring schedule, duration, etc; 4) protocols for discoveries that may include temporary diversion of grading activities, complete “stop” work orders, requirements for processing of discovered data, etc. (Ibid.)

MM 4.5-4 - If requested by the Soboba Band of Luiseño Indians, the Project Developer shall enter into a pre-excavation agreement with the tribe(s). The agreement shall document archeological monitoring requirements and specify the disposition of any significant resources discovered during monitoring. (Ibid.)

MM 4.5-5 - Archaeological and tribal monitoring shall be conducted on a full-time basis for all grading and ground disturbing activities, including archaeological testing, until the Project archaeologist in consultation with the Soboba Band of Luiseño Indians and the City of Perris determines that resources are not likely to be encountered.

If archaeological remains are found by the archaeological monitor, earth-moving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earth-moving shall be allowed to proceed through the site when the archaeological supervisor, in consultation with the culturally affiliated Native American tribe(s) and the County of Riverside, determines the artifacts are recovered and/or the site is mitigated to the extent necessary. (Ibid.)

MM 4.5-6 - If a previously unknown archaeological site is encountered and it requires additional mitigation, a plan or proposal shall be prepared by the contracted archaeologist, in consultation with the Soboba Band of Luiseño Indians and County of Riverside, outlining the plan of action that needs to be implemented to mitigate the new site. (Ibid.)

MM 4.5-7 - If artifacts are discovered, a final report of archaeological findings shall be prepared by the contracted archaeologist for submission to the Eastern Information Center (EIC) and the County of Riverside. The report shall describe parcel history, summarize field and laboratory methods used, if applicable, and include any testing or special analysis information conducted to support the findings. The report and inventory, when submitted to the EIC and County of Riverside, will signify completion of the program to mitigate impacts to archaeological resources. (EIR pp. 4.5-9 – 4.5-10.)

Supporting Explanation: A records search, historical research, Native American consultation, and field studies conducted by ASM Associates, Inc in August 2006 and April 2007 produced negative results for archaeological sites within the Project area. (EIR p. 4.5-9.) The entire site is currently or has been previously farmed, and the likelihood of discovering surface artifacts is low due to the amount of ground disturbance previously caused by agricultural activities. (Ibid.) Although no surface artifacts are present, buried resources may be present beneath the surface of the site and offsite improvement area, resulting in a significant impact if resources are unearthed and discovered during Project grading or other ground disturbing activities that meet the definition of a unique archaeological resource set forth by CEQA Section 15064.5(a). (Ibid.) The Mitigation Measures listed above will reduce the impact to less than significant with mitigation.

2. Impact: No unique paleontological resources or geologic features are known to exist on the Project site or in the offsite improvement area; however, paleontological resources may be present beneath the ground surface. If unique paleontological resources are present, they may be unearthed during ground disturbing activities associated with Project grading and construction. As such, the Project has the potential to directly or indirectly destroy paleontological resources. (EIR p. 4.5-11.)

Finding: The following Mitigation Measures will mitigate potential adverse impacts of present paleontological resources to less than significant levels.

## Mitigation Measures:

MM 4.5-8 - Prior to any earth-moving activities, the developer shall retain the services of a paleontological consulting firm approved by the City of Perris to implement the mitigation program. (EIR pp. 4.5-11 – 4.5-12.)

MM 4.5-9 - Prior to any earth-moving activities, the paleontological principal investigator shall develop a storage agreement with a museum repository, such as the San Bernardino County Museum, Natural History Museum of Los Angeles County, the University of California Museum of Paleontology, or another repository acceptable to the City of Perris. (EIR p. 4.5-12.)

MM 4.5-10 - Prior to any earth-moving activities, the paleontological principal investigator, field supervisor, and/or construction monitor shall attend a pre-construction meeting with the grading contractor staff to explain grading contractor responsibilities in the event fossil remains are encountered (divert earth-moving activity around fossil site until allowed to proceed through site by the paleontological construction monitor; if not on site when remains are encountered, call monitor to site to evaluate and, if warranted, recover remains). (Ibid.)

MM 4.5-11 - Monitoring to allow for the recovery of larger, potentially identifiable fossil remains shall be conducted on a part-time basis once earth-moving activities have reached a depth of 4.0 feet below current grade. All vertebrate fossil remains and representative samples of invertebrate and plant remains shall be recovered. Fossil specimen and site data shall be recorded and the fossil site location plotted on a topographic map of the parcel. If necessary, the monitor will divert an earth-moving activity temporarily around a newly discovered fossil site until the remains have been evaluated and, if warranted, recovered, and the activity has been allowed to proceed through the site by the monitor. The City of Perris shall be notified of any such diversion of an earth-moving activity. (Ibid.)

MM 4.5-12 - If necessary to reduce a construction delay, a piece of heavy equipment and an equipment operator may be enlisted to assist in recovering any fossil remains and transporting them to a temporary storage location. The remains then shall be transferred to a laboratory facility for further treatment. (Ibid.)

MM 4.5-13 - If fossil remains are encountered and with City of Perris approval, the monitoring frequency shall be increased, at least in the immediate vicinity of the fossil site. Conversely, if too few or no fossil remains are encountered after half of earth-moving activities have been completed, monitoring can be reduced or suspended. (Ibid.)

MM 4.5-14 - If the monitor is not on site when remains are encountered by an earth-moving activity, the contractor shall divert ground disturbing activities around the remains and shall call the monitor to the site to evaluate and, if warranted, recover the remains. (Ibid.)

MM 4.5-15 - As part of the monitoring effort, sediment samples not exceeding a total of 6,000 pounds shall be collected and processed to allow for the recovery of smaller vertebrate and invertebrate fossil remains that are too small to be seen by the monitor. Sample and sampling site data shall be recorded and the sampling site location plotted on a topographic map of the parcel. If necessary, the monitor or field technician shall divert an earth-moving activity temporarily around a sampling site until the sample has been collected and the activity has been allowed to proceed through the site by the monitor or technician. The City of Perris shall be notified of any such diversion of an earth-moving activity. (Ibid.)

MM 4.5-16 - If necessary to reduce any construction delay, a piece of heavy equipment and an equipment operator shall be enlisted to assist in collecting the sample and transporting it to a temporary storage location. The sample then shall be transferred to a processing facility and processed. Based on the results of test processing, only productive samples will be fully processed. (EIR p. 4.5-13.)

MM 4.5-17 - Any identifiable fossil remains recovered as a result of monitoring or sample processing shall be prepared to the point of identification and to reduce storage space, identified by knowledgeable paleontologists, curated, cataloged with specimen and locality numbers provided by the designated museum repository, and incorporated into the fossil collection of the repository. Associated specimen data and corresponding site data, as well as monitoring logs, maps, and photographs, shall be archived at the repository. (Ibid.)

MM 4.5-18 - As appropriate, fossil or sediment samples shall be submitted to commercial laboratories for carbon-14 or microfossil analysis. (Ibid.)

MM 4.5-19 - Within six months following the completion of fossil treatment, the principal investigator shall prepare a final technical report that summarizes the results of the mitigation program, provides an inventory of cataloged specimens, and describes the scientific importance of the specimens. The report is required to be submitted to the City of Perris and the museum repository. (Ibid.)

Supporting Explanation: According to Riverside County General Plan EIR Figure 4.7.2, "Paleontological Sensitivity Areas," the Project site and proposed offsite improvement area are mapped within an area having a paleontological sensitivity of "High B," defined as having the potential to yield fossils at or below four (4.0) feet in depth. The archeological field survey and report conducted by ASM Associates, Inc. concluded that the proposed Project's potential impact on nonrenewable fossil resources is significant and that monitoring should be conducted below the depth of four feet. Direct impacts would be potentially significant if resources are encountered during ground-disturbing construction and grading activities. Implementation of the Mitigation Measures identified above will reduce impacts to less than significant. (EIR p. 4.5-13.)

3. Impact: Although no known human remains are present on the Project site or in the offsite improvement area, the potential exists for human remains to be discovered beneath the ground surface during grading and construction activities. If human remains are unearthed, the impact will be potentially significant. (EIR p. 4.5-13.)

Findings: The following Mitigation Measure will mitigate potential adverse impacts to human remains that may be unearthed to less than significant levels.

Mitigation Measure:

MM 4.5-20 - If human remains are encountered during any earth-moving activities, all work shall stop in the area(s) in which the find(s) are present, and the Riverside County Coroner must be notified. State law dictates that the Native American Heritage Commission (NAHC) shall be notified in the event that remains are determined to be of Native American descent, in accordance with California Public Resources Code Section 5097.98. The return or repatriation of Native American human remains shall be determined in consultation with the most likely descendant (MLD). (EIR p. 4.5-14.)

Supporting Explanation: The Project site and offsite improvement area do not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. (EIR p. 4.5-13.) Field and record surveys conducted by ASM Associates, Inc. in August 2006 and April 2007 did not identify the presence of any human remains, including those interred outside of formal cemeteries. (Ibid.) Nevertheless, the potential exists that human remains may be uncovered during grading and excavation activities, particularly in areas where the depth of excavation is beyond the soil disturbing depths that have historically or currently support agricultural land uses.. (Ibid.) The Mitigation Measures listed above will reduce the impact to less than significant with mitigation.

#### D. GEOLOGY AND SOILS

1. Impact: At Project buildout, the potential for erosion will decrease because less exposed soil will exist on the site. However, earth disturbing activities associated with Project construction could potentially result in significant temporary soil erosion and the loss of topsoil. (EIR p. 4.6-8.)

Finding: The following Project Requirements and Mitigation Measures will mitigate potential adverse impacts of soil erosion or the loss of topsoil to less than significant levels.

Project Requirements:

PR 4.3-1 - During grading and construction activities, the Project developer is required to comply with SCAQMD Rule 403, Fugitive Dust. (EIR p. 4.3-16.)

PR 4.6-1 - Prior to issuance of building permits, the Project developer shall demonstrate to the City Building Division that the design of the Project complies with all applicable provisions of the CBC with respect to seismic design for Zone 4, and recommendations included in the Project-specific geotechnical engineering study, provided in Appendix E. (EIR p. 4.6-8.)

Mitigation Measure:

MM 4.6-1 - Consistent with existing regulations, the Project developer shall prepare a SWPPP for the Project, which must describe the site, the facility, construction period erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion, maintenance responsibilities, and non-stormwater management controls. Additionally, consistent with existing regulations, the project developer shall describe controls for wind erosion in construction areas. Inspection of construction sites before and after storms is required to identify stormwater discharge from the construction activity and to identify and implement controls where necessary. (EIR p. 4.6-9.)

Supporting Explanation: The Project site is undeveloped and is already exposed to erosive forces. (EIR p. 4.6-8.) The addition of paved and landscaped areas will, over the long term, decrease the potential for erosion because less exposed soil will exist on the site. (Ibid.) Therefore, long-term impacts associated with erosion will be less than significant. (Ibid.) Earth disturbing activities associated with construction of the proposed shopping center will be temporary, and will be regulated by the National Pollution Discharge Elimination System (NPDES) permitting process. (EIR pp. 4.6-8 – 4.6-9.) In addition, all construction activities will comply with the CBC, as required by PR 4.6-1, which regulates grading and excavation activities, including drainage and erosion control. (Ibid.) Compliance with the Project Requirements and Mitigation Measure specified above, in addition to mandatory compliance with the NPDES permit process and the CBC requirements will minimize erosional impacts resulting from construction of the Project to below a level of significance with mitigation. (Ibid.)

2. Impact: The Project will be located on a site containing expansive soil, potentially creating risk to life or property. (EIR p. 4.6-10.)

Finding: The following Project Requirement and Mitigation Measure will mitigate potential adverse impacts of expansive soil to less than significant levels.

Project Requirement:

PR 4.6-1 - Prior to issuance of building permits, the Project developer shall demonstrate to the City Building Division that the design of the Project complies with all applicable provisions of the CBC with respect to seismic design for Zone 4, and recommendations included in the Project-specific geotechnical engineering study, provided in Appendix E. (EIR p. 4.6-8.)

Mitigation Measure:

MM 4.6-2 - Prior to the issuance of building permits, the City Engineer shall ensure that building foundation parameters are designed based on Expansion Index testing of near-surface soils at the conclusion of rough grading. (EIR p. 4.6-10.)

Supporting Explanation: The site's subsurface soils may contain expansive soils, as indicated by the site-specific Geotechnical Engineering Study. (EIR p. 4.6-10.) Mixing of these soils during grading could affect the overall expansion index of the fill. Due to the potential for the use of expansive soil in fill during construction, a Project Requirement and Mitigation Measure is recommended is specified above to reduce the impact to less than significant with mitigation. (Ibid.)

E. Hazards and Hazardous Materials

1. Impact: Impacts associated with transport, use or disposal of hazardous materials could occur during Project construction and in association with long-term operation of the Project. (EIR p. 4.7-10.)

Finding: The following Project Requirement and Mitigation Measures will mitigate potential adverse impacts from operation of the Project, including transportation and use or disposal of hazardous materials during construction, as well as long-term operations, to less than significant levels.

Project Requirement:

PR 4.7-1 - The Project developer is required to comply with all applicable federal, state, and local regulatory requirements related to the transport, use and storage of hazardous substances. Oversight agencies include, but are not limited to, the U.S. Environmental Protection Agency (EPA), State Water Resources Control Board (WRCB), the California Department of Toxic Substances Control (DTSC), state and federal Occupational Safety and Health Administrations (OSHA), state Office of Environmental Health Hazard Assessment (OEHHA), the California Integrated Waste Management Board (CIWMB), and Riverside County Department of Environmental Health (DEH). (EIR p. 4.7-11.)

Mitigation Measures:

MM 4.7-1 - All ground-disturbing construction activities in previously undisturbed soils shall be monitored by a soils engineer. In the event that hazardous or potentially hazardous materials are found or suspected during site clearing, soil removal, grading, or construction, all activity in the area of discovery and/or in an appropriate radius of the area of discovery shall temporarily cease and the County of Riverside Environmental Health Department shall be notified. Prior to removal of hazardous materials, a qualified environmental consultant shall be consulted and all hazardous materials shall be

properly disposed of in accordance with regulatory requirements. Prior to the resumption of any construction activity in the area of discovery, the site shall be deemed safe by the Riverside County Environmental Health Department. (Ibid.)

MM 4.7-2 - If soil is to be exported to or from the site during grading and other construction activities, the transported soil shall be sampled for contaminants by a qualified soils engineer to ensure that any contaminants are below regulatory limits. If contaminants are present, the soil shall be handled and transported in accordance with prevailing environmental laws and regulations, including Land Disposal Restrictions. (Ibid.)

Supporting Explanation: During construction, hazardous materials such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid hazardous materials would be transported to and used at the Project site. The California Department of Toxic Substance Control (DTSC) operates programs to deal with improper hazardous waste management and prevention of releases of hazardous waste by ensuring that those who generate, handle, transport, store, and dispose of wastes do so properly. (EIR p. 4.7-10.) DTSC also takes enforcement actions against those who fail to manage hazardous wastes appropriately. Additionally, the Riverside County Department of Environmental Health (DEH) requires licensed hazardous waste haulers to collect and transport hazardous wastes. (Ibid.) Implementation of the Project Requirements and Mitigation Measures listed above, including compliance with State DTSC and Riverside County DEH requirements, potential impacts associated with transport and use of hazardous materials during Project construction will be reduced to below a level of significance. (Ibid.)

If businesses that use, store or sell hazardous materials (such as solvents, fuels, paints, and cleaners) occupy the Project, the business owners and operators will be required to comply with all applicable federal, state, and local regulations to ensure proper use, storage, and disposal of hazardous substances. (EIR pp. 4.7-10 – 4.7-11.) There are numerous laws and regulations that govern the use and storage of hazardous materials in order to minimize risks to human health. (Ibid.) The Project will be required to comply with these federal, state, and local laws and regulations. (Ibid.) Assuming compliance with applicable regulations, potential exposure of people to hazardous materials associated with the Project will represent a less than significant impact. In addition, compliance with applicable regulations will ensure that reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be less than significant. (Ibid.)

2. Impact: Implementation of the Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (EIR p. 4.7-12.)

Finding: The following Project Requirement and Mitigation Measure will mitigate potential adverse impacts from upset and accident conditions to less than significant levels.

Project Requirement: Project Requirement 4.7-1 shall apply.

Mitigation Measure: Mitigation Measure 4.7-1 shall apply.

Supporting Explanation: Given the historic agricultural uses of the site, the potential exists for hazardous materials to be encountered during ground disturbing activities, though no hazardous materials, including pesticides or herbicides, were identified in the soils on the Project site during the site-specific environmental site assessment. (EIR p. 4.7-12.) If any previously unidentified sources of contamination are encountered during grading or excavation, the removal activities required could pose health and safety risks, such as the exposure of workers, materials handling personnel, and the public to hazardous materials or vapors. (Ibid.) The Mitigation Measure and Project Requirement specified above will be implemented to reduce this impact to less than significant with mitigation. (Ibid.)

During operation of the Project site, it is possible that hazardous materials will be used and sold by the future tenants of the Project site and transported to and from the site. (Ibid.) With required regulatory compliance, the Project will not pose a significant hazard to the public or environment through reasonable foreseeable upset and/or accident conditions involving the release of a hazardous material. (Ibid.) Should the use of hazardous materials be proposed on the Project site in the future, the use will be subject to standard County of Riverside DEH policies and permitting procedures. (Ibid.)

#### F. Hydrology and Water Quality

1. Impact: Implementation of the Project will result in an increase in onsite runoff volumes and velocity. If the Project was constructed prior to completion of regional drainage improvements planned as part of the Homeland-Romoland Area Drainage Plans for Line A, impacts would be significant. (EIR p.4.8-16.)

Finding: The following Mitigation Measure will mitigate potential adverse impacts from onsite runoff volumes and velocity to less than significant levels.

Mitigation Measure:

MM 4.8-1 - Prior to the first issuance of a building permit by the City, the Homeland-Romoland Area Drainage Plan Line A improvements shall be completed to the satisfaction of the Riverside County Flood Control and Water Conservation District. In the event that Line A is not constructed, the Project must satisfy all necessary requirements outlined by the Federal Emergency Management Agency (FEMA) in the National Flood Insurance Program and obtain a Conditional Letter of Map Revision (CLOMR) by demonstrating to the City of Perris floodplain manager that all regulatory floodplain requirements are met. (EIR p. 4.8-16.)

Supporting Explanation: Development of the Project site would result in an increase in the amount of impervious surfaces in the form of roadways,

parking lots, and commercial buildings. Conditions resulting from this change could increase runoff volumes and velocity; reduce infiltration; increase flow frequency, duration, and peak; cause flows to reach peak flow faster; and degrade water quality.

The Project proposes a drainage system which would alter the existing drainage pattern of the Project site by diverting runoff from the site directly to the Homeland-Romoland Line A Channel, a publicly-owned, operated and maintained Municipal Separate Storm Sewer System (MS4 facility). (EIR p. 4.8-16.) The Project proposes filtration trenches to treat the pollutants for water quality. (Ibid.) This discharge will be in full compliance with Co-Permittee requirements for connections and discharged to the facility (including both quality and quantity requirements). (Ibid.) Compliance with MS4 requirements will ensure that water quality is preserved and siltation and erosion impacts on and offsite are less than significant.

The preliminary drainage report prepared for this project estimated peak flows for watershed area A-1 to be 98 cfs for 100-year storm events and 68 cfs for 10-year storm events. Watershed area A-2 would generate a peak flow of 20 cfs for 100-year storm events, and 14 cfs for 10-year storm events. The runoff flows that would be generated by the Project would be consistent with those anticipated for the Project site in the design of the Line A Channel. (Ibid.) Accordingly, the Line A Channel will be appropriately sized to accommodate the flows generated at the Project site. (Ibid.) If the Project, however, was constructed in advance of the Line A Channel improvements, impacts would be significant. (Ibid.) The Mitigation Measure listed above would reduce the impact to less than significant with mitigation. (Ibid.)

#### G. Transportation and Traffic

1. Impact: Implementation of the Project will result in the generation of additional vehicle trips to and from the site. These vehicle trips will contribute to the degradation of intersection and roadway segment levels of service in the City of Perris, which is considered a significant impact. (EIR p. 4.12-17.)

Finding: The following Project Requirements and Mitigation Measures will mitigate potential adverse impacts from the degradation of intersection and roadway segment levels of service to less than significant levels.

#### Project Requirements:

PR 4.12-1 - The following onsite roadway improvements shall be constructed in conjunction with the development of the Project and shall conform to City of Perris standards: (EIR pp. 4.12-29 – 4.12-30.)

(a) Construct partial-width improvements on the southerly side of Ethanac Road at its ultimate cross-section as an expressway (184' right-of-way) adjacent to the Project boundary line.

(b) Construct partial width improvements on the westerly side of Trumble Road at its ultimate cross-section as a secondary arterial (94' right-of-way) adjacent to the Project boundary line.

(c) Construct full width improvements of 'A' Street at its ultimate cross-section as a modified major collector (78' right-of-way) within Project boundary line.

(d) Construct full width improvements of Encanto Drive at its ultimate cross-section as a modified major collector (78' right-of-way) within the Project boundary line.

PR 4.12-2 - The following offsite roadway and intersection improvements shall be constructed in conjunction with the development of the Project and shall conform to City of Perris standards: (EIR p. 4.12-29.)

(a) Widen Ethanac Road from two lanes to four lanes between Trumble Road and Sherman Road.

(b) Install a traffic signal at the intersection of Sherman Road and Ethanac Road to include the following geometrics:

Northbound: One shared left turn, through, and right turn lane.

Southbound: One shared left turn, through, and right turn lane.

Eastbound: One left turn lane. One shared through and right turn lane.

Westbound: One left turn lane. One shared through and right turn lane. (EIR 4.12-30.)

PR 4.12-3 - Prior to the issuance of a building permit, the Project applicant shall pay the City of Perris Development Impact Fee (DIF), in accordance with the fee schedule in effect at the time of issuance. These fees are applied by the City to construct local intersection and road improvements. Intersections impacted by the Project and that are included in the City DIF program include, but are not limited to: (EIR pp. 4.12-30 – 4.12-31.)

(a) Installing a traffic signal at the intersection of Murrieta Road and Ethanac Road to include the geometrics specified in the Towne Center Traffic Report.

(b) Installing a traffic signal at the intersection of Case Road and Ethanac Road to include the geometrics specified in the Towne Center Traffic Report.

PR 4.12-4 - Prior to the issuance of a building permit, the Project applicant shall pay the Riverside County Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of building permit issuance. These fees are applied to construct regional road improvements. County roadways impacted by the Project and that are included in the TUMF program include, but are not limited to: (EIR pp. 4.12-31 – 4.12-32.)

(a) Widening of Ethanac Road from 2 lanes to 4 lanes between Murrieta Road and Antelope Road.

(b) Widening of Ethanac Road from 4 lanes to 6 lanes between Palomar Road and Briggs Road.

(c) Widening of Menifee Road from 2 lanes to 4 lanes between Watson Road and Ethanac Road.

(d) Widening of Menifee Road from 2 lanes to 6 lanes between Ethanac Road and Rouse Road.

(e) Widening of Menifee Road from 2 lanes to 4 lanes between Rouse Road and Simpson Road.

Intersection improvements that are located on TUMF-funded roadway segments include, but are not limited to:

(a) Installing a traffic signal and improving the intersection of I-215 Southbound Ramps and Ethanac Road to the geometrics specified in the Towne Center Traffic Report.

(b) Installing a traffic signal and improving the intersection of I-215 Northbound Ramps at Ethanac Road to the geometrics specified in the Towne Center Traffic Report.

(c) Modifying the signalized intersection of Menifee Road and SR-74 (Ethanac Road) to include the geometrics specified in the Towne Center Traffic Report.

(d) Installing a traffic signal at the intersection of Sultanas Road and SR-74 (Ethanac Road) to include the geometrics specified in the Towne Center Traffic Report.

(e) Installing a traffic signal at the intersection of Menifee Road and Rouse Road to include the geometrics specified in the Towne Center Traffic Report.

(f) Installing a traffic signal at the intersection of Menifee Road and Simpson Road to include the geometrics specified in the Towne Center Traffic Report.

(g) Installing a traffic signal at the intersection of Menifee Road and San Jacinto Avenue to include the geometrics specified in the Towne Center Traffic Report.

(h) Installing a traffic signal at the intersection of Menifee Road and Mapes Road to maintain the geometrics specified in the Towne Center Traffic Report.

(i) Installing a traffic signal at the intersection of Menifee Road and Watson Road to include the geometrics specified in the Towne Center Traffic Report.

(j) Modifying the signalized intersection of Palomar Road and SR-74 (Ethanac Road) to include the geometrics specified in the Towne Center Traffic Report.

(k) Installing a traffic signal at the intersection of Murrieta Road and McLaughlin Road to maintain the geometrics specified in the Towne Center Traffic Report.

(l) Installing a traffic signal at the intersection of Murrieta Road and Rouse Road to maintain the geometrics specified in the Towne Center Traffic Report.

(m) Installing a traffic signal at the intersection of Murrieta Road and Chambers Avenue to include the geometrics specified in the Towne Center Traffic Report.

(n) Modifying the signalized intersection of Encanto Drive and McCall Boulevard to include the geometrics specified in the Towne Center Traffic Report.

(o) Modifying the signalized intersection of Menifee Road and McCall Boulevard to include the geometrics specified in the Towne Center Traffic Report.

Mitigation Measures:

MM 4.12-1 - The following intersection improvements shall be constructed in conjunction with the development of the Project:

(a) Install a traffic signal at the intersection of Trumble Road and Ethanac Road to include the following geometrics:

Northbound: Two left turn lanes. One shared through and right turn lane.

Southbound: One left turn lane. One shared through and right turn lane.

Eastbound: One left turn lane. One through lane. Two right turn lanes with overlap phase.

Westbound: Two left turn lanes. One through lane. One shared through lane and one right turn lane.

(b) Construct the intersection of Trumble Road and Project Driveway (North) to restrict movement to right-in and right-out only from the driveway with the following geometrics:

Northbound: Two through lanes.

Southbound: Two through lanes. One right turn lane.

Eastbound: One right turn lane. Stop controlled.

Westbound: Not Applicable.

(c) Install a traffic signal at the intersection of Trumble Road and Project Driveway (Middle) to include the following geometrics:

Northbound: One left turn lane. One through lane. One shared through and right turn lane.

Southbound: One left turn lane. Two shared through lanes. One right turn lane.

Eastbound: Two left turn lanes. One shared through and right turn lane.

and right turn lane. Westbound: One shared left turn, through,

(d) Construct the intersection of Trumble Road and Project Driveway (South) to restrict movement to right-in and right-out only from the driveway with the following geometrics:

Northbound: Two through lanes.

Southbound: Two through lanes. One right turn lane.

Eastbound: One right turn lane. Stop controlled.

Westbound: Not Applicable.

(e) Construct a single lane roundabout at the intersection of Trumble Road and 'A' Street to include the following geometrics:

Northbound: Not Applicable.

Southbound: One entrance lane. One exit lane.

Eastbound: One entrance lane. One exit lane.

Westbound: Not Applicable.

(f) Construct the intersection of Project Driveway (East) and 'A' Street geometrics:

Northbound: One shared left turn and right turn lane. Stop controlled.

Southbound: Not Applicable.

Eastbound: One through lane. One right turn lane.

Westbound: One two-way left turn lane.

One through lane.

(g) Construct the intersection of Project Driveway (Middle) and 'A' Street to include following geometrics:

Northbound: One shared left turn, through, and right turn lane. Stop controlled.

Southbound: One shared left turn, through,

and right turn lane. Stop controlled.

Eastbound: One two-way left turn lane. One

through lane. One right turn lane.

Westbound: One two-way left turn lane.

One through lane. One right turn lane.

(h) Construct the intersection of Project

Driveway (West) and 'A' Street to include following geometrics:

Northbound: One right turn lane. Stop controlled.

Southbound: Not Applicable

Eastbound: One shared through and right turn lane.

Westbound: One through lane.

(i) Construct a single lane roundabout at the intersection of Encanto Drive and 'A' Street to include the following geometrics:

Northbound: One entrance lane. One exit lane.

Southbound: One entrance lane. One exit

lane.

Eastbound: Not Applicable.

Westbound: One entrance lane. One exit lane.

(j) Construct the intersection of Encanto

Drive and Project Driveway to include the following geometrics:

turn lane. Northbound: One through lane. One right

One through lane. Southbound: One two-way left turn lane.

Eastbound: Not Applicable.

turn lane. Stop controlled. Westbound: One shared left turn and right

MM 4.12-2 - The City of Perris shall review the sight distance at Project driveways at the time final grading, landscape, and street improvement plans are submitted to ensure that the City's sight distance standards are met.

MM 4.12-3 - The City of Perris shall review street improvement plans to ensure that appropriate signage and striping are specified.

MM 4.12-4 - Prior to the issuance of an occupancy permit, the Project Applicant shall be responsible for widening Ethanac Road from two lanes to four lanes between Trumble Road and Sherman Road.

Supporting Explanation: With the construction of roadway improvements required of the Project listed above as Project Requirements and Mitigation Measures, along with the required payment of County TUMF and City DIF fees (which are applied toward the construction of local and regional roadways and intersections), the Project's impact to City of Perris roadway segments and intersections, and those roadway segments and intersections outside of the City of Perris boundary in unincorporated Riverside County included in the TUMF program, will be reduced to a level of less than significant impact. (EIR p. 4.12-35.) With the construction of roadway segment and intersection improvements expected to be in place in Year 2009 and at General Plan buildout, all City of Perris roadway segments and intersections in the Project's study area will operate acceptable LOS standards. (Ibid.)

2. Impact: Implementation of the Project will vacate a roadway which currently could be used to provide emergency access to dwellings located south of the Project site. (EIR p.4.12-38.)

Finding: The following Mitigation Measure will mitigate potential adverse impacts from the construction of a replacement access route to less than significant levels.

Mitigation Measure:

MM 4.12-6 - Prior to the closure and vacation of Trumble Road between proposed 'A' Street and the Homeland-Romoland Line A flood control channel, the Project developer shall construct onsite 'A' Street to provide access through the site

to Encanto Drive. Emergency access to the community located south of the Project site shall be assured at all times during Project construction, as approved by the Riverside County Sheriff Department and Fire Department. (EIR p. 4.12-39.)

Supporting Explanation: As part of the Project, a portion of Trumble Road will be vacated between 'A' Street and the Homeland-Romoland Line A flood control channel south of the Project site and a portion of Encanto Drive from Ethanac Road will be vacated to 'A' Street. (EIR pp. 4.12-38 – 4.12-39.) Currently, Trumble Road and Encanto Drive provide access to a residential community located south of the Project site. (Ibid.) The roadway vacations and realignment will result in one less access route to the neighborhood south of the site for emergency vehicles from Ethanac Road; however, the Project proposes to construct 'A' Street which will allow emergency vehicles to access the existing neighborhood via Encanto Drive once the roadway segment is vacated. (Ibid.) With implementation of the Mitigation Measure listed above, impacts related to emergency access will be less than significant with mitigation. (Ibid.)

**Section 4. Resolution Regarding Environmental Impacts not Fully Mitigated to a Level of Less Than Significant.** The City Council hereby finds that, despite the incorporation of Project Requirements and Mitigation Measures outlined in the Draft EIR, the following impacts from the Towne Center Project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

A. Air Quality

1. Impact: Construction activities associated with the Project will contribute substantially to an existing or projected air quality violation by exceeding the SCAQMD significance threshold for NOX. (EIR p. 4.3-13.)

Finding: The following Project Requirement and Mitigation Measures will reduce potential adverse impacts from exceeding NOX thresholds during Project construction to the extent feasible. (EIR pp. 4.3-16 - 4.3-18.) However, the impact will remain significant and unavoidable.

Project Requirement:

PR 4.3-2 - During grading and construction activities, the Project developer is required to comply with SCAQMD Rule 431.2, regarding use of diesel fuel with sulfur content of 15 ppm by weight or less. (EIR 4.3-16.)

Mitigation Measures:

MM 4.3-2 - Prior to the issuance of grading permits, the Project developer shall submit a written statement to the City of Perris that construction equipment is and will be properly maintained, including proper tuning and timing of the engines. The construction contractor(s) shall maintain construction and grading equipment

and vehicle engines in good condition and in proper tune with manufacturers' specifications. (EIR p. 4.3-17.)

MM 4.3-3 - Prior to approval of grading and construction plans, the City of Perris Engineer shall ensure that all construction grading plans include a statement that work crews shall shut off construction equipment when not in use and reduce idling times to less than five minutes per hour. (Ibid.)

MM 4.3-5 - Prior to approval of grading and construction plans, the City of Perris Engineer shall ensure that all grading and construction plans include a statement that all heavy-duty construction equipment must be ARB Tier II Certified or better. (Ibid.)

MM 4.3-6 - Prior to the issuance of grading permits, a construction traffic control plan shall be prepared and submitted to the City of Perris Engineer for approval. The plan shall describe the details of safe detours, routing of construction traffic off congested streets, consolidated truck deliveries, and dedicated turn lanes for construction vehicles. Temporary traffic control (including a flag person(s) if necessary) shall be provided during construction activities to reduce traffic conflicts and unnecessary idling of engines. (Ibid.)

MM 4.3-7 - Prior to approval of grading and construction plans, the City of Perris Engineer shall ensure that all grading and construction plans include a statement that electrical hook ups be provided for electric hand tools such as saws, drills, and compressors, to reduce the need for diesel powered electric generators. (EIR p. 4.3-18.)

Supporting Explanation: Project construction will result in emissions that will exceed criteria pollutant thresholds established by the SCAQMD for emissions of NO<sub>x</sub>. (EIR pp. 4.3-14 – 4.3-15.) Based on standard construction practices, a 2-month grading schedule, a 12-month construction schedule, ten (10) pieces of heavy equipment operated on the Project site for eight hours per day, and a maximum import of 275 truck loads of soil per day, emissions of NO<sub>x</sub> during construction will be 203.46 lbs/day, which exceeds the SCAQMD significance threshold of 100 lbs/day, resulting in a significant short-term direct impact. (Ibid.) Grading will result in NO<sub>x</sub> emissions of 269.52 lbs/day which also exceeds the SCAQMD significance threshold of 100 lbs/day. (Ibid.) With the incorporation of the Project Requirement and Mitigation Measures listed above, emissions will be reduced to 137.68 lbs/day during building construction and 184.89 lbs/day during grading, which still exceed the SCAQMD regional threshold of 100.0 pounds per day, resulting in a short term significant and unavoidable impact. (Ibid; EIR Table 4.3-4.) As there is no additional feasible mitigation available, this impact will remain significant and unavoidable.

2. Impact: Daily operation of the Project will generate emissions that exceed SCAQMD significance thresholds for VOC, NO<sub>x</sub>, CO, PM<sub>2.5</sub> and PM<sub>10</sub>. (EIR p. 4.3-19.)

Finding: No Project requirements or feasible mitigation measures are available to reduce the significant and unavoidable impact. (EIR pp. 4.3-19.)

Supporting Explanation: Several features are proposed by the Project to reduce its reliance on fossil fuels, thus reducing air pollutants during Project operation. These include the following: (EIR pp. 4.3-20 – 4.3-21.)

(a) Bicycle storage racks and sidewalks will be provided on-site to encourage employees and patrons to use non-vehicular forms of transportation when traveling to and from the site.

(b) To further encourage employees to walk and bicycle to work, employee locker rooms will be installed in all tenant spaces with more than 50,000 square feet of floor space.

(c) To encourage employee carpooling/vanpooling, the Project will provide designated parking areas for vehicles used by carpools and vanpools.

(d) To reduce energy consumption by air conditioning systems, building heat gain will be lowered by the following design features:

Building entrances will be shaded either by a covered entry or landscaping.

Large windows will be shaded by architectural features and/or landscaping.

Exterior building materials and roofs will use low percentage light reflectance value colors to minimize heat gain into buildings.

Onsite surface parking areas surrounding the buildings will be partially shaded by tree canopies.

(e) To reduce energy consumption for heating, ventilation and air conditioning (HVAC) systems, individual zoned HVAC systems will be installed to independently control specific rooms and/or spaces.

(f) Outdoor artificial lighting will be automatically dimmed to the minimum illumination levels needed for safety and security during night-time hours when businesses are not in operation. Motion sensor lighting may be installed to heighten security.

(g) Appliances with an Energy Star rating will be installed in public restrooms.

(h) Low-emission water heaters and energy-efficient natural gas heating and cooking equipment will be installed in all buildings requiring such appliances.

(i) The Project will not use CFC-based refrigerants in onsite refrigeration systems and instead will use refrigerants that minimize or eliminate the emission of compounds that contribute to ozone depletion & global warming.

(j) In tenant spaces having more than 50,000 square feet, the building design will incorporate sky lights for a portion of the roof area and/or use high efficiency light bulbs to reduce energy use.

(k) The Project will use the following methods to reduce onsite energy demand associated with potable water conveyance:

Incorporating drought tolerant plants into the landscaping palette.

Use of water-efficient irrigation techniques.

Use of recycled water for landscaping.

Use of water conserving features (water closets, urinals & lavatory faucets) which meet the Energy Policy Act of 1992 for fixture performance requirements.

(l) To reduce energy consumption associated with producing new materials, a collection and storage area will be provided for materials recycling, including paper, corrugated cardboard, glass, plastics, and metal.

(m) All buildings will be designed to exceed the energy efficiency requirements of Title 24 by at least ten percent.

(n) Truck delivery docks will be fitted with electrical hookups to reduce transportation refrigeration unit (TRU) emissions.

Even with the incorporation of the design features listed above, operation of the Project will still generate emissions that exceed the thresholds of significance recommended by the SCAQMD for VOCs, CO, NOX, PM2.5 and PM10. (EIR p. 4.3-21.) The exceedance of the SCAQMD thresholds for these criteria pollutants is primarily due to the increase in motor vehicles traveling to and from the Project site. (Ibid.) As there is no additional feasible mitigation, this impact will be significant and unavoidable. (Ibid.)

3. Impact: The construction and daily operation of the Project will generate emissions that would result in a cumulative considerable net increase in ozone precursors (ROG, NOX and CO), as well as PM2.5 and PM10. This would be considered a

significant cumulative impact because the South Coast Air Basin is in non-attainment for these pollutants. (EIR p. 4.3-25.)

Finding: No Project requirements or feasible mitigation measures are available to reduce the significant and unavoidable impact. (EIR pp. 4.3-25.)

Supporting Explanation: The South Coast Air Basin (Basin) is currently (2007) in non-attainment for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>. (EIR p. 4.3-25.) The SCAQMD recommends that a project's potential contribution to cumulative impacts be assessed using the same significance criteria as those for project-specific impacts. (Ibid.) After the application of all feasible mitigation measures, the Project will result in significant and unavoidable impacts from the emission of NO<sub>x</sub> during construction and the emission of CO, VOC, PM<sub>2.5</sub>, PM<sub>10</sub>, and NO<sub>x</sub> during operation. (EIR pp. 4.3-13 – 4.3-25.) Thus, because the Project will make a cumulatively considerable contribution to these criteria pollutants, and feasible mitigation is not available, this impact is considered to be significant and unavoidable. (EIR p. 4.3-26.)

4. Impact: The Project will exceed localized significance thresholds for PM<sub>2.5</sub> and PM<sub>10</sub> during construction. (EIR p. 4.3-26.)

Finding: The following Mitigation Measure will mitigate potential adverse impacts from an exceedance of localized significance thresholds (LSTs) for PM<sub>2.5</sub> and PM<sub>10</sub> during construction of the site to the extent feasible. (EIR pp. 4.3-26 - 4.3-31.) However, the impact will remain significant and unavoidable.

Project Requirements: Project Requirements 4.3-1 through 4.3-2 shall apply.

Mitigation Measure: Mitigation Measures 4.3-1 through 4.3-7 shall apply.

Supporting Explanation: The Industrial Source Complex Short Term (ISCST3) model was used to calculate localized emissions resulting from construction and operational activities for the Project. (EIR p. 4.3-27.) For construction and operational activity, emissions of CO and NO<sub>2</sub> will not exceed localized thresholds. (EIR pp. 4.3-27 – 4.3-30.) Additionally, the Project will not exceed localized thresholds for PM<sub>2.5</sub> and PM<sub>10</sub> during operation of the site. (Ibid.) However, PM<sub>2.5</sub> and PM<sub>10</sub> emissions for construction activities will exceed the recommended threshold of 104 µg/m<sup>3</sup> at the three sensitive receptors (residential homes) located east of the site at Trumble Road. (Ibid.) With the implementation of Project Requirements 4.3-1 through 4.3-2 and Mitigation Measures 4.3-1 through 4.3-7, impacts will be reduced, but even after the incorporation of the Project Requirements and Mitigation Measures, construction activities associated with the Project will result in a predicted PM<sub>10</sub> concentration of 65.69 µg/m<sup>3</sup>, and a predicted PM<sub>2.5</sub> concentration of 13.79 µg/m<sup>3</sup>, which will still exceed the allowable thresholds for these pollutants. (Ibid.) No additional feasible mitigation measures are available, and the impact will remain significant and unavoidable.

## B. Noise

1. Impact: Operation of the Project associated with vehicular noise on Trumble Road will expose three residential homes located east of Trumble Road to transportation-related noise levels that exceed the exterior residential noise standard of 65 dBA CNEL. (EIR p. 4.10-12.) This constitutes a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Finding: No Project Requirements or feasible mitigation measures are available to reduce the significant and unavoidable impact. (EIR pp. 4.10-12 - 4.10-17.)

Supporting Explanation: Project-related contributions to roadway noise levels will not result in significant noise impacts along any surrounding roadway segments, with the exception of the segment of Trumble Road south of Ethanac Road. (EIR pp. 4.10-12 – 4.10-17.) Three existing residential homes are located immediately east of the Project site on Trumble Road (at a distance of approximately 130 feet to the closest home) in unincorporated Riverside County with a land use designation of Business Park. (Ibid.) The front yards of these three homes will experience a noise level of 65.7 dBA to 66.1 dBA CNEL, which exceeds the 65 dBA CNEL exterior noise level determined as acceptable for residential uses. (Ibid.) As part of the Project's design, Trumble Road will be widened, with a majority of the road width occurring on the Project site and on the opposite side of the street adjacent to the existing homes. (Ibid.) No other Project design features are considered to be reasonable (such as constructing a solid barrier wall between the road and the homes or retrofitting the homes) given that the Riverside County General Plan designates the property east of Trumble Road (including the properties containing the three residential homes) to be developed in the future with business park land uses; therefore, this impact is considered to be significant and unavoidable. (Ibid.)

## C. Transportation and Traffic

1. Impact: Implementation of the Project will result in the generation of additional vehicle trips to and from the site. These vehicle trips will contribute to the degradation of intersection and roadway segment levels of service in unincorporated Riverside County. With the payment of required TUMF traffic mitigation fees and the implementation of the mitigation measures identified below, traffic impacts in unincorporated Riverside County will be reduced to the greatest feasible extent; however, because the construction of physical roadway improvements in unincorporated Riverside County is beyond the jurisdiction of the City of Perris and because there is no fee program for County road improvements to which the Project can contribute beyond TUMF, short-term direct unavoidable impacts and short-term and long-term cumulatively considerable unavoidable impacts will result. (EIR p. 4.12-17.)

Finding: The following Project Requirement will reduce impacts from the degradation of intersection and roadway segment levels of service in unincorporated Riverside County to the extent feasible. (EIR pp. 4.12-31 - 4.12-32.) However, these impacts will remain significant and unavoidable.

Project Requirement:

PR 4.12-4 - Prior to the issuance of a building permit, the Project applicant shall pay the Riverside County Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of building permit issuance. These fees are applied to construct regional road improvements. County roadways impacted by the Project and that are included in the TUMF program include, but are not limited to: (EIR pp. 4.12-31 – 4.12-32.)

(a) Widening of Ethanac Road from 2 lanes to 4 lanes between Murrieta Road and Antelope Road.

(b) Widening of Ethanac Road from 4 lanes to 6 lanes between Palomar Road and Briggs Road.

(c) Widening of Menifee Road from 2 lanes to 4 lanes between Watson Road and Ethanac Road.

(d) Widening of Menifee Road from 2 lanes to 6 lanes between Ethanac Road and Rouse Road.

(e) Widening of Menifee Road from 2 lanes to 4 lanes between Rouse Road and Simpson Road.

Intersection improvements that are located on TUMF-funded roadway segments include, but are not limited to:

(a) Installing a traffic signal and improving the intersection of I-215 Southbound Ramps and Ethanac Road to the geometrics specified in the Towne Center Traffic Report.

(b) Installing a traffic signal and improving the intersection of I-215 Northbound Ramps at Ethanac Road to the geometrics specified in the Towne Center Traffic Report.

(c) Modifying the signalized intersection of Menifee Road and SR-74 (Ethanac Road) to include the geometrics specified in the Towne Center Traffic Report.

(d) Installing a traffic signal at the intersection of Sultanas Road and SR-74 (Ethanac Road) to include the geometrics specified in the Towne Center Traffic Report.

(e) Installing a traffic signal at the intersection of Menifee Road and Rouse Road to include the geometrics specified in the Towne Center Traffic Report.

(f) Installing a traffic signal at the intersection of Menifee Road and Simpson Road to include the geometrics specified in the Towne Center Traffic Report.

(g) Installing a traffic signal at the intersection of Menifee Road and San Jacinto Avenue to include the geometrics specified in the Towne Center Traffic Report.

(h) Installing a traffic signal at the intersection of Menifee Road and Mapes Road to maintain the geometrics specified in the Towne Center Traffic Report.

(i) Installing a traffic signal at the intersection of Menifee Road and Watson Road to include the geometrics specified in the Towne Center Traffic Report.

(j) Modifying the signalized intersection of Palomar Road and SR-74 (Ethanac Road) to include the geometrics specified in the Towne Center Traffic Report.

(k) Installing a traffic signal at the intersection of Murrieta Road and McLaughlin Road to maintain the geometrics specified in the Towne Center Traffic Report.

(l) Installing a traffic signal at the intersection of Murrieta Road and Rouse Road to maintain the geometrics specified in the Towne Center Traffic Report.

(m) Installing a traffic signal at the intersection of Murrieta Road and Chambers Avenue to include the geometrics specified in the Towne Center Traffic Report.

(n) Modifying the signalized intersection of Encanto Drive and McCall Boulevard to include the geometrics specified in the Towne Center Traffic Report.

(o) Modifying the signalized intersection of Menifee Road and McCall Boulevard to include the geometrics specified in the Towne Center Traffic Report.

Supporting Explanation: DIF and TUMF fees will be collected from the Project and used as needed by the City of Perris and Riverside County to construct transportation improvements necessary to maintain the required level of service on roadways designated by the City and County for funded improvements. (EIR p. 4.12-29.) With the required payment of County TUMF fees (which are applied toward the construction of local and regional roadways and intersections), the Project's impact to roadway segments and intersections outside of the City of Perris boundary in unincorporated Riverside County included in the TUMF program would be reduced to a level of less than significant impact. (EIR p. 4.12-35.) However, because there is no mechanism available by which the Project can contribute fees beyond TUMF obligations towards intersection and roadway improvements in unincorporated Riverside County, the Project would result in direct and cumulative unavoidable impacts to County roadways and intersections not included in the TUMF program. (Ibid.) These include segments of Matthews Road between Antelope Road and Palomar Road; Palomar Road between Matthews Road and Ethanac Road; Simpson Road between Menifee Road and Lindenberger Road; Encanto Drive between Chambers Avenue and McCall Blvd.; and the intersections of Lindenberger Road and Simpson Road. (Ibid.) The intersection of Encanto Drive and McCall Blvd. would also be significantly impacted. Since no additional feasible mitigation is available, these impacts remain significant and unavoidable.

2. Impact: The Project will add vehicular traffic volumes to area freeways which will incrementally contribute to unacceptable levels of service for freeway segments. (EIR p. 4.12-36.)

Finding: No Project requirements or feasible mitigation measures are available to reduce the significant and unavoidable impact. (EIR pp. 4.12-36 - 4.12-38.)

Supporting Explanation: For Existing Plus Project conditions (2009), the following segments will be expected to operate at an unacceptable level of service: 1) I-215 NB from South SR-74 to North SR-74; 2) I-215 SB from D Street to North SR-74; and 3) I-215 SB from North SR-74 to South SR-74. (EIR pp. 4.12-36 – 4.12-38.) For Cumulative Plus Project conditions without improvements, the following segments are expected to operate at an unacceptable level of service: 1) I-215 NB from South SR-74 to North SR-74; 2) I-215 NB from North SR-74 to D Street; 3) I-215 SB from D Street to North SR-74; 4) I-215 SB from North SR-74 to South SR-74; 5) I-215 SB from McCall Boulevard to Newport Road; and 6) I-215 SB from Newport Road to Scott Road. (Ibid.) All freeways are under the authority of the California Department of Transportation (Caltrans) and fair-share program has not been established by Caltrans in order to fund improvements to freeway mainlines to mitigate project-specific impacts. (Ibid.) Therefore, the Project's incremental contribution to freeway mainlines is considered a significant and unavoidable short-term cumulative impact. (Ibid.) The Riverside County Transportation Commission (RCTC), has begun preliminary engineering and environmental studies to widen I-215 in the vicinity of the Project site. (Ibid.) For General Plan buildout conditions, none of the freeway segments are expected to operate at an unacceptable level of service and any future improvements accomplished by the RCTC I-215 widening projects will further increase freeway capacity and reduce impacts. (EIR p. 4.12-38.) However, there will be a significant and unavoidable interim impact.

**Section 5. Resolution Regarding Cumulative Environmental Impacts.**

A. Aesthetics. The Project site is located within an area planned for commercial development by the City of Perris General Plan. (EIR p. 4.1-10.) The City of Perris' General Plan EIR identified the surrounding foothills as scenic vistas and acknowledged that virtually all future building construction consistent with land use and development standards set forth in the General Plan would obstruct views to the surrounding foothills from at least some vantage points. The General Plan EIR concluded, however, that because the view corridors extend for miles along current and planned roadways preserving scenic vistas, the impact is less than significant. Implementation of the Project would not result in any additional view obstruction beyond that considered by the City's General Plan EIR, and would maintain views of the foothills along its perimeter roadways as well as from portions of the site's interior. (Ibid.)

The Project and surrounding projects in the same field of view will alter the visual character of the area from its existing condition to a suburbanized community. This cumulative change in visual condition is not considered to be adverse or degrading, as each project is required to meet design criteria for architecture, landscaping, signs, lighting, and other related items in conformance with applicable codes and regulations. (Ibid.) Changes in the visual character of the site resulting from the Project, in combination with existing and planned development in the Project vicinity will, therefore, not have a significant cumulative effect on scenic vistas or the character of the site and its surroundings. (Ibid.) The Project also does not have the ability to contribute to the cumulative loss of significant visual resources, because no rock outcroppings or other unique visual resources are located on the site. (Ibid.)

Retail commercial projects have the potential to incrementally contribute to urban decay by indirectly causing the closure or deterioration of other stores in the same market area. (EIR p. 4.1-11.) The Project's Urban Decay Analysis (EIR Appendix J2) concluded that while the Project and other proposed retail centers within the cumulative project market area will add to the available supply of retail outlets, current and projected strength of the retail demand within the Project's Trade Areas will support this supply. (Ibid.) Therefore, there will be no urban decay on an individual project or cumulative basis. (Ibid.) The cumulative impact of the Project is less than significant.

The Project site is located within an area that contains a varied mix of agricultural, commercial, and residential uses. (Ibid.) Cumulatively, as development occurs in the City and other areas surrounding the Project site, the installation of artificial light sources will increase. The culminating effect of increased lighting use is called "skyglow." (Ibid.) The Project would contribute to this effect. While a significant cumulative effect would occur, upon compliance with the standard regulatory requirements of the City of Perris (e.g. Section 19.02.110 of the City of Perris Zoning Code and General Plan Policies) and Riverside County, the Project's contribution towards a cumulative light and glare impact will not be considerable. (Ibid.)

B. Agricultural Resources. The cumulative effect of development in Riverside County according to the General Plans of the County and cities within the County,

including buildout of the Project site, will result in the conversion of agricultural lands to non-agricultural uses. (EIR p. 4.2-6.) When considered in conjunction with the buildout of other planned projects in the region and immediate area, the Project will not contribute to the conversion of agricultural lands beyond that considered by the City of Perris General Plan EIR (1991 and 2005), and the County of Riverside General Plan EIR (2003). (Ibid.) The City's General Plan EIR certified in 2005 concluded that adoption and implementation of its General Plan (2005) will have no impact on agricultural resources. (Ibid.) Because the Project is implementing the City's General Plan designation on the Project site, and because the site is not designated as Unique, Prime, or Statewide Important Farmland, the Project will have no cumulative impact on agricultural land conversion. (Ibid.) Cumulative impacts relating to the conversion of agricultural lands to non-agricultural lands on the Project site was adequately covered by the City of Perris General Plan EIR in 1991. (Ibid.) Therefore, cumulative impacts associated with the conversion of the Project site to non-agricultural land uses are considered less than significant. (Ibid.)

C. Air Quality. Land uses such as those proposed by the Project impact air quality in the South Coast Air Basin (Basin) predominately through emissions associated with vehicular travel. (EIR p. 4.3-31.) Basin-wide air quality impacts are addressed in terms of project compatibility with regional air quality plans. (Ibid.) If any given project or plan has been properly incorporated into Basin-wide growth projections, which are the basis for regional air quality/transportation planning, then there will be no significant Basin-wide impact because of unanticipated growth. (Ibid.) The SCAQMD prepared an AQMP for the Basin, which was updated in 2007. (EIR p. 4.3-32.) One way to assess individual project compliance with the 2007 AQMP is to ensure that population and employment densities and land uses are consistent with the growth assumptions used in AQMP (Ibid.) The Project will not make a cumulatively considerable contribution to potential Basin-wide AQMP inconsistencies related to growth projection because the Project is consistent with its Community Commercial General Plan and zoning designations. (Ibid.)

On a local level, the potential for cumulative impacts relates to pollutant concentrations, rather than to total regional emissions. (Ibid.) Because Project-generated emissions of PM<sub>2.5</sub> and PM<sub>10</sub> will exceed the CAAQS during short-term construction and operation at the location of three residential homes located on the east side of Trumble Road, impacts will result an inconsistency with the AQMP. (Ibid.) However, because localized impacts will not be additive with other projects at this location, cumulative impacts will be less than significant. (Ibid.)

On a regional basis, it was determined that because the Project is located in a non-attainment area for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, the Project's short-term construction related and long-term operational emissions of PM<sub>2.5</sub>, PM<sub>10</sub> and ozone-forming emissions will result in a significant cumulative impact when considered in conjunction with emissions from other projects in the Basin. (Ibid.)

Gases that trap heat in the atmosphere are often called greenhouse gases, which are emitted by natural processes and human activities. Natural and unnatural increases in the Earth's temperature have the potential to affect the environment and people

around the globe. No single development can be deemed individually responsible for global temperature increases. Greenhouse gas emissions from every emission source California, the United States, and the world combine to influence global climate change. The Project will comply with any California state-mandated requirements resulting from AB 32 as well as any other applicable state or local requirements to reduce greenhouse gas emissions. (EIR pp. 4.3-32 – 4.3-33.)

The Project includes many features that have been recommended by various state agencies and non-governmental organizations that are researching climate change. (Ibid.) Also, the Project includes many energy conservation features to reduce its energy consumption and fossil fuel use. (Ibid.) These Project features include building and landscaping design to reduce heating and air conditioning need (and thus reduce electrical and gas consumption); use of energy efficient plumbing, lighting and HVAC equipment; use of low water use landscape design and water saving appliances; provision of facilities to encourage reduction of automobile usage, such as dedicated parking for ride share programs and bicycle/pedestrian access to the site. (Ibid.) Due to the overwhelming scope of global climate change, the absence of published thresholds of significance, and in consideration of the Project's proposed energy efficiency measures and the Project's consistency with CAT Strategies, the Project's contribution of greenhouse gas emissions is not considered to be cumulatively considerable. (Ibid.)

The Project will not exceed peak hour and average 8-hour thresholds for CO when combined with cumulative projects. (EIR p. 4.3-33.) As such, cumulative impacts relating to CO will be less than significant. (Ibid.) Because the Project does not contain land uses which are likely to create objectionable odors, the Project will not cumulatively contribute to the creation of objectionable odors, resulting in a less than significant impact. (Ibid.)

D. Biological Resources. The primary effects of the Project, when considered with other projects in the region, will be the cumulative loss of open space, habitat of sensitive or special-status wildlife species, and regional movement corridors that support migratory avian species. (EIR p. 4.4-20.) Anticipated cumulative impacts have been addressed within the region by the Western Riverside County MSHCP. (Ibid.) The MSHCP, as currently adopted, addresses 146 "Covered Species" that represent a broad range of habitats and geographical areas within western Riverside County, including threatened and endangered species, and regionally or locally sensitive species that have very specific habitat requirements and conservation and management needs. (Ibid.) Impacts to Covered Species and establishment and implementation of a regional conservation strategy and other measures included in the MSHCP are intended to address the federal, state, and local mitigation requirements for these species and their habitats. (Ibid.) The Project will pay a Local Development Mitigation Fee and Stephens kangaroo rat HCP mitigation fee, as required to provide a coordinated conservation area and implementation program that will facilitate the preservation of biological diversity and wildlife movement. (Ibid.) Because the Project complies with the MSHCP and Stephens kangaroo rat HCP, the Project's contribution to cumulative impacts will be less than significant. (Ibid.)

While the site does not contain wetlands, and thus will not result in any cumulative impacts to wetlands or any Project contribution to wetlands impacts, construction of the Project will impact non-wetland waters of the U.S. and State which are regulated by Sections 401 and 404 of the Clean Water Act and Section 1600 of the CDFG Code. (Ibid.) These regulations ensure that no net impact to waters of the United States occurs through the proper application of mitigation measures and other conditions established through the federal and state permitting processes. (Ibid.) Therefore, on a cumulative basis, impacts will be considered less than significant. (Ibid.) Similarly, the Project's contribution to those impacts will also be less than significant as a result of the Project-specific permitting process. (Ibid.)

Riverside County and its jurisdictions support a number of wildlife movement corridors. While the County is becoming increasingly urbanized, which could restrict wildlife movement, the MSHCP, and the Conservation Area established therein, were developed with several goals that specifically support wildlife movement, including the following:

1. Conserve large habitat blocks.
2. Conserve habitat diversity.
3. Keep conservation areas contiguous and connected.

Accordingly, cumulative impacts to wildlife movement are less than significant. As previously mentioned, the Project site is not expected to support any appreciable terrestrial or avian wildlife movement because it does not connect two or more significant wildlife habitats due to surrounding urban development to the east, agricultural uses to the north, the I-215 freeway to the west, and a flood control channel and utility easement to the south. Therefore, the Project's contribution to this cumulative impact would result in no impact. (Ibid.)

The cumulative context for complying with local policies and/or ordinances protecting biological resources is the City of Perris, which is the area within which the General Plan and/or any applicable ordinances would apply. No known local policies or ordinances are known to exist. The Project is consistent with all local General Plan policies protecting biological resources, and no ordinances apply; accordingly, the project's contribution to this cumulative impact is less than significant. (EIR pp. 4.4-21 to 4.4-22.)

E. Cultural Resources. The Project will not impact any historical sites. Additionally, there are no known archaeological or paleontological sites or human remains within the Project boundaries or the proposed offsite improvement area, although they could be present beneath the ground surface and unearthed during grading and excavation activities. (EIR p. 4.5-14.) The cumulative effect of damaging or destroying archaeological resources is mitigated through measures applied to each project in accordance with CEQA requirements. (Ibid.) Although the Project could result in damage to or the destruction of archaeological resources if resources are unearthed during grading and construction, this EIR includes mitigation measures that will ensure that any resources encountered will be identified and appropriately treated. (Ibid.) The Project will not, therefore, result in a cumulatively

considerable contribution to cultural resource impacts, and the cumulative impact of the Project will be less than significant. (Ibid.)

Paleontological resources could be encountered on the Project site or in the offsite improvement area, given the sensitivity of the area for these resources; however, mitigation measures that will be imposed and enforced throughout construction will ensure that the contribution of potential impacts from Project development to the cumulative destruction of paleontological resources will not be cumulatively considerable. (Ibid.) The cumulative impact of the Project to paleontological resources will, therefore, be less than significant. (Ibid.)

Human burials are subject to specific regulatory protection, and their treatment is governed by provisions of the Public Resources Code and the Health and Safety Code. (Ibid.) Consequently, projects that could encounter burials will be required to provide appropriate treatment, as described for the Project in Mitigation Measure 4.5-18. (Ibid.) Because appropriate treatment of human remains is required by law, no significant cumulative impact to human burials is anticipated to occur as a result of development. (Ibid.) Therefore, the cumulative impact of the Project will also be less than significant. (Ibid.)

F. Geology and Soils. The Project and cumulative projects will be exposed to potential geologic hazards related to soil and other conditions at individual building sites, and groundshaking from seismic events on known and unknown faults in the region. (EIR p. 4.6-10.) These effects will be site-specific, and impacts will not be compounded by additional development. (Ibid.) Buildings and facilities in the City of Perris will be sited and designed in accordance with appropriate geotechnical and seismic guidelines and recommendations consistent with the CBC. (Ibid.) Adherence to all relevant plans, codes, and regulations with respect to project design and construction will provide adequate levels of safety for the geotechnical conditions for the respective sites, and the cumulative impact will be less than significant. (EIR pp. 4.6-10 – 4.6-11.) Consequently, project-related cumulative impacts regarding geologic hazards will also be less than significant. (Ibid.)

Impacts from erosion and loss of topsoil from site development and operation can be cumulative in effect within a watershed. (EIR p. 4.6-11.) Development throughout Riverside County is subject to state and local runoff and erosion prevention requirements, including the applicable provisions of the general construction permit, BMPs, and Phases I and II of NPDES, as well as implementation of fugitive dust control measures of SCAQMD Rule 403. (Ibid.) These measures are implemented as conditions of approval of project development and subject to continuing enforcement. (Ibid.) As a result, it is anticipated that cumulative impacts on the San Jacinto River Watershed due to runoff and erosion from cumulative development activity will be less than significant. (Ibid.) Consequently, Project-related cumulative impacts will also be less than significant. (Ibid.)

Implementation of the proposed Project would result in the modification of site conditions to accommodate site development and to provide a stable and safe development. The modification of the Project site during the construction phase could expose areas of soil to erosion by wind or water. Development of other cumulative projects in the vicinity of the Project site could expose soil surfaces, and further alter soil conditions, subjecting

soils to erosional processes during construction. (Ibid.) To minimize the potential for cumulative impacts that could cause erosion, the Project and cumulative projects in the adjacent area are required to be developed in conformance with the provisions of applicable federal, state, county, and city laws and ordinances. (Ibid.) Furthermore, project sites more than one acre in size will be required to comply with the provisions of the NPDES permitting process and local implementation strategies, which will minimize the potential for erosion during construction and operation of the facilities. (Ibid.) Compliance with this permit process, in addition to the legal requirements related to erosional control practices, will minimize effects from erosion. (Ibid.) Therefore, cumulative impacts on erosion will be less than significant, and the project-related cumulative impact will also be less than significant. (Ibid.)

G. Hazards and Hazardous Materials. Risks associated with hazardous materials are largely site-specific and localized, and are thus limited to individual project sites. (EIR p. 4.7-14.) Additionally, site-specific investigations would be conducted at sites where contaminated soils or groundwater could occur to minimize the exposure of works to hazardous substances. As such, the potential for cumulative impacts to occur is limited. (Ibid.)

Although each development site has potentially unique hazardous materials considerations, it is expected that future growth will generally comply with the range of federal, state, and local statutes and regulations applicable to hazardous materials, and will be subject to existing and future programs of enforcement by the appropriate regulatory agencies. (Ibid.) For these reasons, cumulative impacts resulting from the use, transport, and disposal of hazardous materials, will be less than significant. (Ibid.) Consequently, the Project's cumulative impact associated with the transport, use, or disposal of hazardous materials will be less than significant. (Ibid.)

Related development in the City and adjacent communities could result in development on land previously used for agricultural activities, and/or the demolition of existing structures, which could subject construction workers to health or safety risks through exposure to hazardous materials, although the individual workers potentially affected would vary from project to project. For example, if demolition of existing buildings is required, short-term increases in hazardous materials generation, due to the presence of lead-based paints and asbestos-containing materials in existing facilities could occur. However, projects would be required to comply with applicable federal, state, and local regulations. (Ibid.) All demolition activities that will involve asbestos or lead based paint will comply with SCAQMD and OSHA regulations. (Ibid.) Adherence to applicable regulations and guidelines pertaining to abatement of, and protection from, exposure to pesticides, asbestos, lead, and other hazardous materials will ensure that cumulative impacts from those activities will be less than significant. (Ibid.) Consequently, the Project's contribution to a cumulative impact associated with the release of hazardous materials from construction activities will not be considerable. (Ibid.)

Cumulative development could also potentially involve the operation of future uses that could release hazardous materials into the environment. (Ibid.) However, similar to potential construction impacts, the transportation, storage, and use of hazardous materials is strictly regulated by existing statutes. In addition, hazardous materials use regulations include requirements for employees to wear appropriate protective equipment, and

safety equipment is routinely available in all areas where hazardous materials are used. (Ibid.) It is anticipated that future development projects will adhere to the applicable federal, state, and local requirements that regulate the release of hazardous materials into the environment, resulting from operation activities. (Ibid.) As a result, cumulative impacts will be less than significant. Therefore, the Project's cumulative impact is also considered to be less than significant. (Ibid.)

H. Hydrology and Water Quality. The cumulative area for hydrologic and water quality impacts is the West San Jacinto Groundwater Basin Plan area. (EIR p. 4.8-21.) Adherence to NPDES, SWPPP, and WQMP requirements will reduce any such cumulative water quality impact to a less than significant level. (Ibid.) While cumulative development in the City and region would reduce the amount of permeable surfaces, groundwater recharge policies and practices implemented by the RWQCB and local agencies will ensure groundwater supplies are maintained at appropriate levels. As such, no significant cumulative water quality impact is anticipated to occur. (Ibid.) The Project will not cause or considerably contribute to cumulative water quality or groundwater recharge impacts with adherence to mandatory regulatory requirements. (Ibid.) The Project's water quality impacts will be reduced through onsite bioswales infiltration trenches. (Ibid.) Similar requirements will be placed on all other development in the Project vicinity by the City and the RWQCB, further reducing the potential for cumulative impacts. (Ibid.)

The runoff from the Project site and nearby offsite areas will be discharged directly to the MDP Line A Channel. (Ibid.) The Line A Channel is designed to be sized to adequately handle runoff from the Project site and surrounding areas. (Ibid.) Development of the Project will not occur until the Line A Channel is constructed (see Mitigation Measure M 4.8-1). (Ibid.) As such, cumulative impacts to drainage will be less than significant. (Ibid.) The Project will not cause or considerably contribute to cumulative flooding or stormwater capacity impacts. (Ibid.)

I. Land Use and Planning. Cumulative development in the City and unincorporated Riverside County is required to be reviewed for consistency with adopted land use plans and policies, in accordance with the requirements of CEQA, the state Zoning and Planning Law, and the state Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development. (EIR p. 4.9-23.) An analysis of the Project's consistency with the City's General Plan, Zoning Code, Redevelopment Plan, and regional plans including the SCAG RCP, the Western Riverside County MSHCP, the SCAQMD AQMP, and the SQRWQCB Basin Plan revealed no inconsistencies, resulting in a less than significant impact. (Ibid.)

Although the Project proposes a General Plan Amendment (GPA) to the County of Riverside's Circulation Element, the Project proposes the onsite construction of "A" Street as a connecting route to Encanto Drive, minimizing potential land use impacts to less than significant. (Ibid.)

The commercial land uses proposed by the Project will be consistent with the site's Community Commercial land use designation, and the Project will be compatible with surrounding land uses. (EIR p. 4.9-24.) The Project will not conflict with any

applicable policy documents; therefore, the Project will have no potential to significantly contribute to cumulative impacts associated with land use. (Ibid.)

J. Noise. Chapter 7.34 (Noise Control) of the City Municipal Code limits construction to between the hours of 7:00 A.M. and 7:00 P.M. Monday through Saturday. (EIR p. 4.10-19.) Any adjacent project in unincorporated Riverside County will be bound by the County of Riverside noise regulation ordinance (Riv. Co. Ord. 847) which prohibits construction between the hours of 6 P.M. and 6 A.M. during the months of June through September, and 6 P.M. and 7 A.M. during the months of October through May. (EIR pp. 4.9-24 – 4.9.25.) Although it is not possible to predict if nearby projects may be constructed at the same time and create cumulative noise impacts that will be greater than if developed at separate times, in the unlikely event that adjacent properties will be developed at the same time as the Project, implementation of Mitigation Measures 4.10-1 through 4.10-4 will render the Project's contribution to cumulative noise impacts less than significant. (Ibid.) Because noise impacts are localized, it is unlikely that two projects will be under construction close enough and at the same time such that their noise impacts are additive. (Ibid.) Thus, the overall construction noise cumulative impact is considered to be less than significant, and the Project's contribution to construction-related noise levels will not be cumulatively considerable. (Ibid.)

Cumulative traffic-generated noise impacts have been assessed based on the contribution of the Project to the future cumulative base traffic volumes in the Project vicinity. (Ibid.) The cumulative noise increase along 32 of the 73 study area roadway segments will exceed the City's 65 dBA CNEL noise level standard for sensitive land uses. (Ibid.) Also, with the exception of the segment of Ethanac Road located west of Malaga Road and the segment of Murrieta Road south of McLaughlin Road, the cumulative noise increase along the other roadway segments will experience an increase in local noise levels by more than 3.0 dBA CNEL. (Ibid.) Therefore, the resulting cumulative impact will be significant. (Ibid.) The Project's contribution will not be cumulatively considerable on 31 of these 32 road segments because the Project's traffic will contribute less than a 1.0 dBA noise level increase, which is well below the level perceptible to the human ear (3 dBA). (Ibid.) On one road segment (Trumble Road south of Ethanac Road), cumulative development in 2009 will increase local noise levels by a maximum of 20.6 dBA CNEL, with the Project's contribution being 4.5 to 6.0 dBA CNEL. (Ibid.) Because feasible mitigation is not available to reduce this impact to a level below significance, this impact is considered to be cumulatively significant and unavoidable. (Ibid.)

The noise analysis contained in this section provides an assessment of onsite operational noise level impacts onto adjacent sensitive uses, both existing and future. Onsite operational noises are individual noise occurrences and are not additive in nature. This includes, but is not limited to, noise from trash compactors, air conditioning units, loud speakers (if any), etc. Therefore, there are no projects that would, in combination with the proposed Project, produce significant noise impacts to sensitive land uses from onsite operational noise. Cumulative impacts would, therefore, not occur. (EIR pp. 4.10-19 through 4.10-23.)

K. Public Services. As additional development occurs in the City of Perris and region, there will be an overall increase in the demand for law enforcement and fire

protection services, including personnel, equipment, and/or facilities. (EIR p. 4.11-7.) The City collects fees to offset impacts associated with new development. (Ibid.) These development impact fees (DIFs) are one-time charges applied to new developments and are imposed to raise revenue for the construction or expansion of capital facilities located out of the project boundaries of a new development that benefit the area. (Ibid.) DIFs are collected for specific infrastructure needs and are deposited into different accounts representing these requirements. (Ibid.) A DIF Justification Study, dated February 25, 2006, was prepared to comply with Section 66000 et. seq. of the California Government Code. (Ibid.) The Justification Study identifies additional public facilities (Future Facilities) required by new development and determines the level of fees that may be imposed to pay the costs of the Future Facilities. (Ibid.) Determined fee amounts are intended to finance public services at levels identified by the various City departments as necessary to meet the needs of new development through the year 2030. (Ibid.) Payment of the mandatory DIF fee would reduce the Project’s cumulative impact to public services to a less than significant level. (Ibid.)

L. Transportation and Traffic. The cumulative analysis considers 56 cumulative projects identified to occur within the vicinity of the Project site. (EIR pp. 4.12-40 – 4.12-41.) In summary, cumulative impacts will occur at the following intersections and roadway segments: (Ibid.)

1. City of Perris intersections:

- (a) Murrieta Road at Ethanac Road (AM and PM peak hours)
- (b) Case Road at Ethanac Road (AM and PM peak hours)
- (c) I-215 Southbound Ramps at Ethanac Road (AM and PM peak hours)
- (d) I-215 Northbound Ramps at Ethanac Road (AM and PM peak hours)
- (e) Trumble Road at Ethanac Road (AM and PM peak hours)
- (f) Sherman Road at Ethanac Road (PM peak hour)
- (g) Trumble Road at Middle Project Driveway (PM peak hour)

2. City of Perris roadway segments:

- (a) Trumble Road between Ethanac Road and ‘A’ Street

- (b) Ethanac Road between:
  - (i) Murrieta Road to Case Road
  - (ii) Case Road to I-215 SB Ramps
  - (iii) I-215 SB Ramps to I-215 NB Ramps
  - (iv) I-215 NB Ramps to Trumble Road

The above City of Perris intersections and road segments to which the Project will contribute cumulative impacts will be mitigated by roadway improvements required of the Project, along with the required payment of County TUMF and City DIF fees (which are applied toward the construction of local and regional roadways and intersections). (Ibid.) Cumulative impacts also will occur at the following County intersections and roadway segments: (Ibid.)

1. Riverside County intersections:

- (a) Menifee Road at Mapes Road (AM and PM peak hours)
- (b) Menifee Road at Watson Road (AM and PM peak hours)
- (c) Palomar Road at Matthews Road (PM peak hour)\*
- (d) Murrieta Road at Ethanac Road (AM and PM peak hours)
- (e) Sultanas Road at Ethanac Road (AM and PM peak hours)
- (f) Murrieta Road at McLaughlin Road (PM peak hour)
- (g) Menifee Road at Rouse Road (PM peak hour)
- (h) Menifee Road at Chambers Avenue (AM and PM peak hours)
- (i) Menifee Road at McCall Blvd. (AM and PM peak hours)
- (j) Menifee Road at Simpson Road (AM and PM peak hours)

(k) Linderberger Road at Simpson Road (AM and PM peak hours)\*

(\* Intersections are not located on TUMF roadways)

2. Riverside County roadway segments:

(a) Ethanac Road between:

(i) Trumble Road to Sherman Road

(ii) Sherman Road to Antelope Road

(iii) Palomar Road to Menifee Road

(iv) Menifee Road to Briggs Road

Lindenberger Road\*

(v) Simpson Road between Menifee Road to

to McCall Blvd.\*

(vi) Encanto Drive between Chambers Avenue

(b) Menifee Road between:

(i) Watson Road to Ethanac Road

(ii) Ethanac Road to Rouse Road

(iii) Rouse Road to McCall Boulevard

(iv) McCall Blvd. to Simpson Road

(\* Roadway segments are not TUMF roadways)

The above Riverside County intersections and roadway segments to which the Project will contribute will be mitigated by the required payment of County TUMF fees (which are applied toward the construction of local and regional roadways and intersections). (EIR p. 4.12-41.) Because there is no mechanism available, however, by which the Project can contribute fees beyond TUMF obligations towards intersection and roadway improvements in unincorporated Riverside County, and because the City of Perris does not have jurisdiction over physical road improvements in unincorporated portions of Riverside County, the Project will result in direct and cumulative unavoidable impacts to County roadways and intersections not included in the TUMF program. (EIR pp. 4.12-41 – 4.12-42.) These include two roadway segments: Simpson Road between Menifee Road to Lindenberger Road and

Encanto Drive between Chambers Avenue to McCall Blvd.; and two intersections: Linderberger Road at Simpson Road (AM and PM peak hours); and Palomar Road at Matthews Road (PM peak hour). (Ibid.) The intersection of Encanto Drive and McCall Blvd. would also be significantly impacted.

Through the County's collection of DIF funds from development projects located within the jurisdiction of unincorporated Riverside County and the application of those fees towards intersection and roadway segment improvements, in addition to intersection and roadway segment improvements that will be the direct obligation of development projects in the County, all study area intersections and roadway segments are expected to operate at acceptable levels of service (LOS D or better) in the long-term with the exception of the intersection of Encanto Drive at McCall Blvd. (Ibid.) Because the timeframe for the construction of TUMF and DIF funded improvements is not known with certainty, it is conservatively concluded that the Project will contribute to cumulative unavoidable short-term impacts to each of the roadway segments and intersections listed above, from the time the Project's first occupancy permit is issued, to the time the roadway segment and intersection improvements are constructed with TUMF and DIF funding. (Ibid.)

The Project also will contribute traffic to several I-215 segments that are expected to operate at an unacceptable level of service (LOS F) at Project buildout year 2009. These include: (Ibid.)

1. I-215 NB from South SR-74 to North SR-74
2. I-215 SB from D Street to North SR-74
3. I-215 SB from North SR-74 to South SR-74
4. I-215 NB from North SR-74 to D Street
5. I-215 SB from McCall Boulevard to Newport Road
6. I-215 SB from Newport Road to Scott Road

All freeways are under the authority of Caltrans. (EIR p. 4.12-42.) A fair-share program has not been established by Caltrans in order to fund improvements to freeway mainlines to mitigate project-specific impacts. (Ibid.) Therefore, mitigation for impacts to I-215 is not feasible. (Ibid.) Accordingly, the Project's incremental contribution to freeway mainlines is considered a significant and unavoidable cumulative impact. (Ibid.) For General Plan buildout conditions, levels of service on I-215 will vary from LOS A to E, and none of the freeway segments are expected to operate at an unacceptable level of service. (Ibid.) Any future improvements accomplished by the RCTC I-215 widening projects will further increase freeway capacity and reduce impacts. (Ibid.)

M. Utilities and Service Systems. Existing and future development within EMWD's service area will demand additional quantities of water. (EIR p. 4.13-13.)

According to the Water Supply Assessment prepared for the Project, the demand estimated for the Project is within the limit of growth projected in the EMWD 2005 UWMP. (Ibid.) Because EWMD will have water supplies for projected growth through 2030 in wet, dry, and multiple-dry years, cumulative impacts to water supply will be less than significant since its demand was included within the 2005 UWMP. (Ibid.) The Project's contribution to water demand will not be cumulatively considerable. (Ibid.) The Project will lessen its demand for water through incorporation of several water conserving features in the Project design, including: 1) Incorporating drought tolerant plants into the landscaping palette; 2) Use of water-efficient irrigation techniques; 3) Use of recycled water for landscaping; and 4) Use of water conserving features which meet the Energy Policy Act of 1992 for fixture performance requirements. (EIR pp. 4.13-13 – 4.13-14. Because the Project will connect to existing conveyance infrastructure and because adequate treatment capacity is available, no cumulatively significant effect on water infrastructure will result from the development of the Project. (Ibid.)

Regarding wastewater, cumulative population increases and development within the area serviced by the PVRWRF will increase the demand overall regional demand for wastewater treatment service but improvements planned for this facility will increase capacity at this facility to 18 mgd and 25 mgd in 2010 and 2011, respectively. (EIR p. 4.13-14.) The PVRWRF is expected to have adequate capacity to service the City's wastewater needs through 2020. (Ibid.) Because the PVRWRF will expand as growth occurred, cumulative development will not exceed the capacity of the wastewater treatment system. (Ibid.)

By adhering to the wastewater treatment requirements established by the RWQCB through the NPDES permit, wastewater from the Project site that is processed through the PVRWRF will meet established standards. As the wastewater from all development within the service area of the PVRWRF would be similarly treated under the NPDES, no cumulatively significant exceedance of RWQCB wastewater treatment requirements would occur. (Ibid.)

Regarding landfill capacity, the Project is consistent with General Plan land use designations and the City of Perris General Plan EIR determined that there is adequate capacity at General Plan Buildout for the landfills which service the City. (Ibid.) Because the Project is consistent with General Plan growth forecasts, and because the General Plan EIR determined solid waste impacts to be less than significant at General Plan Buildout, the Project-related cumulative impacts relating to solid waste will be less than significant. (Ibid.)

**Section 6. Resolution Regarding Significant Irreversible Environmental Changes.** Natural resources in the form of construction materials and energy resources will be utilized in the Project construction, but development of the Project is not expected to negatively impact the availability of these resources. (EIR p. 4.0-8.) The combustion of fossil fuels will be necessary to provide electricity, natural gas, and potable water for the construction and operation of the retail commercial uses proposed for the Project. (Ibid.) The electricity usage rate of 6,561.79 Megawatt hours (MWh) per year was projected for Project operation based on estimated annual rates of 13.55 kilowatt hours (kWh) per square foot for retail space. (Ibid.) Natural gas usage was estimated to be 17,189 MMBTU based on estimated annual natural gas consumption of 2.9 cubic feet of gas per square foot per month of retail space. (Ibid.) Energy

usage for the provision of potable water was estimated to be 431.43 MWh/year, based on the estimated requirement of 10,000 kWh of energy per one million gallons of water. (Ibid.)

Fossil fuel use is an irreversible effect, as fossil fuels are a non-renewable resource. (Ibid.) The Project's energy demand is not considered to be a large commitment of natural resources as compared to the total electricity and natural gas energy demand in the State of California and the Southern California Edison (SCE) service area as documented by the California Energy Commission (CEC) in their "California Energy Demand 2008-2018 Staff Revised Forecast," published in October 2007. (Ibid.) Structures that will be built on the Project site will incorporate energy conserving features and will exceed the energy conservation measures outlined in Title 24 by at least 10%. (Ibid.)

Construction of the Project will commit the Project site to specific uses for the foreseeable future, thereby limiting the range of future uses for the Project site. (Ibid.) The Project will be implementing its General Plan use designation of Community Commercial, and as such, the irreversible land use change was previously considered by the City's General Plan Program EIR (2005). (Ibid.) In view of the General Plan consistency of the Project and the energy conservation and efficiency measures of the Project, the project's use of resources is not considered to be a significant irreversible environmental change.

**Section 7. Resolution Regarding Growth-Inducing Impacts.** The Project is consistent with SCAG's most recently adopted (April 2004) Population, Household, and Employment Forecasts, as it is consistent with planned growth identified in the City of Perris General Plan. (EIR p. 4.0-9.) Development in the area of the Project site also is occurring in accordance with the City of Perris and County of Riverside General Plans in a logical manner in conjunction with planned utility and infrastructure improvements. (Ibid.)

Development of vacant lands consistent with the City of Perris General Plan (2005) is projected to result in the following growth in the City through the year 2030: a) approximately 13,700 additional residential units, b) approximately 1,973,640 additional square feet of commercial uses, and c) approximately 7,077,360 additional square feet of industrial uses (General Plan EIR, 2005, pg. II-2). (Ibid.) The Project's 484,265 s.f. of commercial retail space represents approximately 24% of the City's projected commercial growth, and is within the City's growth projections. (EIR pp. 4.0-9 – 4.0-10.)

Extension of urban utilities (water and sewer lines) could potentially act as an inducement to other lands within the vicinity to undertake development. (EIR p. 4.0-10.) Such induced development will be consistent with the existing General Plan. (Ibid.) Implementation of the Project will result in growth, but not beyond that which is already planned by the City's General Plan and the general plans of adjacent jurisdictions, and thus its growth inducing effect is not considered significant. (Ibid.)

**Section 8. Resolution Regarding Alternatives.** The Reduced Intensity Commercial Alternative is the environmentally superior alternative because it will reduce, but not eliminate, the Project's significant effects on air quality (except with regard to PM2.5), noise, and transportation/traffic. Impacts with regard to PM2.5 would be reduced from significant to

less than significant for operational emissions, however. This alternative does not achieve the City's revenue goals for the Project to the same degree as the Project, nor will it provide a similar level of jobs as the Project. The City's objectives for the Towne Center Project are to:

- A. Locate a commercial retail center at the intersection of a major street and a regional freeway, thereby maximizing access opportunities for the convenience of patrons.
- B. Augment the City's economic base by providing tax-generating uses on the property.
- C. Create job opportunities in the City by providing uses on the site that require hiring employees.
- D. Complement the existing retail base in the southeast portion of the City of Perris by providing new commercial retail uses, in close proximity to local consumers.
- E. Develop a commercial retail center on the site that is consistent with the City's "Community Commercial" General Plan land use designation and "Community Commercial" zoning designation.
- F. Provide daytime and nighttime shopping opportunities in a safe and secure environment.
- G. Provide and improve (where necessary) adequate infrastructure and public amenities. (EIR p. 3-1.)

1. Alternative 1 – No Project Alternative

Description: The No Project alternative entails the Project site remaining as an undeveloped open field. (EIR p. 5-3.) It is reasonably foreseeable that farming operations will resume on the Project site if the site were to remain undeveloped. (Ibid.) The roadways will remain under their current configuration. (Ibid.) No development will occur within the Project limits. (Ibid.) Although this Alternative will not achieve the Project's objectives, the evaluation of a No Project Alternative is required by the CEQA Guidelines. (EIR p. S-3.)

Impacts: Development of the site under this Alternative will result in a reduction of impacts to aesthetics, air quality, biological resources, cultural resources, geology, hazards and hazardous materials, hydrology and water quality, noise, traffic, and utilities. (EIR p. 5-6.) Impacts related to land use and planning will be increased because retention of the site in agricultural use will be inconsistent with the City's Community Commercial land use designation, and erosion impacts will be increased because more soil will be exposed to the action of wind and water. (Ibid.) Impacts associated with agricultural resources and public services will be eliminated. (Ibid.)

Objectives: This alternative does not meet any of the Project's basic objectives of developing a commercial retail center on this undeveloped site. (EIR p. S-3.)

Finding: The City Council finds that although the No Project alternative will reduce or avoid nearly all of the Project's significant environmental impacts, it is infeasible because it fails to meet all Project objectives. (EIR p. S-3.) On this basis, the City Council rejects the No Project Alternative.

## 2. Alternative 2 – Reduced Intensity Commercial Alternative

Description: This Alternative considers developing a retail shopping center on the Project site, but at a reduced intensity as compared to the Project. (EIR p. S-3.) This Alternative includes the construction and operation of three major retail pads of 40,000 sq. ft., 30,000 sq. ft., and 30,000 sq. ft., respectively, occurring in the northwest portion of the site where the largest major retailer is proposed by the Project. (Ibid.) The three major buildings will be constructed in lieu of a large retailer. (EIR p. 5-6.) This alternative assumes that the remainder of the Project will be constructed as proposed in the site plan. (Ibid.) The Reduced Intensity Commercial Alternative will reduce the overall commercial square footage as compared to the Project by 121,515 sq. ft. (25.1%). (EIR p. S-3.)

Impacts: Development of the site under this alternative will result in impacts to aesthetics, agricultural resources, biological resources, cultural resources, geology, hazards and hazardous materials, and hydrology and water quality that will be similar to that of the Project. (EIR p. 5-12.) Impacts to land use and planning, noise, public services, transportation and traffic, and utilities and service systems will be slightly reduced compared to the Project due to the reduced amount of building space square footage proposed for development. (Ibid.) The severity of the impacts associated with air quality will be reduced by this alternative, though will remain significant and unavoidable with the exception of long term transportation-related emissions of PM<sub>2.5</sub>, which will be reduced to a level below significance with mitigation by this alternative. (Ibid.) Traffic impacts and operational noise impacts would remain significant and unavoidable.

Objectives: This alternative would not meet the basic Project objectives of augmenting the City's economic base by providing tax-generating uses on the property or creating job opportunities in the City as well as does the Project due to the substantial reduction in the amount of floor area of the development.

Finding: This alternative is environmentally superior compared to the Project because it will reduce, but not eliminate, the Project's significant effects on air quality, noise, and transportation/traffic, and will reduce the Project's significant effect from PM<sub>2.5</sub> emissions. (EIR p. S-3.) However, this alternative does not achieve the City's revenue and employment objectives for the Project to the same degree as the Project. On this basis, the City Council rejects this alternative.

### 3. Alternative 3 – Offsite Location Alternative

**Description:** This alternative envisions development of the Project at a different location. (EIR p. 5-13.) An approximately 60.0-acre site located in the northeast quadrant of the intersection of I-215 and Ramona Expressway in the City of Perris has been identified as a location for this Alternative. (EIR p. S-3.) It is anticipated that, under this alternative, a development similar in size and use will be developed. (EIR p. 5-13.) The alternative site is zoned and General Plan designated for “Community Commercial” uses. (Ibid.)

**Impacts:** Development of the site under this Alternative will result in impacts to aesthetics, agricultural resources, air quality, cultural resources, geology, hazards, hydrology and water quality, land use, public services, traffic, and utilities and service systems that will be similar to that of the Project. (EIR p. 5-18.) Impacts related to hazards and hazardous materials will be greater than the Project. (Ibid.) Impacts associated with biological resources will be reduced compared to the Project because the identified location does not contain jurisdictional drainages. (Ibid.) The Project’s significant impact from operational noise levels at the three residences to the east of the site will also be avoided.

**Objectives:** This alternative would not meet the basic Project objective of providing tax revenues to the City because it would locate new retail businesses in the northern portion of the City, where there is more market saturation and revenues may be expected (to a greater extent than with the Project) to come at the expense of existing and proposed businesses. Thus, revenue growth would not be maximized. Additionally, the alternative site is not owned or otherwise in control of the applicant, and acquisition would be costly and time consuming, thereby rendering this alternative infeasible for economic and legal reasons.

**Finding:** This alternative will result in similar environmental impacts compared to the Project. It does reduce the severity of impacts to biological resources (jurisdictional drainages), and it will still meet most of the overall Project’s objectives. However, it will not any provide a substantial benefit compared to the Project. Also, the City of Perris General Plan designates the Project site for Community Commercial land uses, and development of the Project at the alternative location will not preclude development of a commercial site on the proposed site. For these reasons, the City rejects this alternative.

***Section 9.*** Resolution Adopting a Statement of Overriding Considerations.  
The City Council hereby declares that, pursuant to State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the Project against any unavoidable environmental impacts in determining whether to recommend approval of the Project to the City Council. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts may be considered “acceptable.”

The City Council hereby declares that the Draft EIR and Final EIR have identified and discussed significant effects which may occur as a result of the Project. With the implementation of the Mitigation Measures discussed in the Draft EIR and Final EIR, these

effects can be mitigated to a level of less than significant except for unavoidable significant impacts as discussed in Section 4 of this Resolution.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any Mitigation Measures recommended in the Draft EIR and/or Towne Center Project could not be incorporated, such Mitigation Measures are infeasible because they will impose restrictions on the Project that will prohibit the realization of specific economic, social and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the Draft EIR and Final EIR are infeasible because they will prohibit the realization of Project objectives and/or specific economic, social and other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the proposed Mitigation Measures, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, the City Council has determined that each of the following social, economic and environmental benefits of the Project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

A. The Project is a high quality land use transition from a fallow agricultural field to a retail commercial shopping center consistent with the property's zoning and land use designations. (EIR pp. 4.9-15 – 4.9-23.)

B. The Project represents the continuation of a logical development pattern occurring in the surrounding area. (EIR p. 4.1-10)

C. The Project provides for transportation improvements, including the improvement of a segment of Ethanac Road off-site between Trumble Road and Sherman Road, which will provide an extraordinary benefit to the local transportation system. (EIR p. 3-7.)

D. The Project provides backbone public infrastructure (i.e., roads, and utilities) to service that site that will ensure that the Project will not adversely impact existing infrastructure. (EIR p. 3-5.)

E. The site will provide a high quality commercial shopping center that will enhance the surrounding community and provide retail opportunities to meet the shopping demands of area residents. (EIR p. 3-6)

F. The Project will generate approximately 1,145 new recurring jobs for residents in the City of Perris and 1,345 total new recurring jobs for residents in Riverside County. (EIR p. 3-6 and EIR Appendix J1.)

G. The Project will help the City create an improved balance between employment and housing by providing job opportunities to existing residents that currently commute outside of the local area to work. (EIR pp. 3-6 and 4.0-9.)

H. The Project will create a positive net fiscal revenue to the City through an increased tax base. (EIR p. 3-6 and EIR Appendix J1.)

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project, which cannot be mitigated. The City Council finds that each of the Project benefits separately and individually outweighs the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

**Section 10.** Resolution Recommending Certification of the EIR. The City Council finds that it has reviewed and considered the Final EIR in evaluating the Towne Center Project and related approvals, that the Final EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines and that the Final EIR reflects the independent judgment of the City Council.

The City Council declares that no evidence of new significant impacts as defined by State CEQA Guidelines Section 15088.5 have been received by the City after circulation of the Draft EIR which will require recirculation.

The City Council certifies the EIR as to the Towne Center Project only based on the following findings and conclusions:

A. Findings. The following significant environmental impacts have been identified in the EIR and will require mitigation as set forth in Section 4 of this Resolution but cannot be mitigated to a level of less than significant: Air Quality (short and long term air pollutant emissions); Noise (contribution to noise levels); and Transportation and Traffic (contribution of traffic).

B. Conclusions. All significant environmental impacts from the implementation of the Project have been identified in the EIR and, with implementation of the Project Requirements and Mitigation Measures identified, will be mitigated to a less than significant level, except for the impacts listed in subsection A above. Other reasonable alternatives to the Project which could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project. Environmental, economic, social and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further Mitigation Measures beyond those incorporated into the Project.

**Section 11.** Resolution Adopting a Mitigation Monitoring and Reporting Plan. Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Plan attached to this Resolution. In the event of any inconsistencies between the Mitigation Measures as set forth herein and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Plan shall control.

**Section 12.** Resolution Regarding Custodian of Record. The documents and materials that constitute the record of proceedings on which these Findings have been based are located at the City of Perris, Planning Department, 101 North "D" Street, Perris, California 92750-1998. The custodian for these records is the Planning Manager. This information is provided in compliance with Public Resources Code section 21081.6.

**Section 13.** Resolution Regarding Staff Direction. A Notice of Determination shall be filed with the Clerk of the County of Riverside and the State Clearinghouse within five (5) working days of final Project approval.

**Section 14.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

**Section 15.** The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

**Section 16.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

**Section 17.** This Resolution shall take effect immediately upon its adoption.

**ADOPTED, SIGNED and APPROVED** this 13<sup>th</sup> day of May 2008.

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MAYOR, Daryl R. Busch

ATTEST:

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City Clerk, Judy L. Haughney

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

**I, JUDY L. HAUGHNEY**, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 4111 was duly and regularly adopted by the City Council of the City of Perris, at a regular meeting held the 13th day of May 2008, by the following vote:

AYES:	COUNCILMEMBERS:	Landers, Rogers, Yarbrough, Busch
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	Motte
ABSENT:	COUNCILMEMBERS:	None

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City Clerk, Judy L. Haughney