

2. Response to Comments on the Public Review Mitigated Negative Declaration

This chapter of the Final Mitigated Negative Declaration (MND) contains responses to the comments that the City of Perris (Lead Agency) received on the MND (SCH No. 2023050105) (Chapter 1) for the Westport Perris Industrial Project during the public review period, which began on May 5, 2023 and closed on June 5, 2023. This document has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines) (Cal. Code Regs., tit. 14, § 15000 et seq.), and represents the independent judgment of the Lead Agency. This document, together with the Public Review MND and the Mitigation Monitoring and Reporting Program (MMRP), comprise the Final MND.

The following public comments were submitted to the City of Perris during the public review period:

1. Riverside County Flood Control and Water Conservation District, Received May 15, 2023 (2 pages)
2. Eastern Municipal Water District, Received May 16, 2023 (2 pages)

The public comments and responses to comments are included in the public record and are available to the Lead Agency decision-makers for their review and consideration prior to making their decision whether to approve or deny the proposed Project. Pursuant to State CEQA Guidelines Section 15074(b), *Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration*, none of the comments provide substantial evidence that the Project will have significant environmental effects which would require preparation of an Environmental Impact Report. Further, none of the information in the letters or responses constitute the type of significant new information that requires recirculation of the Westport Perris Industrial Project MND for further public review under State CEQA Guidelines Section 15073.5, *Recirculation of a Negative Declaration Prior to Adoption*. None of this new material indicates that the Project will result in a significant new environmental impact not previously disclosed in the Westport Perris Industrial Project MND. Additionally, none of this information indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in State CEQA Guidelines Section 15073.5.

This Response to Comments do not require revision to the text of the MND.

Although State CEQA Guidelines Section 15088 does not require a Lead Agency to prepare written responses to comments received on an MND, the City of Perris has elected to prepare the following written responses with the intent of providing a comprehensive and meaningful evaluation of the proposed Project. The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.

LETTER 1: Riverside County Flood Control and Water Conservation District, Received May 15, 2023 (2 pages)

JASON E. UHLEY
General Manager-Chief Engineer



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**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

May 15, 2023

251063

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

Attention: Mr. Nathan Perez

Re: DPR 22-00021, APNs 302-260-078, 302-260-079, 302-260-080 and 302-260-081

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

The District's review is based on the above-referenced project transmittal, received May 05, 2023. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

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

1.1

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Re: DPR 22-00021, APNs 302-260-078, 302-260-079, 302-260-080 and 302-260-081

May 15, 2023
251063

This project is located within the limits of the District's Perris Valley San Jacinto River Homeland/Romoland Line A Homeland/Romoland Line B Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit. **1.2**

An encroachment permit shall be obtained for any future construction related activities occurring within District Right of way or facilities, namely, Perris Valley Master Drainage Plan Line E. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266. **1.3**

The District's previous comments dated August 16, 2022 are still valid. **1.4**

GENERAL INFORMATION

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

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy. **1.5**

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

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

Very truly yours,
Amy McNeill
AMY MCNEILL
Engineering Project Manager

Attachments

ec: Riverside County Planning Department
Attn: Timothy Wheeler

EM:mm

RESPONSE TO COMMENT LETTER 1: Riverside County Flood Control and Water Conservation District

Response to Comment 1.1: This comment discusses the extent of the Riverside County Flood Control and Water Conservation District (District) plan check process. The comment continues in explaining that the District's review is based on the documents (the Notice of Intent to Adopt a Mitigated Negative Declaration) for the Project but that the District did not review the Project in detail. The comment provides a checklist for areas that the Project may impact, and the Project would not be impacted by nor involves the District Master Drainage Plan facilities. This comment does not question the content or conclusions of the MND and no further response is warranted.

Response to Comment 1.2: This comment continues through the District's checklist and states that the Project is located within the limits of the Perris Valley Area Drainage Plan and if the Project proposes additional impervious surface area, applicable fees will need to be paid prior to building permit issuance. The Project would comply with all necessary fees. This comment is informational in nature and does not question the content or conclusions of the MND. No further response is warranted.

Response to Comment 1.3: This comment continues through the District's checklist and states that an encroachment permit shall be obtained for any construction within the District's right of way or facilities, such as the Perris Valley Master Drainage Plan Line E and if the proposed storm drain connection exceeds the existing capacity of the facilities, mitigation would be required. As discussed in Section 5.19, *Utilities and Service Systems*, of the MND, runoff onsite would be conveyed into an underground infiltration/detention basin located on the property which has been sized appropriately for the Project's anticipated drainage. Overflow would discharge to the adjacent Perris Valley Master Drainage Plan Line E. As the Project has been designed to contain appropriately sized onsite drainage features, the Project would not substantially increase stormwater runoff and would not result in the proposed storm drain connection exceeding the existing capacity of the facility. As such, the Project would not result in the construction of new off-site storm water drainage facilities or expansion of existing on-site facilities, the construction of which could cause significant environmental effects. Therefore, the Project is following the District's requirements for construction within their right of way and this comment does not raise any new concerns regarding the content or conclusions of the MND. No further response is warranted.

Response to Comment 1.4: This comment continues the District's checklist and states that the District's previous comments dated August 16, 2022 are still valid. This comment is in reference to a previous letter received from the District, which is consistent with this current letter and unrelated to the MND. This comment is informational in nature and does not question the content or conclusions of the MND. No further response is warranted.

Response to Comment 1.5: This comment provides general information regarding the requirements for a National Pollutant Discharge Elimination System (NPDES) permit, procedure if the Project has Federal Emergency Management Agency (FEMA) involvement, CEQA requirements, and procedure for if a natural watercourse or mapped floodplain is impacted by the Project. The Project would comply with NPDES permit requirements as stated in Section 3.2.6, *Discretionary Approvals, Permits, and Studies* of the MND and would obtain a permit from the Santa Ana Regional Water Quality Control Board (RWQCB) to ensure that construction site drainage velocities are equal to or less than the pre-construction conditions and downstream water quality is not worsened. The Project site is located within FEMA FIRM Flood Map Zone X, which has a 0.2 percent chance of flood hazard, as discussed in Section 5.10 of the MND and the Project would, therefore, not have FEMA involvement. The Project complies with all CEQA requirements through the preparation of the MND. Lastly, the Project would not impact any natural watercourse or mapped floodplain. Therefore, the statement does not question the content or conclusions of the MND and no further response is warranted.

LETTER 2: Eastern Municipal Water District, Received May 16, 2023 (2 pages)



May 16, 2023

Nathan Perez, Contract Planner
City of Perris
Development Services Department
135 North "D" Street
Perris, CA 92570

Subject: EMWD Comments for the Westport Perris Industrial Project Notice of Intent to Adopt a Mitigated Negative Declaration

Location: Northeast corner of Ramona Expressway and Brennan Avenue in the City of Perris, Riverside County, California.

Dear Mr. Nathan Perez:

Eastern Municipal Water District (EMWD) thanks you for the opportunity to comment on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Westport Perris Industrial Project (project). The proposed project consists of the construction and operation of an approximately 99,990 square foot non-refrigerated warehouse building. The project would include a parking lot, ornamental landscaping, employee patio area and associated infrastructure. The project would also include a fire water pump located in the southern portion of the project site. 2.1

EMWD offers the following comments:

To define the impact(s) on the environment and on existing EMWD facilities, and as development within **this area occurs over time, the proponents of implementing development projects shall consult EMWD's** Development Services Department to compare proposed and existing water demands and sewer flows, and prepare a Design Conditions report (DC), formally known as the Plan of Service (POS), to detail all pertinent facilities necessary to serve such implementing development projects, resulting in an approved DC, prior to final design and plan check of such facilities. 2.2

Board of Directors
Philip E. Paule, *President* Stephen J. Corona, *Vice President* Jeff Armstrong Randy A. Record David J. Slawson

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300
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EMWD Comments

May 16, 2023

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To help define EMWD’s Design Conditions, EMWD requires beginning dialogue with project proponents at an early stage in the site design and development, via a one-hour complementary Due Diligence meeting. To set up this meeting the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our web page www.emwd.org, then select the “Developer” link, then select the “New Development Process Forms” link. This meeting will offer the following benefits:

2.3

1. Describe EMWD’s development process.
2. Identify project scope and parameters.
3. Provide a preliminary review of the project within the context of existing infrastructure.
4. Discuss potential candidacy for recycled water service.
5. Identify project submittal requirements to start the Design Conditions review.

Following the Due Diligence meeting, and to proceed with a project, the Design Conditions will need to be developed by the developer’s engineer and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The DC process and approval will provide the following:

2.4

1. Technical evaluation of the project’s demands and existing system capacities.
2. Identification of impacts to existing facilities.
3. Identification of additional on-site and off-site facilities, necessary to serve the project.
4. Identification of easement requirements, if necessary.
5. Identification of potential EMWD’s cost participation in facility oversizing, if applicable.

If you have questions or concerns, please do not hesitate to contact Maroun El-Hage at (951) 928-3777, extension 4468 or by e-mail at El-hagem@emwd.org.

Sincerely,

Al Javier

Digitally signed by Al Javier
Date: 2023.05.16 15:47:05
-07'00'

Alfred Javier
Director of Environmental and Regulatory Compliance
ARJ: hs



RESPONSE TO COMMENT LETTER 2: Eastern Municipal Water District

Response to Comment 2.1: This comment thanks the Lead Agency for the opportunity to comment on the Project and provides a summary of the Project. The comment is introductory in nature and does not question the content or conclusions of the MND. No further response is warranted.

Response to Comment 2.2: This comment explains that the Eastern Municipal Water District (EMWD) requires that new implementing development projects consult with the EMWD's Development Services Department to compare the proposed and existing water demands and sewer flows. The EMWD would then prepare Design Conditions (DC) for the implementing project which would need to be approved prior to final design and plan check of the facility. The comment then provides the steps that are needed to initiate the consultation meeting and what is provided following the DC process and approval.

This comment does not specifically discuss the information disclosed within the Westport Perris Industrial Project MND nor does it raise any environmental concerns. The Project Applicant has consulted with the EMWD and has completed Phase I for the initial due diligence consultation (EMWD Project No. (PPI): 2022-678) and is currently working through Phase II, DC, which satisfies the request of the letter. Therefore, this comment does not question the content or conclusions of the MND and no further response is warranted.

Response to Comment 2.3: This comment states that the EMWD requires a preliminary due diligence meeting to discuss the EMWD review process and the Project.

As discussed above in the Response to Comment 2.2, the Project Applicant has consulted with the EMWD and has completed Phase I for the initial due diligence consultation (EMWD Project No. (PPI): 2022-678) and is currently working through Phase II, DC, which satisfies the request of the letter. Therefore, this comment does not question the content or conclusions of the MND and no further response is warranted.

Response to Comment 2.4: This comment states that after the due diligence meeting, the Project's engineer would need to prepare the Design Conditions, which would be reviewed and approved by the EMWD. The comment discusses the requirements for the Design Conditions analysis.

As discussed above in the Response to Comment 2.2, the Project Applicant has consulted with the EMWD and has completed Phase I for the initial due diligence consultation (EMWD Project No. (PPI): 2022-678) and is currently working through Phase II, DC, which satisfies the request of the letter. Conditions of Approval will be prepared by City staff, including the City Engineer, which will be included in the materials presented for consideration by the City of Perris Planning Commission.

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