

RESOLUTION NUMBER 4011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH 20050081152), AND ADOPTING A MITIGATION MONITORING AND REPORTING PLAN

WHEREAS, the Perris Marketplace would consist of the construction of a proposed retail shopping center on an approximately 49.3-acre site in the City of Perris (the “City”) and include approximately 520,000 square feet of commercial space including a 250,000-square foot major retail store, a 173,000-square foot home improvement warehouse, approximately 80,000 square feet of other retail, five fast-food restaurants, and a 6-pump (12 fueling positions) gas station (the “Project”); and

WHEREAS, the Project would augment the City’s economic base by providing tax-generating uses within the City, create employment-generating opportunities for the citizens of Perris and surrounding communities, expand and provide new retail options in close proximity to local consumers by providing daytime and nighttime shopping opportunities in a safe and secure environment, complement the existing retail base in the City located north of the intersection of Nuevo Road and Perris Boulevard, two major streets, thereby maximizing access opportunities for the convenience of patrons; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) (Public Res. Code, § 21000, *et seq.*) and the State CEQA Guidelines (14 CCR § 15000, *et seq.*), the City of Perris is the lead agency for the Project, as the public agency with general governmental powers; and

WHEREAS, the City of Perris, as lead agency, 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, a Notice of Preparation (“NOP”) identifying the scope of environmental issues was distributed to numerous state, federal, and local agencies and organizations for a 30-day public review period commencing on August 29, 2005, pursuant to State CEQA Guidelines Sections 15082(a), 15103, and 15375. A total of seven comment letters were received and are included in Appendix A of the Draft EIR (“DEIR”). Relevant comments received in response to the NOP were incorporated into the DEIR; and

WHEREAS, the DEIR was distributed for a 45-day public review period on November 14, 2006, with the comment period expiring on December 28, 2006. A total of five

comment letters were received in response to the circulation of the DEIR. The specific and general responses to comments are included in the Final EIR (“FEIR”); and

WHEREAS, a Notice of Completion (“NOC”) was sent with the DEIR to the State Clearinghouse on November 13, 2006; and

WHEREAS, the DEIR was recirculated for a 45-day public review period in response to comments received from the South Coast Air Quality Management District (“SCAQMD”). The Recirculated Draft EIR (“RDEIR”) was distributed for a 45-day public review period that ran from March 16 to April 29, 2007. A total of five comment letters were received in response to the RDEIR. The specific and general responses to comments are included in the FEIR; and

WHEREAS, a Notice of Completion (“NOC”) was sent with the RDEIR to the State Clearinghouse on March 15, 2007; and

WHEREAS, the City Council of the City of Perris held a public hearing to consider the Project, the FEIR, and staff recommendations, on July 10, 2007; and

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

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

WHEREAS, the EIR prepared in connection with the Project sufficiently analyzes both 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, the State CEQA Guidelines and the City’s Local CEQA Guidelines; and

WHEREAS, all of the findings and conclusions made by the City 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 which the City finds are less than significant and do not require mitigation are described in **Section 3** 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 feasible mitigation measures identified in the Final EIR and set forth herein, are described in **Section 4** hereof; and

WHEREAS, environmental impacts identified in the Final EIR as potentially significant but which the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, are described in **Section 5** hereof; and

WHEREAS, cumulative environmental impacts identified or discussed in the Final EIR are described in **Section 6** hereof; and

WHEREAS, irreversible environmental changes are identified in the Final EIR and are found to be less than significant, as described in **Section 7** hereof; and

WHEREAS, the potential for growth inducing impacts described in the Final EIR and found to be less than significant are described in **Section 8** hereof; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in **Section 9** hereof; and

WHEREAS, prior to taking action, the City 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 of the City of Perris 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, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION I

THE PROJECT

A. Project Description

The Perris Marketplace (the “Project”) consists of the construction of a retail shopping center on an approximately 49.3-acre site, including street frontage dedications. The retail shopping center includes a total of approximately 520,000 square feet of commercial space comprising a 250,000-square foot major retail store, a 173,000-square foot home improvement store, approximately 80,000 square feet of other retail uses, five fast-food restaurants (16,400 square feet total), and a 6-pump (12 fueling positions) gas station. The gas station will be located under a canopy cover and will include a kiosk totaling approximately 100 square feet.

It should be noted that Parcel 14 will not be developed as part of this Project. Parcel 14 is part of the site plan for the Project, but is designed to remain as open space. If Parcel 14 is developed in the future, its owners will have to seek separate approval from the City of Perris as well as separate environmental analysis under CEQA. This Resolution will in no way provide any right to develop Parcel 14.

B. Project Objectives

The primary Project objectives are as follows:

- Provide development consistent with the City’s General Plan and in conformance with municipal standards, codes, and policies;
- Provide for commercial development of a size and location sufficient to retain revenue-generating uses in the City;
- Serve as a premier retail and personal service center, expanding retail options to residents of the City;
- Provide new employment opportunities to residents of the City;
- Augment the City’s economic base by increasing tax-generating retail uses within the City;
- Result in the development of uses that complement existing retail uses in the Project area;
- Provide an urban landscape that will enhance the aesthetic and visual quality of the area;

- Provide the infrastructure necessary to meet Project needs in an efficient and cost-effective manner;
- Locate the proposed uses on a site that has previously been disturbed; thereby minimizing direct impacts to sensitive biological resources; and
- Locate the commercial Project near regional freeway and transit facilities.

SECTION 2

FINDINGS

At a meeting assembled on July 10, 2007, the City Council of the City of Perris determined that, based upon all of the evidence presented, including, but not limited to, the Final EIR, written and oral testimony given at the meetings and hearings, and submission of testimony from the public, organizations and regulatory agencies, the following 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 mitigation measures and/or implementation of an environmentally superior alternative to the Project; 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 mitigation measures.

SECTION 3

ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The City Council of the City of Perris 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. Impacts to Scenic Vistas: The Project will not impede the scenic vistas from the Project site or the surrounding areas because the surrounding area is already blocked by Interstate 215 ("I-215") to the east, the retail development to the north and south, and the residential development to the east (DEIR p. 4.1-7). The Project site is located within an urban environment in which views have previously been altered by commercial, infrastructure, and residential structures. The Project site and the immediate vicinity surrounding the Project site do not contain permanent panoramic or focal scenic views that would be affected by the development of the Project.

The Project itself has been designed to be consistent with the adjacent commercial development, Perris Plaza. The buildings are also consistent with the Zoning Code and contemplated in the City General Plan. Therefore, the Project will not interfere with any scenic vistas and mitigation is not required.

2. Impacts to Scenic Resources and Scenic Highways: The Project will also not impede any scenic resources and highways because at this location I-215 is not considered a scenic route, and there are no designated scenic vistas in the immediate area (DEIR p. 4.1-10). The Project site does not have any scenic resources, nor have any been designated in the immediate vicinity of the Project. Because the Project is located on a site lacking any significant scenic value and because it is not located adjacent to an identified local or State scenic highway, no significant impact to scenic resources will result from the development and operation of the proposed on-site uses, and no further mitigation is needed or required.

3. Existing Visual Character or Quality of the Site and Surroundings: While the Project will change the visual character of the site, it should be noted that the Project site has been designated for commercial development in the City's General Plan. The proposed on-site uses will include landscaping in conformance with the Municipal Code and include vegetation including trees and shrubbery for the Project area (DEIR p. 4.1-10).

The Project design will be similar in style to the Perris Plaza, which is located directly to the south. Design criteria for the Community Commercial zone require architecture that is compatible with adjacent uses as well as the incorporation of similar architectural components; variation in the colors, window treatment, reveal lines, or materials; horizontal or vertical alternations; or the use of architectural treatments of component that provides "identity" to the Project. Signage on the Project site will conform to City zoning requirements (DEIR p. 4.1-11).

The design of the buildings, landscaping, lighting, and signage will conform to the City Zoning Code and be consistent with the City's General Plan. Impacts related to the changed visual character of the Project are therefore considered to be less than significant. Because impacts are anticipated to be less than significant, no further mitigation is needed.

4. Visual Character or Quality of Surrounding Properties and/or Development: As noted above, the Project has commercial development to the south, residential development to the east, and agricultural uses to the north and west. The property owners of the land to the north and west of the Project site have submitted a Specific Plan application to the City, identified as the Harvest Landing Specific Plan ("HLSP"). The HLSP is designed to have residential development to the north of the Project site and commercial and office uses to the west of the Project site. It is anticipated that the Project will be constructed before the HLSP is constructed (DEIR p. 4.1-11).

The Project will not interfere with the visual characteristics of the adjacent property. The Project is designed to be consistent with the Perris Plaza commercial center located south of the project site. The Project site is separated from residential development on the east by Perris Boulevard and a five-foot-high wall that separates the residential backyards from the Project site.

The property to the north and west is currently used for agricultural purposes (DEIR p. 4.1-12). The land is designated for commercial and office development in the City General Plan, and implementation of the City General Plan will result in conversion of all agricultural land within the City (Perris General Plan EIR page VI-3).

If the HLSP is implemented, residential units will be adjacent to the Project site to the north and commercial development to the west. With adherence to the City Zoning Code and to City standards for design means, the residential units will not conflict with the Project (DEIR p. 4.1-12). The design of the HLSP will conform to the Project design; therefore, no mitigation is required.

5. Impacts to Existing Visual Character or Quality of Commercial Development within the Project Vicinity (Urban Decay): The Project will not degrade the visual character or quality of existing commercial development in the Project vicinity (DEIR p. 4.1-19). The Perris Marketplace includes a 250,000-square-foot retail use that combines general merchandise sales with a supermarket component (Wal-Mart Supercenter); a 173,000-square-foot home improvement warehouse retail use; four drive-through restaurant buildings; and eight other commercial buildings.

According to the Draft EIR, in the opening year (2007) for the Perris Marketplace, there will be a sufficient demand to support 397,449 square feet of supermarket space (DEIR p. 4.1-17). In that same year, there will be a supply of approximately 138,000 square feet of grocery space. Within the trade area, there is a residual demand for 259,449 square feet of grocery space. The proposed Wal-Mart Supercenter would include approximately 60,000 square feet of market space in opening year 2007. Because of the significant demand for supermarket space, the addition of 60,000 square feet of supermarket space will not exceed the overall demand and, therefore, there will not have a significant retail sales impact. According to the Draft EIR, in 2007 there is a demand for approximately 773,037 square feet of general merchandise, apparel, furniture and other/specialty (“GAFO”) sales. The proposed Perris Marketplace would add approximately 327,350 square feet of GAFO retail space to the existing market area. Therefore, as with the grocery space, the demand for GAFO sales space outstrips the supply (DEIR p. 4.1-17). It should also be noted that the existing Wal-Mart retail building will be reused as a retail store. The reuse of the existing Wal-Mart retail store will result in an addition of 137,500 square feet of GAFO retail space. As noted above, the addition of the retail space from the Perris Marketplace, plus the reuse of the existing Wal-Mart store, will not exceed the total demand of GAFO sales spaces but will, instead, exceed the supply. Therefore, the market area can support the amount of retail space being added by the Perris Marketplace.

The Perris Marketplace will introduce approximately 173,000 additional square feet of home improvement retail space to the trade area. According to the DEIR, in the project opening year (2007), there will be a need for 339,770 square feet of new building/hardware/garden space. As the Perris Marketplace will introduce approximately 173,000 square feet of such uses (DEIR p. 4.1-16), the demand for new building/hardware/garden retail space will continue to exceed the supply, and no significant retail sales impact would occur.

Due to the fact that the demand for GAFO sales space, building/hardware/garden space, and grocery space within the identified trade area exceeds the amount added by the Perris Marketplace, the introduction of the proposed retail uses will not have significant competitive sales impacts that would result in the closure of existing retail outlets in the trade area. The operation of the proposed on-site uses will not cause the closure of existing businesses in the City. Impacts related to the proposed on-site uses would not cause urban decay attributable to business closures, nor would the operation of said uses result in other economic or social conditions that could affect the physical environment of the Project site or surrounding areas. Impacts related to this issue are, therefore, less than significant, and no mitigation is required.

6. Light and Glare: Development of the Perris Marketplace will introduce a new source of light and glare in the immediate vicinity (DEIR p. 4.1-20). While the Perris Marketplace parking field must introduce lighting in the parking area to ensure safety and security for patrons and employees, the number and type of lighting sources is not anticipated to substantially differ from that utilized at nearby commercial uses, and the Project is not expected to significantly increase the amount of daytime glare in the Project area (DEIR pp. 4.1-20, 4.2-21). The residential units along the eastern side of Perris Boulevard are separated by a 5-foot-high block wall which will shield some of the light from the Project site. Furthermore, the applicant will be required to submit an on-site lighting plan that complies with the City Code and requirements (DEIR p. 4.1-21), including the shielding of lighting fixtures and lighted signage, and adherence to applicable provisions Riverside County Ordinance 655 (Mount Palomar Nighttime Lighting Policy Area); therefore, the Project will not result in significant light and/or glare impacts.

7. Cumulative Impacts: The Project site is located within an area designated by the City General Plan for commercial development and is consistent with the existing pattern of development in the Project vicinity. Therefore, changes in the visual character of the site resulting from the development of the Project, in combination with existing and planned development in the Project vicinity, will not have a significant cumulative effect on scenic vistas, scenic resources, or the character of the site and its surroundings (DEIR 4.1-21).

By the year 2020, approximately 2,248,000 square feet of non-grocery commercial development is anticipated to occur within the City (DEIR 4.1-22). By 2020, total demand for non-grocery space is anticipated to grow to approximately 2.659 million square feet (msf) of retail space. Therefore, by 2020, demand for non-grocery commercial space will exceed supply in the City of Perris. It should be noted that the DEIR forecasts that in 2011, the potential supply of non-grocery commercial space will exceed demand for non-grocery commercial space. However, it is anticipated that this will be a temporary situation and will be substantially corrected by 2015 (DEIR 4.1-22). The overall retail rate in the City would remain within an acceptable range.

While grocery stores may experience a sustained reduction in their sales potential, the overall and continuing demand in the trade area would be sufficient to generate sales volumes in excess of regional standards at both existing and planned grocery stores. The cumulative effect

associated with the development of additional grocery stores in the trade area is not severe enough to result in the closure of existing grocery stores. (DEIR 4.1-22).

Based on continued growth in households in the trade area and the resulting increased demand for retail sales, demand will support the increasing amount of retail space proposed and pending in the City. Thus, the cumulative effects associated with cumulative development would not cause significant urban decay by directly forcing business closures significant enough to affect the viability of existing retail outlets.

As previously stated, the Project site is located within an urban area developed (and developing) with a varied mix of commercial, residential, and convenience uses. A cumulative lighting impact will result from the combination of lighting from the proposed, existing, and future development. However, as in the past and currently proposed development, cumulative lighting-related impacts will be reduced through the adherence to applicable City lighting standards. No cumulatively significant lighting impact will result from implementation of the Project.

B. Agricultural Resources

1. Conflict with Existing Zoning for Agricultural Zone: The northern portion of the Perris Marketplace Project area, approximately 28.3 acres, is zoned for Light Agricultural (A-1). However, the City General Plan designates the entire area within the Perris Marketplace area as Community Commercial (DEIR p. 4.2-7). The Project would rezone the northern portion of the Project area from A-1 to Community Commercial (CC). While the change in zone would technically result in a loss of agricultural land, the General Plan for the City of Perris already anticipated the loss (DEIR p. 4.2-8). Because the proposed zone change is consistent with the City's General Plan, no significant impact would result from the change of zone from A1 to CC.

2. Conversion of Existing or Future Agricultural Operations on Adjacent Properties: The property to the north and west of the Project site have been used for agricultural purposes, primarily sod farming. The development of the Project site as a commercial retail center will not prevent the adjacent property owner from utilizing the remaining property as a sod farm (DEIR p. 4.2-8). However, it should be noted that the property north of the Project site west of Perris Boulevard, east of I-215 and south of Orange Avenue has been designated by the City General Plan as Community Commercial. Thus, it is anticipated that the property surrounding the Project site will eventually cease being utilized as a sod farm and be converted into commercial uses (Harvest Landing Specific Plan). Presently, the property owners for the property to the north of the Project site have submitted a proposal to develop the area as a residential and commercial area (DEIR p. 4.2-8). Because the Project will not interfere with current sod farming operations and because the adjacent areas are anticipated to be eventually be developed for commercial uses; no significant impact related to the conversion of existing of future agricultural operations on adjacent properties would result from the development of the proposed on-site uses.

C. Air Quality

1. Long-Term Microscale (CO Hot Spot) Impacts: Operations of the Project would not result in significant impacts to Air Quality from localized carbon monoxide emissions. Analysis of vehicle turn volumes based on the California Air Resource Board (“CARB”) approved CALINE for air quality model compared the current CO Hot Spot concentrations at nine intersections where the traffic would be most affected by the Project with the 2007 CO Hot Spot concentrations, both with and without the Project (RDEIR p. 4.3-15 through 19). The analysis showed that one-hour CO Hot Spot concentrations at all nine intersections would remain below the State’s one-hour and eight-hour standards, both with and without the Project, in 2007 and 2030. No significant local CO concentrations in excess of established standards would result from operation of the Project; therefore, no significant air quality impact related to this issue would occur.

2. Acute Project-Related Emission Impacts: With the exception of diesel exhaust, operations expected to occur at the Perris Marketplace will not emit any toxic chemicals in any significant quantity. Diesel exhaust emissions are discussed separately in the DEIR. While other toxic substances will be stored and in use on site, compliance with the state and federal handling regulations will bring the emissions to below a level of significance (RDEIR p. 4.3-19). The maintenance of the landscaping will require the use of pesticides, which are regulated by the Department of Pesticide Regulation. No other activity related to the Project would emit any toxic air pollutants that have any short-term acute health effect. Therefore, the potential for short-term acute exposure to a project-related toxic emission is less than significant. No further mitigation is required.

3. Carcinogenic and Chronic Project-Related Emission Impacts: Even with the conservative modeling technique used (concentrating all truck exhaust to emit from a single point on the project site and positioning that location to be on the project site closer to each sensitive receptor), all sensitive receptors would be exposed to an unmitigated inhalation cancer risk of less than the threshold of 10 in a million. The Chronic Hazard Indices would all be less than the threshold of 1.0. No significant health risk would occur from project-related truck traffic, and no mitigation is necessary.

4. Construction Health Risk Impacts: The construction of the Project will not result in significant impact to air quality caused by diesel-powered construction trucks operating on the site. The construction trucks are required to comply with the Office of the Environmental Health Hazard Assessment (“OEHHA”) regulation that will keep the emissions below levels of significance (DEIR p. 4.3-19). The health risk associated with construction vehicles relates to particular matter of ten microns or less (PM₁₀). A resident living for 70 years as close as 50 meters away from the construction activity has inhalation cancer risk of less than 1.0 in a million and a chronic hazard index of less than 0.06 (DEIR p. 4.3-19). The construction activities for the Perris Marketplace would last a relatively short time in comparison to 70 years, and even at their most intense level would not cause a significant impact. Therefore, potential impacts associated with these trucks during Project construction are less than significant.

5. Consistency with Air Quality Management Plans: The Project will be consistent with the Air Quality Management Plan. The development of the Project site is in conformance with the City's General Plan and anticipated to be constructed in accordance with the 2007 Air Quality Management Plan (DEIR p. 4.3-19). The 2007 Air Quality Management Plan incorporates the local General Plans, which include the Perris General Plan adopted in 2006. If a new land use is consistent with the Local General Plan and Regional Growth Projections adopted by the Air Quality Management District, then the anticipated emissions by the new Project have been evaluated and are consistent with the Air Quality Management Plan. Therefore, the Project will not conflict with the Air Quality Management Plan and would cause no impact.

6. Impacts from Odors: The Project may cause odors from construction-related activities, restaurant uses, or solid waste disposal. The odors within the area of construction activities would come from architectural coating and the installation of asphalt. However, these odors are temporary and will not be significantly noticeable beyond the Project boundaries. South Coast Air Quality Management District Rules 1108 and 1113 identify standards regarding the application of asphalt and agricultural coatings, respectively (DEIR p. 4.3-19). Since these odors are very localized, temporary in nature, and associated with urban development, they would not be considered a significant impact.

The restaurants on the Project site will be placed on the eastern side of the Project site along Perris Boulevard; however, the exact nature of these restaurant outlets is not currently known. Some food preparation odors will be noticeable by people working, shopping or residing in the Project vicinity. However, because these odors are typical in an urban development and are subject to local wind disbursement conditions, and are not typically regarded as objectionable, no significant impact related to these food preparation odors will occur (DEIR p. 4.3-20).

Solid waste generated by the Project will be collected by a contracted waste hauler and removed from the Project site. The nearest sensitive receptors to the Project site are the dwelling units across Perris Boulevard. These dwelling units would be approximately 130 feet east of the Project site, and due to the distance and that the solid waste will be managed and removed from the Project site, a significant odor impact will not occur.

7. Air Quality Impacts Related to Adjacent Future Development: The owners of the property to the north of the Project site have proposed to develop residential units at nine dwelling units per acre along the northern boundaries of the Project site. The Perris Marketplace Project will be fully developed prior to any occupation of dwelling units in the Harvest Landing Specific Plan. The primary health risk for the Harvest Landing Specific Plan will be from heavy truck emissions from delivery trucks. The health risk assessment performed for the Draft EIR indicated that residential units north of the Project would be exposed to an unmitigated inhalation cancer risk of 0.18 in one million (DEIR p.4.3-20). The hazard index would be approximately 0.00012. Both of these are significantly lower than the threshold of significance in the Draft EIR. Therefore, there is no anticipated significant impact related to proposed developments to the north of the Project site.

8. Equipment Exhaust from Construction-Related Activities: Using emission factors from the SCAQMD *CEQA Air Quality Handbook* and the CARB EMFAC2002 model, this indicates that construction equipment/vehicle emissions during grading periods would not exceed established SCAQMD daily threshold for these pollutants. The analysis utilized newer SCAQMD emission factors released in March 2006. These emission factors reflect technological improvements incorporated into newer construction equipment.

Although construction of the buildings uses different types of equipment on-site than during grading periods, similarities do exist in terms of equipment exhaust emissions and fugitive dust emissions. It is anticipated that emissions during construction would be below the peak grading day emissions presented in (RDEIR, Table 4.3.I, page 4.3-24). Because the equipment vehicle exhaust would not exceed established SCAQMD emission thresholds, no significant impact would occur. In the absence of a significant impact, no mitigation is required for construction equipment exhaust.

9. Operational Localized Significance Thresholds: SCAQMD has developed Localized Significance Thresholds (“LST”) that may be used to determine whether a project may generate a significant adverse air quality impacts to the local area. A project will have a significant impact if the emissions from the project exceed the LST. LSTs are developed for CO, NO_x, PM₁₀, and PM_{2.5} and are based on the ambient air quality of the local area. The SCAQMD provides tables to aid in the determination whether a project exceeds the LST. These tables are found in Appendix C of *Final Localized Significance Threshold Methodology* (June 2003) (DEIR p. 4.3-24).

In analyzing the LST for the Project, the standards that apply to a 5-acre site were used (“5-acre standard”). The 5-acre standard represents the most stringent standard for the Project (RDEIR p. 4.3-25). Also, the LST methodology only analyzes on-site emissions; off-site emissions, such as mobile sources from vehicles, are not analyzed in the LST methodology. Using the most stringent standard for the Project, the operational and construction emissions from the Project will not exceed the LST and no impact will occur.

D. Biological Resources

1. Endangered and Threatened Species: The Project will not have a significant impact on any federal or state listed threatened or endangered species (DEIR p. 4. 4-8). Field surveys of the site and a review of other biological resources indicate that no such species are expected to be present on the Project site.

2. Riparian Habitat or Other Sensitive Natural Communities: The Project site is generally devoid of vegetation except for a cultivation of sod. Along the eastern boundary of the Project site, which is adjacent to Perris Boulevard, is a substantial amount of ruderal vegetation that contains few native plant species and does not provide a high-quality habitat. Sensitive plant species were not identified on the Project site due to the site’s long record of disturbances and the fact that on-site soils may not be capable of sustaining sensitive plant species. The Project site does not fall within a multi-species habitat control program

criteria cell, nor does the Project site have any riparian or vernal pool associated plant life or animal species. Therefore, the development of the Project site will not cause an impact to riparian habitat or other sensitive communities (DEIR p. 4.4-8).

3. Impacts to Jurisdictional Waters and/or Wetlands: The Project site does not have any jurisdictional waters or wetlands identified. There is no water feature or blue-line stream identified in the United States Geological Survey maps, and no wetlands have been identified due to the disturbances on the Project site (DEIR p. 4.4-8). Therefore, the Project will not impact jurisdictional waters or wetlands.

4. Habitat Fragmentation/Wildlife Movement: The Project would not have a significant impact regarding habitat fragmentation/wildlife movement. Land uses to the south of the project site consist of commercial development that does not support native habitat. To the east of the Project site is a variety of commercial and residential uses which are urban in nature and would also have very little or non-existent native habitat present on-site. In addition, the installation of I-215, other roadways and infrastructure features further isolates the project site from natural areas. Due to the disturbed condition of the project site, the nature of adjacent development, and the intervening presence of roadways and infrastructure, development of the Project will not result in significant habitat fragmentation or substantially affect established wildlife corridors or wildlife movement. Furthermore, due to the regular agricultural uses on the Project site, it is also ill-suited as a habitat corridor (DEIR p. 4.4-9).

5. Adopted Habitat Conservation Plans: The City of Perris has adopted the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”). The project site is not located within an MSHCP criteria cell. Nonetheless, the Project will be required to comply with all applicable terms of the MSHCP including, but not limited to, payment of mitigation fees and preparation of a pre-construction presence/absence burrowing owl survey (DEIR p. 4.4-10). Thus the Project would not conflict with the provisions of an adopted Habitat Conservation Plan.

6. Conflict with Biological Conditions on Adjacent Properties: The property north of the Project is currently being utilized as a sod farm. While the project site has been identified as having potential for the burrowing owl and horned lark, these species will move freely in the Project area and neighboring sites. Development of the proposed on-site uses would not limit the ability of these sensitive species to utilize the adjacent property (DEIR p. 4.4-10). No significant impact would occur.

7. Cumulative Impacts: The cumulative area for biological resources is the MSHCP area. The Project will not conflict with the MSHCP as it is not located within federally designated critical habitat, MSHCP criteria cell, or an identified corridor or linkage (DEIR p. 4.4-11). No sensitive species have been identified on the Project site. While the burrowing owl could utilize the Project site, mitigation measures (Mitigation Measures 4.4.5.1A and 4.4.5.1B) have been identified that would reduce any impact to this species that may result during the construction of the proposed on-site uses to a less than less than significant level. No

cumulatively significant biological resource impact has been identified with the Project (DEIR p. 4.4-12).

E. Cultural Paleontological Resources

1. Historic Structures and Features: No structures or unique features are located within the limits of the project site. An online title search and research of historic maps indicated that the Project site has not been designated as a historic resource. No evidence of such structures identified during the on-site cultural resource survey. As no evidence has been identified to suggest the presence of past or current structures on-site, potential impacts related to historic structures or features will not occur and further mitigation is not needed (DEIR p. 4.5-5).

2. Human Remains: Historically, the proposed project site has been utilized for cultivation of sod. No evidence has been identified that the project site has been utilized for human burials, or that human remains have ever been identified within the project limits. Nonetheless, if human remains are identified during construction or grading activities, California State Law (Health and Safety Code § 7050.5) requires that any such activity cease until the County Coroner determines the origin and disposition of the remains pursuant to Public Resources Code § 5097.98. If the remains are determined to be prehistoric, the County Coroner is required to notify the Native American Heritage Commission, which will identify and notify the Most Likely Descendant. The descendant will instruct the procedure for removal of the remains in accordance with Native American burials. Compliance with Health and Safety Codes § 7050.5 will ensure that no significant impacts related to human remains would occur during development of the proposed on-site uses (DEIR p. 4.5-5).

3. Conflict with Cultural Resources on Adjacent Properties: The adjacent properties are similar in nature to the Project site. They are regularly used for sod farming and do not have any significant structures or features. The closest known cultural resources to the Project site are approximately one-half mile to the northwest. Because of the distance of the nearest recorded cultural resources to the Project site, it is unlikely that the Project will interfere in any way with any adjacent cultural resources (DEIR p. 4.5-6).

4. Cumulative Impacts: The Project will not result in a cumulative impact to historic, archaeological, or paleontological resources (collectively “cultural resources”) in the project area. There is no evidence that cultural resources exist on the Project site. The proposed mitigation measures (Mitigation Measures 4.5.5.1A, 4.5.5.2A, and 4.5.5.2B) ensure that any cultural resource found on-site will be properly identified, recorded, recovered, and/or preserved (DEIR 4.5-8). There are no projects in the Project area that would, in combination with the proposed project, result in any cumulatively significant impact on cultural resources or human remains. Therefore, there are no significant cumulative impacts associated with cultural resources.

F. Hazards and Hazardous Materials

1. Routine Transport Use and Disposal of Hazardous Materials: The Project would result in the development of a 520,000-square-foot commercial retail center hosting a 250,000-square-foot major retail store and a 173,000-square-foot home improvement building. These two buildings will use hazardous materials such as petroleum products, pesticides, fertilizer, and other regularly used household products including paint, solvents and cleaning products. All of these potentially hazardous materials would be stored on-site. Furthermore, the Project includes an on-site fueling station and a tire and lube facility which would dispense, store, and utilize of gasoline and other potentially hazardous petroleum products, automobile batteries, lubricants and other automobile fluids (DEIR p. 4.6-6). All such activity involving the aforementioned hazardous materials will be conducted in accordance with the applicable local, state, and federal safety standards. Compliance with these applicable regulations and standards would ensure that the impacts from the use, transport, and storage of hazardous materials will be less than significant.

2. Reasonably Foreseeable Upset and Accident Conditions: Due to their on-site presence, the potential for an accidental release of hazardous materials into the environment is present at the Project site. Any hazardous materials on-site will be handled in accordance with all applicable state and federal laws, including containment, reporting, and remediation requirements in the event of a spill or accidental release. The handling of hazardous materials in accordance with all applicable local, state, and federal standards, ordinances, and regulations will reduce the impacts associated with environmental and health hazards related to an accidental release of hazardous materials to a less than significant level (DEIR p. 4.6-7).

3. Existing or Proposed School: The nearest schools to the proposed project site are Perris Head Start and Perris Valley High School, located approximately 0.3 mile northwest and 0.45 mile southeast from the proposed on-site gas station. Any hazardous material incident associated with the hazardous products sold or used in the retail stores, such as paint products, solvents, cleaning products, fertilizer, or related substances, is likely to be small and easily contained. The handling of hazardous material release at either the proposed gas station or tire and lube facility would be in accordance with all applicable state and federal laws, including containment, reporting, and remediation requirements in the event of a spill or accidental release (DEIR p. 4.6-7). No use that would handle significant amounts of hazardous materials is located within 0.25 mile of nearby school facilities; therefore, no significant impact associated with this issue would occur.

4. Hazard Material Sites: A review of all state, local, and federal regulation hazards material databases indicated that nearest recorded release of hazardous materials is approximately 0.75 mile from the northwest corner of the project site. The case identifying this release of gasoline and diesel fuel release was closed in 1993 after the treatment of the contaminated soils. Additionally, a 500-gallon above-ground storage tank was observed on the adjoining property. The tank was used to fuel an on-site pump for the transportation of water. No staining or evidence of spills was observed in the soil surrounding the pump or the storage tank. Due to the location of the existing hazardous material site and the lack of any other

significant hazards from the Project, impacts from the Project related to hazardous materials off-site are less than significant (DEIR p. 4.6-7).

5. Emergency Response Plan: Implementation of the Project will increase the number of commercial retail uses beyond what currently exists in the Project area; however, the City's General Plan Safety Element anticipated the growth and provides for improved response time for emergency providers (DEIR p. 4.6-8). The measures include the construction of an emergency response backbone infrastructure which is funded by the City's capital improvement fees. During construction of the Project, the Project will be required to comply with standards established by the Public Works Department regarding outside access and vehicle movement. Additionally, any fire suppression facilities and fire access routes must conform to Fire Department standards. The Project site itself is required, even after construction, to comply with all Fire Department standards regarding access. The applicant must submit all plans to the Public Works Department for review to ensure that they conform to all standards and requirements. Adhering to the applicable state and local rules regarding access to the Project site, the Project will cause a less than significant impact regarding the emergency response plan (DEIR 4.6-9).

6. Within Two Miles of a Public Airport: The Project is approximately 2.5 miles north of the Perris Valley Airport and approximately three miles south of the March Air Reserve Base (DEIR p. 4.6-9). The Project is not within the area of influence of the Perris Valley Airport and is not considered a potential safety hazard. However, the Project is within the Influence Areas 2 and 3 of the March Air Force Base according to the March Air Reserve Base Airport Ground Use Plan (DEIR p. 4.6-9 and 4.6-10). Both Influence Areas 2 and 3 permit commercial uses (DEIR p. 4.6-10). The Riverside County Airport Land Use Commission reviews projects within the local airport's influence area and determines if the project is consistent with the airport land use plan or poses a safety threat. On October 19, 2006, the Riverside County Airport Land Use Commission determined that the Perris Marketplace is consistent with the March Air Base Airport Land Use Plan and would not pose a significant hazard to air traffic.

7. Wildland Fires: While the City of Perris is subject to wildland fires and is considered a "community at risk" by the California Fire Alliance, the Project site is not located within a city-designated Wild Fire Hazard Area (DEIR p. 4.6-12). The Project site is surrounded by development and is near a City center. Therefore, the Project is not prone to wildland fires and impacts associated with wildland fires are not significant for the Project.

8. Hazards to Adjacent Future Development: The Project is adjacent to the potential future development of the Harvest Landing Specific Plan. Residential units would be located along the northern boundary of the Perris Marketplace. However, handling of the hazardous materials in accordance with all applicable local, state, and federal standards, ordinances, and regulations will reduce any potential impact of exposure to hazardous materials to a less than significant level (DEIR p. 4.6-13).

9. Cumulative Impacts: The cumulative area for the hazards and hazardous material is the City of Perris. The Project is involved in the routine handling, transporting, or storage of hazard materials, such as gasoline and other petrochemicals and typical household products. However, the hazard from these materials is not significant with the implementation of federal and state laws and regulations. As all similar projects will also comply with state and federal laws and regulations, the potential cumulative impact is low.

G. Hydrology and Water

1. Groundwater: The Project site is within the Eastern Municipal Water District, which prepared the West San Jacinto Groundwater Basin Management Plan to provide the framework to supply projects with groundwater (DEIR p. 4.7-15). The Eastern Municipal Water District approved its Urban Water Management Plan, which provides for maintenance of sufficient groundwater levels including recharge and recovery of untreated water from the Metropolitan Water District. Compliance with the Urban Water Management Plan will ensure that the Project will not cause a significant impact in relation to groundwater. As the Project is consistent with both the Urban Water Management Plan and the West San Jacinto Groundwater Management Plan, there is no significant impact in relationship to groundwater (DEIR p. 4.7-15).

2. Flooding-Related Impacts: The City of Perris receives rapid runoff from intense stormwaters. The Federal Emergency Management Agency (“FEMA”) flood insurance rate maps (“FIRMS”) identify areas subject to flooding during the average year storm event. The Project site is outside of the 100-year storm event and the 500-year storm event zones. Because implementation of the Project will not result in placing housing within the 100-year storm event, nor does it lie within the floodplain, the Project will not cause a significant impact or any relationship to flood-related impacts (DEIR 4.7-16).

3. Seismic-Related Impacts: While portions of the City are susceptible to flood inundation associated with dam failure, the Project site is not within the Perris Dam inundation zone as seen in Figure 4.7.2 of the Perris Marketplace DEIR. The Project will not be susceptible to inundation by seiche or tsunami due to its location relative to open bodies of water. The Project site is approximately four miles to the southwest of Lake Perris (DEIR p. 4.7-16). Due to the Project’s location outside of a potential flood zone or a potential inundation due to dam failure, impacts related to seismic events on the local hydrology are less than significant.

4. Hydrology and Water Quality Impacts to Adjacent Future Development: After the development of the Perris Marketplace Project, the Harvest Landing Specific Plan may be developed and approved, which will further reduce the permeable surfaces surrounding the Project site (DEIR p. 4.7-18). However, the drainage system on the Perris Marketplace has been designed to ensure that flows from the north and from the east will not affect the drainage on the Perris Marketplace site. As such, because the Harvest Landing Specific Plan development will need to account for its own drainage and the Perris Marketplace drainage adequately accounts for any flow onto the site, no impact will occur from hydrology or water quality on adjacent future development property.

5. Cumulative Impacts: The Project will not increase the impacts to local hydrology due to compliance with National Pollutant Discharge Elimination System (“NPDES”), Storm Water Pollution Prevention Plans (“SWPPP”), and the Water Quality Management Plan (“WQMP”). As other projects within the City develop, they will also comply with the NPDES, SWPPP, and the WQMP. Furthermore, the Regional Water Quality Control Board will ensure that the groundwater supplies are maintained and runoff does not interfere with the local water quality (DEIR P. 4.7-27). Therefore, there will be no significant cumulative impact.

H. Land Use and Planning

1. Physically Dividing an Established Community: The Project site is undeveloped and does not contain any housing which would be considered a community or neighborhood. The land uses surrounding the Project are commercial to the south and residential to the east. A sod farm continues to be cultivated to the north and to the west. Approximately 700 feet from the western border of the Project site is the I-215. The City General Plan designates the Project area for commercial/retail development. The site does not have any housing surrounding it except to the east, which is across Perris Boulevard and behind a 5-foot wall. The establishment of the Perris Marketplace is in conformance with the General Plan and will not physically interfere with the established, surrounding community.

2. Conflict with Applicable Land Use Plans, Policies, or Regulations: The northern portion of the Project is not consistent with the existing zoning. The zoning for the northern portion of the Project site is agricultural uses, while the proposed use is for commercial/retail center. However, the agricultural zone is inconsistent with the General Plan and the proposed zone change will make the zoning consistent with the General Plan, as required by State law. The Project is consistent with the General Plan policies and regulations. The Project is also consistent with the regional plans including the South Coast Air Quality Management Plan and the Southern California Association of Governments Regional Comprehension Plan (DEIR pp. 4.8-9 and 4.8-10). The Project is also consistent with the Santa Ana Water Quality Control Plan and the Riverside County Drainage Area Management Plan (DEIR p. 4.8-15). The Eastern Municipal Water District determined that the Project is consistent with its plan when it approved the Water Supply Assessment on November 16, 2005 (see Appendix L of DEIR).

3. Conflict with the Applicable Airport Land Use Plans: The Project site is within the area of influence of the March Air Reserve Base. The northern portion of the Project site is within Influence Area 2 and the southern portion of the Project is within Influence Area 3. In both Influence Areas 2 and 3, commercial Projects are permitted (DEIR pp. 4.8-16 and 17). It should also be noted that the Riverside County Airport Land Use Commission, on October 19, 2006, found that the Perris Marketplace is consistent with the Riverside County Airport Land Use Plan for March Air Reserve Base/March Inland Port.

4. Conflict with Any Applicable Habitat or Natural Community Conservation Plan: As discussed in Section 4.4 of the EIR, a biological resources report was prepared for the Project and included an assessment of conflict with approved habitat

conservation plans. The City of Perris is one of the cities that adopted the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”) and is within the MSHCP area. The Project is not located within a criteria cell; however, the Project will be required to comply with all applicable terms of the MSHCP, including payment of mitigation fees. Since the Project will comply with the MSHCP, there is no anticipated conflict (DEIR p. 4.8-18).

5. Impact to Adjacent Future Development: As noted before, the property north and west of the Project site is currently in sod production but may be developed in accordance with the Harvest Landing Specific Plan. The properties to the north of the Project site will be residential units under the proposed (but not yet approved) Harvest Landing Specific Plan. Under the Harvest Landing Specific Plan, the distance of residential units adjacent to the commercial shopping center is not a conflict of land uses (DEIR pp. 4.8-18 and 19). It should also be noted that if the Harvest Landing Specific Plan has yet to be adopted. The property to the north of the Project site is designated for commercial development and the property to the west of the Project site is designated as business park uses. Neither of these uses conflicts with the Project (DEIR p. 4.8-18).

6. Cumulative Impacts: The Project is consistent with the Perris General Plan; although the Project requires a zone change, the current zoning is inconsistent with the Perris General Plan and the change will bring the zoning into conformance with the Perris General Plan, as required by State law. The Project is also consistent with Riverside County Airport Land Use Plan. Because the Project is consistent with all applicable land use plans, it will not contribute to any cumulative land use impact.

I. Noise

1. Long-Term Operational Impacts: Long-term noise impacts associated with the Project site would include vehicle engine start-ups, truck loading and unloading activity, heating, ventilation and air conditioning equipment, parking lot activity, noise from the tire/lube center, garbage compactor noise, and fast-food restaurant order board speakers (DEIR p. 4.9-10). These are all long-term operational impacts that would be associated with on-site stationary sources and onsite activity.

a. Tire and Lube Center. The tire and lube center is on the northern side of the proposed Wal-Mart Supercenter building. The closest residences to the center are approximately 1,050 feet away across Perris Boulevard (DEIR p. 4.9-10). Peak noise levels associated with the automotive service activities range up to 80 dBA at 50 feet for a few seconds throughout the day. At 825 feet from the tire and lube center, the location of the proposed fast-food restaurants, the noise reduction would be approximately 56 dBA (DEIR p. 4.9-10). At the backyards of the nearest residences, the noise from activities associated with the tire and lube center would be reduced to 49 dBA. The noise level is well below the threshold established by the City for a significant impact (DEIR p. 4.9-7).

b. Loading/Unloading Operations. The loading and unloading operations at the proposed Perris Marketplace would involve noise from diesel truck engines,

braking, back-up sounds, and a variety of other noises including the dropping of dock ramps and possibly forklifts (DEIR p 4.9-10). The Project site could have up to 44 truck deliveries within a 24-hour period, which would cause the noise levels at the dock areas to range up to 75 dBA. However, the closest sensitive receptors to the noise are over 1,000 feet away from the docks and on the other side of the major retail buildings (DEIR p. 4.9-11). Deliveries to the smaller retail and restaurant uses along the eastern boundary of the Project site would be required, and the residential uses would be at least 130 feet from the loading and unloading of the smaller retail and restaurant uses. At a distance of 130 feet, the maximum noise level to the residential uses would approach 67 dBA. In addition, the residences along the eastern side of Perris Boulevard have a 5-foot wall between Perris Boulevard and the residences. This would reduce the maximum noise level by at least 5 dBA and, therefore, the exterior noise levels at the residences would be a maximum of 62 dBA, which is below the City standard for exterior noise levels (DEIR p. 4.9-11).

c. Truck Movement on Service Driveways. Two types of trucks are expected to make deliveries to the Project site: large tractor trailers and delivery vans or mid-size trucks. Delivery vans will make deliveries to the front of the Project site, while large tractor trailers will make deliveries behind the two major buildings. The smaller trucks will typically only make deliveries in the morning hours, while the large tractor trailers will make deliveries 24 hours a day (DEIR p. 4.9-11).

The large tractor trailers will generate 75 dBA L_{max} when they arrive and depart from the site. However, the trucks will be 1,100 feet away from the closest residences. The closest residence will be exposed to 38 dBA L_{max} from the tractor trailer trucks (DEIR p. 4.9-11).

The smaller delivery trucks will travel as close as 130 feet from the residence and generate 67 dBA L_{max} . However, due to a 5-foot wall between the Project site and the residences, the noise will be reduced to 62 dBA L_{max} . The noise from the delivery trucks will not exceed the City's threshold.

d. Parking Lot Activities. The parking facilities on the Project site would cause some noise associated with vehicle doors opening and closing, conversing, and start-up of vehicles on site (DEIR p. 4.9-12). The closest on-site parking spaces are located approximately 130 feet from the existing residences on the east side of Perris Boulevard. The residences would be exposed to approximately 52 dBA at that distance. The 5-foot wall along the eastern side of Perris Boulevard between the street and the residences would further reduce the dBA by 5.0. This would result in a 47 dBA, which is well below the threshold of significance for noise in the City of Perris (DEIR p. 4.9-12).

e. Heating, Ventilating, and Air Conditioning Equipment. The Project would have rooftop heating, ventilating, and air conditioning ("HVAC") equipment. An HVAC unit can generate up to 95 dBA at one foot. The closest sensitive land uses to the HVAC units would be approximately 160 feet from the on-site rooftop HVAC on the restaurant and retail uses along the western side of Perris Boulevard. The effect of distance between the HVAC units and the sensitive noise receptors would make the noise reduction to 51 dBA at the sensitive

noise receptor location. The roof edge would create an additional noise barrier, and HVAC units also include noise muffling equipment, which would reduce the HVAC exterior noise to approximately 43 dBA. While the HVAC units may operate for 24-hour periods, the units will not exceed the City's exterior noise level of 60 dBA (DEIR p. 4.9-12).

f. Garbage Compactor Noise. Garbage compactors typically generate 70 dBA at six feet. The Project identifies two garbage compactors located at the loading docks of each of the major buildings along the western edge of the Project area. These compactors would be located approximately 1,100 feet from the nearest residences. Further, these compactors would be surrounded by a block wall. With the effective distance and the block wall, the noise generated by the compactors would be reduced to 25 dBA at the closest residence (DEIR pp. 4.9-12 and 4.9-13).

g. Fast-Food Restaurant Order Boards and Speakers. According to the site plan for the Perris Marketplace Draft EIR, the Project site would have four drive-through restaurants along the eastern side of the Project site. These drive-through restaurants would be approximately 130 feet from the closest sensitive receptor across Perris Boulevard. Drive-through loudspeakers typically generate 57.9 dBA at 50 feet. At the distance of 130 feet, the loudspeaker would reach approximately 49.6 dBA. The intervening 5-foot wall between Perris Boulevard and the residence would reduce the noise by approximately 5 additional dBA, which would result in a 44.6 dBA occurring at the nearest residence along Perris Boulevard. This is well below the City's exterior noise standard of 60 dBA (DEIR 4.9-13).

Based on the analysis of each of the noise generators above, the Perris Marketplace project would not create a significant noise impact to any sensitive receptors in the area.

2. Interior Noise Level Impacts: The City's noise standard for interior noise levels is 45 dBA. According to the Environmental Protection Agency Protective Noise Levels, homes in California provide 12 dBA exterior to interior noise attenuation with windows open and 24 dBA exterior to interior noise attenuation with windows closed. Therefore, the residences will need to be exposed to exterior noise levels of 57 dBA to exceed interior noise level of 45 dBA. Based on exterior noise level analysis, the residences along Perris Boulevard will not be exposed to noise levels above 57 dBA. Therefore, the residences along Perris Boulevard will not suffer any significant impact from interior noise levels (DEIR p. 4.9-13).

3. Groundborne Vibrations: Groundborne vibrations are typically from construction activities or occasional traffic on rough roads. These problems are primarily a concern inside buildings and are rarely perceived as a problem outdoors. Construction equipment typically generates approximately 92 vibration velocity in decibels ("VdB") of groundborne vibration when measured at 50 feet. This exceeds the threshold of human perception, which is approximately 65 VdB. Receptors at 100 and 200 feet away from construction activity may be exposed to groundborne vibration up to 86 and 80 VdB, respectively. A noise from vibration occurs when the vibration exceeds a threshold of perception by 10 decibels. Although the range of ground vibration may exceed the annoyance level for

residences near the Project site, the level of vibration is not excessive or permanent, nor will it cause any damage to the buildings (DEIR p. 4.9-14).

Because rubber tires and suspension systems on trucks and other road vehicles provide vibration isolation, on-road vehicles will not typically cause groundborne noise or vibrations. While the Project would increase the traffic volumes on the local roadways, it will not increase the vibrations from the roads. Therefore, all impacts related to groundborne vibrations during construction and operations of the Perris Marketplace will not be significant (DEIR p. 4.9-13 and 14).

4. Airport Noise: The Project site is approximately three miles southeast of the March Air Reserve Base (“MARB”) and approximately 2.5 miles north of Perris Valley Airport. Aircraft operations from both airports will contribute intermittently to signal event noise. While the Project site will experience aircraft overhead from MARB, the aircraft noise contours indicate that the Project stays outside the 60 dBA CNEL impact zone for MARB. Also, the Project site is located off the 60 dBA CNEL impact zone for the Perris Valley Airport according to the Riverside County Airport Land Use Plan. Therefore, because the Project site is outside of the 60 dBA impact zone from both the MARB and the Perris Valley Airport, the Project will not have a significant impact from airport noise (DEIR p. 4.9-14).

5. Noise Impacts to Adjacent Future Development: The current Harvest Landing Specific Plan, which may develop north and west of the Project site, could include residential development along the northern boundary of the Project site. The residential units along the northern boundary would be considered sensitive receptors regarding noise. The noise from the Wal-Mart Tire and Lube Center (“TLC”), however, would not create a significant impact due to its distance, approximately 800 feet from the northern boundary, and due to the fact that the home improvement building, a secondary major building, is located between the TLC attached to the Wal-Mart building, which would attenuate noise from the TLC so that it does not generate a significant off-site impact. The off-loading and loading operations, as well as the truck movements for the home improvement building, would not exceed the north thresholds because of the existence of a six-foot wall between the residential units to the north and the home improvement building docking base. The six-foot wall will also reduce potential noise related to parking lot activities (which would be at 60 dBA at 50 feet) and garbage compacter noise. HVAC equipment on the roofs of the buildings would be attenuated by the noise barrier to reduce the noise to below City thresholds (DEIR p. 4.9-15 and 16).

J. Transportation and Circulation

1. Impacts to Air Traffic Patterns: The northern portion of the project site is located within March Air Reserve Base’s Airport Influence Area II, with the remaining portion of the site is located within Influence Area III. According to the Air Installation Compatible Use Zone Study (“AICUZ”) developed for MARB, the proposed project site is not located within the Clear Zone, Accident Potential Zone I, or Accident Potential Zone II. Therefore, the Project would not require a change in the air traffic patterns and would not be impacted by the air traffic patterns from MARB (DEIR p. 4.10-8).

2. Design Features: Primary vehicular access to the Project site will be along Perris Boulevard at the intersections of Citrus Avenue and Orangetree Drive. There will also be several secondary access roads along Perris Boulevard and behind the building along the proposed Barrett Avenue. Truck access would be restricted to the western side of the Project site along Barrett Avenue. Due to the limitations along Nuevo Road, trucks visiting the Project site would exit from I-215 at Ramona Expressway and travel south along the freeway to access the site behind the store (see Figure 4.10.3, DEIR p. 4.10-10). This would reduce the potential for impacts of trucks utilizing Nuevo Road and turning left on Perris Boulevard to access the Project site.

The truck access route will result in a safe and efficient access point to the Perris Marketplace and will not conflict with the existing circulation system in the City of Perris. Therefore, the impacts related to this issue are less than significant

3. Emergency Access: The Project will have primary access driveways on Perris Boulevard at the intersection of Citrus Avenue, Orangetree Drive, and a secondary access which allows right turn-in and right turn-out only. In addition, the Project will have truck access on the west side of the store lot on Barrett Avenue. All access points will be designed in accordance with the City, Caltrans, and other regulations to ensure emergency access is permitted (DEIR 4.10-11). Therefore, the Project will not have a significant impact on emergency access.

4. Parking Capacity: According to the Municipal Code, one parking space is required for every 200 square feet of general retail space. Food establishments require a parking space for every 50 square feet of dining or service area, plus an additional ten spaces. In addition, requirements for provision of handicapped parking spaces are 20 spaces, plus one additional space for each 100 spaces if the project has 1,000 or more parking spaces. Overall, the Project would require 2,251 parking spaces. It provides for 2,289 parking spaces. Therefore, the Project does meet its parking requirements and there will be no significant impact (DEIR p. 4.10-12).

5. Alternative Transportation Policies: The Project is designed to meet all applicable City standards and support or facilitate alternative means of transportation. Therefore, it will not have any significant impacts related to alternative transportation, and mitigation is not required (DEIR p. 4.10-12).

6. Interim Year Operational Project Peak Hour Impacts: The Harvest Landing Specific Plan, in the opening year for its first phase (interim year), will cause several intersections to operate at an unacceptable level of service. The first phase of the Harvest Landing Specific Plan, the interim year, is anticipated to occur after the 2007 opening year studies in the EIR for the Project.

While the additional traffic from the Harvest Landing Specific Plan will contribute to overall cumulative traffic impacts, any impacts attributable to the Project have already been identified in the opening year 2007 analysis, and have been addressed with specific mitigation

measures to reduce those impacts. The traffic impacts related to the Harvest Landing Specific Plan in the interim year are solely attributable to the development of the Harvest Landing Specific Plan and are not attributable to the Project. Any mitigation necessary to address the Harvest Landing Specific Plan interim year impacts will be addressed by the City in the Specific Plan and required as part of that project's development. In the absence of a significant impact attributable to the Perris Marketplace, no further mitigation separate from that imposed upon the Harvest Landing Specific Plan is required.

K. Public Services and Utilities

1. Schools: The Project will create approximately 12,000 jobs for the local area (DEIR p. 4.11-3). However, most of the employees hired for the Project will come from the local area. It is not anticipated that the Project will cause an increase in local population. Therefore, the Project will not cause a corresponding increase in students in the local area (DEIR p. 4.11-3). Additionally, the local school district, the Val Verde Unified School District ("VVUSD"), imposes Level One fees of 42 cents per square foot for commercial development. The Project would pay approximately \$218,400 to the VVUSD for school district facilities improvements. The Project does not anticipate causing an increase in students of the local area, and the Project will pay fees to mitigate any potential increase to students. Therefore, there is no impact caused by the Project.

2. Police Protection: The Riverside County Sheriff's Department has contracted to act as the local Perris Police Department for providing law enforcement services. The Project will result in an increase of 520,000 square feet of restaurant, retail, and service uses in the local area that will require police protection services. The City opened up a new Sheriff's Department Office approximately 1.25 miles north of the Project site. A new Sheriff's Department Office and related facilities are under construction approximately 1.25 miles south of the project site. Both the City and the Riverside County Sheriff's Department collect fees to offset impacts associated with new development. These development impacts fees are a one-time fee applied to new development and are imposed to raise revenue to construct facilities to benefit the local area. The City and County impose commercial development fees for law enforcement services. These fees are collected for specific infrastructure needs and are utilized only for police services. The Project will be designed and operated per applicable standards that are required by the police department and the Riverside County Sheriff's Department. Therefore, the Project will not cause any significant impacts to police services (DEIR p. 4.11-7 and 8).

3. Fire Protection: Fire protection for the City of Perris is provided by the California Department of Forestry and Fire Protection under contract with the Riverside County Fire Department. The closest fire department to the Project site is Fire Station No. 1, which is approximately 1.5 miles southwest of the Project site. Additional services are provided by Station 59, which is approximately 3.25 miles away to the northwest, and Stations 9, 7, and 5. Response times for the fire departments in the local area vary from 22 seconds from Station No. 1 to seven minutes, one second, from Station No. 9. The City and the County apply development impact fees to offset costs from new development. The fees, along with the adequate response

time from the local fire department stations, indicate that the Project will cause a less-than-significant impact for fire protection services (DEIR p. 4.11-11 and 12).

4. Water Supply: The Eastern Municipal Water District (“EMWD”) provides water service to the Project site. On November 16, 2005, the Board of Directors for the EMWD approved a water supply assessment for the Project site which indicates that the EMWD has sufficient water supply to supply the Projects.

- Water Conveyance and Treatment Infrastructure: The EMWD is following its five-year capital improvement plan. This improvement plan includes improvements to the local infrastructure and treatment facilities. The existing water system has a treatment capacity of 135 million gallons per day. Currently, the maximum amount of water treated by the facility is 105 million gallons per day. The Project would create an additional demand of 0.113 million gallons per day from the Project site, which represents 0.14 to 0.37 percent of the total water supply treated in under winter and summer conditions, respectively. The EMWD has sufficient capacity and facilities to serve the Project site. The Project will only need to construct pipes into the current system and pay the appropriate fees to EMWD (DEIR p. 4.11-16).
- Reclaimed Water: The EMWD reclaimed water is utilized to irrigate agricultural lands and municipal recreation areas. Other users of reclaimed water include the San Jacinto Wildlife Area, industrial uses, and aesthetic impoundment. The Project may use reclaimed water to irrigate the landscaping at the Project site. However, the Project will not utilize a sufficient amount of water for the landscaping to cause a significant impact (DEIR p. 4.11-17).
- Water Supply: As noted above, the EMWD indicated that the system has sufficient water supply for the Project. The water supply assessment indicates that the EMWD has sufficient supply to cover water demands for the next 20 years (DEIR pp. 4.11-17 & 4.11-18).

Because the current system is prepared to serve the Project site and has sufficient supply to serve the site, there will be no significant impacts caused by the Project on the existing water system or its supply.

5. Wastewater: The City of Perris provides sewage collection system, and the EMWD provides sewage transport treatment and discharge services. Connections to existing sewer mains will be made at the intersection of Perris Boulevard and Citrus Avenue and at the south property boundary. The local regional water reclamation facility, the Perris Valley Regional Water Reclamation Facility, treats approximately 7.7 million gallons per day. Its capacity is 11 million gallons per day (DEIR p. 4.11-19 and 20).

- Wastewater Treatment Capacity: Under current conditions, the local area has approximately 3.3 million gallons per day surplus for wastewater treatment. The Project will generate approximately 0.102 million gallons per day of wastewater.

Therefore, the Project will not cause the existing water treatment facility to exceed its normal operations. Furthermore, improvements are planned for the facility to increase its capacity to 14 million gallons per day in 2011 and 18 million gallons per day in 2024. These improvements have been analyzed in environmental documents prepared and approved by the EMWD (DEIR p. 4.11-4).

- Wastewater Conveyance: As noted above, the Project site has two wastewater conveyance pipes near the site. These connections will connect into the main system and eventually connect to the wastewater treatment facility. The Project will be required to adhere to all the standards provided by the EMWD and the City regarding design and installation of the new infrastructure to connect to the existing facility. Therefore, the Project will not cause an impact to the existing wastewater conveyance features (DEIR p. 4.11-22).
- Wastewater Treatment Requirements: The EMWD is required to comply with the NPDES permit requirements. Compliance with the NPDES, the condition or permit requirements established by the City and EMWD, and requirements of the Perris Valley Regional Water Reclamation Facility (“PVRWRF”) will ensure that discharges into the sewer or stormwater system resulting from the operation of the proposed project do not exceed applicable RWQCB wastewater treatment requirements (DEIR p. 4.11-22).

Based on the above discussion, the Project will not impact the existing wastewater treatment facility, and no mitigation is required.

6. Solid Waste: The Project will require solid waste disposal services and utilize landfills for solid waste. Solid Waste disposal in the City of Perris is managed by a private waste disposal company, CR&R Waste and Recycling Services (“CR&R”). CR&R transports the solid waste to the Perris Materials Recovery Facility (“MRF”) to separate out the recyclable materials from solid wastes and then transports the solid wastes to either the El Sobrante Landfill in Corona or to the Badlands Landfill in Moreno Valley. Both landfills are Class III landfills that can accept non-hazardous waste materials.

The Badlands Landfill has a permitted capacity of 30.38 million cubic yards and a current capacity of 21.86 million cubic yards and is expected to close in 2016. The daily permitted throughput at the Badlands Landfill is 4,000 tons per day, and it currently accepts 3,200 tons per day. The Badlands Landfill is owned and operated by the Riverside County Waste Management Department.

The El Sobrante Landfill has permitted capacity of 184.03 million cubic yards and is scheduled to close in 2030. The daily permitted throughput at the El Sobrante Landfill is 10,000 tons per day, and it currently accepts 8,500 tons per day. The El Sobrante Landfill is owned and operated by Waste Management, Inc. (DEIR p. 4.11-23).

The MRF is owned by CR&R and is operated by American Resource Campus Associates. It has a permitted capacity of 3,600 tons total and 1,800 tons per day.

- **Solid Waste Facilities:** The Project will generate an estimated 3.4 tons of solid waste per day. This represents a 0.43 and 0.22 percent of the existing surplus capacity at the Badlands and El Sobrante Landfills, respectively. As 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 (DEIR p. 4.11-25).
- **Solid Waste Reduction:** AB 939 requires a 50 percent disposal reduction by the start of 2000 and preparation of a solid waste reduction plan to help reduce the amount of solid waste disposed at the landfills. As of 2002, due to City recycling programs, 52 percent of the solid waste generated by the City of Perris was diverted to recycling facilities, which exceeds the AB 939 requirement. The Project is required to comply with all City programs to recycle solid waste, including coordinating with local waste haulers for a recycling schedule.

Because the City currently requires 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, no significant impact related to recycling will occur. Because the Project will not exceed the operational capacity of the local landfills, no significant impact related to solid waste facilities will occur.

7. Service and Utility Impacts to Adjacent Future Development: The Harvest Landing Specific Plan, which is north and west of the Project, will require public services once it is developed. The environmental document prepared for the Harvest Landing Specific Plan will address the specific needs of that project. The Project will be required to adhere to conditions established by the City and local providers to utilize the public service system. The Project will not interfere with the delivery of public services to the Harvest Landing Specific Plan (DEIR p. 4.11-26).

8. Cumulative Impacts:

- **Schools:** The Project is not anticipated to cause a significant impact to schools. It is not a residential Project and will not directly cause an increase in students to the local area. New jobs from the Project are anticipated to be filled by the local population. Furthermore, the Project will pay the appropriate school fees. As the Project will not cause a substantial increase in the local school district population and pays the appropriate fees, Project will not contribute to any cumulative impact to schools.
- **Police and Fire Protection Services:** The Project will require additional police and fire services. Service population as well as density and type of

population will determine the need for new or expanded police and fire services. With the anticipated increase in local population, the City will require additional fire and police services. As each new project is developed, it will pay the appropriate fees to ensure the provision of services, as the Project will. The fees are adjusted based on anticipated population patterns and trends (DEIR p. 4.11-27). Therefore, there will be no cumulative impact associated with the construction of new developments.

- **Water Supply:** The EMWD manages the water supply for the City of Perris. The EMWD anticipates population increases and water supply through 2025. According to the Water Supply Assessment for the Perris Marketplace (Appendix K of the DEIR), the EMWD has sufficient supply until 2030. Therefore, there is no anticipated cumulative impact related to water supply.
- **Wastewater Facilities:** The Perris Valley Regional Water Reclamation Facility (“PVRWR”) has sufficient capacity to provide service to the local area. The PVRWR is scheduled to expand to 14 MGD in 2011 and 18 MGD in 2024. These expansions are planned to meet the local areas needs until 2030. Additionally, all projects will be required to adhere to the NPDES permit requirements. Therefore, there is no anticipated impact related to wastewater facilities.
- **Solid Waste:** The Riverside County landfills (both public and private) are planned to expand to meet the projected growth rates contained with a Landfill System Capacity Study prepared for the Riverside County. The Riverside County Integrated Project EIR concluded sufficient landfill capacity will exist to accommodate future disposal needs through County build-out in 2040. Therefore, build-out of the County General Plan would not create demands for solid waste services that exceed the capabilities of the County’s waste management system. Additionally, AB 939 mandates the reduction of solid waste disposal in landfills. With the implementation of AB 939 provisions, the amount of solid waste disposed of in landfills by build-out is projected to be 3,319,941 tons per year. Consequently, cumulative impacts associated with solid waste within the County would be considered less than significant.

SECTION 4

ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City Council of the City of Perris finds that the following environmental impacts identified in the Final EIR are potentially significant but can be mitigated to less-than-significant

levels through the imposition of mitigation measures and or conditions identified in the Final EIR and summarized below.

A. Biological Resources

1. Non-listed Sensitive Species: The Project has the potential to adversely affect a non-listed sensitive species, the burrowing owl (DEIR p. 4.4-10 and 11). The DEIR notes that suitable habitat for the species was observed on the Project site during the field surveys. The species itself was not detected on-site during field surveys. The majority of the Project site is composed of a sod farm. Grassland and agricultural areas are a suitable habitat for the burrowing owl. The burrowing owl is a migratory bird species protected by the Migratory Bird Treaty Act (MBTA of 1918 and 16 USC §§ 703 through 711) and is protected under Section 5303 of the California Fish and Game Code. The California Department of Fish and Game is currently reviewing a petition to list the burrowing owl as a threatened or endangered species. The burrowing owl is covered underneath the MSHCP and additional surveys are required if development occurs within the Burrowing Owl Survey Areas established by the MSHCP. Because the burrowing owl is highly mobile, it has the potential to exist on-site at some point in the future, prior to Project development. If a burrowing owl occupies the site, a significant impact to the species would occur if the Project site is developed (DEIR p. 4.4-11).

Finding: Implementation of the following mitigation measure will reduce the potential impacts to the burrowing owl to a less-than-significant level.

Mitigation Measure 4.4.5.1A: Focused surveys for the burrowing owl shall be conducted by a qualified biologist to determine the on-site presence/absence of this species. The focused burrowing owl survey shall be conducted during the appropriate breeding season (February 1 to August 31) and/or within 30 days prior to the commencement of grading activities. If it is determined that the Project site is occupied by this species, Mitigation Measure 4.4.5.1B shall apply. Conversely, if the burrowing owl is absent from the Project site, no further mitigation is required.

Mitigation Measure 4.4.5.1B: Any burrowing owls identified during on-site focused surveys shall be relocated by a qualified biologist prior to the commencement of grading activities. The relocation of any specimen shall be conducted per applicable California Department of Fish and Game and/or U.S. Fish and Wildlife Service procedures. Relocation of on-site burrowing owls shall not be permitted during the nesting season for this species.

Implementation of this mitigation is feasible, and the City Council of the City of Perris adopts and incorporates this mitigation measure into the Project.

Supporting Explanation: The mitigation measure will reduce the impacts to a less-than-significant level because, by determining whether any burrowing owls are present prior to the start of construction activities and by removing or relocating any owls found, the burrowing owls will not be harmed or improperly displaced by the construction of the Project (DEIR p. 4.4-11).

B. Cultural Resources

1. Historic or Prehistoric Cultural Resources: The Project has not been identified in any records as a potential location for historic or prehistoric cultural resources (DEIR p. 4.5-6). A pedestrian survey of the Project site conducted on October 27, 2005, established that the Project had been used for agricultural purposes and cultural resources were not found on the site. It should be noted that there are no standing structures currently on the Project site. The City General Plan has indicated that the Project site is classified as having a low cultural resources sensitivity in the City General Plan (DEIR p. 4.5-6). However, while there is no recorded or surface evidence of cultural resources on this site and the City determines that the site has low sensitivity, a potential exists that excavation and construction activities may uncover previously undetected prehistoric or historical resources. Therefore, there is a potentially significant impact to cultural and or historical resources from the Project.

Finding: Implementation of the following mitigation measure will reduce the impacts to historic and prehistoric cultural resources to a less-than-significant level.

Mitigation Measure 4.5.5.1A: Prior to the commencement of ground-disturbing activities, the Project proponent shall provide evidence to the City that a qualified (as determined by the City) archaeologist has been retained to monitor ground-disturbing activities. The qualified archaeologist shall be on-site during any ground-disturbing activities. In the event any potential cultural resource is uncovered during the course of the Project development, ground-disturbing activities in the vicinity of the find shall be redirected until the nature and extent of the find can be evaluated by a qualified monitor. Any such resource uncovered during the course of Project-related grading or construction shall be recorded and/or removed per standard archaeological practice and/or applicable City and/or State regulations.

Implementation of the mitigation measure is feasible, and the City Council of the City of Perris adopts and incorporates this mitigation measure into the Project.

Supporting Explanation: The mitigation measure will reduce the impacts to a less-than-significant level because the procedures described will ensure that any historical or prehistoric resources are uncovered during ground-disturbing activities will be preserved by the monitoring archaeologist and any such materials will be properly curated. The impacts would therefore be reduced to a less-than-significant level (DEIR p. 4.5-7).

2. Paleontological Resources: The Project site lies on the Perris Plain, which is partially filled with Holocene Alluvium and Pleistocene Alluvium material. Ice Age fossils have been found buried only four feet below the surface within the Perris Plain. Fossils have been uncovered during excavations for local projects, such as the Diamond Valley Lake Dams, and these fossils have been dated equivalent to the La Brea Tar Pits (DEIR p. 4.5-7). Due to the nature of the alluvial material, the Project site is an area identified as having a high sensitivity for paleontological resources according to the City General Plan. The surface

disturbance of the Project site may reveal paleontological resources, and this could be a potentially significant impact (DEIR p. 4.5-7).

Finding: Implementation of the following mitigation measures will reduce the impacts to paleontological resources to a less-than-significant level.

Mitigation Measure 4.5.5.2A: Prior to the issuance of Permits, the applicant shall submit evidence to the City that a qualified (as determined by the City) paleontologist has been retained to monitor any on-site excavation and/or grading activity.

Mitigation Measure 4.5.5.2B: Prior to initiation of any on-site excavation and/or grading, the Project paleontologist shall develop a program to mitigate impacts in the event that paleontological resources are identified on-site. Paleontological programs shall be submitted to the City for review and approval. This program shall include, but not be limited to, the following measures:

- A qualified paleontological monitor shall be on-site during grading and excavation operations. Paleontological monitors shall be empowered to halt or divert equipment temporarily in the event paleontological resources are encountered. The qualified monitor shall be equipped to salvage paleontological specimens as they are unearthed to avoid construction delays.
- Paleontological monitors shall be equipped to collect and remove samples of sediments that are likely to contain the remains of small fossil mammals. To avoid significant construction delays, these sediments shall be removed from the area of active grading or off-site for further investigation.
- All paleontological specimens, including small vertebra contained in sediment samples, shall be prepared to a point of identification.
- All recovered paleontological specimens shall be identified and curated in an established museum repository with retrievable storage.
- A report that documents the findings of the programs shall be prepared. The report shall provide an itemized inventory of the recovered specimen. Submissions of the final report and inventory shall be submitted to the City of Perris and shall represent completion for the program to mitigate impacts to paleontological resources.

Implementing these mitigation measures is feasible, and the City Council adopts and incorporates these measures into the Project.

Supporting Explanation: The implementation of mitigation measures above will reduce the impacts to a less significant level because they will prevent the disturbance of paleontological resources by monitoring for such resources, with the monitoring activity to increase the likelihood of finding additional paleontological resources. The monitor's ability to halt or divert

excavations when paleontological resources are found will similarly prevent additional loss of resources, because the monitor will effectively be able to secure the integrity of the resources. Also the presence of paleontological monitors will ensure that any resources that are recovered are identified and salvaged for scientific use, thus preserving information that otherwise would be lost. Therefore, impacts to paleontological resources will not result from the development of the Project (DEIR p. 4.5-8).

C. Hydrology and Water Quality

1. Construction-Related Water Quality Impacts: During construction activities, storm runoff may affect water quality in the Project vicinity (DEIR p. 4.7-18). The construction and grading phases of the Project would require temporary disturbance of surface soils and removal of vegetative cover. During construction, grading and excavation activities will result in exposure of soils to storm runoff which may cause erosion and sedimentation of runoff. Additionally, stockpiles and excavated lots will also be exposed to runoff, and if not managed properly, runoff could cause sedimentation in local drainage ways, including the San Jacinto River. The runoff also will transport substances such as nutrients, hydrocarbons, and trace metals from the sediment. Furthermore, the site may also have runoff from fuels, solvents, glues, paint, and other building construction materials. Once released, these substances will potentially degrade the quality of the storm runoff. Because the development of the Project site is in excess of one acre, the Project is required to get an NPDES permit. The Project is also required to prepare an SWPPP for construction discharges for the City for review and approval. The construction contract will also be required to maintain an inspection log and have a log on-site to be reviewed by the City and representatives of the Regional Water Quality Control Board.

Finding: Implementation of the following mitigation measures will reduce potential direct and indirect and cumulative impacts to hydrology and water quality to less than a significant level.

Mitigation Measure 4.7.5.1A: Prior to the issuance of a permit by the City, which includes issuance of grading permits and building permits, the Project applicant shall file a Notice of Intent (“NOI”) with the Regional Water Quality Control Board to be covered under the NPDES General Construction Permit for discharges of stormwater associated with construction activities.

Mitigation Measure 4.7.5.B: 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 SWPPP. The SWPPP shall include a service water and quality control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and non-structural Best Management Practices (“BMPs”) to control sediment in non-visible discharges from the site. Some of the BMPs to be implemented may include, but shall not be limited to, the following:

- Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary debris basins (if necessary), and other discharge control devices. Construction and condition of the BMPs will be periodically inspected during construction and repairs will be made when necessary as required by the SWPPP.
- No materials that have the potential to contribute non-visible pollutants to the stormwater must be placed in drainage waste; they must be contained, elevated, and placed in temporary storage containment areas.
- All loose piles of soil, silt, clay, sand, debris, and other earthen materials shall be protected in a reasonable manner to eliminate any discharge from the site. Stockpiles will be surrounded by silt fences and covered in plastic tarps.
- The SWPPP will include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance.
- Additional BMPs and erosion control measures will be documented in the SWPPP and utilized if necessary.
- The SWPPP will be kept on-site for the entire duration of the Project construction and also be available for the Regional Water Quality Control Board for inspection at any time.

In the event it is not feasible to implement the above BMPs, the City of Perris can make a determination to implement other BMPs that provide equivalent or superior treatment either on-site or off-site.

Mitigation Measure 4.7.5.1C: The construction contractors shall be responsible for performing and documenting the application of BMPs identified in this SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the contractor and available for City inspection. In addition, the contractor will also be required to maintain an inspection log and have the log on-site to be reviewed by the City of Perris and representatives of the Regional Water Quality Control Board (“RWQCB”).

Implementation of the above mitigation measures will reduce the impact to less than significant.

Supporting Explanation: The mitigation measures will reduce impact to a less-than-significant level because the implementation of the mitigation measures will reduce water quality impacts from construction by ensuring that construction-related runoff will not be contaminated by sediments or pollutants from the construction site. The BMPs integrate mitigation measures that will also prevent violations of water quality standards or waste charge requirements (DEIR p. 4.7-19 and 20).

2. Operational Water Quality: During post-construction or operational phase of the Project, substantial quality to polluted stormwater runoff may affect the Project vicinity (DEIR p. 4.7-20). This runoff includes sediment, petroleum products, commonly used construction materials, landscaping materials, and to a lesser extent, trace materials such as zinc, copper, lead, cadmium, and iron. Runoff from the project site could also include elevated levels of phosphorus, nitrogen, and suspended solids. Oils and hydrocarbons from vehicles are also expected in the stormwater runoff from parking fields. Nutrients from the runoff could promote algae growth in the downstream areas including the San Jacinto River. Post-construction impacts associated with urban runoff are addressed by adhering to the Riverside County Water Quality Management Plan (“RCWQMP”), which is prepared by the Riverside County Storm Water Clean Water Protection Program. New developments are required to prepare a project-specific WQMP prior to the first discretionary project approval or permit. The plan must include features to achieve the following:

- Minimize urban runoff;
- Minimize impervious footprint of proposed uses;
- Conserve natural areas; and
- Minimize directed connected impervious areas.

The above-stated goals can be achieved through the implementation of best management practices as recommended by the RCWQMP. The project-specific WQMP must identify the BMPs to be utilized which may include:

- Maximizing use of permeable areas to reduce the size of parking lots, drive aisles, and parking stalls to the smallest practical area while maintaining a customer-friendly shopping complex consistent with local, state, and federal regulations;
- Incorporation of landscape buffer areas between sidewalks and streets;
- Use of perforated pipe or gravel filtration pits for low-flow infiltration;
- The incorporation of two detention/retention basins, three vegetated swales and landscape buffer strips;
- Incorporation of landscaping into design of on-site drainage;
- Properly designed fueling, loading/unloading, trash storage, tire/lube maintenance areas to prevent discharge of contaminants into the street, MS4 system, or off-site;
- Proper design and maintenance of landscape irrigation systems;
- Installation of water quality inlets into storm drain inlets closest to the fueling station;

- Implementation of on-site street sweeping and litter control programs; and
- Implementation of inspection and maintenance programs for on-site drainage facilities.

The Project includes swales within the parking area that will collect and filter runoff from these areas. Three swales extend from east to west through the parking field. Additional water quality treatment will generally occur downstream of the natural drainage courses. The project will use a variety of BMPs described in Table 4.7B of the Draft EIR. These will all be part of the proposed WQMP of the Perris Marketplace.

Finding: Implementation of the following mitigation measure will reduce direct and indirect and cumulative impacts related to hydrology and water quality to a less-than-significant level.

Mitigation Measure 4.7.5.2A: 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 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.

Supporting Evidence: The Project will incorporate on-site drainage that will have hydrodynamic infrastructure components that will meet the City's and County's water quality requirements. Because adherence to the requirements of the NPDES permit, the SWPPP, and the WQMP will be required by the City prior to, during, and after construction, potential water quality impacts resulting from stormwater and urban runoff will be reduced to a less-than-significant level (DEIR p. 4.7-22).

3. Drainage Pattern-Related Impacts: The development of the Project site will increase the amount of impervious surfaces in the form of roads, parking lots, and commercial buildings. The change from the pervious surfaces to impervious surfaces will increase runoff volumes and velocity, reduce infiltration, increase flow frequency duration and peak, decrease the time to reach peak flow, and degrade in water quality. The Project site runoff will drain into two locations: Approximately 33 acres of the southern portion of the Project site will drain to a culvert located on Sunset Avenue through a pond system. Approximately 16.3 acres to the north will drain directly into the Avocado Channel. The southern 33 acres will drain into two retention/detention basins along the southern border of the Project site. Pond 1, which is approximately 1.17 acres located in the southwest portion of the Project site, will receive drainage from approximately 14.3 acres along the western edge of the Project site. Pond 2, which is on the southeast corner of the Project site and is approximately 1.48 acres, would receive drainage from 18.7 acres on the eastern edge of the Project site. The increased runoff from the site could increase erosion and siltation in downstream receiving waters. The drainage system will not produce peak flows larger than what already exists on the Project site.

Nonetheless, due to the potential for contamination of the stormwater due to pollutants on the parking field or cleaners or sedimentation from landscaping, the downstream waters could be impacted by the Project site (DEIR p. 4.7-22).

Finding: Implementation of mitigation measures 4.7.5.1A through 4.7.5.1C will reduce the impacts of the Project to a less-than-significant level (DEIR p. 4.7-23).

Supporting Explanation: Adherence to mitigation measures 4.7.5.1A through 4.7.5.1C will reduce the potential impacts associated with this issue. The Project could contaminate downstream drainage due to contaminants entering the water stream. However, the implementation of the aforementioned mitigation measures will reduce the amount of contaminants entering the downstream drainage to a less-than-significant level. In addition to design, installation of proposed drainage improvements will be required to adhere to City and County standards, further reducing the impacts associated with this issue to a less-than-significant level (DEIR p. 4.7-23).

4. Drainage Capacity-Related Impacts: The backbone for the City's storm drainage system is the 250-foot-wide earthen Perris Valley Storm Drainage Channel ("PVSC"). The PVSC is the primary collector for all stormwater in northern Perris. This channel is built and maintained by the Riverside Flood Control and Water Conservation District, and all stormwater drains laterally into the PVSC from east to west and transports through Perris Valley to the San Jacinto River.

Implementation of the Project will increase the amount of impervious surfaces from zero acres of impervious surfaces currently to 42.6 acres of impervious surfaces. The amount of pervious surfaces after development would be 6.6 acres. As indicated in Figure 4.7.3 of the DEIR, a northern portion of the Project site will drain directly into Avocado Channel. The southern portion of the Project site will drain into the western detention pond or the eastern detention pond, which will be on the Project site. All the drainage discharged from the Project site would have clarifier device designed and installed to remove suspended oils, grease, and trash from the runoff area (DEIR p. 4.7-24).

Drainage from the northern portion of the Project site into the Avocado Channel will be less than current drainage according to the Draft EIR (DEIR Table 4.7. on p. 4.7-26). Drainage from the southern portion of the Project site would exceed the current drainage without detention or retention basins in soil.

After installation of the southern detention/retention basins on the Project site, drainage from the Project site into Sunset Drainage Channel will not exceed current maximum levels except during the 24-hour 2-year period. However, the 24-hour 2-year event would only result in a slight increase of 0.8 cubic feet per second. This amount would not significantly affect the capacity of the existing or proposed drainage facility.

To avoid significant impact with the existing storm drainage facility and water quality, on-site storm drainage facilities must be sized to accept and handle site drainage flows that would result from development of the Project. The proposed on-site drainage improvements are

sufficient to achieve this objective. To ensure the implementation of drainage improvements and corresponding reduction in the significance of the drainage impacts, mitigation is required.

Finding: The implementation of the following mitigation measure will ensure that potential impacts associated with long-term drainage capacity of the current operation will be less than significant.

Mitigation Measure 4.7.5.4A: Prior to the issuance of a grading permit, the Project proponent shall submit a detailed grading and drainage plan, with supporting engineering calculations to the City Engineer for review and approval. The plans will incorporate relevant requirements identified by the City and/or identified in the Uniform Building Code and/or site-specific geotechnical investigations. The plan shall provide evidence that the storm drainage plan would be adequate to convey water for the design storm event (as specified by the City) from the Project site.

Implementing this mitigation measure is feasible, and the City Council of the City of Perris adopts and incorporates this measure into the Project.

Supporting Explanation: Adherence to the mitigation measure 4.7.5.4A will reduce the impacts associated with drainage capacity issues to a less-than-significant level. The storm drainage facilities as proposed in the DEIR will ensure that the outgoing flow from the Project will be no greater than what is currently existing on the Project site. Therefore, the impact from the drainage into the existing system will remain the same or it would be less. Thus, implementation of the mitigation measure will ensure that the facilities that would drain into the existing system would not cause a significant impact (DEIR p. 4.7-27).

D. Traffic

1. Opening Year Conditions Existing Plus Project Conditions: If the Perris Marketplace were to open under existing conditions, the intersections listed below would operate at an unacceptable level of service, creating a potentially significant impact (DEIR p. 4.10-15).

- I-215 southbound ramp/Nuevo Road;
- I-215 northbound ramp/Nuevo Road;
- East Frontage Road/Nuevo Road;
- Perris Boulevard/Citrus Avenue;
- Perris Boulevard/Orangetree Drive; and
- Perris Boulevard/Nuevo Road.

Finding: Implementation of the following mitigation measure will reduce the potential impacts to traffic to a less than significant level.

Mitigation Measure 4.10.5.2A: Prior to the issuance of the first Certificate of Occupancy for the Project, the following improvements shall be completed.

- East Frontage Road/Nuevo Road: Prohibiting southbound and eastbound left turns, and a provision of a southbound right turn.
- Perris Boulevard/Citrus Avenue: Addition of a northbound left-turn lane, addition of a dedicated eastbound right-turn lane, and re-stripe eastbound shared left-turn through to an eastbound left-turn lane.
- Perris Boulevard/Orangetree Drive: Addition of a northbound left-turn lane, addition of an eastbound left-turn lane, re-stripe eastbound shared left-turn through lane to an eastbound through right lane, addition of a dedicated southbound right-turn lane, and the addition of a westbound left-turn lane.
- Perris Boulevard/Nuevo Road: Addition of a dedicated southbound right-turn lane, addition of a dedicated westbound right-turn lane, and a provision of southbound right-turn overlap phasing.

Supporting Explanation: The trips generated by the Project degrade the operation of four City intersections below the standard level of service. The improvements proposed for these intersections will increase the capacity of the intersections to allow easier turning movements. These improvements are scheduled as part of the Riverside County Transportation Uniform Mitigation Fee Project (“TUMF”). The Project will be paying the TUMF that would contribute to the improvements along Perris Boulevard and Nuevo Road. However, because the Project is a direct contributor to the listed impacts, the developer will implement the improvements that are listed as the mitigation measures, and receive reimbursement from the City for any non-project-related fair-share of those improvements. The impact to traffic will be mitigated below the level of significance by the mitigation measures listed in Section 4.10.5.2.

2. Opening Year (2007) Operational Project Peak Hour Impacts: The opening year for the Perris Marketplace is 2007. The traffic trips were counted in 2005. Under authorization by the City, the traffic consultants applied a 3 percent annual growth rate to the existing traffic volumes to determine the year 2007 traffic volumes. In addition, the traffic consultant added approved and pending projects to the year 2007 background traffic volumes. The opening year 2007 traffic volumes were then used as a base to calculate the Project related impacts in opening year 2007 (DEIR p. 4.10-16). According to the Draft EIR, six study area intersections are forecast to operate at unacceptable levels of service. However, two of the intersections are I-215 freeway ramps and are discussed later in the Draft EIR. The four City intersections that operate at unacceptable levels of service are:

- East Frontage Road/Nuevo Road;
- Perris Boulevard/Citrus Avenue;
- Perris Boulevard/Orangetree Drive; and
- Perris Boulevard/Nuevo Road.

Finding: Implementing the following mitigation measure will reduce potential impacts to traffic to a less than significant level:

Mitigation Measure 4.10.5.2A: Prior to the issuance of the first Certificate of Occupancy for the Project, the following improvements shall be completed:

- East Frontage Road/Nuevo Road: Prohibiting southbound and eastbound left turns and a provision for free southbound right turn.
- Perris Boulevard/Citrus Avenue: Addition of a northbound left-turn lane, addition of a dedicated eastbound right-turn lane, and re-stripe eastbound shared left through to an eastbound left-turn lane.
- Perris Boulevard/Orangetree Drive: Addition of a northbound left-turn lane, addition of eastbound left-turn lane, re-stripe eastbound shared left turn/through lane to an eastbound through right-turn lane, addition of a dedicated southbound right-turn lane, and addition of a westbound left-turn lane.
- Perris Boulevard/Nuevo Road: Addition of a dedicated southbound right-turn lane; addition of a dedicated westbound right-turn lane, and provision of a southbound right-turn overlap phasing.

Implementing the mitigation measure is feasible and the City Council of the City of Perris adopts and incorporates this measure into the Project.

Supporting Explanation: The trips generated by the Project included in combination with the Opening Year 2007 conditions cause four City intersections to operate at unacceptable levels. These intersections, improved by the mitigation measures, will be more regulated and have better flow through the intersection to achieve an acceptable level of service. While these simple improvements are part of the TUMF, the City does not have a schedule as to the specific time these improvements will be implemented. Since these traffic impacts are directly related to the opening year of the Project, the Project developer is responsible for ensuring that those impacts are mitigated through the mitigation measures. The Project developer can and will receive a partial reimbursement from the TUMF for the improvements (DEIR p. 4.10-17).

3. Impacts From 2030 Operational Peak Hour Impacts: The year 2030 traffic volumes used to project the impacts are developed with the City of Perris base 2030 Circulation Element forecasts. The model includes updated land use plan and trip generation

from HLSP. One proposed alignment of the Mid County Parkway passes through the City of Perris. The analyses assumed 2007 improvements were made to the traffic area.

- Nuevo Road, Perris Boulevard, and Placentia Avenue: Widen to 6-lane arterials;
- Alignment of Mid County Parkway north of Orange Avenue and south of Placentia Avenue: Having an interchange at Perris Boulevard; and
- Construction of the I-215/Placentia Avenue interchange.

With the implementation of the Project, build-out of the Specific Plan and completion of the HLSP, the following intersections are impacted:

- East Frontage Road/Nuevo Road: This intersection is projected to operate at LOS F under year 2030 without Project conditions. The addition of Project traffic will contribute to this unsatisfactory condition.
- Perris Boulevard/Citrus Avenue: Under year 2030 (without Project) conditions, this intersection will operate satisfactorily at LOS C. The addition of Project traffic will cause operations at this intersection to deteriorate to LOS F.
- Perris Boulevard/Nuevo Road: Under year 2030 (without Project) conditions, this intersection will operate satisfactorily at LOS D. The addition of Project traffic will cause operations at this intersection to deteriorate to LOS F.
- Perris Boulevard/Orangetree Drive: This intersection is projected to operate at LOS F under year 2030 without Project conditions. The addition of Project traffic will contribute to this unsatisfactory condition.
- Redlands Avenue/Citrus Avenue: Under year 2030 (without Project) conditions, this intersection will operate satisfactorily at LOS D. Addition of Project traffic will cause operations at this intersection to deteriorate to LOS E.

These intersections operate at an unacceptable level of service. However, it should be noted that these intersections are within the Riverside County TUMF or City of Perris Development Impact Fee (“DIF”) programs. The programs plan for improvements to the intersections.

Finding: Implementation of the following mitigation measure will reduce the traffic impacts to a less-than-significant level.

Mitigation Measure 4.10.5.4A: Prior to issuance of the Certificate of Occupancy for each building, each developer of said building shall pay a fair-share contribution to the following improvements. The fair-share contributions shall be based upon the pro-rata share of the Average Daily Trips for the entire Project (as identified in Table F of the Traffic Impact Analysis in Appendix L of the Draft EIR). The payment of

the TUMF and the DIF by the developer of a building shall be considered the fair-share contribution for the following improvements:

- Nuevo Road: Re-striping of southbound off-ramp to provide two southbound left-turn lanes including one southbound shared lane, addition of a dedicated southbound right-turn lane, and re-striping of one westbound through lane to provide two westbound left-turn lanes and two westbound through lanes;
- I-215 northbound ramp/Nuevo Road: Addition of a northbound right-turn lane;
- East Frontage Road/Nuevo Road: Prohibiting southbound and eastbound left turns and provision of free southbound right turns;
- Perris Boulevard/Citrus Avenue: Addition of a northbound left-turn lane, addition of a dedicated eastbound right-turn lane, and re-stripe eastbound shared left through lane to a dedicated eastbound left-turn lane;
- Perris Boulevard/Orangetree Drive: Addition of a northbound left-turn lane, addition of a dedicated southbound right-turn lane, addition of an eastbound left-turn lane, and re-striping of eastbound left-turn through lane to a shared eastbound through right-turn lane;
- Perris Boulevard/Nuevo Road: Provision of southbound right-turn overlap phasing; and
- Redlands Avenue/Citrus Avenue: Installation of traffic signal.

Implementing this mitigation measure is feasible, and the City Council adopts and incorporates this measure into the Project.

Supporting Explanation: The Riverside County Transportation Uniform Mitigation Fee program (TUMF) identifies Perris Boulevard and Nuevo Road as TUMF facilities. This means that the funds collected from TUMF will be used to improve those streets. Therefore, the payment of the TUMF fees is a fair-share contribution to those improvements. The DIF will be used to improve Redlands Avenue. Therefore, the improvements required for Redlands Avenue will be implemented by the City and will fully mitigate any impacts from the Project.

SECTION 5

ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO LESS THAN SIGNIFICANT

The City Council of the City of Perris finds the following environmental impacts identified in the Final EIR remain significant even after application of all feasible mitigation

measures: Agricultural Resources, Air Quality (as related to short-term construction emissions and long-term area source and mobile source air pollution emissions, and cumulative impacts as to failure to meet state and federal ambient air quality standards for nitrogen oxides, reactive organic compounds, carbon monoxide, and PM₁₀), Noise (as related to short-term construction impacts), and Traffic (as related to freeway on-ramp intersections).

In accordance with State CEQA Guidelines Section 15092(b)(2), the City Council of the City of Perris cannot approve the Project unless it first finds (1) Under CEQA Section 21081(a)(3), and State CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment opportunities to highly trained workers, make infeasible mitigation measures or the Project alternatives identified in the Final EIR; and (2) Under State CEQA Guidelines Section 15092(b), the remaining significant effects are acceptable due to overriding concerns described in the State CEQA Guidelines Section 15093, and, therefore, a Statement of Overriding Considerations is included herein.

A. Agricultural Resources/Conversion of State Designated Farmland.

The Project will convert prime farmland to a non-agricultural use (DEIR p. 4.2-10). Approximately 97 percent of the Project site is designated as Prime Farmland. The Project will permanently convert approximately 47.8 acres of Prime Farmland to non-agricultural use (DEIR p. 4.2-8).

Finding: No feasible mitigation measure has been identified for this impact that will further reduce this potential impact to below a level of significance (DEIR p. 4.2-10).

Supporting Explanation: The loss of Prime Farmland caused by development of the Project cannot be mitigated. To mitigate such an impact, the City would have to acquire non-prime farmland in the area and convert it to Prime Farmland (DEIR p. 4.2-10). The Draft EIR has proposed two mitigation measures for the impact, either of which may be utilized to mitigate for the identified impact:

Mitigation Measure 4.2.5.1A: Prior to the issuance of grading permits, the Project proponents shall provide evidence to the City that a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism has been granted in perpetuity to the City, County, and/or a qualifying entity. Additionally, the Project proponent shall provide appropriate funds (as determined by the City) to compensate for reasonable administrative costs incurred by the easement holder. The size, quality, location and productivity of the farmland conserved shall be reasonably (as determined by the City) similar to that of the Project site; or

Mitigation Measure 4.2.5.1B: Prior to the issuance of grading permits, the Project proponent shall provide evidence that funds sufficient to purchase a farmland conservation easement, deed restriction, or other farmland conservation mechanisms, and to compensate for administrative costs incurred in the implementation of this measure, have been provided to the California Farmland Conservation Program, or a similar

program which will provide for the preservation of equivalent farmland not currently agricultural production or which is otherwise likely to be utilized for uses other than agricultural production. As determined by the City, the amount of in-lieu fees shall be sufficient to adequately conserve and administer farmland of an equal size, quality and productivity as the Project site, which is not currently in agricultural production or otherwise likely to be utilized for uses other than agricultural production.

While these mitigation measures will limit the impact of the conversion of Prime Farmland to commercial uses, they will not fully mitigate the impact. Therefore, the impact remains significant and unavoidable.

2. Non Agricultural Use: The Project will convert a currently operating sod farm with approximately 49.3 acres to a commercial use. The new use will prohibit any farm uses on the Project site. The Project will cause an overall reduction in available farmland.

Finding: No feasible mitigation measure has been identified for this impact that will further reduce this potential impact to below a level of significance (DEIR 4.2-12).

Supporting Explanation: As with the loss of Prime Farmland, there is no way to mitigate the loss of farmland through its conversion to other uses. While the City identified the conversion of farmland to urban uses in the City General Plan, the impact from the loss of farmland remains significant and unavoidable.

3. Termination of Williamson Act Contracts: In 1970, the Coudures Family and the County of Riverside agreed to a Williamson Act contract for Perris Valley Agricultural Preserve No. 2, Map No. 57 (“Perris Preserve No. 2”), which covers approximately 475 acres. The City annexed the area and assumed the County’s role in managing the contract.

The Coudures Family received real estate tax benefits in return for keeping the property in agricultural use. As noted above, the Project site has been subject to Williamson Act contract since 1970. There are two methods to remove property from under a Williamson Act contract. The first method is to actively not renew the Williamson Act contract in one year, and the Williamson Act contract will then expire within 10 years. The second method is to ask the City to remove the property from the Williamson Act contract, pay the appropriate cancellation fees, and the contract will then be removed. The removal of the Project site from the Williamson Act contract would reduce the total amount of agricultural land under the Williamson Act contracts.

Finding: There is no feasible way to mitigate this impact, as it would require additional property to be placed under a Williamson Act contract that is not currently under a Williamson Act contract. There is no mechanism that can mandate coverage over land under control by a property owner, nor is there a method, as the Williamson Act contract can be transferred to an alternate property. Thus, there is no feasible mitigation that would mitigate the direct cumulative loss of a Williamson Act contract (DEIR pp. 4.2-12 & 4.2-13).

4. Cumulative Impacts: While the City General Plan does not have a designation for agricultural uses and it is the City policy to urbanize land within the City, the

implementation of the Project and other projects in the City of Perris will result in a loss of agricultural land. From 2002 to 2004, 4,824 acres of Prime Farmland were converted to other uses, and a total of 357 acres of land were removed from Williamson Act contracts. The cumulative effect of development in the region will continue to result in the conversion of agricultural lands to non-agricultural uses. Because farmland is a finite resource, the conversion of the Project site, along with other planned and future development, is a significant and unavoidable impact to agricultural resources that cannot be mitigated.

B. Air Quality

1. Fugitive Dust: Fugitive dust emissions are typically associated with demolition, land clearing, exposure and cut and fill operation. The dust generated by construction activities varies substantially depending on the level of activity, the specific operations, and weather conditions. Depending on the prevailing wind conditions and adjacent uses, on-site workers may be exposed to dust. Dust could also be generated by construction equipment or trucks that travel on unpaved portions of the Project site. The amount of dust generated by grading would exceed the thresholds established by the SCAQMD of 150 pounds per day during constructions (RDEIR p. 4.3-26, Table 4.3-K). The Project would apply SCAQMD Rule 403, which would reduce the amount of particulate matter in the atmosphere through a variety of methods. However, even adherence to Rule 403 will not reduce fugitive dust in the air to below the SCAQMD's thresholds.

Finding: Implementation of the following mitigation measure to reduce impacts to air quality is feasible. However, there are no feasible mitigation measures that will further reduce the impacts below a level of significance.

Mitigation Measure 4.3.5.1A: The Project developer shall require by contract specification that construction operations incorporate fugitive dust control measures, as identified in SCAQMD Rule 403. Contract specifications shall be included in the Project construction documents which shall be reviewed by the City prior to the issuance of a grading permit. These measures include, but shall not be limited to, the following:

- Re-vegetate disturbed areas as quickly as possible;
- Suspend all excavating and grading operations when winds speeds as instantaneous gusts exceed 25 miles an hour;
- Sweep all streets once per day of visible soil materials carried to adjacent streets (recommend water sweepers with reclaimed water);
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site;
- Pave, water, or chemically stabilize all on-site roads as soon as feasible;

- Minimize at all times the area disturbed by clearing, grading, earthmoving, or excavation operations;
- Apply non-toxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more);
- Water active sites at least twice daily; locations where grading is to occur will be thoroughly watered prior to earthmoving;
- Cover all trucks hauling dirt, sand, soil or other loose materials, or maintain at least two feet of freeboard (vertical space between the top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code (CVC) Section 23114; and
- Reduce traffic speeds on all unpaved roads to 15 miles per hour or less.

Implementing this mitigation measure is feasible, and the City Council of the City of Perris adopts and incorporates this measure into the Project. The mitigation measure, however, will not reduce the impact to a less-than-significant level. The implementation of this mitigation measure is expected to reduce fugitive dust emissions from construction activities by 50 percent or more. Despite this reduction, fugitive dust emissions will still exceed SCAQMD daily significant thresholds. Therefore, construction-related fugitive dust impacts remain significant and unavoidable (DEIR p. 4.3-24).

2. Architectural Coating Impacts: Architectural Coatings contain Volatile Organic Compounds ("VOC") that are similar to Reactive Organic Compounds and are ozone precursors. SCAQMD has promulgated Rule 1113 to provide guidance regarding the application of architectural coating.

Based on the Project Site Plan, the developer will need to apply architectural coating to 1,028,700 square feet of building area. This will result in 8,550 pounds of VOC emissions. Assuming a 4-month schedule and 22 work days a month, the total VOC emissions will be 134 pounds per day. This exceeds the SCAQMD standard of 75 pounds per day. Compliance with Rule 1113 would reduce emissions by 65 percent; however, this is not sufficient to achieve the standards established by SCAQMD.

Finding: Implementation of the following mitigation measure to reduce impacts to air quality is feasible. However, there are no feasible mitigation measures that will further reduce the impacts below a level of significance.

Mitigation Measure 4.3.5.3A: The Project developer shall require by contract specifications that the application of architectural coatings shall comply with SCAQMD Rule 1113. Contract specifications shall be reviewed by the City prior to issuance of the first building permit.

Supporting Explanation: The Project will require architectural coating to comply with City design standards. The SCAQMD Rule 1113 provides specific guidelines to reduce VOC from architectural coatings, but implementation of Rule 1113 will not reduce the VOC to a less-than-significant level.

3. Construction-Related Localized Significance Thresholds: The nearest sensitive receptors (existing residences) to the project site are located to the east, across Perris Boulevard. These receptors are approximately 165 feet (50 meters) from the project site boundary. As these are the nearest sensitive receptors that would be exposed to construction emissions, construction LSTs at 50 meters were utilized in this analysis. Table 4.3.L identifies the construction-related emissions of NO_x, CO, PM₁₀, and PM_{2.5} compared with the LSTs for Perris Valley at distances of 50 meters. The PM_{2.5} emission rate is based on the PM₁₀ rate, assuming a diesel exhaust ratio of 0.92 PM_{2.5} to PM₁₀ (4.1×0.92) and a fugitive dust ratio of 0.208 (168×0.208). Construction-related emission rates of CO and NO_x are below the LSTs. However, the emissions of PM₁₀ and PM_{2.5} are above the LSTs. Therefore, the proposed operational activity will result in locally significant air quality impacts of PM₁₀ and PM_{2.5}. This is a significant impact.

Mitigation Measures. Fugitive dust control measures have been previously identified in **Mitigation Measure 4.3.5.1A**. Implementation of this measure would mitigate for construction-related LST impacts at the sensitive receptor (residential uses) nearest to project site.

Level of Significance after Mitigation. As with the overall fugitive dust impact, it is anticipated that the implementation of standard conditions, such as frequent watering (e.g., minimum twice per day), localized fugitive dust emissions from construction activities are expected to be reduced by 50 percent or more. Despite this reduction, fugitive dust emission would still exceed SCAQMD daily local significance thresholds for PM₁₀ and PM_{2.5}; therefore, construction-related LST impacts remain significant and unavoidable.

4. Long-Term Project-Related Emissions Impacts: Operations of the Project may result in potentially significant impacts for a long-term area source and mobile source pollutant emissions (RDEIR pp. 4.3-29 & 4.3-30). Stationary source emissions from natural gas usage and consumer products will be minimal. Mobile source emissions associated with Project-related vehicular trips are the primary source of operational emissions. The level of emissions was calculated pursuant to the worst-case scenario and using URBEMIS model 2002. These results were set forth in Table 4.3.M on page 4.3-30 of the Perris Marketplace Recirculated Draft EIR. The Project would exceed SCAQMD thresholds for all emissions except for sulphur dioxide.

Finding: Implementation of the following mitigation measure to reduce impacts to air quality is feasible. However, there are no feasible mitigation measures that will further reduce the impacts below a level of significance.

Mitigation Measure 4.3.5.4A: Prior to the issuance of a building permit, the Project applicant shall provide evidence to the City that applicable (as determined by the City) transportation demand measures (“TDM”) such as preferential parking for employee vanpooling/carpooling, bicycle parking facilities such as bicycle lockers and racks, bus turnouts, and other features are incorporated into the design of the Project.

Implementing this mitigation measure is feasible, and the City Council of the City of Perris adopts and incorporates this mitigation measure into the Project. The mitigation measure, however, will not necessarily reduce the impact to a less-than-significant level.

Supporting Explanation: Activities that will lead to the area source and mobile source emissions (usage of natural gas and consumer products, as well as vehicular trips related to the Project) are a natural and necessary part of the operation of the Project itself. Moreover, no other mitigation measures have been identified to reduce or eliminate these emissions. As such, this impact to air quality will remain significant and unavoidable (RDEIR p. 4.3-30).

5. Cumulative Impacts: The South Coast air basin does not meet state and federal ambient air quality standards for carbon monoxide, PM₁₀, PM_{2.5}, and ozone at the present time. It is determined that the Project would exceed the SCAQMD’s thresholds for nitrous oxide and PM₁₀ emissions during construction and carbon monoxide, reactive organic gasses, nitrous oxides, and PM₁₀ during the long-term operations. These emissions constitute cumulative and Project-level impacts as they contribute toward the creation of a basin-wide ozone and PM₁₀ levels. Despite the mitigation measures implemented above to reduce air quality impacts related to the Project, the cumulative impacts related to nitrous oxide and PM₁₀ emissions during construction and carbon monoxide, reactive organic gasses, nitrous oxides, and PM₁₀ during the long-term operations, will remain significant and unavoidable.

The Project’s sulphur oxide emissions during construction and operations are not considered to be cumulative and considerable because they are less than the emission threshold and the air basin is in attainment for sulphur oxides (RDEIR p. 4.3-31).

C. Noise

1. Long-Term Traffic-Related Noise Impacts: The City’s exterior noise standard is 65 dBA CNEL during the day. This standard is currently exceeded at residential lots located on the eastern side of Perris Boulevard (DEIR p. 4.9-16). The Project will add between 0.8 and 2.3 dBA to the existing noise (DEIR p. 4.9-18, Table 4.9.G). Typically, noise increases of less than 3 dBA are not perceptible to the human ear, and generally, they would not be considered significant. The existing noise level along the eastern edge of Perris Boulevard already exceeds 65 dBA, and the Project will increase the noise level at that location. While this impact is not entirely attributable to the Project, the traffic generated by the proposed uses will generate noise in an area that already exceeds City noise standards; therefore, this is considered a significant impact (DEIR p. 4.9-21).

Finding: There is no feasible mitigation measure that will reduce the existing noise levels to below the City’s threshold of 65 dBA CNEL. The Project will add noise to the existing

conditions; however, it is technically below the threshold of human perception. Nonetheless, the Project contributes to the existing impacted conditions. Noise levels at the residential properties along the eastern edge of Perris Boulevard will exceed noise standards with or without the development from the Project. Because the Project contributes to an existing exceedance of established noise standards, impacts related to this issue will remain significant and unavoidable (DEIR p. 4.9-21).

2. Short-Term Construction Noise Impacts: Short-term construction noise levels generated during excavation, grading, and building erection on the Project site will create a potentially significant impact to the sensitive receptors in the Project vicinity (DEIR p. 4.9-24). Due to the variety of equipment used during the preparation phase, this phase is typically the noisiest phase of construction.

Maximum noise levels generated by construction equipment in the Project area can exceed 91 dBA at 50 feet. The nearest sensitive noise receptors, the residences 100 feet across Perris Boulevard, could be exposed to short-term noise reaching 85 dBA generated from the construction site. The existing of the 5-foot sound wall would reduce the dBA to approximately 80 dBA. This still exceeds the City standards regarding noise.

The City limits the hours of construction to between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction is permitted outside these hours and on Sundays or legal holidays except for Columbus Day and Washington's Birthday. While compliance with the construction hour requirements would limit the impacts, the impacts will still occur. Even with noise attenuation, the noise impacts from the construction activities at the Project will exceed the City standards by approximately 11 dBA. While this is a temporary impact, it is still a significant impact.

Also, if the Project is developed in multiple phases, construction noise could potentially impact on-site noise-sensitive uses such as outdoor eating areas. At worst-case levels, construction would generate up to 91 dBA at a distance of 50 feet. Thus, any commercial uses on-site could be exposed to construction noise levels in excess of the City's 75 dBA standard for commercial uses.

Finding: Implementation of the following mitigation measures will reduce the impact to noise to the extent feasible; however, there are no feasible mitigation measures that will reduce the impacts to a less-than-significant level.

Mitigation Measure 4.9.5.2A: During all Project site excavation and grading on-site, the Project contractor shall equip all construction equipment, fixed or mobile, with proper operating and maintained mufflers consistent with manufacturer standards.

Mitigation Measure 4.9.5.2B: The Project contractor shall place all stationary construction equipment so that the emitted noise is directed away from sensitive receptors nearest the Project site.

Mitigation Measure 4.9.5.2C: The construction contractor shall locate equipment staging areas that will create the greatest distance between the construction-related noise sources and the noise-sensitive receptors nearest the Project site.

Mitigation Measure 4.9.5.2D: On-site construction activities shall be restricted to the hours permitted under Section 7.34.060 of the City Municipal Code.

Mitigation Measure 4.9.5.2E: In the event construction activities occur after the construction and occupation of on-site sensitive uses (e.g., outdoor dining areas), the construction contractor shall install temporary noise barriers between continuing construction and such uses. The temporary noise barriers should consist of solid barriers sized at 5 feet in height and shall form an unbroken barrier between continuing construction and the receiving uses. This requirement shall be included in any construction documents which shall be reviewed by the City prior to issuance of grading permit.

Implementing these mitigation measures is feasible, and the City Council of the City of Perris adopts and incorporates these mitigation measures into the Project. The mitigation measures, however, will not necessarily reduce the impact to a less-than-significant level.

Supporting Explanation: During the excavation, grading, and building erection phases of the Project's construction, potentially significant short-term noise impacts would be generated. Since construction is performed in separate phases, each phase involves its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on-site and, therefore, the noise levels surrounding the site as construction progresses. Despite the variety in type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase (DEIR p. 4.9-25).

Typical noise levels range up to 91 dBA at 50 feet during the noisiest construction phase. The site preparation phase, which includes excavation and grading, tends to generate the highest levels because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes a variety of machinery such as excavators, dozers, and front-end loaders. Earthmoving and compacting equipment includes excavation machinery, such as excavators, dozers, and front-end loaders. Earthmoving and compacting equipment includes equipment that may involve one or two minutes of full power operation followed by three or four minutes of lower powered operations (DEIR p. 4.9-25).

Construction of the Project is expected to require the use of scrapers, dozers, and water and pickup trucks. This equipment would be used on the Project site. The maximum noise level generated by each earthmover on the Project site is assumed to be between 77 dBA and 91 dBA at 50 feet. Each bulldozer would generate between 77 dBA and 90 dBA at 50 feet. The maximum noise level generated by water and pickup trucks is approximately 81 to 87 dBA at 50 feet. Each doubling of the sound sources with equal strength increases the noise level by 3 dBA. Assuming that each piece of construction equipment operates at individual noise sources, the

worst-case combined noise level at each individual residence during this phase would be 91 dBA at a distance of 50 feet from the active construction area (DEIR p. 4.9-26). The nearest existing residences to the Project are approximately 100 feet to the east across Perris Boulevard. These homes would receive a reduction of 85 dBA due to attenuation from distance, which would result in approximately 85 dBA. There is also a 5-foot-high wall which would further reduce the dBA by five, which would result in 80 dBA. Consequently, these homes are expected to be exposed to short-term noise from the Project onsite of 80 dBA or less. The existing residences farther from the Project site would experience lower construction noise from the Project site (DEIR 4.9-26). As noted above, the City's Municipal Code Section 7.34.060 limits hours of construction to between 7:00 a.m. to 7:00 p.m. Monday through Saturday. No construction activities are permitted outside these hours on Sunday and on legal holidays except for Columbus Day and Washington's Birthday. Other construction activities are exempt from any noise ordinance by the City. While the Project will comply with construction hours as specified in the Municipal Code, the noise levels will still exceed the City standard at the nearest homes to the Project site during the construction of the Project (DEIR p. 4.9-26).

Potential impacts from construction to non-sensitive uses in the vicinity of the Project site such as a commercial retail use to the south of the Project site and sod farming to the north. Schools (Perris Head Start and Perris High School) are located approximately 1,250 feet northeast and 1,400 feet southeast of the project site. The noise attenuation at that distance would remove any potential noise impacts. Also, as noted above, the construction activities are limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. While this would not reduce the amount of sound emitted to the sensitive receptors, it does limit the impact of construction noise on the receptors. The noise impact from construction activities will remain significant and unavoidable, however, because even with mitigation measures, potential short-term noise levels during Project construction remain above the 65 dBA at the adjacent houses to the east of the Project site.

D. Traffic and Circulation

1. Freeway Interchange Impacts: The Project would generate approximately 1,829 net new trips during p.m. peak hour. The increased traffic volumes from the Project result in the two freeway intersections operating at a less-than-acceptable level of service, i.e., the I-215 southbound ramps and Nuevo Road and the I-215 northbound ramps at Nuevo Road (DEIR p. 4.10-23).

Finding: Implementation of the following mitigation measure would reduce impacts to the freeway interchange to the extent feasible:

Mitigation Measure 4.10.5.5A: Prior to the issuance of the first Certificate of Occupancy for the Project, the Project applicant shall provide fair-share contribution dedicated to the following improvements:

- **I-215 Southbound Ramps/Nuevo Road:** The addition of one westbound left-turn lane and one southbound dedicated right-turn lane.

- **I-215 Northbound Ramps/Nuevo Road:** Addition of a dedicated westbound right-hand turn lane and a dedicated northbound right-hand turn lane.

The following is an alternative mitigation measure to Mitigation Measure 4.10.5.5A:

Mitigation Measure 4.10.5.5B: Prior to issuance of the first Certificate of Occupancy for the Project, the Project applicant shall post a bond, letter of credit, or other funding mechanism to implement the required improvements to the freeway ramp intersections impacted by the Project.

While implementation of these mitigation measures would reduce the impact to a less-than-significant level (DEIR p. 4.10-24, Table 4.10.K), the jurisdiction over the intersections resides with Caltrans, and, therefore, neither the City nor the Applicant can require that these improvements take place within a specific period of time. Although the intersections are subject to the TUMF Program and are designated for improvement, it is unknown whether those improvements will be implemented before opening year of the Project. The intersection is subject to the authority of Caltrans, and Caltrans will determine when the improvements are implemented.

Supporting Explanation: Trips generated by the Project are added to the baseline Opening Day (2007) to determine Opening Day plus Project conditions. The intersections are also subject to the TUMF Program and are designated for improvement. Nonetheless, the Project will cause an impact to the interchange. Therefore, the impact remains significant and unavoidable until Caltrans authorizes the improvements.

SECTION 6

CUMULATIVE IMPACTS

Cumulative Impacts refer to one or more individual effects that, considered together, compound or increase the environmental impact of the Project. State CEQA Guidelines require a discussion of the Cumulative Impacts of a Project “when the project’s incremental effects are cumulatively considerable.” For example, when the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The City Council of the City of Perris finds and determines that the discussion of cumulative impacts in the Final EIR provides adequate and sufficient discussion of the Cumulative Impacts of the Project pursuant to CEQA Guidelines Section 15130. Cumulative Impacts are discussed in Chapters 2, 4.1 through 4.11 and in 5 of the Draft EIR. The City Council further finds that these impacts will be less than significant, as set forth in Section 3 herein, or mitigated to a less-than-significant level by incorporation of mitigation measures into the Project, as set forth in Section 4 herein, with the exception of the following environmental impacts that remain significant even with the implementation of mitigation measures as set forth in Section 5 herein: Air Quality (cumulative

air emissions; failure to meet state and federal ambient air quality standards for PM₁₀, NO_x and ROC) and Agricultural Resources, (loss of Prime Farmland).

SECTION 7

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The Project will permanently commit the site to urban uses, permanently committing approximately 49 acres of designated Prime Farmland to commercial use. The DEIR has identified this conversion of Prime Farmland as a significant and unavoidable impact. Natural resources in the form of construction materials and energy resources will be utilized in the construction of the proposed project, and energy resources in the form of electricity and gas will be used during the long-term operations of the project. Construction materials such as concrete, aggregate, asphalt, and other materials are commercially available in the Southern California region with few or no constraints. Because of the general availability of construction materials (including aggregate), no adverse impact related to the availability of these resources or the resource base from which they are derived will occur. Energy resources required to construct and operate the Project will be minimized to the extent practicable through the use of energy-efficient equipment; the application of design and construction practices that conserve energy; and adherence to applicable energy conservation measures.

SECTION 8

GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the Project could be growth inducing. Specifically Section 15126.2(d) of the State CEQA Guidelines states that EIRs must describe the ways in which a Project could foster economic or population growth or the construction of additional housing either directly or indirectly in the surrounding environment. The Project will develop a community shopping center consisting of a 250,000-square foot single retail building, a 173,000-square foot home improvement building, 10,200 square feet of fast-food restaurant uses, and 77,450 square feet of specialty retail uses. Realizing employment factors of one employee for every 400 square feet of retail space and one employee for every 250 square feet of restaurant use, approximately 1,220 jobs would be created by the Project. Approximately 411 of these jobs would be transferred from the existing Wal-Mart building. Nonetheless, the Project would create 809 new jobs for the local area (DEIR page 5-3). Furthermore, the construction activity for the Project would create approximately 289 short-term construction jobs.

Given that City and western Riverside County area are generally considered job-poor regions, it is expected that the short-term construction jobs and long-term jobs created by the Project will be filled by the local residents (DEIR p. 5-4). Therefore, there will be little

migration to the area and, consequently, little effect on the local population size. The population increases in the City that are creating additional retail demand have been anticipated for the Project and are not caused by the Project.

The potential for growth inducement beyond what is already anticipated by the City from the Project is minimal.

SECTION 9

GREENHOUSE GASES/GLOBAL CLIMATE CHANGE

In 1988, the United Nations established the Intergovernmental Panel on Climate Change, which evaluated the potential impacts of global climate change and developed strategies to curtail global climate change. In 1992, the United States the United Nations Framework Convention on Climate Change. The United States developed the Climate Change Action Plan to reduce greenhouse gasses (“GHG”). On June 1, 2005, Governor Schwarzenegger signed Executive Order S-3-05 established GHG emission reduction targets for the entire state. As a result of Executive Order S-3-05, the California Environmental Protection Agency (Cal-EPA) began to develop measures that meet the requirements of Executive Order S-3-05.

On August 31, 2006, the California Legislature adopted Assembly Bill 32 (Global Warming Solutions Act) (“AB 32”). AB 32 directed the California Air Resources Board (“CARB”) to identify guidelines to reduce GHG that can be implemented by June 30, 2007. As of May 17, 2007, CARB has not published the guidelines regarding GHG emissions and their potential effect on global climate change.

The City acknowledges that while scientists have established a connection between increasing GHG concentrations and increasing average temperature, important scientific questions remain about how much warming will occur, how fast it will occur, and how the warming will affect the rest of the climate system. CARB, Cal-EPA, SCAQMD, the EPA, and other local and regional entities are working to establish a methodology to evaluate the effects of GHG on the global environment. Even so, today’s best science cannot determine the effect of global climate change in a specific locale, or whether the effect of one aspect of climate change may be counteracted by another aspect of climate change, or exacerbated by it. Without the ability to quantify the potential effect GHG will have on the environment, it is impossible to evaluate the potential effect the proposed project will have on global climate change and identify the proper measures that can minimize the effect.

Based on the current uncertainties regarding the project level impact of GHG emissions and lack of regulatory standards concerning GHG emissions, it is impossible to develop a framework for a meaningful, non-speculative impact analysis.

The City is not the proper entity to establish guidelines regarding the effect of GHG on global climate change. Although the development of the proposed project will likely result in the creation of some GHG emissions, the City's decision to not evaluate the effect of GHG emissions on the environment is appropriate pursuant to CEQA (Section 15145) because the potential effect of GHG is too speculative for evaluation. The agencies charged with evaluating GHGs have not yet created accepted thresholds for significance of GHG relative to global climate change. Therefore, the City has no consistent means of determining whether project-related GHG emissions, to the extent they can be identified, will have a significant effect on the global climate. The City Council cannot speculate as to the nature of the impact caused by the emissions of GHG or the effectiveness of the Project's measures to reduce GHG (CEQA Guidelines § 15145). Therefore, the City Council finds that, without guidance from SCAQMD, CARB, Cal-EPA, and the Federal EPA, an evaluation of the potential effects of the Project on global climate change as a result of the potential Project GHG emissions is speculative and impossible to quantify.

Although the City finds the analysis of GHG emissions to be too speculative, the City Council does note that the Project will implement several measures that will reduce energy consumption and GHG emissions, including:

- Daylighting (skylights/dimming);
- Night Dimming;
- Energy-efficient HVAC units;
- Central Energy Management;
- Heating water with waste heat from mechanical equipment;
- White roofs;
- T-8 Fluorescent lighting and electronic ballasts;
- LED signage illumination;
- Integrally colored concrete floors; and
- Ozone-friendly refrigerants.

SECTION 10

ALTERNATIVES

CEQA requires that an EIR evaluate a reasonable range of alternatives to a Project, or the location of the Project, which:

1. Offer substantial environmental advantages over the Project Proposal; and
2. May be feasibly accomplished in a successful manner within a reasonable amount of time considering the economic, environmental, social, and technological factors involved.

An EIR must only evaluate reasonable alternatives to a Project that could feasibly obtain most of the Project objectives, and evaluate the comparative merits of the alternatives. In all cases, the consideration of the alternatives is to be judged against a rule of reason. The lead agency is not required to choose an environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed Project, and

- A. Through the imposition of mitigation measures the environmental effects of the Project can be reduced to an acceptable level; or
- B. There are social economic technical or other considerations that make the alternative infeasible.

The State CEQA Guidelines direct agencies to consider the feasibility of alternative locations. The DEIR analyzed an alternative location for the Project, which is north of Ramona Expressway adjacent to I-215. The objectives for the Project are on page 3-4 (which are stated here in Section 2B). The following alternatives were analyzed in the EIR.

A. Alternative 1 – No Build Alternative

The No Build Alternative would maintain the existing environmental conditions. This alternative entails continuation of sod farming on the Project site. This existing use is contrary to the City's General Plan (DEIR p. 6-3). Under the No Build Alternative, significant unavoidable impacts from agricultural air quality, noise, and traffic would not occur. However, impacts from land use (inconsistency with the General Plan designation for the site) and water usage continuation of increased water uses to maintain agricultural operations will be greater than what is required for the Project. As a result of this alternative, the substantial employment opportunities of local residences and economic benefits to the City derived from operation of the Project would not be realized.

Finding: The City Council finds that under the “No Build” alternative, development of the site would not occur, and the Project site will continue to be used as a sod farm. While the “No Build” Alternative will avoid significant unavoidable impacts from air quality, noise, and traffic, it will cause significant and unavoidable impacts to land use and water service. Furthermore, it will not fulfill any of the Project objectives. Consequently, the alternative is not an environmentally superior alternative. For these reasons, this alternative would be rejected.

Supporting Explanation: Because under this Alternative, development of the site would not occur, the Alternative will avoid environmental impacts identified in the Draft EIR. However, the Alternative would cause two impacts related to land use and water. Additionally, the No Build alternative will not fulfill any of the Project objectives, including:

- Provide development consistent with the City's General Plan and in conformance with the municipal standard, codes and policies;

- Provide commercial development of a size and location sufficient to retain revenue-generating uses in the City;
- Serve as a premier retail and personal service center expanding retail options to residents of the City;
- Provide employment opportunities for residents of the City;
- Augment the City's economic base by increasing tax-generating retail uses within the City;
- Result in developmental uses that complement existing retail uses in the Project area; and
- Locate the commercial Project near a regional freeway and transit facilities.

Because the Alternative does not fulfill the Project objectives, the No Build Alternative is rejected as infeasible.

B. Alternative 2 – Construction of a Shopping Center on the Southern Portion of the Site (No Project A Alternative)

The purpose of describing and analyzing a No Project Alternative is to allow decision-makers to compare the impacts of approving the Project with the impact of not approving the Project. Under CEQA Guidelines Section 15126.6(e)(2), the No Project discussion should consider what is reasonably expected to occur in the foreseeable future if the Project were not approved, based on current lands uses consistent with available structure and community services. Where a proposed action is a development of identifiable property, the No Project Alternative is the circumstance under which the Project does not proceed. If this non-approval of the Project under consideration would result in predictable action by others, such as proposal of some other project, this consequence must be discussed.

Based on the existing General Plan designation of the Project site and adjacent areas, as well as the existing and proposed development on adjacent properties, the southern portion of the Project site will most likely be developed for commercial uses at some future point. This alternative addresses the development of the southern 21.0 acres of the site with a 250,000-square foot multiple-tenant shopping center. This alternative would include construction and operation of a sixteen-pump gas station. The development of the property to the north, including a second major retail building, would not occur. Agricultural operations would continue on the northern 28.3 acres of the site, and no zone change would be initiated (DEIR p. 6-6).

Finding. The City Council of the City of Perris finds that the construction of a shopping alternative will still have impacts related to traffic, air emissions, noise, and agricultural land. This alternative would allow approximately 20.3 acres to remain as burrowing owl habitat.

However, this alternative would cause impacts related to inconsistent agricultural uses in an urbanized setting and inconsistency with the General Plan (DEIR p. 6-11). In comparison with the Project, Alternative 2 will result in fewer traffic trips and, therefore, fewer impacts to traffic, air quality, agricultural resources, and noise (DEIR Table 6.F-p. 6-32).

Regarding impacts to Air Quality, this alternative will eliminate short-term construction, fugitive dust, and nitrogen oxide impacts, but the future air quality resulting from agricultural operations would continue. Therefore, the fugitive dust impacts would be no different than what currently occurs on-site. Under this alternative, compared with the Project, the operational emissions of carbon monoxide, nitrogen oxide; and reactive organic compounds are limited. Nonetheless, the Project would continue to contribute to air quality emissions in the area and will degrade the air quality on a regional level, although not as much as the Project. Therefore, air quality impacts under this alternative are reduced.

Impacts to agricultural resources would remain the same as the Project, although the overall acreage converted from prime agricultural land and removal of agricultural land from Williamson Act contracts would be less than what is proposed under the Project. Because agricultural land is a finite resource, even the conversion of a lesser amount would still remain significant and unavoidable.

The short-term construction noise activities and the resulting operational noise would remain approximately the same for both the Project and Alternative 2; therefore, both would remain significant and unavoidable (DEIR p. 6-5).

While Alternative 2 is an environmentally superior Alternative (DEIR p. 6-33), it would result in development of less retail space, thereby limiting tax revenue generation for the City and reducing retail shopping, and would not meet the objective of making the Project area consistent with the General Plan. Furthermore, this alternative does not avoid project-related significant impacts. As noted above, the northern portion of the Project site is zoned agricultural, but the General Plan has designated the area for commercial use. The northern area zoning is inconsistent with the General Plan, and the Project would bring the zoning into conformity with the General Plan. Alternative 2 does not conform with the General Plan and does not meet specific project objectives and is, therefore, found to be infeasible.

C. Alternative 3 – Construction of a Wal-Mart Supercenter on the Southern Portion of the Site (No Project B Alternative)

1. Description: As with Alternative 2, the Project Site would remain in its existing on-site zoning. The development of a second major retail building and outlying outparcels on the northern half of the Project Site would not occur based on the existing General Plan designations. However, the southern portion of the Project site would be developed with a Wal-Mart Supercenter measuring approximately 250,000 square feet. This alternative would also include the construction and operation of a 16-pump gas station. The existing Wal-Mart operation would be relocated to the new supercenter building. This alternative assumes that the

vacated building would be reused by another retail tenant as is with the Project. Agricultural operations will continue on the northern half of the property.

Finding: As with the No Project A Alternative, the No Project B Alternative would meet many of the objectives and would have the similar impacts as the No Project A Alternative. It should be noted, however, that the No Project B Alternative would generate fewer peak hour trips than the No Project A Alternative due to the difference in uses. However, on both instances, the significant impacts will still occur and would not be reduced to below a level of significance, even with inclusion of the mitigation measures proposed in the DEIR. As this alternative does not reduce significant impacts to below a level of significance and fails to meet key Project objectives, such as conformance with the General Plan, it is rejected as infeasible.

Supporting Explanation: In comparison with the Project, this alternative will result in fewer traffic trips and, therefore, will have reduced impacts to traffic, air quality, and long-term noise (DEIR pgs. 6-12 and 6-14). Regarding air quality, however, short-term air quality impacts caused by construction would remain significant and unavoidable due to the similar construction activities between the No Project B Alternative and the Project. Additionally, the construction noise impacts also remain the same for the same reasons. The agricultural resources impact remains similar because prime agricultural land will be removed from agricultural use and taken out of Williamson Act contract. As with No Project A Alternative, this alternative will result in development of less retail space and limit tax revenues for the City and reduce retail shopping opportunities for residents. Furthermore, as with the No Project A Alternative, this alternative will not meet the first objective of the Project, which is to conform properties zoned for agricultural use with the General Plan.

D. Alternative 4 – Commercial Office

Description: The Community Commercial zone intended to provide for retail, professional office, and service-oriented business activities that serve the entire City. This zone is applicable and correlates to the Community Commercial General Plan Land Use Designation. Under this alternative, the northern half of the Project site would be rezoned to conform with the General Plan to the Community Commercial zone. The uses under this alternative would be a collection of retail uses located in a multi-tenant structure and pad buildings. These retail buildings would be developed on the eastern half of the property. The maximum development on the eastern half of the building will be 305,790 square feet of commercial uses, of which approximately 20,000 square feet would be devoted to sit-down restaurant uses, with the balance to be developed with specialty retail uses. The western half of the Project site would be developed for professional office uses that would permit approximately 254,830 square feet of professional office space. Combined office and commercial uses envisioned under this alternative would total up to 560,620 square feet of new development. Under this alternative, all on-site agricultural operations would be terminated.

Finding: This Alternative would result in the decrease in cumulative vehicle trips to the Project area, which will have a corresponding effect on traffic operations, air quality, and noise. The reduction in noise from the implementation of this alternative is not below a level of less

than significant because, while the noise will be lower under the Alternative 4 than the Project, it still exceeds the threshold of significance. With regard to air quality, the Project would have fewer air quality impacts in regard to operations due to the fewer traffic trips. The construction air quality impacts will remain significant and unavoidable. Many of the other impacts indicated in the DEIR would be the same for Alternative 4 as for the Project (DEIR p. 6-20).

The Alternative 4 would not meet many of the Project objectives. The Alternative 4 would not create a premier retail and service center extending retail options for the residents of the City; it would not provide for a commercial development of a size and location sufficient to retain revenue-generating uses in the City as would the Project; and would not result in the development of uses that would complement the existing retail use to the south of the Project area. Thus, while the impacts would be similar in nature between the Alternative 4 and the Project, Alternative 4 will not meet all the objectives of the Project. This alternative is rejected as infeasible for these reasons.

Supporting Explanation: In comparison with the Project, in Alternative 4, the p.m. peak hour trips would be reduced to 45 percent (DEIR p. 6-18). Alternative 4 would still have significant unavoidable impacts in air quality, noise, agricultural resources, and traffic and transportation. Thus, while this Project may be slightly environmentally superior, it is not feasible because it will not meet many of the objectives of the Project.

E. Alternative 5 – Commercial/Residential

This Alternative will allow a mix of commercial and residential uses within the Project site. Commercial development would occur on the southern 21.0 acres of the site, which is currently zoned Community Commercial. Utilizing the floor-to-area ratio 0.30, approximately 346,300 square feet of commercial uses would be developed. This would be divided among specialty retail uses (196,300 square feet) and a free-standing discount use (150,000 square feet). The northern 28.3 acres of the Project site currently zoned for agricultural uses will be rezoned for multifamily residential uses. A General Plan Amendment revising the Land Use Designation in the northern portion of the site from community commercial to multifamily-14 would be required. Under the zoning code, approximately 284 dwelling units would be developed on the northern portion of the Project Site. Under this alternative, all on-site agricultural operations would be terminated.

Finding: This alternative will result in similar biological, cultural, agricultural, and hydraulic impacts. The same area will be utilized for development resulting in the same or similar impervious surfaces and a similar area being removed from agricultural use. However, the Project will result in increased impacts to land use and public service facilities. The placing of residential units in the northern portion of the Project site will conflict with the Riverside County Airport Land Use Plan for the March Air Force Base. This would require a new determination by the Airport Land Use Commission, and if the Airport Land Use Commission finds the placement of residential units to be inconsistent with the Airport Land Use Plan, the City Council will have to override the Airport Land Use Commission's determination.

This alternative will result in new requirements for schools and recreational facilities due to the increase in population in the City of Perris. These new requirements may be mitigated by the payment of development impact fees. The placement of residential units on the northern side of the Project site may also be inconsistent with the SCAQMD plan, as the area has been designated for commercial uses. Furthermore, this would place residential units closer in proximity to noise sources and noise impacts. Therefore, the Commercial/Residential alternative will not be consistent with the City's planning for the area (DEIR p. 6-25). Therefore, the Commercial/Residential alternative is rejected as infeasible.

Supporting Explanation: In comparison with the Project, Alternative 5 will eliminate or reduce impacts to traffic, air quality, and noise, due to the reduction of overall traffic trips from the Project site. However, Alternative 5 will increase impacts to land use, because it is inconsistent with the City's General Plan. Furthermore, the proposed alternative is inconsistent with the Riverside County Airport Land Use Plan because it allows for residential units within the Area of Influence No. 2. Area of Influence No. 2 does not permit residential units (DEIR p. 6-23). The alternative will require an increase in public services such as schools and recreational facilities due to the increase in population (DEIR p. 6-24).

Furthermore, the alternative will be inconsistent with the Project objectives, including the first objective, which is to provide development that is consistent with the City's General Plan and in conformance with municipal standards, codes, and policies. The alternative, as proposed, is inconsistent with the General Plan (DEIR p. 3-4).

F. Alternative 6 – Off-Site Alternative

Under CEQA, factors that may be considered when addressing the feasibility of alternatives, including the off-site alternative, include the suitability of the site, economic viability, availability of infrastructure, General Plan and zoning consistency, consistency with plans from other jurisdictions, and whether the Project proponent can reasonably acquire, control or otherwise have access to the alternative site. A 60-acre site located at the northeast quadrant of I-215 and the Ramona Expressway is a potential off-site alternative. The site is zoned and designated in the City's General Plan as Community Commercial. The off-site alternative site is not within a Williamson Act contract, and is designated only as Farmland of Local Importance.

While the off-site location will have nearly identical impacts regarding aesthetics, air quality, biological resources, cultural resources, geology and soils, hazardous materials, drainage and water quality, land use, noise, public services and utilities, and transportation, it will eliminate the impacts to agricultural resources. As noted above, the off-site location is not within prime agricultural land or within a Williamson Act contract area. While Alternative 6 will overall reduce the impacts caused by the Project, currently it is not known who owns the property in question and whether the property is available for purchase.

Furthermore, the off-site alternative is approximately 60 acres in size, which is approximately 20 acres larger than the current site. The developers for the Project would have to purchase more acreage than what has already been acquired for the Project. While the off-site

alternative may reduce some of the impacts as compared with the Project, because it is not readily available, the alternative is rejected as infeasible.

SECTION 11

STATEMENT OF OVERRIDING CONSIDERATIONS

The Perris City Council hereby declares that, pursuant to State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the Project against any significant and unavoidable environmental impacts in determining whether to approve the Project. Because the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable.”

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts as discussed in Section 5 herein.

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 to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would 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 EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social, or 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 significant impacts after mitigation, the City Council has determined that the social, economic, and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based upon the following considerations:

1. The Project will create a productive and attractive commercial/retail use capitalizing on the Project proximity to major roadways, its location adjacent to

an existing shopping center, Perris Plaza, and its access to a major transit corridor, Perris Boulevard.

2. The Project will allow for productive use of currently vacant land within the City of Perris, and will provide for a commercial/retail use in contrast to the existing agricultural use on the Project site. The Project will also provide goods and services to the residents of the City and the surrounding community.
3. The Project will provide development of additional high-quality commercial/retail uses which will provide for increased economic benefit to the City, including increased revenues to the City for sales tax and benefits to the local residents, including employment opportunities.
4. Development of the Project will lead to the creation of approximately 1,220 jobs, and will generate an estimated \$1,102,550 in sales tax revenue, and \$130,907 in property tax revenue. The estimated cost to the City to provide public services to the Project is estimated to be \$182,212. In total, the Project will amount to a net annual gain to the City of approximately \$1,120,094.
5. The Project will provide the development of needed commercial/retail shopping north of Nuevo Road and extend the existing retail uses currently located at the intersection of Nuevo Road and Perris Boulevard.

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 that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

SECTION 12

CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT

The City Council finds that it has reviewed and considered the FEIR in evaluating the Project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no significant new impacts or information as defined by CEQA Guidelines Section 15088.5 have been received by the City Council after the public review of the DEIR or the RDEIR that will require recirculation. All of the information added to the FEIR merely clarifies, amplifies or makes insignificant modifications to an already adequate EIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the FEIR based on the following findings and conclusions:

A. Findings

1. CEQA Compliance: As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

2. Independent Judgment of Lead Agency: The City retained the independent consulting firm of LSA Associates, Inc., to prepare the EIR for the Project. The EIR was prepared under the supervision and directions of the City of Perris Planning Department staff. The City Council is the final decision-making body for the entitlements listed below. The City Council has received and reviewed the FEIR prior to certifying the FEIR and prior to making any decision to approve or disapprove the Project.

Finding: The FEIR reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant, directing the consultant in preparation of the FEIR, as well as reviewing, analyzing and revising material prepared by the consultant.

3. Significant Unavoidable Impacts/Statement of Overriding Considerations: The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section 5 of these Findings: Agricultural resources (as to loss of Prime Farmland, conversion of existing agricultural operations to a non-agricultural use, and cancellation of the Williamson Act contract), air quality (as to short-term construction related emissions related to PM₁₀ and nitrogen oxide, short-term construction-related impacts as related to architectural coatings, and long-term operational impacts as related to emissions of nitrogen oxide, reactive organic compounds, carbon monoxide, and PM₁₀), noise (as related to short-term construction noise and long-term traffic noise impacting residential units), and traffic (as related to opening year Project-related impacts to the I-215/Nuevo Road interchange). The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

B. Conclusions

1. All potentially significant environmental impacts from implementation of the Project have been identified in the FEIR and, with the implementation of the mitigation measures defined herein and set forth in the Mitigation Monitoring and Reporting Plan (also referred to as the Mitigation Monitoring and Compliance Program), will be mitigated to a less-than-significant level, except for the impacts listed in Section A above.

2. Other reasonable alternatives to the Project that could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project.

3. 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 13

RESOLUTION ADOPTING A MITIGATION MONITORING PLAN

Pursuant to Public Resources Code Section 21081.6, the City Council hereby adopts a Mitigation Monitoring and Reporting Plan attached hereto as Exhibit A. In the event of inconsistencies between the mitigation measures set forth herein and the Mitigation Monitoring and Compliance Program, the Mitigation Monitoring and Compliance Program shall control.

SECTION 14

RESOLUTION REGARDING CUSTODIAN OF RECORD

The documents and material that constitute the final record of proceedings on which these Findings have been based are located at the City of Perris. The custodian for these records is the City Clerk of the City of Perris. This information is provided in compliance with Public Resources Code Section 21081.6.

SECTION 15

RESOLUTION REGARDING STAFF DIRECTION

A Notice of Determination shall be filed with the County of Riverside within five (5) working days of final Project approval.

ADOPTED, SIGNED and APPROVED this 10th day of July, 2007.

Mayor, Daryl R. Busch

ATTEST:

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, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4011 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 10th day of July, 2007, and that it was so adopted by the following called vote:

AYES: Yarbrough, Landers, Motte, Rogers, Busch

NOES:

ABSTAIN:

ABSENT:

City Clerk, Judy L. Haughney