

# General Plan Housing Element Implementation INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Prepared for



## City of Perris

Development Services Department • Planning Division  
135 N. "D" Street  
Perris, California 92570  
Contact: Patricia Brenes, Planning Manager

## *Prepared By:*



## **SAGECREST** PLANNING + ENVIRONMENTAL

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Contact: David Blumenthal, Principal

**December 12, 2024**



**CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION**

Final IS/MND – Response to Comments

December 2024

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**CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION**

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### 1. INTRODUCTION

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the City of Perris General Plan Housing Element Implementation (Project) and was made available for public comment during a 30-day public review period from September 27, 2024, through October 28, 2024 (see **Attachment A**). The City of Perris received three responses providing comments on the IS/MND by the end of the public review period.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines), Section 15074(b) (14 CCR 15074(b)), before approving the Proposed Project, the City of Perris, as the lead agency under CEQA, will consider the MND with any comments received during the public review period. Specifically, Section 15074(b) of the State CEQA Guidelines (14 CCR 15074(b)) states the following:

“Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.”

Pursuant to State CEQA Guidelines Section 15073.5 – Recirculation of a Negative Declaration Prior to Adoption...

(a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.

(b) A “substantial revision” of the negative declaration shall mean:

- (1) A new, avoidable significant effect is identified, and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

(c) Recirculation is not required under the following circumstances:

- (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
- (2) New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.
- (3) Measures or conditions of project approval are added after circulation of the



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negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

- (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Responses to the comments and revisions to the IS/MND contained herein do not meet any of the circumstances in Section 15073.5(b); therefore, recirculation of the IS/MND would not be required.

### 2. RESPONSES TO COMMENTS

The agencies, organizations, and individuals that provided substantive written comments on the environmental issues addressed within the IS/MND are listed in Table 1. Although CEQA (California Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et seq.) do not explicitly require a lead agency to provide written responses to comments received on a proposed IS/MND, the lead agency may do so voluntarily. A copy of each letter is followed by the response for each comment as indexed in the letter. Comment letters and specific comments are given letters and numbers for reference purposes.

**Table 1 – Organizations, Persons, and Public Agencies that Commented on the IS/MND**

| Comment Letter | Commenting Organization, Person, or Public Agency | Type of Response | Date             | Subject(s)                           |
|----------------|---|------------------|------------------|--------------------------------------|
| A              | Ted Mueller                                       | Email            | October 14, 2024 | Housing Overlay                      |
| B              | Lewis Group of Companies                          | Email            | July 25, 2024    | Housing Overlay                      |
| C              | City of Menifee                                   | Email            | August 4, 2024   | Significant Impacts, Housing Overlay |



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### 2.1. Comment Letter A – Ted Mueller

## David Blumenthal

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**From:** Patricia Brenes <pbrenes@CityofPerris.org>  
**Sent:** Wednesday, October 16, 2024 3:46 PM  
**To:** Ted Mueller  
**Subject:** RE: Pending Zone Change - Housing Opportunity Areas Overaly

Hi Ted – Thank you for contacting me with your questions. Your property was identified as a Housing Opportunity Site in the City’s Housing Element to meet the City’s obligation to maintain adequate sites to accommodate the Reginal Housing Needs Assessment (RHNA) required by the State of California. The Housing Overlay Zone will formalize the residential density that can be developed on your property. The underlying zone will remain in place. Future development of the site with a nonresidential project in compliance with the underlying zone would result in shortfall of sites and require the applicant to address the loss in units by allocating them on a alternate site and updating the City’s Housing Element.

Please let me know if you have any follow up questions.

Thank you,



### **PATRICIA BRENES**

#### **PLANNING MANAGER**

**Development Services Department**

**Planning Division**

**135 North “D” Street**

**Perris, CA 92570-1998**

**Desk:** 951.943.5003 EXT 355

**Email:** [pbrenes@cityofperris.org](mailto:pbrenes@cityofperris.org)

**Web:** [www.cityofperris.org](http://www.cityofperris.org)



Below are helpful links:

Link for City applications: <https://www.cityofperris.org/our-city/city-hall/city-forms/-folder-155>

Link for City cannabis applications: <https://www.cityofperris.org/our-city/city-hall/city-forms/-folder-147>

Link for City fee schedule:

<https://www.cityofperris.org/home/showpublisheddocument/2537/637217201195900000>

Link for City Development Impact Fees:

<https://www.cityofperris.org/home/showpublisheddocument/13652/637775940661530000>

Link for City GIS / Zoning Information: <https://www.cityofperris.org/our-city/about-perris/maps>

Link for City Municipal Code: [https://library.municode.com/ca/perris/codes/code\\_of\\_ordinances](https://library.municode.com/ca/perris/codes/code_of_ordinances)

Link for City Specific Plans: <https://www.cityofperris.org/departments/development-services/specific-plans>

Link for City General Plan, Special Studies, and Policy Documents:

<https://www.cityofperris.org/departments/development-services/general-plan>

Link for CEQA Documents in Public Review: <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review>

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**From:** Ted Mueller <mtmueller99@gmail.com>  
**Sent:** Monday, October 14, 2024 11:38 AM  
**To:** Patricia Brenes <pbrenes@CityofPerris.org>  
**Subject:** Pending Zone Change - Housing Opportunity Areas Overaly

Hi Patricia,

I was following up on the two voicemail messages that I have left.

My brothers and I own approximately 11 acres of undeveloped land located at 7th and Redlands.

I am not sure how the Housing Overlay will impact our property. Are you formalizing a housing/residential density that was not previously formalized?

Thank you.

Regards,  
Ted Mueller



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### **Response to Comment Letter A – Ted Mueller**

The comment is acknowledged. Mueller mentions that his family owns approximately 11 acres of undeveloped land and questions how the Housing Overlay would impact the property.

The Housing Overlay Zone will formalize the residential density that can be developed on the property. The site, as with all sites in the overlay zone, was previously selected as a Housing Opportunity Site in the adopted and certified Housing Element of the General Plan. Nevertheless, the underlying zone will remain in place. Future development of the site with a nonresidential project in compliance with the underlying zone would result in a shortfall of sites identified in the Housing Element and would require the City and/or the applicant (as applicable under Government Code Section 65863) to comply with Government Code Section 65863, including addressing the shortfall by identifying and making available additional adequate sites to accommodate the City's share of the regional housing need by income level within 180 days of approval of the nonresidential development project. This comment does not question the content or conclusions of the IS/MND. No additional response is required.



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### 2.2. Comment Letter B – Lewis Group of Companies

# LEWIS

## GROUP OF COMPANIES

### VIA E-MAIL

October 28, 2024

City of Perris  
Development Services Department, Planning Division  
135 North "D" Street  
Perris, CA 92570  
Attn: Patricia Brenes, Planning Manager  
[pbrenes@cityofperris.org](mailto:pbrenes@cityofperris.org)

**Re: Comments on Notice of Pending Zone Change/Notice of Intent to Adopt Mitigated Negative Declaration for Housing Opportunity Area Overlay (MND No. 2399)**

Dear Ms. Brenes:

This comment letter is submitted on behalf of WLPX Perris Venue, LLC, an affiliate company of Lewis Management Corp., to provide comments on the Notice of Pending Zone Change/Notice of Intent to Adopt Mitigated Negative Declaration for Housing Opportunity Area Overlay (MND No. 2399).

WLPX Perris Venue, LLC, is the owner of the approximately 67.3-acre site consisting of 26 parcels in the southeastern area of the City of Perris, southeast of the San Jacinto Avenue/Redlands Avenue intersection and bordered by Interstate (I)-215 to the south (the "Property"). We are also the applicant for the proposed Perris Valley Towne Center Project (the "Project"), which is currently in the entitlement and environmental review process with the City of Perris, including an Environmental Impact Report (SCH No. 2024020911) for which the City published a Notice of Preparation on February 23, 2024. The application proposes an integrated retail shopping center and fulfillment center development on the property.

On November 3, 2022, WLPX Perris Venue, LLC, submitted a Preliminary Review Application (PLN22-053370) to the City for review of its development proposal after multiple briefings with the City. During these briefing discussions, no mention was made of a proposed City rezoning of the Property with an overlay for affordable housing. Staff sent WLPX Perris Venue, LLC a Preliminary Review Comment Letter dated December 8, 2022, which in its list of comments, also did not mention a pending rezoning of the Property to include affordable housing.

On February 6, 2023, WLPX Perris Venue, LLC submitted a formal project application, and in its letter dated March 13, 2023, staff commented that *"The City recently adopted the 2021-2029 Housing Element, which includes three (3) housing opportunity sites (Area 11: Site 11.1, 11.2 and 11.3) totaling 148 max dwelling units within 12.47 acres of the Project site. The Project will need to demonstrate how the City will maintain its dwelling unit obligation to meet its Regional Housing Needs Assessment (RHNA) number."* Area 11 is the name in the Housing Element for the affordable housing overlay site proposed on the WLPX Perris Venue, LLC Property.

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As WLPX Perris Venue, LLC was never contacted or given notice by the City about rezoning our Property to require affordable housing, we approached staff to review this requirement. The Director of Development Services, and staff indicated the City would consider transferring this affordable housing assignment to other more suitable locations in the City.

Since March of 2023, we have communicated with City staff to address this affordable housing issue. We also jointly met with the City's consultant Alexa Washburn, National Core, who prepared the City's Housing Element, to confirm the feasibility of administratively transferring any Area 11 affordable housing assignment to other more appropriate areas in the City. She agreed the units could be transferred administratively as we had proposed and not require an amendment to the City's Housing Element.

Unfortunately, a transfer of Area 11 units was never undertaken, and to our surprise, the City instead sent WLPX Perris Venue, LLC a Notice of Pending Zone Change to apply a proposed zoning overlay that includes the assignment of 148 affordable units on the WLPX Perris Venue, LLC property on September 30, 2024, and, a notice on October 1, 2024, of its intent to proceed with the processing of an MND. The City's Housing Element identifies "expressed interests from property owners or developers" as an additional criterion by which potential housing sites were reviewed.<sup>1</sup> However, as the property owner of Area 11, we have not expressed interest in residential development on the Property and the City did not consult with us on the identification of Area 11 as a housing opportunity site. To the contrary, the City seems to have actively ignored that the Property has been entitled for commercial development, and that we are pursuing a mixed-use non-residential development project on the Property.

It is important to note there are significant deficiencies in the proposed zone change and associated MND, namely as follows:

### Area 11 was Inappropriately Selected by the City as a Housing Opportunity Site

In identifying land available for potential residential development to meet the City's Regional Housing Needs Allocation ("RHNA") as required by state law and as explained in the Housing Element, the City must identify adequate sites, meaning such sites are available during the planning period (2021-2029) with appropriate zoning and development standards and with services and facilities to accommodate housing.<sup>2</sup> State law and the Housing Element identify "land suitable for residential development" primarily as land that already allows residential use – e.g., vacant sites zoned for residential use, vacant sites zoned for non-residential use that allow residential development, and residentially zoned sites that are capable of being developed at a higher density.<sup>3</sup>

Area 11 does not fall into any of these categories, as residential development is currently prohibited under the Property's existing zoning and the current application on file does not propose residential

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<sup>1</sup> Housing Element, p. 203.

<sup>2</sup> California Government Code Section 65583(c)(1); Perris Housing Element, p. 200.

<sup>3</sup> California Government Code Section 65583.2(a)(1)-(3); Perris Housing Element, p. 200.

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development. The site suitability analysis must consider environmental features such as the presence of floodplains, which Area 11 is located within, and proximity to I-215 freeway that could preclude development of the sites at the projected residential densities/capacities indicated in the Housing Element.

As directed by the State HCD, this site analysis must consider realistic development capacity, including the likelihood of residential development, as well as environmental conditions and constraints that have the potential to affect development viability.<sup>4</sup>

### Inconsistencies between the Housing Element and the Proposed Overlay

According to the City's Housing Element discussion regarding Area 11, the housing overlay would require that no more than 50 percent of the site develops with non-residential uses. "As the underlying zoning is commercial, it was assumed [in the Housing Element] that the sites will develop entirely with a minimum 50 percent residential uses."<sup>5</sup> However, the Notice of Pending Zone Change states: *"In addition to the uses currently allowed on your property, the HOAO will allow the City to approve housing developments between 15 and 30 units per acre. The changes will not reduce or eliminate development currently allowed on the site."*

The statement in the notice appears to be inconsistent with the Housing Element, and, since the proposed regulations associated with the overlay are not available for review, we cannot verify how the overlay would affect our use of the Property. The conflicting information and lack of proposed regulatory language to review in connection with the MND is even more troubling given the City's lack of forthrightness and transparency with regard to the housing overlay and the designation of housing opportunity sites.

As explained above, we have been in discussion with City staff for more than 19 months about the proposed commercial development of our property and potential alternative locations to accommodate the City's housing site inventory. As a responsible property owner and developer who has made a substantial investment in the City of Perris, we are extremely disappointed to be at this juncture, particularly given the time and effort expended thus far to try to work collaboratively with City staff.

The City's continued pursuit of Area 11 as a housing opportunity site is contrary to the City's own goals and policies and jeopardizes the millions of dollars in economic and community benefits to the City associated with our planned use of the property. As we have discussed with City staff for months, the identification of Area 11 as a housing opportunity site can be readily addressed through the designation

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<sup>4</sup> California Department of Housing and Community Development, Comprehensive Housing Element Guide, Analysis of Sites and Zoning, available at: <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/analysis-of-sites-and-zoning>.

<sup>5</sup> Housing Element, Appendix B, p. B-31.

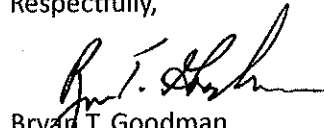
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of an alternative location with the equivalent residential capacity to maintain the requisite number of units in the City's Housing Element site inventory.

Lastly, if the City applies the housing overlay to the Property, it will compound the issues created by the housing opportunity site designation in the Housing Element, and create additional issues under SB 330 that will be more challenging to solve. We request that the City act in good faith to remove Area 11 from consideration as a housing opportunity site, address the options we have identified for alternative housing opportunity sites and not forego the jobs, retail opportunities, and fiscal benefits associated with our intended use of our property.

Respectfully,



Bryan T. Goodman  
Executive Vice President, Development

Cc: Clara Miramontes, City Manager  
Kenneth Phung, Director of Development Services  
Robert Khuu, City Attorney  
Yecenia Vargas, Assistant City Attorney



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### **Response to Comment Letter B – Lewis Group of Companies**

This comment specifically focuses on the housing opportunity sites (Area 11: Site 11.1, 11.2, and 11.3) owned by WLPX Perris Venue, LLC. On February 6, 2023, WLPX Perris Venue, LLC submitted a formal project application for a mixed-use non-residential project. The letter discusses concerns of the affordable housing requirement imposed by the Housing Overlay and states that Area 11 was “inappropriately selected by the City as a Housing Opportunity Site.”

The comment is acknowledged. The Perris 2021-2029 Housing Element was adopted by Perris City Council on January 25, 2022 and certified by HCD on August 17, 2022 to meet the statutory requirements of the State Housing Element law. The Housing Element included the housing opportunity sites, including Area 11, to address the City’s Regional Housing Needs Allocation (RHNA) obligation of 5,672 units. Area 11 would provide a total of 148 units, including 117 units designated for lower-income and 31 units designated for moderate-income. According to the 2021-2029 Housing Element, Area 11 is currently vacant and the underlying zone (Community Commercial) only allows for commercial uses.

Per Government Code Section 65583.2(a)(4), “land suitable for residential development” includes “sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site as necessary, rezoned for, to permit residential use...” Area 11 is included as one of the housing opportunity areas that are rezoned to have a housing opportunity overlay as part of Goal 2, Action 2.4: Ensure Adequate Sites to Accommodate the RHNA. Additionally, HCD’s Sites Inventory Guidebook: Step 6: Best Practices for selecting sites to accommodate lower income RHNA states that jurisdictions should consider factors such as proximity to transit, access to high performing schools and jobs, access to amenities, access to health care facilities and grocery stores, locational scoring criteria, proximity to available infrastructure and utilities, sites that do not require environmental mitigation, and presence of development streamlining processes, environmental exemptions, and other developmental incentives. Area 11 is east of the Downtown Perris Specific Plan area and is in close proximity to the Downtown Perris Metrolink station. Infrastructure is available in surrounding roadways, such as San Jacinto Avenue.

The application of the housing overlay would allow the development of high density residential and/or mixed uses in proximity to an existing commercial center, transit station, and residential development that is planned and/or currently under construction. The housing overlay would permit residential development up to 30 units per acre with the provision that at least 20 percent of the units must be deed restricted for lower income households. The housing opportunity overlay will also require that no more than 50 percent of the site develops with non-residential uses. As the underlying zoning is commercial, it was assumed that the sites will develop entirely with a minimum 50 percent residential uses.

Future development of the site with a nonresidential project in compliance with the underlying zone would result in a shortfall of sites identified in the Housing Element and would require the



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City and/or the applicant (as applicable under Government Code Section 65863) to comply with Government Code Section 65863, including addressing the shortfall by identifying and making available additional adequate sites to accommodate the City's share of the regional housing need by income level within 180 days of approval of the nonresidential development project.

This comment letter does not identify any specific deficiencies in the environmental document, identify any substantial new information requiring revisions to the Initial Study/Mitigated Negative Declaration, or provide significant evidence concerning the project's environmental impacts (See, e.g., *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261; *Citizens for Positive Growth & Pres. v. City of Sacramento* (2019) 43 Cal.App.5th 609). Accordingly, no changes to the document are required.



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**2.3. Comment Letter C – City of Menifee**

October 28, 2024

Via e-mail with attachments to:  
pbrenes@cityofperris.org

Patricia Brenes, Planning Manager  
Development Services Department, Planning Division  
City of Perris  
135 North "D" Street  
Perris, CA 92570

RE: Initial Study / Mitigation Negative Declaration for the Housing Element Implementation Project  
General Plan Amendment (GPA) 24-05206, Specific Plan Amendments (SPAs) 24-05207, Zoning  
& Subdivision Amendments 24-05184

Dear Ms. Brenes:

Again, the City of Menifee ("Menifee") appreciates the opportunity to provide comments on the City of Perris ("Perris") Initial Study and Mitigated Negative Declaration ("IS/MND") for the proposed project ("Project"). The Project generally seeks to establish a Housing Opportunity Area Overlay ("HOAO") zone that would encourage development of housing at a density of up to thirty (30) dwelling units per acre for twelve (12) Housing Opportunity Areas identified in the Housing Element. The Project entitlements include a General Plan Amendment (GPA) 24-05206, Specific Plan Amendments to the Green Valley Specific Plan and Downtown Specific Plans (SPA) 24-05207, and amendments to the Zoning and Subdivision codes (24-05184).

While, of course, Menifee supports the development of new housing, the Project's proposed IS/MND simply does not comply with the California Environmental Quality Act (Pub. Resources Code, §§ 21000–21189.70.10; Cal. Code Regs., tit. 14, §§ 15000–15387). As discussed in greater depth below, the IS/MND fails as an informational document and CEQA requires that Perris prepare an environmental impact report ("EIR") for the Project rather than an MND. (See *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1138 [finding that substantial evidence supported a fair argument of significant impacts on aesthetics and traffic, more significant than reflected in the MND]; see also *Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1333–41 [finding that substantial evidence supported a fair argument of significant impacts from increase in population density, building height, and noise attributable to the project, even taking into consideration mitigation measures, requiring an EIR and not MND]; *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 374–77 [finding the "low-threshold fair argument test has been met" based on public comments objecting to the size and overall appearance of the proposed building requiring an EIR and not MND].)

**1. The IS/MND Fails to Adequately Describe the Project or Existing Environmental Setting or Baseline.**

As a preliminary matter, the IS/MND must contain an adequate description of the proposed Project, including its location and environmental setting or baseline. (See CEQA Guidelines, § 15063, subd. (d); with *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1047–49 [finding initial study’s description of existing setting inadequate and requiring description of baseline setting to include calculation or description of existing conditions and to use appropriate methodology for calculating future, expected conditions].)

Here, the Project description does not sufficiently describe the Project or existing setting. Primarily, the IS/MND refers to the Housing Element’s 12 Housing Opportunity Areas as providing the basis for the existing setting. However, Appendix A modifies the Housing Opportunity Areas as identified in the Housing Element. For example, the Project adds 176 low-income housing units to Area 4, although the Housing Element identified 0 low-income units in Area 4 and relied on the assumption that Area 4 would not include any low-income deed-restricted units. (Compare IS/MND, Appendix A; with Housing Element, Appendix B.) This change to the approved Housing Element is improper for a variety of reasons, including that it fails to meet the requirements for an adequate description and environmental setting in the IS/MND. Specific areas such as Area 8 are similarly problematic, as Area 8 is located on a site legally bound by the Motte Town Center Development Agreement (“DA”), which provides for a 484,300 square-foot commercial retail shopping center with a mix of 19 tenants consisting of retail and dining uses (see Attachments 1 & 2, DA; First Am.). Because the site is legally bound by an approved and executed DA for development as commercial, it cannot realistically be expected to be developed with housing and is not an available or viable site to accommodate Perris’s housing need as required to comply with State Housing Element law. It thus cannot be characterized as such for the purpose of an analysis of environmental impacts in the IS/MND.

**2. The IS/MND Fails to Adequately Consider Impacts and an EIR is Required.**

Based on the maximum density, implementation of the Project and adoption of the HOAO could facilitate up to 5,419 high density, multi-family residential units in 12 Housing Opportunity Areas. Among those areas, Menifee is particularly concerned with three areas adjacent to the City of Menifee, which in total, comprise 93 acres that could potentially accommodate 2,790 dwelling units. These areas are described in the IS/MND as follows:

- “Area 6: Includes two (2) parcels totaling 45.2 acres, located near the intersection of Case Road and Ethanac Road, just west of Interstate 215, within the Green Valley Specific Plan area.”
- “Area 7: Includes four (4) parcels totaling 31.1 acres, located east of Barnett Road and south of Ethanac Road, and south of the South Perris Metrolink station and the Green Valley Specific Plan area.”
- “Area 8: Includes five (5) parcels totaling 16.8 acres, located east of Encanto Road and south of Ethanac Road, and to the south of the South Perris Metrolink station and the Green Valley Specific Plan area.”

All three areas are adjacent to the I-215 Freeway, the Ethanac Corridor Expressway and existing industrial land use and zoned property within Menifee. Proposing high-density residential in Areas 6–8 is inconsistent and incompatible with the existing, surrounding land uses and will result in sensitive receptors being exposed to excessive truck and vehicle emissions such as NOX and Co2. This will result in health risk impacts, as well as other potentially significant land use, transportation, air quality, noise, and hazard impacts. Such impacts have not been adequately analyzed or mitigated in the IS/MND.

Area 8, for example, is part of property that is subject to an approved development agreement (Motte Town Center Development Agreement (“DA”)) and is located south of Ethanac Road between Encanto and Trumble Roads adjacent to property within the City of Menifee’s Menifee North Specific Plan, Planning Area 2, with an Industrial land use designation and within the Heavy Industrial zone. This adjacent property allows for a wide range of industrial uses that are not compatible with high-density residential, including, but not limited to warehousing and distribution and heavy manufacturing. Likewise, Area 6, located within the Green Valley Specific Plan on the north side of Ethanac Road, westerly of Case and Barnett Roads, and Area 7 is located at the southeast corner of the intersection of Ethanac, Case Roads, are adjacent to property within the Menifee Economic Development Corridor – Northern Gateway (“EDC-NG”) General Plan land use designation and zone. The EDC-NG is “envisioned as a business park area with more intensive industrial uses (less office) than envisioned for the Scott Road EDC area. Provides a buffer and transition between the commercial uses in Perris to the north and the residential uses in Menifee, south of McLaughlin Road.” As is the case with the above, the EDC-NG zone allows for a wide range of industrial uses not compatible with high-density residential, including, but not limited to fulfillment centers, logistics and distribution facilities, and medium to heavy manufacturing uses. Yet, the Project seeks to place high-density residential housing near these existing industrial land uses and within 500 feet of the I-215 Freeway, which sees more than 50,000 vehicles per day.

At the very least, the IS/MND must identify, evaluate, and consider the impacts that stem from these incompatibilities, resulting in potentially significant impacts to air quality, land use and planning, noise, public services, and transportation, among others further detailed below:

- The IS/MND inappropriately concludes less than significant impacts for all impact areas related to air quality, yet suggests mitigation is necessary to require a health risk assessment for future development proposals.
- The most recent Health Risk Assessment for Proposed Land Use Projects, prepared by CAPCOA, July 2009, recommends avoiding siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week). Yet, the proposed Project disregards this recommendation, creating potentially significant health risks rather than avoiding them.
- The IS/MND inappropriately concludes less than significant impacts related to noise. The analysis is inadequate as Figure 9 – Noise Monitoring Locations shows no noise monitoring locations for

the three proposed overlay areas closest to Menifee (Areas 6–8). These areas need to be analyzed.

- The IS/MND inappropriately concludes less than significant impacts related to Public Services, specifically adverse impacts associated with the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts to maintain acceptable service ratios, response times or other performance objectives for any of the public services, i.e., fire protection. A fair and reasonable argument can be made that impacts related to fire services are significant, as Perris has failed to consider the greater impacts of its actions on public safety, which has become a common theme for most of its development projects along the shared boundary with Menifee. For the last fifteen years or so, Menifee has consistently acted as the first responder to fire engine calls in southern Perris—Menifee sends engines to Perris at a ratio of 40:10 and serves many of Perris’s residential neighborhoods and commercial retail developments. Currently, Menifee’s contract with the County/CalFire is approximately \$20 million per year, while Perris is only at \$12 million. Menifee’s ongoing subsidy cannot continue, and Perris must begin to properly account for its own emergency service needs. In this last year, alone, Menifee ran over 400 service calls in Perris—that is over one call per day where Menifee’s fire engines leave its own jurisdiction to respond to an emergency in Perris. Perris’s reliance on Menifee is not sustainable and ultimately puts its own citizens at risk. Perris must deeply consider the safety concerns and urgent need for Perris’s action to improve fire service including increasing its fair share contribution for fire service while Menifee continues to subsidize its lacking fire services in the interim.
- A fair and reasonable argument can be made that impacts related to transportation are significant, specifically related to the increase in hazards due to a geometric design feature (e.g., a dangerous intersection) and incompatible uses, due to existing unmitigated conditions and impacts at Ethanac, Barnett and Case Roads. In addition, Public Works / Engineering Department Comments specific to the Transportation Study and VMT Analysis appendices to the IS/MND)
  - The transportation study in Appendix E-1 fails to study various road segments at:
    - Barnett Road: Southern city limit to Ethanac Road.
    - Goetz Road: Southern city limit to Case Road
    - Murrieta Road: Ethanac Road to Case Road
    - Sherman Road: Mapes Road to Ellis Avenue
    - Trumble Road: Southern city limit to northern city limit.

The study needs to include analysis of these road segments, which will also affect the information in the vehicle miles traveled analysis in Appendix E-2.

- Right-of-way widths at various road segments differ in Perris’ General Plan from the right-of-way widths specified in Menifee’s General Plan and will require transitions for any future roadwork on the following road segments:

- Barnett Road (Secondary): This road segment is specified as having an ultimate right-of-way width of 94 feet. Menifee’s General Plan calls for a right-of-way width of 100 feet.
- Murrieta Road (Secondary): This road segment is specified as having an ultimate right-of-way width of 94 feet. Menifee’s General Plan calls for a right-of-way width of 100 feet.

Moreover, the IS/MND fails to analyze and meaningfully address or evaluate the impacts on already-stressed truck queuing, including left-turn pocket queues, and intersection delay in violation of General Plan requirements and others associated with the designations at the I-215 and Ethanac Interchange, across Ethanac Road, and at the intersections between Ethanac, Barnett, and Case Roads.

Perris must deeply consider the safety concerns and urgent need for Perris’s action on the outstanding intersection realignment. Perris claims the area at Ethanac, Barnett and Case Roads as a dangerous intersection and Ethanac is a designated truck route and future SR 74, per a recent joint study among the surrounding cities. Despite this claim and the looming potential for significant increases in truck traffic coming through and navigating around that intersection, Perris still has not started the proposed realignment project or identified an appropriate source of funding. Perris must prioritize the funding/timing for that realignment.

- Because the Project provides for residential development of more than 500 residential units that Perris determined requires an IS/MND, Perris must include a water supply assessment (“WSA”) as part of the IS/MND. The WSA is to be provided by the water supplier to the Project site, Eastern Municipal Water District, and is required to include specific information enumerated by statute to enable a determination whether EMWD’s total projected water supplies are adequate and available during normal, single dry, and multiple dry water years for a 20-year projection, to meet the projected water demands associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses. (See Water Code, §§ 10910, 10912; *Center for Biological Diversity v. County of San Bernardino*, 185 Cal. App. 4th 866.) The IS/MND fails to include the required WSA in violation of Water Code sections 10910-10915, and its conclusion that the Project will have a less than significant impact on water supplies is deficient as a matter of law.
- The IS/MND inappropriately concludes less than significant impacts related to land use and planning, specifically the potential to cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The analysis of this impact area only considers policies of the Perris General Plan and applicable specific plans, but completely disregards the Menifee General Plan and its adjacent land use designations. Notwithstanding this issue, locating sensitive receptors adjacent to freeways and areas where potentially hazardous uses may occur is not consistent or conflicts with the following goals and policies of the Perris General Plan Environmental Justice Element including:

Goal 3.2: A community that actively works to reduce the impacts of poor air quality.  
*Policy: Discourage development of sensitive land uses, including schools, hospitals, homes, and elder and childcare facilities, in close proximity to air pollution sources that pose health risks (e.g., freeways, airports, flood zones, and pollutant industrial sites).*

Goal 6.2: Neighborhoods that enhance the safety and welfare of people of all ages, income levels, and cultural backgrounds.  
*Policy: Discourage development in proximity to sensitive land uses (e.g., schools, hospitals, homes, and long-term care facilities) near source point pollution sources that impact health, including freeways and hazardous waste sites.*

### 3. Conclusion

The IS/MND remains deficient and an EIR should be prepared for the Project. Menifee expressly reserves and does not waive or intend to waive its right to submit supplemental information and evidence regarding the IS/MND at and up to the close of the public hearing on the Project. (See, e.g., *Galante Vineyards v. Monterey Peninsula Water Mgmt.* (1997) 60 Cal.App.4th 1109, 1119–1120 [applicant has right to present comments “prior to the close of the public hearing on the project.”]; *Coal. for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197 [same principle].)

Finally, we request that Perris provide all future environmental notices/documents to the City of Menifee Planning Department for review once they become available. We appreciate your consideration of these comments and thank you again for the opportunity to provide comments. If you have questions, please contact Doug Darnell, Principal Planner at 951-723-3744 or by e-mail at [ddarnell@cityofmenifee.us](mailto:ddarnell@cityofmenifee.us)

Sincerely,



Cheryl Kitzerow, AICP  
Community Development Director, City of Menifee

**Att. 1, Motte Town Center Development Agreement**

**Att. 2, First Amendment to Motte Town Center Development Agreement**

Cc: Armando Villa, City Manager, City of Menifee  
Bryan Jones, Assistant City Manager, City of Menifee  
Doug Darnell, AICP, Principal Planner, City of Menifee  
Nicolas Fidler, Director of Public Works & Engineering, City of Menifee  
Orlando Hernandez, Deputy Community Development Director, City of Menifee  
Stephanie L. Talavera, Rutan, City Attorney’s Office  
Clara Miramontes, City Manager, City of Perris  
Kenneth Phung, Director of Development Services, City of Perris

Recording Requested by and  
When Recorded Return to:

City of Perris  
101 North D Street  
Perris, CA 92570

Attn: City Clerk

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(Space Above This Line for Recorder's Office Use Only)  
(Exempt from Recording Fee per Gov. Code § 6103)

**DEVELOPMENT AGREEMENT**

This Development Agreement (hereinafter "Agreement") is entered into this 11<sup>th</sup> day of June, 2010, (hereinafter the "Effective Date") by and between the CITY OF PERRIS, a municipal corporation (hereinafter "City"), and MTC Consolidated LLC, a California limited liability Company ("hereinafter "Developer").

**RECITALS**

A. California Government Code Sections 65864 *et seq.* ("Development Agreement Law") authorizes cities to enter into binding development agreements with persons having a legal or equitable interest in real property for the development of such property, all for the purpose of strengthening the public planning process, encouraging private participation and comprehensive planning and identifying the economic costs of such development.

B. Developer is the owner of legal and/or equitable interests in certain real property legally described in Exhibit "A" attached hereto and incorporated herein (the "Property"), and thus qualifies to enter into this Agreement in accordance with Development Agreement Law.

C. Developer has received certain approvals and entitlements related to this project and desires to extend the term of said approvals.

D. Developer and City agree that a development agreement should be approved and adopted for this Property in order to memorialize the property expectations of City and Developer as more particularly described herein.

E. An Environmental Impact Report (State Clearinghouse #2006101147) has been approved for the Project (as defined herein). An Addendum to the EIR has been prepared related to this Development Agreement which outlines that there are no additional physical changes in the project.

F. The City Council has found that this Agreement is in the best public interest of the City and its residents, adopting this Agreement constitutes a present exercise of the City's police power, and this Agreement is consistent with the City's General Plan. This Agreement and the proposed Project (as hereinafter defined) will achieve a number of City objectives, including the orderly development of the Property; the providing of public benefits to the City and its residents

through public improvements, improvements to the Property, and street improvements in and around the Property.

G. City finds and determines that all actions required of City precedent to approval of this Agreement by Ordinance No. \_\_\_ of the City Council have been duly and regularly taken.

## COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

### **1. DEFINITIONS AND EXHIBITS.**

1.1 **Definitions.** This Agreement uses a number of terms having specific meanings, as defined below. These specially defined terms are distinguished by having the initial letter capitalized, when used in the Agreement. The defined terms include the following:

1.1.1 *“Agreement”* means this Development Agreement and all attachments and exhibits hereto.

1.1.2 *“City”* means the City of Perris, a municipal corporation.

1.1.3 *“City Council”* means the City Council of the City.

1.1.4 *“Developer”* means MTC Consolidated LLC, a California limited liability Company, and its successors and assigns to all or any part of the Property.

1.1.5 *“Development”* means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping and other facilities and improvements necessary or appropriate for the Project, and the maintenance, repair, or reconstruction of any building, structure, improvement, landscaping or facility after the construction and completion thereof on the Property.

1.1.6 *“Development Approvals”* means all site-specific (meaning specifically applicable to the Property only and not generally applicable to some or all other properties within the City) plans, maps, permits, and entitlements to use of every kind and nature. Development Approvals include, but are not limited to, general plan amendments, specific plans, site plans, tentative and final subdivision maps, design guidelines, variances, zoning designations, conditional use permits, grading, building, and other similar permits, the site-specific provisions of general plans, environmental assessments, including environmental impact reports and negative declarations, and any amendments or modifications to those plans, maps, permits, assessments and entitlements. The term Development Approvals does not include (i) rules, regulations, policies, and other enactments of general application within the City, or (ii) any matter where City has reserved authority under Article 3.0. Developer has heretofore received certain Development

Approvals, as approved by the City Council on May 13, 2008, which approvals include a final Environmental Impact Report (State Clearinghouse #2006101147), Tentative Map 34999, Street Vacation 07-0112 and 07-0113 and Development Plan Review 06-0337, including any conditions thereto (the "Prior Approvals"). The Development Approvals include the Prior Approvals attached hereto on Exhibit "B" and by this reference incorporated herein.

1.1.7 "*Development Plan*" means the proposed plan for Development of a portion of the Property pursuant to the Development Approvals, including the Prior Approvals, and Developer's application for Tentative Tract Map 34999, as has been approved by the City prior to the Effective Date. Conceptual drawings of the Tentative Tract Map are attached hereto as Exhibit "C."

1.1.8 "*Effective Date*" means the date inserted into the preamble of this Agreement after this Agreement has been approved by ordinance of the City Council and signed by Developer and City.

1.1.9 "*Existing Land Use Regulations*" means the Land Use Regulations which have been adopted and are effective on or before the Effective Date of this Agreement.

1.1.10 "*Land Use Regulations*" means all ordinances, laws, resolutions, codes, rules, regulations, policies, requirements, guidelines or other actions of City, including but not limited to the City's General Plan, any applicable Specific Plan, and Municipal Code and Zoning Code and including all development impact fees (except as otherwise provided in Section 3.5), which affect, govern or apply to the development and use of the Property, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the Development of the Property, subject to the terms of this Agreement. The term Land Use Regulations does not include, however, regulations relating to the conduct of business, professions, and occupancies generally; taxes and assessments; regulations for the control and abatement of nuisances; uniform codes; utility easements; encroachment and other permits and the conveyances of rights and interests which provide for the use of or entry upon public property; any exercise of the power of eminent domain; health and safety regulations; environmental regulations; or similar matters or any other matter reserved to the City pursuant to Article 3.

1.1.11 "*Mortgagee*" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security device, a lender or each of their respective successors and assigns.

1.1.12 "*Project*" means the Development of the Property consistent with the Development Plan and this Agreement.

1.1.13 "*Property*" means the real property described in and shown in Exhibit "A."

1.1.14 “*Public Improvements*” means the improvements to be constructed on and adjacent to the Property, as further described in the Development Approvals.

1.1.15 “*Reservation of Authority*” means the rights and authority accepted from the assurances and rights provided to Developer under this Agreement and reserved to City under Section 3.6 of this Agreement.

1.1.16 “*Subsequent Development Approvals*” means all Development Approvals issued subsequent to the Effective Date in connection with Development of the Property, which shall include, without limitation, the approvals defined herein as the Development Plan, excepting those for which approval has already been obtained.

1.1.17 “*Subsequent Land Use Regulations*” means any Land Use Regulations effective after the Effective Date of this Agreement (whether adopted prior to or after the Effective Date of this Agreement), which governs development, and use of the Property.

1.1.18 “*Term*” shall mean the period of time from the Effective Date until the termination of this Agreement as provided in Section 2.4, unless earlier terminated as provided in this Agreement.

1.2 **Exhibits.** The following documents are attached to, and by this reference made a part of, this Agreement: Exhibit “A” (Legal Descriptions); Exhibit “B” (Prior Approvals); and Exhibit “C” (Tentative Tract Maps).

## 2. GENERAL PROVISIONS.

2.1 **Binding Effect of Agreement.** From and following the Effective Date, actions by the City and Developer with respect to the Development of the Property, including actions by the City on applications for Subsequent Development Approvals affecting the Property, shall be subject to the terms and provisions of this Agreement.

2.2 **Ownership of Property.** City and Developer acknowledge and agree that Developer has a legal or equitable interest in the Property and thus Developer is qualified to enter into and be a party to this Agreement under the Development Agreement Law.

2.3 **Transfer Restrictions.** As used in this section, the term “transfer” shall include any assignment, conveyance, hypothecation, mortgage, pledge, or encumbrance of this Agreement or the Property, or the improvements thereon by Developer. A transfer shall also include the transfer to any person or group of persons acting in concert of more than twenty-five percent (25%) of the present equity ownership and/or more than twenty-five percent (25%) of the voting control of Developer (jointly and severally referred to herein as the “Trigger Percentages”) or any general partner of Developer in the aggregate, taking all transfers into account on a cumulative basis, except transfers of such ownership or control interest between members of the same immediate family, or transfers to a trust, testamentary or otherwise, in which the beneficiaries are limited to members of the transferor’s immediate family. A transfer of interests (in a cumulative basis) in the equity ownership and/or voting control of Developer in amounts less than Trigger Percentages shall not constitute a transfer subject to the restrictions set

forth herein. In the event Developer or any general partner comprising Developer or its successors is a corporation or trust, such transfer shall refer to the transfer of the issued and outstanding capital stock of Developer, or of beneficial interest of such trust; in the event that Developer or any general partner comprising is a limited or general partnership, such transfer shall refer to the transfer of more than the Trigger Percentages in the limited or general partnership interest; in the event that Developer or any general partner is a joint venture, such transfer shall refer to the transfer of more than the Trigger Percentages of such joint venture partner, taking all transfers into account on a cumulative basis.

Developer shall not transfer this Agreement or any of Developer's rights or obligations hereunder, or any interest in the Property or in the improvements thereon, directly or indirectly, voluntarily or by operation of law, except as provided below, without the prior written approval of City, which shall not be unreasonably withheld, and if so purported to be transferred, the same shall be null and void. In considering whether it will grant approval to any transfer by Developer, which transfer requires City approval, City shall reasonably consider factors such as (i) whether the completion of the Project is delayed or jeopardized; (ii) the financial strength and capability of the proposed transferee to perform City's obligations hereunder; and (iii) the proposed transferee's experience and expertise in the planning, financing, development, ownership and operation of similar projects.

In addition, no attempted assignment of any of Developer's obligations hereunder shall be effective unless and until the successor party executes and delivers to City an assumption agreement in a form approved by the City assuming such obligations. No consent or approval by City of any transfer requiring City's approval shall constitute a further waiver of the provision of this Section 2.3 and, furthermore, City's consent to a transfer shall not be deemed to release Developer of liability for performance under this Agreement unless such release is specific and in writing executed by City.

**2.4 Transfer to Public Entity.** Transfer of any portion of the Property to a public entity, including but not limited to a school district, whether such transfer is voluntary or involuntary, shall not relieve Developer of its obligation to construct the Public Improvements required by this Agreement. Developer specifically acknowledges and agrees to construct the Public Improvements irrespective of such a transfer. To the extent such a transfer changes the Project contemplated by the Prior Approvals, the City and the Developer may cooperate in processing a revised Project through the appropriate entitlement process, which process may result in elimination of one or more of the Public Improvements contemplated by the Prior Approvals.

**2.5 Term of Agreement.** Unless earlier terminated as provided in this Agreement, this Agreement shall continue in full force and effect until May 13, 2018.

### **3. DEVELOPMENT OF THE PROPERTY.**

**3.1 Rights to Develop.** Subject to and during the Term of this Agreement, Developer shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan, the Existing Land Use Regulations, and this Agreement.

**3.2 Effect of Agreement on Land Use Regulations.** Except as otherwise provided under the terms of this Agreement, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to Development of the Property, shall be as set forth in the Existing Land Use Regulations which were in full force and effect as of the Effective Date of this Agreement as evidenced in the Prior Approval, subject to the terms of this Agreement. Pursuant to Government Code Section 66452.6, the term of any tentative map for the Property, street vacation and development plan review shall automatically be extended for the term of this Agreement.

**3.3 Timing of Development; Scope of Development.** Except as set forth herein, Developer shall be under no obligation to commence or complete the Development of the Property in any particular time frame, or at all. The purpose of this Agreement is to set forth the applicable rules and regulations applicable to the Development of the Property or portion thereof. The Property shall be developed in accordance with the Prior Approvals and any Subsequent Development Approvals, including Tentative Tract Map 34999 and Development Plan Review 06-0337 as conditioned and approved by the City (which as submitted by Developer to subdivide the existing, vacant 58.8 acres into five parcels plus four publicly dedicated roadway lots to develop a 484,300 square-foot commercial retail shopping center with a mix of 19 tenants consisting of retail and dining uses).

**3.4 Development Plan; Subsequent Development Approvals.** The Development Plan for the Project will require the processing of Subsequent Development Approvals. The City shall accept for processing, review and action all applications for Subsequent Development Approvals, and such applications shall be processed in the normal manner for processing such matters in accordance with the Existing Land Use Regulations. The Parties acknowledge that subject to the Existing Land Use Regulations, under no circumstances shall City be obligated in any manner to approve any Subsequent Development Approval, or to approve any Subsequent Development Approval with or without any particular condition, except that (i) the Subsequent Development Approvals shall be generally consistent with the Prior Approvals, the Public Improvement and Conceptual Tentative Tract Map. However, unless otherwise requested by Developer, City shall not, without good cause, amend or rescind any Subsequent Development Approvals respecting the Property after such approvals have been granted by the City. Processing of Subsequent Development Approvals or changes in the Development Approvals or Development Plan made pursuant to Developer's application shall not require an amendment to this Agreement.

**3.5 Development Impact Fees.** Notwithstanding anything to the contrary in this Agreement, all requisite development impact fees shall be those existing on the date the applicable Development Approvals or Subsequent Development Approvals are granted. Development impact fees shall be paid at such time as payment for such fees is due and payable in accordance with the Land Use Regulations in effect at that time, for the portion of the Property to which such fees apply.

**3.6 Reservation of Authority.**

**3.6.1 Limitations, Reservations and Exceptions.** Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the Development of the Property:

(a) Processing fees and charges of every kind and nature imposed by City to cover the estimated actual costs to City of processing applications for Subsequent Development Approvals or for monitoring compliance with any Subsequent Development Approvals granted or issued.

(b) Procedural regulations consistent with this Agreement relating to hearing bodies, petitions, applications, notices, findings, records, hearing, reports, recommendations, appeals and any other matter of procedure.

(c) Changes adopted by the International Conference of Building Officials, or other similar body, as part of the then most current versions of the Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, or National Electrical Code, and also adopted by City as Subsequent Land Use Regulations, if applicable City-wide.

(d) Regulations that may be in conflict with the Development Plan or this Agreement, but which City determines are materially necessary to protect the public health, safety, and welfare.

(e) Regulations that are not in conflict with the Development Plan or this Agreement.

(f) Regulations that are in conflict with the Development Plan or this Agreement, provided Developer has given written consent to the application of such regulations to Development of the Property.

(g) Federal, State, County, and multi-jurisdictional laws and regulations which City is required to enforce as against the Property or the Development of the Property.

(h) Subsequent Land Use Regulations applicable to local or regional development impact fees.

**3.6.2 Future Discretion of City.** This Agreement shall not prevent City from denying or conditionally approving any application for a Subsequent Development Approval on the basis of the Existing Land Use Regulations.

**3.6.3 Modification or Suspension by Federal, State, County, or Multi-Jurisdictional Law.** In the event that Federal, State, County, or multi-jurisdictional laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such Federal, State, county, or multi-jurisdictional laws or regulations, and this Agreement shall remain in full force and effect to

the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provision impractical to enforce.

**3.7 Regulation by Other Public Agencies.** It is acknowledged by the parties that other public agencies not subject to control by City may possess authority to regulate aspects of the Development of the Property, and this Agreement does not limit the authority of such other public agencies.

**3.8 Public Improvements.** Developer shall construct the Public Improvements described in the Prior Approvals attached hereto as Exhibit "B". In addition, and notwithstanding any provision herein to the contrary, the City shall retain the right to condition any Subsequent Development Approvals to require Developer to dedicate necessary land and/or to construct the required public infrastructure ("Exactions") at such time as City shall determine subject to the following conditions:

3.8.1 The dedication, payment or construction must be to alleviate an impact caused by the Project or be of benefit to the Project;

3.8.2 The timing of the Exaction should be reasonably related to the phasing of the development of the Project and said public improvements shall be phased to be commensurate with the logical progression of the Project development as well as the reasonable needs of public; and

3.8.3 When Developer is required by this Agreement and/or the Development Plan to construct any public works facilities which will be dedicated to the City or any other public agency upon completion, Developer shall perform such work in the same manner and subject to the same construction standards as would be applicable to the City or such other public agency should it have undertaken such construction work.

**3.9 Fees, Taxes and Assessments.** During the term of this Agreement, the City shall not, without the prior written consent of Developer, impose any additional fees, taxes or assessments on all or any portion of the Project, except such fees, taxes and assessments as are described in or required by this Development Agreement and/or the Development Plan, including those fees described in No. 41 of the City's Planning Conditions of Approval as part of the Prior Approvals. This Development Agreement shall not prohibit the application of fees, taxes or assessments as follows:

3.9.1 Developer shall be obligated to pay those fees, taxes or City assessments which exist as the Effective Date or are included or contemplated in the Development Plan and any increases in same, as provided herein;

3.9.2 Developer shall be obligated to pay any fees or taxes, and increases thereof, imposed on a City-wide basis such as business license fees or taxes, sales or use taxes, utility taxes, and public safety taxes;

3.9.3 Developer shall be obligated to pay any future fees or assessments imposed on an area-wide basis (such landscape and lighting assessments and community services

assessments), provided that Developer reserves its right to protest the establishment or amount of any such fees or assessments through the method prescribed by law;

3.9.4 Developer shall be obligated to pay any fees imposed pursuant to any assessment district established within the Project otherwise proposed or consented to by Developer;

3.9.5 Developer shall be obligated to pay any fees that may be imposed in connection with the implementation of the Transportation Uniform Mitigation Fee ("TUMF") program, the Multi-Species Habitat Conservation Plan ("MSHCP"), and the San Jacinto River Plan and similar types of fees of other public agencies; and

3.9.6 Developer shall be obligated to pay any fees imposed pursuant to any Uniform Code.

#### **4. REVIEW FOR COMPLIANCE.**

4.1 **Annual Review.** The City Council may, in its discretion, review this Agreement annually, on or before the anniversary of the Effective Date, in order to ascertain the good faith compliance by Developer with the terms of the Agreement ("Annual Review"). No failure on part of City to conduct or complete an Annual Review as provided herein shall have any impact on the validity of this Agreement.

4.2 **Special Review.** The City Council may, in its sole and absolute discretion, order a special review of compliance with this Agreement at any time at City's sole cost ("Special Review"). Developer shall cooperate with the City in the conduct of such Special Reviews.

4.3 **Procedure.** Each party shall have a reasonable opportunity to assert matters which it believes have not been undertaken in accordance with the Agreement, to explain the basis for such assertion, and to receive from the other party a justification of its position on such matters. If on the basis of the parties' review of any terms of the Agreement, either party concludes that the other party has not complied in good faith with the terms of the Agreement, then such party may issue a written "Notice of Non-Compliance" specifying the grounds therefore and all facts demonstrating such non-compliance. The party receiving a Notice of Non-Compliance shall have thirty (30) days to cure or remedy the non-compliance identified in the Notice of Non-Compliance, or if such cure or remedy is not reasonably capable of being cured or remedied within such thirty (30) days period to commence to cure or remedy the non-compliance and to diligently and in good faith prosecute such cure or remedy to completion. If the party receiving the Notice of Non-Compliance does not believe it is out of compliance and contests the Notice, it shall do so by responding in writing to said Notice within thirty (30) days after receipt of the Notice. If the response to the Notice of Non-Compliance has not been received in the offices of the party alleging the non-compliance within the prescribed time period, the Notice of Non-Compliance shall be conclusively presumed to be valid. If a Notice of Non-Compliance is contested, the parties shall, for a period of not less than fifteen (15) days following receipt of the response, seek to arrive at a mutually acceptable resolution of the matter(s) occasioning the Notice. In the event that a cure or remedy is not timely effected or, if the Notice is contested and the

parties are not able to arrive at a mutually acceptable resolution of the matter(s) by the end of the fifteen (15) day period, the party alleging the non-compliance may thereupon pursue the remedies provided in Section 5. Neither party hereto shall be deemed in breach if the reason for non-compliance is due to a "*force majeure*" as defined in, and subject to the provisions of, Section 9.10.

**4.4 Certificate of Agreement Compliance.** If, at the conclusion of an Annual Review or a Special Review, Developer is found to be in compliance with this Agreement, City shall, upon request by Developer, issue a Certificate of Agreement Compliance ("Certificate") to Developer stating that after the most recent Annual Review or Special Review and based upon the information known or made known to the City Manager, Planning Commission, and City Council that (1) this Agreement remains in effect and (2) Developer is in compliance. The Certificate, whether issued after an Annual Review or Special Review, shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance. Developer record the Certificate with the County Recorder. Additionally, Developer may at any time request from the City a Certificate stating, in addition to the foregoing, which obligations under this Agreement have been fully satisfied with respect to the Property, or any lot or parcel within the Property.

## **5. DEFAULT AND REMEDIES.**

**5.1 Specific Performance Available.** The parties acknowledge and agree that other than the termination of this Agreement pursuant to Section 5.2, specific performance is the only remedy available for the enforcement of this Agreement and knowingly, intelligently, and willingly waive any and all other remedies otherwise available in law or equity. Accordingly, and not by way of limitation, and except as otherwise provided in this Agreement, Developer shall not be entitled to any money damages from City by reason of any default under this Agreement. Further, Developer shall not bring an action against City nor obtain any judgment for damages for a regulatory taking, inverse condemnation, unreasonable exactions, reduction in value of property, delay in undertaking any action, or asserting any other liability for any matter or for any cause which existed or which the Developer knew of or should have known of prior to the time of entering this Agreement, Developer's sole remedies being as specifically provided above. Developer acknowledges that such remedies are adequate to protect Developer's interest hereunder and the waiver made herein is made in consideration of the obligations assumed by the City hereunder. The Developer's waiver of the right to recover monetary damages shall not apply to any damages or injuries to a third party caused by the City's negligence.

### **5.2 Termination of Agreement.**

**5.2.1 Termination of Agreement for Material Default of Developer.** City in its discretion may terminate this Agreement for any material failure of Developer to perform any material duty or obligation of Developer hereunder or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default" or "breach"); provided, however, City may terminate this Agreement pursuant to this Section only after following the procedure set forth in Section 4.3. Any material default by Developer of any of the conditions of approval of any of the

Development Approvals that is not timely cured by Developer shall be deemed a material default by Developer of this Agreement.

**5.2.2 Termination of Agreement for Material Default of City.** Developer in its discretion may terminate this Agreement for any material default by City; provided, however, Developer may terminate this Agreement pursuant to this Section only after following the procedure set forth in Section 4.3.

**5.2.3 Rights and Duties Following Termination.** Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to (i) any obligations to have been performed prior to said termination, or (ii) any default in the performance of the provisions of this Agreement which has occurred prior to said termination. Termination of this Agreement shall not affect either party's rights or obligations with respect to any Development Approval granted prior to such termination.

## **6. THIRD PARTY LITIGATION.**

City shall promptly notify Developer of any claim, action or proceeding filed and served against City to challenge, set aside, void, annul, limit or restrict the approval and continued implementation and enforcement of this Agreement, including but not limited to challenges of the environmental review of the Project and this Agreement conducted pursuant to the California Environmental Quality Act. Developer and City agree to confer and cooperate with respect to such third party litigation. Developer shall defend, indemnify and hold harmless City, its agents, officers and employees from any such claim, action or proceeding, and shall indemnify City for all costs of defense and/or judgment obtained in any such action or proceeding; provided, however, if Developer elects, in its sole discretion, not to defend the action (preferring to either allow judgment to be entered or to enter into a settlement with plaintiff(s) which declares this Agreement to be void, annulled, or which limits or restricts this Agreement), Developer shall so notify City in writing and City shall then have the option, in its sole discretion, of defending the action at its cost. In the event this Agreement, as a result of a third party challenge, is voided or annulled, or is limited or restricted such a manner that the intent and purposes of this Agreement cannot be implemented as mutually desired by the parties hereto, this Agreement shall terminate and be of no further force or effect as of the date such judgment or settlement so voids, annuls, limits, or restricts the intent and purpose of this Agreement.

## **7. MORTGAGEE PROTECTION.**

The parties hereto agree that this Agreement shall not prevent or limit Developer, in any manner, at Developer's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. City acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and City agrees upon request, from time to time, to meet with Developer and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. Subject to compliance with applicable laws, City will not unreasonably withhold its consent to any such requested interpretation or modification provided City determines such interpretation or

modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee has submitted a request in writing to the City in the manner specified herein for giving notices, shall be entitled to receive written notification from City of any default by Developer in the performance of Developer's obligations under this Agreement.

(c) If City timely receives a request from a Mortgagee requesting a copy of any notice of default given to Developer under the terms of this Agreement, City shall make a good faith effort to provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to Developer. The Mortgagee shall have the right, but not the obligation, to cure the default during the period that is the longer of (i) the remaining cure period allowed such party under this Agreement, or (ii) sixty (60) days.

(d) Any Mortgagee who takes title to or comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of Developer's obligations or other affirmative covenants of Developer hereunder, or to guarantee such performance; except that (i) to the extent that any covenant to be performed by Developer is a condition precedent to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder, and (ii) in the event any Mortgagee seeks to develop or use any portion of the Property acquired by such Mortgagee by foreclosure, deed of trust, or deed in lieu of foreclosure, such Mortgagee shall strictly comply with all of the terms, conditions and requirements of this Agreement and the Development Plan applicable to the Property or such part thereof so acquired by the Mortgagee.

## **8. INSURANCE; INDEMNIFICATION.**

### **8.1 Insurance.**

#### **8.1.1 Types of Insurance.**

##### **(a) Public Liability Insurance.**

Prior to commencement and until completion of construction by Developer on the Property, Developer shall at its sole cost and expense keep or cause to be kept in force for the mutual benefit of City and Developer comprehensive broad form general public liability insurance against claims and liability for personal injury or death arising from the use, occupancy, disuse or condition of the Property, improvements or adjoining areas or ways,

affected by such use of the Property or for property damage, providing protection of a least Two Million Dollars (\$2,000,000) for bodily injury or death to any one person, at least Five Million Dollars (\$5,000,000) for any one accident or occurrence, and at least One Million Dollars (\$1,000,000) for property damage, which limits shall be subject to such increases in amount as City may reasonably require from time to time.

(b) Builder's Risk Insurance.

Prior to commencement and until completion of construction by Developer on the Property, Developer shall procure and shall maintain in force, or caused to be maintained in force, "all risks" builder's risk insurance including vandalism and malicious mischief, covering improvements in place and all material and equipment at the job site furnished under contract, but excluding contractor's, subcontractor's, and construction manager's tools and equipment and property owned by contractor's or subcontractor's employees, with limits in accordance with subsection (1) above.

(c) Worker's Compensation.

Developer shall also furnish or cause to be furnished to City evidence reasonably satisfactory to it that any contractor with whom Developer has contracted for the performance of any work for which Developer is responsible hereunder carries workers' compensation insurance as required by law.

(d) Other Insurance.

Developer may procure and maintain any insurance not required by this Agreement, but all such insurance shall be subject to all of the provisions hereof pertaining to insurance and shall be for the benefit of City and Developer.

(e) Insurance Policy Form, Sufficiency, Content and Insurer.

All insurance required by express provisions hereof shall be carried only by responsible insurance companies licensed and admitted to do business by California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VIII or better, unless waived by City. All such policies shall be nonassessable and shall contain language, to the extent obtainable, to the effect that (i) any loss shall be payable notwithstanding any act of negligence of City or Developer that might otherwise result in the forfeiture of the insurance, (ii) the insurer waives the right of subrogation against City and against City's agents and representatives; (iii) the policies are primary and noncontributing with any insurance that may be carried by City; and (iv) the policies cannot be canceled or materially changed except after thirty (30) days' written notice by the insurer to City or City's designated representative. Developer shall furnish City with copies of all such policies promptly on receipt of them or with certificates evidencing the insurance. City shall be named as an additional insured on all policies of insurance required to be procured by the terms of this Agreement. In the event the City's Risk Manager determines that the use, activities or condition of the Property, improvements or adjoining areas or ways, affected by such use of the Property under this Agreement creates an increased or decreased risk

of loss to the City, Developer agrees that the minimum limits of the insurance policies required by this Section 8.1.1 may be changed accordingly upon receipt of written notice from the City's Risk Manager; provided that Developer shall have the right to appeal a determination of increased coverage to the City Council of City within ten (10) days of receipt of notice from the City's Risk Manager.

#### 8.1.2 Failure to Maintain Insurance and Proof of Compliance.

Developer shall deliver to City, in the manner required for notices, copies of certificates of all insurance policies required hereunder together with evidence satisfactory to City of payment required for procurement and maintenance of each policy within the following time limits:

(a) For insurance required above, prior to issuance of any grading or building permit.

(b) For any renewal or replacement of a policy already in existence, at least ten (10) days before the expiration or termination of the existing policy.

If Developer fails or refuses to procure or maintain insurance as required hereby or fails or refuses to furnish City with required proof that that insurance has been procured and is in force and paid for, such failure or refusal shall be a default hereunder.

## 8.2 Indemnification.

### 8.2.1 General.

Developer shall indemnify the City, its officers, employees, and agents against, and will hold and save them and each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions, or liabilities (herein "claims or liabilities") that may be asserted or claimed by any person, firm, or entity arising out of or in connection with the work, operations, or activities of Developer, its agents, employees, subcontractors, or invitees, hereunder, upon the Property, whether or not there is current passive or active negligence on the part of the City, its officers, agents, or employees and in connection therewith.

(a) Developer will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) Developer will promptly pay any judgment rendered against the City, its officers, agents, or employees for any such claims or liabilities arising out of or in connection with such work, operations, or activities of the Developer hereunder, and Developer agrees to save and hold the City, its officers, agents, and employees harmless therefrom.

(c) In the event the City, its officers, agents, or employees is made a party to the action or proceeding filed or prosecuted against for such damages or other claims

arising out of or in connection with operation or activities of Developer hereunder, Developer agrees to pay the City, its officers, agents, or employees any and all costs and expenses incurred by the City, its officers, agents, or employees in such action or proceeding, including but not limited to legal costs and attorneys' fees.

**8.2.2 Exceptions.**

The foregoing indemnity shall not include claims or liabilities arising from the sole or gross negligence or willful misconduct of the City, its officers, agents, or employees, who are directly responsible for the City.

**8.2.3 Loss and Damage.**

City shall not be liable for any damage to property of Developer or of others located on the Property, nor for the loss of or damage to any property of Developer or of others by theft or otherwise. City shall not be liable for any injury or damage to persons or property resulting from fire, explosion, steam, gas, electricity, water, rain, dampness or leaks from any part of the Property or from the pipes or plumbing, or from the street, or from any environmental or soil contamination or hazard, or from any other latent or patent defect in the soil, subsurface or physical condition of the Property, or by any other cause of whatsoever nature.

**8.2.4 Period of Indemnification.**

The obligations for indemnity under this Section 8.2 shall begin upon the Effective Date and shall terminate upon termination of Development Agreement, provided that indemnification shall apply to all claims or liabilities arising during that period even if asserted at any time thereafter.

**8.3 Waiver of Subrogation.**

Developer agrees that it shall not make any claim against, or seek to recover from City or its agents, servants, or employees, for any loss or damage to Developer or to any person or property, except as specifically provided hereunder and Developer shall give notice to any insurance carrier of the foregoing waiver of subrogation, and obtain from such carrier, a waiver of right to recovery against City, its agents and employees.

**9. MISCELLANEOUS PROVISIONS.**

**9.1 Recordation of Agreement.** This Agreement shall be recorded with the County Recorder by the City Clerk within the period required by Section 65868.5 of the Government Code. Amendments approved by the parties, and any cancellation, shall be similarly recorded.

**9.2 Entire Agreement.** This Agreement sets forth and contains the entire understanding and agreement of the parties with respect to the subject matter set forth herein, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence

of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

9.3 **Severability.** If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, then this Agreement shall terminate in its entirety, unless the parties otherwise agree in writing, which agreement shall not be unreasonably withheld.

9.4 **Interpretation and Governing Law.** This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party or in favor of City shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

9.5 **Section Headings.** All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

9.6 **Singular and Plural.** As used herein, the singular of any word includes the plural.

9.7 **Time of Essence.** Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

9.8 **Waiver.** Failure of a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

9.9 **No Third Party Beneficiaries.** Except for the Mortgagee Protection provisions expressly set forth in Section 7 above, this Agreement is made and entered into for the sole protection and benefit for the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

9.10 **Force Majeure.** Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by earthquakes, other acts of God, fires, wars, terrorism, riots or similar hostilities, strikes and other labor difficulties beyond the party's control (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's reasonable control. If any such events shall occur, the term of this Agreement and the time for performance shall be extended for the duration of each such event, provided that the term of this Agreement shall not be extended under any circumstances for more than one (1) year.

9.11 **Mutual Covenants.** The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

9.12 **Counterparts.** This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

9.13 **Litigation.** Any action at law or in equity arising under this Agreement or brought by any party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, or such other appropriate court in said county. Service of process on City shall be made in accordance with California law. Service of process on Developer shall be made in any manner permitted by California law and shall be effective whether served inside or outside California. In the event of any action between City and Developer seeking enforcement of any of the terms and conditions to this Agreement, the prevailing party in such action shall be awarded, in addition to such relief to which such party entitled under this Agreement, its reasonable litigation costs and expenses, including without limitation its expert witness fees and reasonable attorney's fees.

9.14 **Covenant Not To Sue.** The parties to this Agreement, and each of them, agree that this Agreement and each term hereof is legal, valid, binding, and enforceable. The parties to this Agreement, and each of them, hereby covenant and agree that each of them will not commence, maintain, or prosecute any claim, demand, cause of action, suit, or other proceeding against any other party to this Agreement, in law or in equity, or based on any allegation or assertion in any such action, that this Agreement or any term hereof is void, invalid, or unenforceable.

9.15 **Project as a Private Undertaking.** It is specifically understood and agreed by and between the parties hereto that the Development of the Project is a private Development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between City and Developer is that of a government entity regulating the Development of private property, on the one hand, and the holder of a legal or equitable interest in such property and as future holder of fee title to such property, on the other hand. City agrees that by its approval of, and entering into, this Agreement that it is not taking any action which would transform this private Development into a "public work" project, and that nothing herein shall be interpreted to convey upon Developer any benefit which would transform Developer's private project into a public work project, it being understood that this Agreement is entered into by City and Developer upon the exchange of consideration described in this Agreement, including the Recitals to this Agreement which are incorporated into this Agreement and made a part hereof, and that City is receiving by and through this Agreement the full measure of benefit in exchange for the burdens placed on Developer by this Agreement, including but not limited to Developer's obligation to provide the public improvements set forth herein.

9.16 **Further Actions and Instruments.** Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated here under in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute,

with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

9.17 **Eminent Domain.** No provision of this Agreement shall be construed to limit or restrict the exercise by City of its power of eminent domain.

9.18 **Amendments in Writing/Cooperation.** This Agreement may be amended only by written consent of both parties specifically approving the amendment and in accordance with the Government Code provisions for the amendment of Development Agreements. [Notwithstanding the foregoing, implementation of the Project may require minor modifications of the details of the Development Plan and performance of the parties under this Agreement. The parties desire to retain a certain degree of flexibility with respect to those items covered in general terms under this Agreement. Therefore, modifications of the Development Plan, which are found by the City Attorney to be non-substantive and procedural, shall not require an amendment to this Agreement. A modification will be deemed non-substantive and/or procedural if it does not result in material change in fees, cost, density, intensity of use, permitted uses, the maximum height and size of buildings, the reservation or dedication of land for public purposes, or the improvement and construction standards and specifications for the Project.]

9.19 **Corporate Authority.** The person(s) executing this Agreement on behalf of each of the parties hereto represent and warrant that (i) such party, if not an individual, is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other agreement to which such party is bound.

9.20 **Notices.** All notices under this Agreement shall be effective when delivered by (i) personal delivery, or (ii) reputable same-day or overnight courier or messenger service, (iii) overnight United States Postal Service Express Mail, postage prepaid, or (iv) by United States Postal Service mail, registered or certified, postage prepaid; and addressed to the respective parties as set forth below or as to such other address as the parties may from time to time designate in writing:

To City:                      City of Perris  
   101 North "D" Street  
   Perris, CA 92570  
   Attn: City Manager

With copy to:                Aleshire & Wynder, LLP Tower 17  
   18881 Von Karman Avenue, Suite 400  
   Irvine, CA 92612  
   Attn: Eric L. Dunn, Esq.

To Developer: MTC Consolidated LLC  
455 S. D Street  
Perris, CA 92570  
Attn: John D. Motte and Daniel L. Stephenson

9.21 **Non-liability of City Officials.** No officer, official, member, employee, agent, or representatives of City shall be liable for any amounts due hereunder, and no judgment or execution thereon entered in any action hereon shall be personally enforced against any such officer, official, member, employee, agent, or representative.

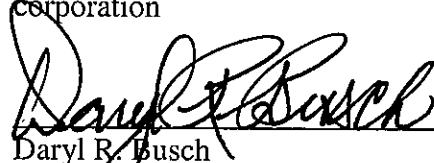
9.22 **No Brokers.** City and Developer represent and warrant to the other that neither has employed any broker and/or finder to represent its interest in this transaction. Each party agrees to indemnify and hold the other free and harmless from and against any and all liability, loss, cost, or expense (including court costs and reasonable attorney's fees) in any manner connected with a claim asserted by any individual or entity for any commission or finder's fee in connection with this Agreement arising out of agreements by the indemnifying party to pay any commission or finder's fee.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first set forth above.

Dated:

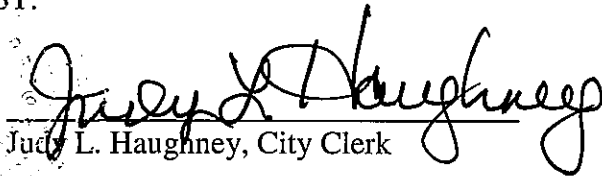
City: CITY OF PERRIS, a municipal corporation

By

  
Daryl R. Busch  
Mayor, City of Perris

ATTEST:


By

 3/9/11  
Judy L. Haughney, City Clerk

APPROVED AS TO FORM:


ALESHIRE & WYNDER, LLP

By

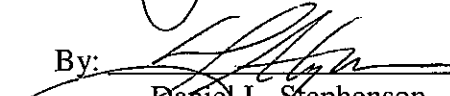
  
Eric L. Dunn, City Attorney

Developer: MTC CONSOLIDATED LLC,  
a California limited liability  
company

By:

  
John D. Motte  
Its: Manager

By:

  
Daniel L. Stephenson  
Its: Manager

[End of Signatures]

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF RIVERSIDE )

On June 21, 2010, before me, PAULA B HACKBARTH, a Notary Public, personally appeared DANIEL L STEPHENSON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Paula B HackbARTH (Seal)



STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF RIVERSIDE )

On \_\_\_\_\_, 2010, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

Real property in the City of Perris, County of Riverside, State of California, described as follows:

[TO BE INSERTED]

**LEGAL DESCRIPTION**

Real property in the City of Perris, County of Riverside, State of California, described as follows:

PARCEL A:

PARCEL 1 :

LOTS 1 AND 2 OF TRUMBLE FARMS, AS SHOWN BY MAP ON FILE IN BOOK 11 PAGE 38 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPTING THEREFROM THOSE PORTIONS OF SAID LOTS 1 AND 2, LYING WESTERLY, NORTHWESTERLY AND NORTHERLY OF THE EASTERLY, SOUTHEASTERLY AND SOUTHERLY LINES OF PARCEL 7 AS DESCRIBED IN FINAL ORDER OF CONDEMNATION, RECORDED MARCH 16, 1966 AS INSTRUMENT NO. 27809 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM SAID LOT 2, THAT PORTION LYING SOUTHEASTERLY OF THE NORTHWESTERLY LINE OF ENCANTO DRIVE.

PARCEL 2 :

THAT PORTION OF LOT 32 OF TRUMBLE FARMS, AS SHOWN BY MAP ON FILE IN BOOK 11 PAGE 38 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS;

BEGINNING AT THE INTERSECTION OF THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT WITH THE NORTHERLY LINE OF THE SOUTHERLY 30 FEET OF ETHANAC ROAD, AS SHOWN ON SAID MAP;  
THENCE ALONG SAID PROLONGATION AND SAID WESTERLY LINE, SOUTH 0° 01' 15" EAST 77.24 FEET, TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 88° 10' 20" EAST 159.68 FEET;  
THENCE SOUTH 18° 56' 00" EAST 23.99 FEET TO A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 220 FEET;  
THENCE SOUTHWESTERLY ALONG SAID CURVE FROM A TANGENT BEARING SOUTH 10° 46' 28" WEST, THROUGH AN ANGLE OF 66° 24' 31", AN ARC DISTANCE OF 255 FEET TO SAID WESTERLY LINE OF SAID LOT;  
THENCE ALONG SAID WESTERLY LINE, NORTH 0° 01' 15" WEST, TO THE TRUE POINT OF BEGINNING.

APN: 331-100-001-9 AND 331-100-002-0

PARCEL B:

THE NORTH 198 FEET OF LOT 28 OF TRUMBLE FARMS, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 38 OF MAPS, RIVERSIDE COUNTY RECORDS.

APN: 331-100-013

PARCEL C:

THE NORTHERLY ONE ACRE OF THE SOUTHERLY TWO ACRES OF LOT 28, TRUMBLE FARMS, AS

SHOWN BY MAP ON FILE IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA. (THE FRONTAGE OF THIS PARCEL BEING THE NORTHERLY 66 FEET OF THE SOUTHERLY 132 FEET FRONTAGE OF TRUMBLE ROAD, THE DEPTH OF THIS PARCEL BEING 660.78 FEET), AS RECORDED IN BOOK 11, PAGE 38.

APN: 331-100-014-1

PARCEL D:

THE SOUTHERLY ONE ACRE OF LOT #28, TRUMBLE FARMS, AS SHOWN BY AMP ON FILE IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

PARCEL E:

LOT 26 OF TRUMBLE FARMS, IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF THE CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 38 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 331-100-017-4, 331-100-021-7 AND 331-100-022-8

PARCEL F:

LOT 7 OF TRUMBLE FARMS, AS SHOWN BY MAP ON FILE IN BOOK 11 PAGE 38 OF MAPS, RIVERSIDE COUNTY RECORDS;

EXCEPTING THEREFROM THOSE PORTIONS CONDEMNED BY THE STATE OF CALIFORNIA BY DECREES OF CONDEMNATION RECORDED APRIL 21, 1966 AS INSTRUMENT NO. 42062 AND JUNE 23, 1966 AS INSTRUMENT NO. 65098;

ALSO EXCEPTING THEREFROM THOSE PORTIONS ACQUIRED BY THE STATE OF CALIFORNIA BY FINAL ORDER OF CONDEMNATION, CASE NO. 85862, A CERTIFIED COPY OF WHICH WAS RECORDED APRIL 21, 1966 AS INSTRUMENT NO. 42062.

APN: 331-100-023-9

PARCEL G:

LOTS 2, 3, 4 AND 5 OF TRUMBLE FARMS, IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE(S) 38 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THOSE PORTIONS ACQUIRED BY THE STATE OF CALIFORNIA BY FINAL ORDER OF CONDEMNATION, CASE NO. 85062, A CERTIFIED COPY OF WHICH WAS RECORDED MARCH 16, 1966, AS INSTRUMENT NO. 27809 AND APRIL 21, 1966 AS INSTRUMENT NO. 42062, OFFICIAL RECORDS.

ALSO EXCEPT THAT PORTION OF LOT 2 LYING NORTHERLY OF ENCANTO DRIVE.

APN: 331-100-024

PARCEL H:

PARCEL 1, 2, 3 AND 4 AS SHOWN ON CERTIFICATE OF COMPLIANCE NO. 04-0086, AS

Order Number: 0625-2277989 (lp)

Page Number: 19

EVIDENCED BY DOCUMENT RECORDED JULY 26, 2004, AS INSTRUMENT NO. 04-0576656 OF OFFICIAL RECORDS.

PARCEL I:

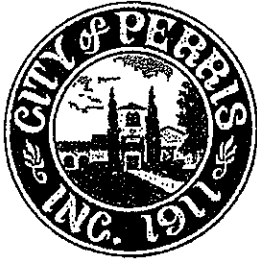
LOTS 6 AND 27 OF TRUMBLE FARMS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP ON FILE IN BOOK 11, PAGE 38, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPT FROM LOT 6 THAT PORTION LYING WEST OF THE EAST LINE OF ENCANTO DRIVE AS DESCRIBED IN THE FINAL ORDER OF CONDEMNATION RECORDER APRIL 21, 1966 AS INSTRUMENT NO. 42062, OFFICIAL RECORDS, RIVERSIDE COUNTY, CALIFORNIA.

APN: 331-100-019

EXHIBIT "B"

PRIOR APPROVALS



## CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

135 N. "D" Street, Perris, CA 92570-2200  
TEL: (951) 943-5003 FAX: (951) 943-8379

June 4, 2008

Michael Naggar  
MTC Consolidated, LLC  
445 South "D" Street  
Perris, California 92570-2134

**Subject: Approval of Towne Center Project**  
(Environmental Impact Report – State Clearinghouse #2006101147 - Tentative Map 34999, Street Vacations 07-0112 and 07-0113, and Development Plan Review 06-0337)

Dear Mr. Naggar:

The City of Perris City Council approved the above referenced project on May 13, 2008, subject to the enclosed Conditions of Approval.

The project is a Tentative Map, two Street Vacations, and Development Plan Review to subdivide the existing, vacant 58.8 acres (at the southeast corner of the 215 Freeway and Ethanac Road) into five parcels plus four publicly dedicated roadway lots, and: (1) the public dedication of a new "A" Street to bisect the project site and connect Encanto Drive to Trumble Road; (2) the vacation of Encanto Drive between the new "A" Street and Ethanac Road to allow safer off-ramp/intersection movements along Ethanac Road; and (3) the vacation of Trumble Road between the new "A" Street and the Homeland-Romoland drainage channel to alleviate potential traffic congestion on the residential roads south of the project site, to develop a 484,300 square-foot commercial retail center with a mix of 19 tenants consisting of retail and dining uses.

By signing this letter and returning it to the Planning Division, the applicant and property owner acknowledge the requirements of the City before the issuance of any permits, and agree to all Conditions of Approval. This letter shall be signed and returned to the Planning Division prior to the issuance of any permits.

If you have any questions or require additional information, please contact me at (951) 943-5003, extension 231 or at [nhutar@cityofperris.org](mailto:nhutar@cityofperris.org).

Sincerely,

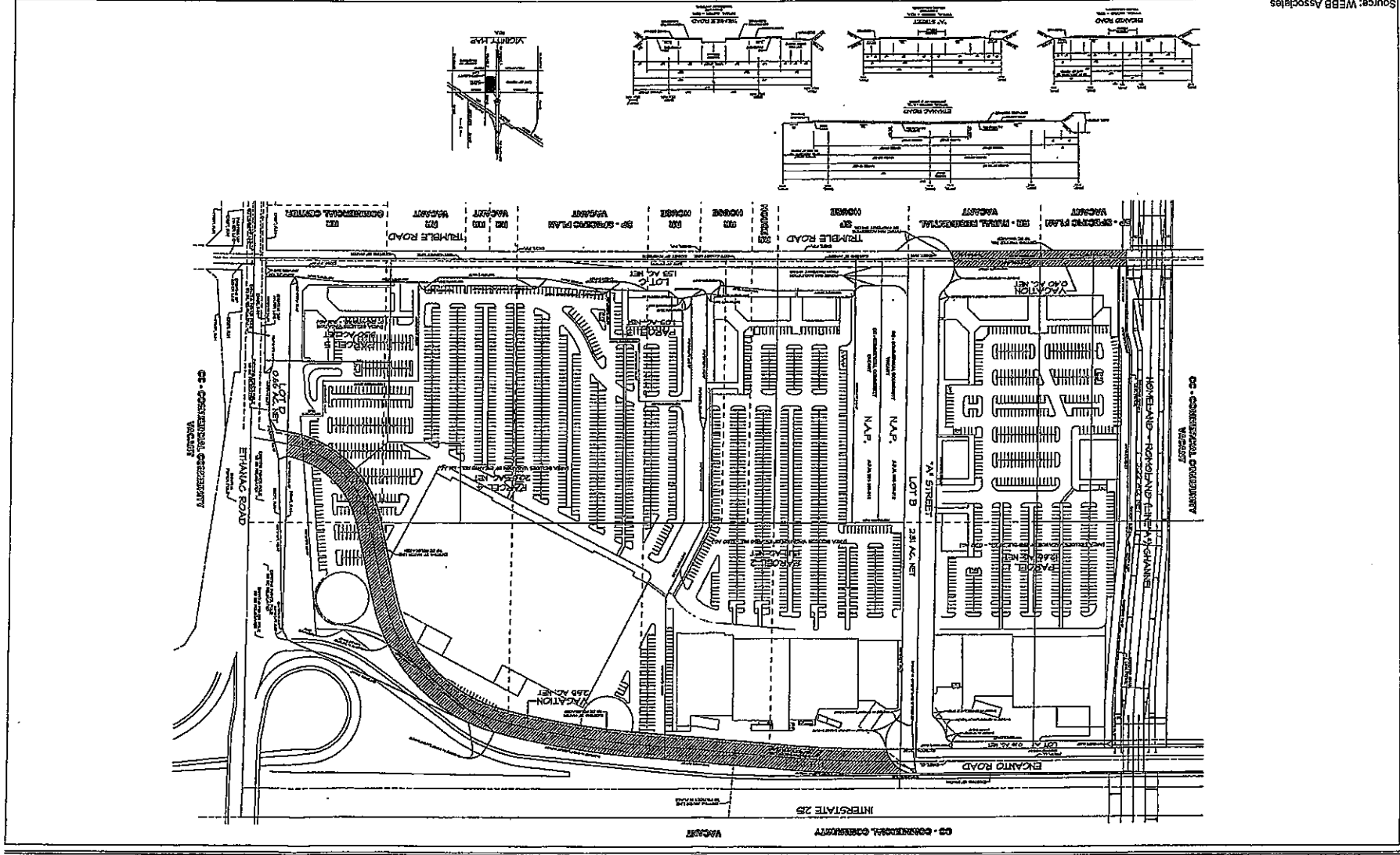
A handwritten signature in black ink, appearing to read "Nancy M. Hutar", is written over a horizontal line.

Nancy M. Hutar, AICP  
Project Planner

EXHIBIT "C"

CONCEPTUAL TENTATIVE TRACT MAP 34999

[TO BE ATTACHED]



Source: WEBB Associates

Figure 3-8  
 Tentative Parcel Map No. 34999  
 Towne Center Environmental Impact Report

## ADDENDUM TO ENVIRONMENTAL IMPACT REPORT TOWNE CENTER PROJECT

April 21, 2010

### INTRODUCTION

This is an Addendum to the Final Environmental Impact Report (Final EIR – State Clearinghouse No. 2006101147) ("Final EIR") for the Towne Center Project and the associated entitlement requests approved by the City Council of the City of Perris on May 13, 2008. The Final EIR is by this reference incorporated herein. This Addendum has been prepared for a proposed Development Agreement ("Development Agreement") to be entered into between the City and the developer, MTC Consolidated, LLC, related to the Project. The Development Agreement will extend the time-period for implementation of the entitlements to May 13, 2018. The City's Addendum documents the City's decision not to require the preparation of a subsequent EIR for this change to the project.

A subsequent EIR can be required only if:

- Substantial changes in the project are proposed which require major revisions to the previous EIR due to new significant environmental increase in the severity of previously identified significant effects (Section 15162 (a) (1));
- Substantial changes have occurred with respect to the circumstances under which the project is being undertaken which require major revisions to the previous EIR due to new significant environmental effects or a substantial increase in the severity of previously identified effects (Section 15162 (a)(2)); or
- New information of substantial importance has become available since the prior EIR was certified that shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR;
  - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the measure or alternative; or
  - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative (Section 15162 (a) (3)).

Since the Final EIR was approved in May, 2008, the circumstances under which the Towne Center Project are being developed have not changed substantially, nor has new information of substantial importance come to light such that any of the conditions for a subsequent EIR have

been met. Thus, the focus of this Addendum is the effect of the extension of time on the same entitlements as there are no physical changes to the Project. The analysis shows that there will not be any new significant environmental effects other than those previously identified in the Final EIR and provided for.

This Addendum constitutes an attachment to the Final EIR, which has been incorporated herein by reference. The Final EIR and the previously approved entitlements for the Towne Center Project are available to the public at the City of Perris City Hall, 101 North "D" Street, Perris, California. The contact person regarding this Addendum is Diane Sbardellati, Associate Planner at (951) 943-5003.

## **ORIGINAL PROJECT DESCRIPTION / BACKGROUND**

### **Project Location and Description**

The Project proposes to construct and operate a retail commercial shopping center (called Towne Center) on approximately 58.8 acres located in the southeastern portion of the City of Perris, east of Interstate 215 and south of Ethanac Road. Entitlements required and obtained for the Project include (a) the Environmental Impact Report (State Clearinghouse No. 2006101147), (b) Tentative Map 34999, (c) Street Vacations 07-0112 and 07-0113, and (d) Development Plan Review 06-0337. A revision to the Circulation Element of the City of Menifee's General Plan is required.

The Project would construct approximately 484,265 square feet of building space for 19 tenants, as well as install surface parking areas and drive isles; screened loading docks; signage; lighting; walls; roadway improvements, traffic controls, utility infrastructure; and landscaping. The shopping center would be anchored by a major retail store occupying the northwest portion of the site. Two multi-tenant buildings and twelve smaller commercial buildings also are proposed. The Site Plan indicates a 22.3% building-to-site ratio. The site is subdivided into five parcels to accommodate commercial development and four parcels to accommodate roadway improvements.

As part of the Project, a segment of Trumble Road (from the intersection with proposed 'A' Street to McLaughlin Road) and a segment of Encanto Drive (from Ethanac Drive to the intersection with proposed 'A' Street) are to be vacated. An amendment to the Riverside County General Plan Circulation Element is also required, which affects segments of Encanto Road, future 'A' Street, and Trumble Road. Off-site, the Project is conditioned to improve Encanto Road from two lanes to four lanes between Trumble Road and Sherman Road and to construct improvements at the Encanto Road/Sherman Road intersection.

### **CEQA Process / Environmental Impact Report**

An Environmental Impact Report (EIR) was prepared for the project in accordance with the City's guidelines implementing the California Environmental Quality Act (CEQA). The EIR was available for public inspection and comment during a state-mandated 45-day public review period (December 21, 2007 through February 4, 2008). The EIR identified three air quality impacts, one noise impact, and two traffic impacts that would result in environmental impacts for which

mitigation measures are not available to reduce the impacts to below levels of significance. For these potentially significant, non-mitigatable environmental impacts, the City Council adopted a Statement of Overriding Considerations of Environmental Impact prior to approving the proposed project.

The EIR identified all other potential environmental impacts as either not an impact, a less than significant impact, or a less than significant impact with mitigation. A Mitigation Monitoring Program was prepared for those potential impacts requiring mitigation and is part of the Final EIR.

### **PROPOSED PROJECT MODIFICATION AND ANALYSIS OF PROPOSED MODIFICATION**

The Developer is not proposing any physical modification to the project. The Developer has proposed an extension of the time period related to implementation of the Project pursuant to the Development Agreement. The original approval was for two years. The Perris Municipal Code (Section 19.050.80) and the Subdivision Map Act (Government Code Sections 66410 *et. seq.*) permit and/or require certain extensions which may allow up to six years of extensions on certain approvals. Thus, permitted extensions under the current law would permit certain aspects of the project to be extended until eight years after approval. The Developer is only requesting an additional two years under the Development Agreement to 2018. Under the Development Agreement, time for implementation will be increased to ten (10) years from the date of approval by City Council.

There will be no physical changes to the project and hence no additional physical effects have been identified since the approval of the Project in 2008, and which have not been analyzed and/or subject to overrides by the City Council pursuant to the Draft and Final EIR. There is no change in use, size, tenant mix, or resources required to serve the project.

### **CONCLUSION**

The extension of time for implementation of the Project to ten (10) years from date of approval will not generate new environmental impacts or affect impacts identified in the Final EIR.

**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: April 27, 2010**

**SUBJECT:** Development Agreement No. 10-02-0003 for the approved Towne Center commercial project, located at the southeast corner of Ethanac Road and I-215. Applicant: MTC Consolidated, LLC

**REQUESTED ACTION:** **APPROVE** the first reading of an Ordinance to approve an Addendum to the Towne Center project EIR and a development agreement concerning previously approved Tentative Parcel Map 34999 and DPR 06-0337, extending the development window of the project until the expiration date of May 13, 2018.

**CONTACT:** Brad Eckhardt, Planning Manager 

---

**BACKGROUND/DISCUSSION:**

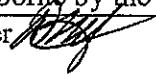

Approval is requested of a Ordinance approving a development agreement between the City of Perris and MTC Consolidated, LLC for the Towne Center project. The Development Agreement will implement previously approved Tentative Parcel Map 34999, Street Vacations 07-0112 and 07-0113, and DPR 06-0337 for the development of a 58.8 acre commercially zoned (CC) site for a 484,300 square foot retail center. The Towne Center project was approved by the City Council on May 13, 2008. The Development Agreement is the City's standard agreement and proposes to extend the development window of the project to an expiration date of May 13, 2018. No other requests are proposed, and the project shall be developed in accordance to the City's prior approvals and Conditions of Approval.

An Addendum to the project EIR has been prepared. Since the Final EIR was approved in May, 2008, the circumstances under which the Towne Center Project will be developed have not substantially changed. Moreover, no new information of substantial importance has come to light that would meet the conditions for a subsequent EIR to be prepared. The focus of the Addendum is the effect of the extension of time on the approved entitlements only, since there are no physical changes to the Project. The analysis shows that there will not be any new significant environmental effects other than those previously identified and provided for in the Final EIR.

---

**BUDGET (or FISCAL) IMPACT:** Cost for staff preparation of this item, payment of development impact fees and costs of construction are borne by the applicant.

---

Prepared by: Diane Sbardellati, Associate Planner   
City Attorney: N/A  
Asst. City Manager: Ron Carr 

**Public Hearing:** April 27, 2010

**Attachments:** Ordinance, Draft Development Agreement, Addendum to the EIR

**2018-0128290**

04/04/2018 11:37 AM Fee: \$ 0.00

Page 1 of 7

Recorded in Official Records  
County of Riverside  
Peter Aldana  
Assessor-County Clerk-Recorder



PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY:  
City of Perris

AND WHEN RECORDED MAIL TO:  
City of Perris  
Attn: Judy L. Haughney, Asst. City Clerk  
101 N. D Street  
Perris, CA 92570  
\*Exempt from recording Fee, per  
Government Code Section 6103

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|------|------|------|------|------|-----|--------|---------|------|----|
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| Page | DA   | PCOR | Misc | Long | RFD | 1st Pg | Adtl Pg | Cert | CC |
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| SIZE | NCOR | SMF  | NCHG | T:   |     |        |         |      |    |

Space above this line for recorder's use only

309

**1st Amendment to Development Agreement-MTC Consolidated, LLC**

Title of Document

TRA: \_\_\_\_\_

DTT: \_\_\_\_\_

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3.00 Additional Recording Fee Applies)

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

City of Perris  
Attn: City Clerk  
101 North D Street  
Perris, CA 92570

(SPACE ABOVE FOR RECORDER'S USE ONLY)  
(EXEMPT FROM RECORDING FEE PER GOV. CODE § 6103)

**FIRST AMENDMENT  
TO  
DEVELOPMENT AGREEMENT**

**BY AND BETWEEN  
MTC CONSOLIDATED LLC**

**&**

**CITY OF PERRIS**

**February 23, 2018**

## AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT

This First Amendment to Development Agreement (“First Amendment”) is entered into as of this 23rd day of February, 2018, by and between the CITY OF PERRIS, a municipal corporation (hereinafter “City”), and MTC Consolidated LLC, a California Limited Liability Company (hereinafter “Developer”).

### RECITALS

WHEREAS, pursuant to California Government Code sections 65864 *et seq.* on June 11<sup>th</sup>, 2010 City and Developer entered into the Development Agreement (“Development Agreement”) for the development of 58.8 acres into five parcels plus four publically dedicated roadway lots to develop a 484,300 square-foot commercial retail shopping center with a mix of 19 tenants consisting of retail and dining uses; and

WHEREAS, the Development Agreement shall expire on May 13, 2018, and, pursuant to Section 9.18 of the Development Agreement, no provision may be amended except by an agreement in writing signed by the Parties; and

WHEREAS, the Parties now wish to amend the Development Agreement to extend the term of the Development Agreement by ten years; and

WHEREAS, on February 4th, 2015, the Planning Commission conducted a duly-noticed hearing and determined that “the provisions of the Development Agreement are consistent with the general plan and applicable specific plan” pursuant to California Government Code Section 65867.5(b), and after a review of all pertinent testimony and evidence, including the First Amendment, recommended approval of the Development Agreement; and

WHEREAS, pursuant to California Government Code Section 65867.5, on March 31<sup>st</sup>, 2015, the City Council conducted a duly-noticed public hearing, reviewed all pertinent testimony, including the First Amendment, and the Planning Commission’s recommendations; and

WHEREAS, the City finds and determines that all actions required of the City precedent to approval of this First Amendment by Ordinance No. 1315 of the City Council have been duly and regularly taken.

### AGREEMENT

NOW, THEREFORE, based upon the foregoing recitals and the terms, conditions, covenants, and agreements contained herein, the Parties hereto agree as follows:

Section 1. Recitals. The recitals above are true and correct and incorporated herein by this reference.

**Section 2. Amendment to Section 2.5 of the Development Agreement.** Section 2.5 of the Development Agreement is hereby amended so that the Term of Agreement shall terminate on May 13, 2028.

**Section 3. Effective.** This First Amendment shall become effective upon the effective date of the ordinance approving this First Amendment and after execution by the Parties hereto.

**Section 4. Full Force and Effect.** The Parties agree, except as specifically provided in this First Amendment, the terms of the Development Agreement shall remain unchanged and in full-force and effect.

**Section 5. Consent of Parties.** The person(s) executing this First Amendment on behalf of the Parties hereto warrant (i) such party is duly-organized and existing, (ii) they are duly-authorized to execute and deliver this First Amendment on behalf of said party, (iii) by so executing this First Amendment, such party is formally bound to the provisions of this First Amendment, and (iv) the entering into of this First Amendment does not violate any provision of any other agreement to which said party is bound.

IN WITNESS WHEREOF, City and the Developer have entered into this First Amendment as of the 23<sup>rd</sup> day of February, 2018.


CITY OF PERRIS

By:

  
Michael M. Vargas, Mayor


ATTEST:

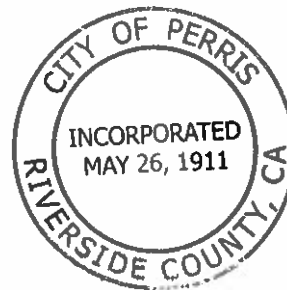
By:

  
Nancy Salazar, City Clerk

APPROVED AS TO FORM:  
ALESHIRE & WYNDER, LLP

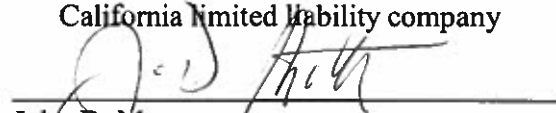
By:

  
Eric L. Dunn, Esq.  
City Attorney



Developer: MTC CONSOLIDATED LLC, a  
California limited liability company

By:

  
John D. Motte  
Its: Manager

By:

  
Daniel L. Stephenson  
Its: Manager

[End of Signatures]



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Riverside )

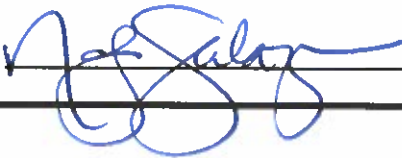
On 03/23/2018 before me, Nancy Salazar, City Clerk  
(insert name and title of the officer)

personally appeared Michael Vargas,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of RIVERSIDE )  
On MARCH 21, 2018 before me, CINDY R SMITH, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer  
personally appeared DANIEL L. STEPHENSON  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ (S) are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in (S) his/her/their authorized capacity~~(ies)~~, and that by (S) his/her/their signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Cindy R. Smith  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  Partner —  Limited  General  
 Individual  Attorney in Fact  Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside {ss.}

On 3/26/18 before me Carissa Ann Hainsworth  
**Notary Public**, Personally appeared John Motte

Who proved to me on the basis of satisfactory evidence to be the persons whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ ~~she~~ ~~they~~ executed the same in his ~~her~~ ~~their~~ authorized capacity(ies), and that by his ~~her~~ ~~their~~ signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

***I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.***

**WITNESS** my hand and official seal.

CAA



**M E M O R A N D U M**  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION

**TO:** Nancy Salazar, City Clerk  
Judy Haughney, Record Clerk

**CC:** Eric Dunn, City Attorney

**FROM:** Nathan Perez, Associate Planner

**DATE:** March 26, 2018

**SUBJECT:** Motte Towne Center Development Agreement 18-05040

---

Please route the Motte Towne Center Development Agreement for signatures (Mayor, City Attorney) and **forward** the document to the Riverside County Recorder's Office. Please provide a copy of the signed Development Agreement documents when recorded. If you have any questions, please call me at 943-5003 extension 279. Thank you!



**Response to Comment Letter C – City of Menifee**

**Comment C-1**

The comment claims that the IS/MND does not adequately describe the Project or Existing Environmental Setting or Baseline because the IS/MND “modifies the Housing Opportunity Sites as identified in the Housing Element” with Area 4 and Area 8.

In the adopted 2021-2029 Housing Element, Area 4 is designated to have 176 moderate income units (Housing Element, page B-16). The IS/MND states in paragraph two of Appendix A, Page B-16 that the 176 units are assumed to be moderate income, not lower-income. The accompanying table in the IS/MND states 176 units reserved for lower income. This is a table error in the IS/MND and is revised to reflect zero lower-income units for Area 4 (see Section 3, *Errata to the City of Perris Housing Element Implementation IS/MND*). If the IS/MND were to add 176 lower-income units, the maximum potential units would be 1,057 units. The 176 units in the lower-income table is a clerical error as Site 4’s subtotals for moderate-income, above-moderate income units, and the maximum potential units (881) remain consistent with the adopted Housing Element. Because no additional units are added, the IS/MND remains consistent with the Housing Element.

The comment discusses that Area 8 is on a site legally bound by the Motte Town Center Development Agreement and “cannot realistically be expected to be developed with housing and is not an available or viable site to accommodate Perris’s housing need as required to comply with State Housing Element law.” Area 8 is identified as one of the Housing Opportunity Areas and will be rezoned to include the housing overlay. The adopted 2021-2029 Housing Element, which was certified by the California Department of Housing and Community Development (HCD) on August 17, 2022, has deemed Area 8 a viable site for housing. Additionally, the housing opportunity overlay will require that no more than 50 percent of the site develops with residential uses despite the underlying Community Commercial zone.

**Comment C-2**

The comment states that the IS/MND “fails to adequately consider impacts and an EIR is required” due to concern for Area 6, Area 7, and Area 8 of the Housing Opportunity Sites. The comment discusses the sites’ proximity to the I-215 Freeway, the Ethanac Corridor Expressway, and existing industrial land use and zoned property within the City of Menifee. The comment states that impacts of the surrounding land uses onto the Housing Opportunity Sites are not adequately analyzed or mitigated in the IS/MND.

According to CEQA Guidelines Section 21061, an Environmental Impact Report (EIR) provides “detailed information about the effect which a proposed project is likely to have on the environment” rather than the environment’s effect on the project. Additionally, CEQA Guidelines Section 21064.5 defines a mitigated negative declaration “means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment...” Pursuant to 2024 CEQA Guidelines, the IS/MND examines the Project’s effects on the environment. The comment letter insists that the IS/MND should examine effects of the



## CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION

Draft IS/MND – Response to Comments

December 2024

environment on the Project sites. Additionally, the IS/MND examines implementation of the Perris Housing Element. Each Housing Opportunity Area is analyzed based on the potential for future housing development. This initial study has adequately analyzed the Project's reasonably foreseeable direct, indirect and cumulative environmental impacts. However, because the Project does not approve any specific housing development projects the Initial Study is not able to analyze environmental impacts that are specific to the particular housing development project. Such analysis would constitute speculation which CEQA does not require and actually disfavors. Future site-specific development would comply with all applicable federal, state, and local regulations. Additionally, the IS/MND proposes mitigation measures that each Housing Opportunity Area would be required to implement to further reduce environmental impacts.

The letter discusses concerns over Areas 6, 7, and 8 as Housing Opportunity Sites for future residential development. However, the adopted 2021-2029 Housing Element deems the sites of Areas 6, 7, and 8 as viable candidate sites for the City to meet its RHNA obligation. Removing Areas 6, 7, and 8 from the IS/MND would result in conflict with the adopted Housing Element.

The IS/MND adequately analyzes the environmental impacts of implementing the Perris Housing Element. The IS/MND incorporates the General Plan mitigation measures and also considers that all future individual developments of the housing opportunity sites would be subject to City environmental review. For example, future development in Area 6 would be subject to City environmental review and may require a noise study to review project and site-specific impacts



## CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION

Draft IS/MND – Response to Comments

December 2024

### **3. Errata to the City of Perris General Plan Housing Element Implementation IS/MND**

This errata section is included in the Responses to Comments document to indicate minor edits to the Public Draft IS/MND in response to comments from the public. Changes are indicated in ~~strike-out~~ to show deleted text and underline to show added text for the IS/MND. The revisions do not result in new significant environmental impacts, do not add significant new information, and do not alter the conclusions of the environmental analysis.

The Area 4 Sites Table on page B-16 of the IS/MND incorrectly lists 176 units designated for lower income. This is revised from 176 lower-income units to zero lower-income units for Area 4.



**CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION**

Draft IS/MND – Response to Comments

December 2024

**Appendix A, Page B-16, Area 4 Sites Table, Lower Income Column**

| Site No. | APN       | Owner | GP Land Use | Current Zoning | Existing Use | Max Density Allowed (units/acre) | Acres     | 80% Capacity | Res Capacity           | 5 <sup>th</sup> Cycle RHNA Site | Income Level Supported | Max Potential Units | Lower Income        | Moderate Income | Above Moderate Income |
|----------|-----------|-------|-------------|----------------|--------------|----------------------------------|-----------|--------------|------------------------|---------------------------------|------------------------|---------------------|---------------------|-----------------|-----------------------|
| 4.1      | 330020009 | EAC   | MFR-14      | MFR-14         | Vacant       | 30                               | 36.74     | 29.39        | 1.00                   | No                              | Lower                  | 881                 | 176 <u>0</u>        | 176             | 559                   |
|          |           |       |             |                |              |                                  | <b>37</b> | <b>29</b>    | <b>SITE 4 SUBTOTAL</b> |                                 |                        | <b>881</b>          | <b>176 <u>0</u></b> | <b>176</b>      | <b>559</b>            |



**CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION**

Draft IS/MND – Response to Comments

December 2024

**ATTACHMENT A**

Public Hearing Notice Affidavit of Mailing

# AFFIDAVIT OF PUBLIC NOTICE MAILING

I, David Blumenthal, AICP, certify that on September 27, 2024 the attached Notice of Intent to Adopt Mitigated Negative Declaration was mailed to all property owners within three hundred (300) feet of the proposed Housing Opportunity Overlay Zone as shown on the attached maps.

David Blumenthal, AICP

Printed Name(s)



Signature(s)

I, Judy Haughney, certify that on September 27, 2024 the attached Notice of Intent to Adopt Mitigated Negative Declaration was mailed to all property owners within three hundred (300) feet of the proposed Housing Opportunity Overlay Zone as shown on the attached maps.

Judy Haughney, Assistant City Clerk

Printed Name

\_\_\_\_\_  
Signature

**NOTICE OF INTENT TO ADOPT  
MITIGATED NEGATIVE DECLARATION (MND No. 2399)  
FOR THE CITY OF PERRIS, CALIFORNIA**

Notice of Intent to adopt a Mitigated Negative Declaration pursuant to Section 21092 and 21092.3 of the Public Resources Code and CEQA Guidelines Section 15072.

**PROJECT DESCRIPTION**

General Plan Amendment (GPA) 24-05206, Specific Plan Amendments (SPAs) 24-05207, Zoning and Subdivision Codes Amendment 24-05184 - A proposal initiated by the City of Perris, Development Services Department, consisting of a General Plan Amendment, Amendments to the Green Valley Specific Plan and Downtown Specific Plan, and amendments to the Zoning and Subdivision Codes to facilitate the City of Perris Housing Element Implementation Project for consistency with the policies of the certified City of Perris Housing Element, and to ensure the codes and regulations are in compliance with State Housing Law.

**NOTES:** *The proposed project is located within Zones D and E of the Perris Valley Airport Influence Area and March Air Reserve Base/Inland Port Airport Influence Area was considered by the ALUC Director and determined the project to be consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and the 2011 Perris Valley Airport Land Use Compatibility Plan. In addition, Tribal Consultations have been conducted.*

**PROJECT LOCATION:** This is a citywide project located in the City of Perris, County of Riverside.

**HAZARDOUS WASTE SITES:** Pursuant to Section 15087c6 of the Guidelines for California Environmental Quality Act and Government Code Section 65962.5, the City acknowledges the non-existence of hazardous waste sites within the project area reviewed by this Mitigated Negative Declaration (MND No. 2399).

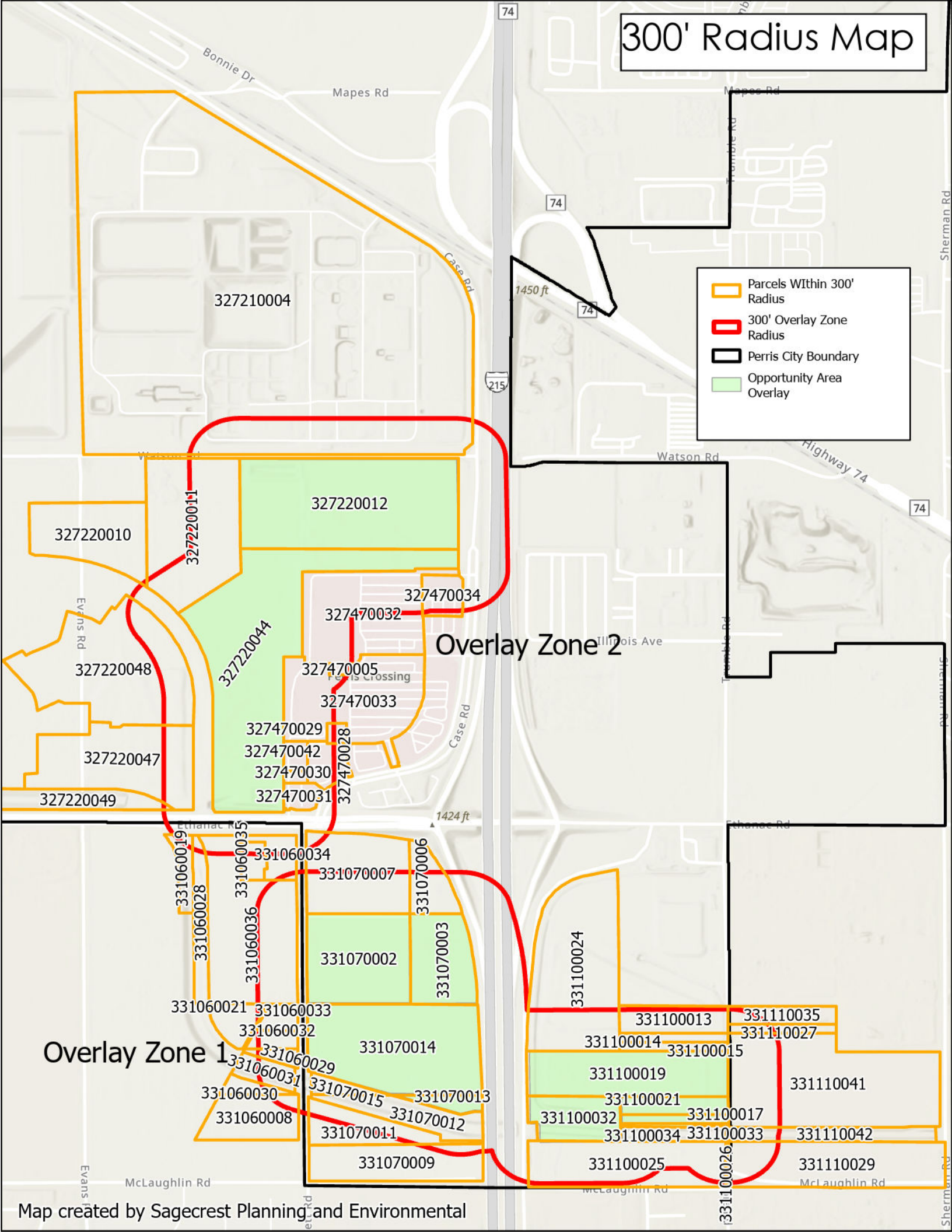
**PUBLIC HEARINGS:** The City of Perris will hold a formal public hearing with the City Planning Commission on the above noted project (General Plan Amendment (GPA) 24-05206, Specific Plan Amendments (SPAs) 24-05207, Zoning and Subdivision Codes Amendment 24-05184) and the Mitigated Negative Declaration (MND No. 2399). The specific public hearing date will be noticed 10 days prior to the hearing, in accordance with the Perris Municipal Code.

**PUBLIC REVIEW AND WRITTEN COMMENTS:** The review period for submitting written comments on the Mitigated Negative Declaration (MND No. 2399), pursuant to State CEQA Guidelines Section 15105, commences on September 27, 2024, and will close on October 28, 2024, at 5:00 p.m. Please submit comments regarding the project or Mitigated Negative Declaration (MND No. 2399), via regular mail or e-mail to the following:

**PROJECT CONTACT:** Patricia Brenes, Planning Manager  
**PHONE:** (951) 943-5003 Extension #355  
**E-MAIL:** [pbrenes@cityofperris.org](mailto:pbrenes@cityofperris.org)  
**ADDRESS:** City of Perris  
Development Services Department | Planning Division  
135 North "D" Street  
Perris, CA 92570

**DOCUMENT AVAILABILITY:** The Mitigated Negative Declaration (MND No. 2399) is available at the City Planning Division, located at the address above, and may also be viewed on the City's website at <http://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review>

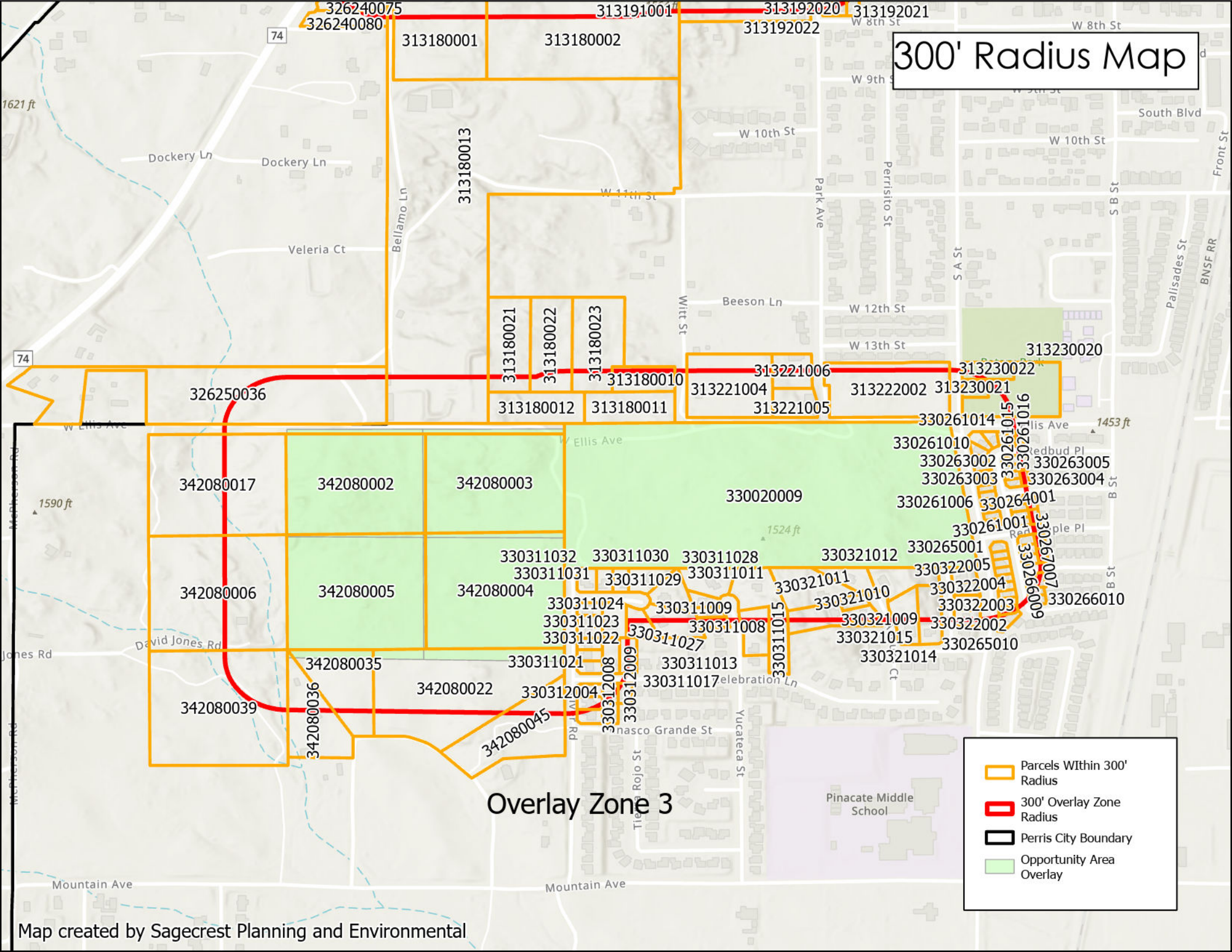
# 300' Radius Map



Overlay Zone 1

Overlay Zone 2

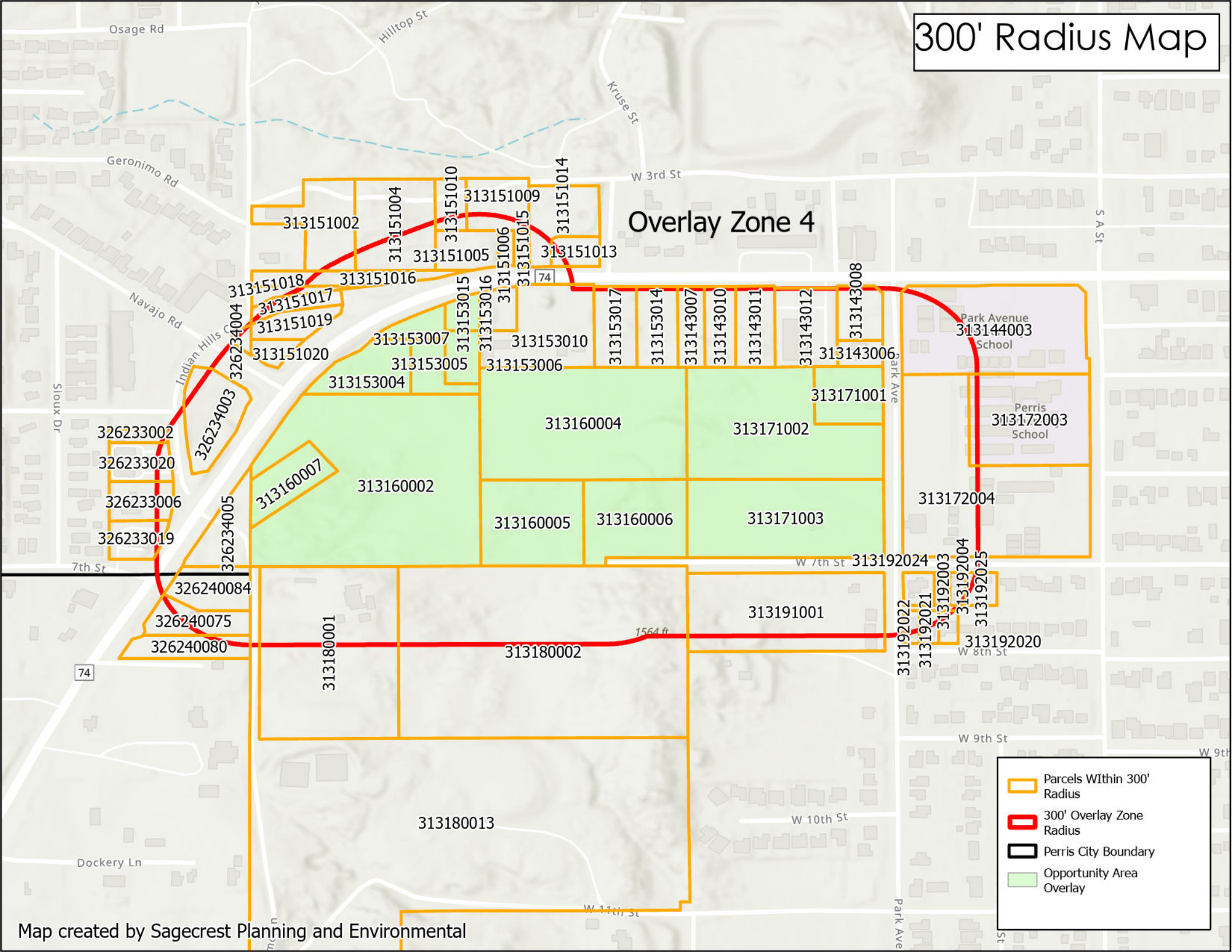
# 300' Radius Map



## Overlay Zone 3

-  Parcels Within 300' Radius
-  300' Overlay Zone Radius
-  Perris City Boundary
-  Opportunity Area Overlay

# 300' Radius Map

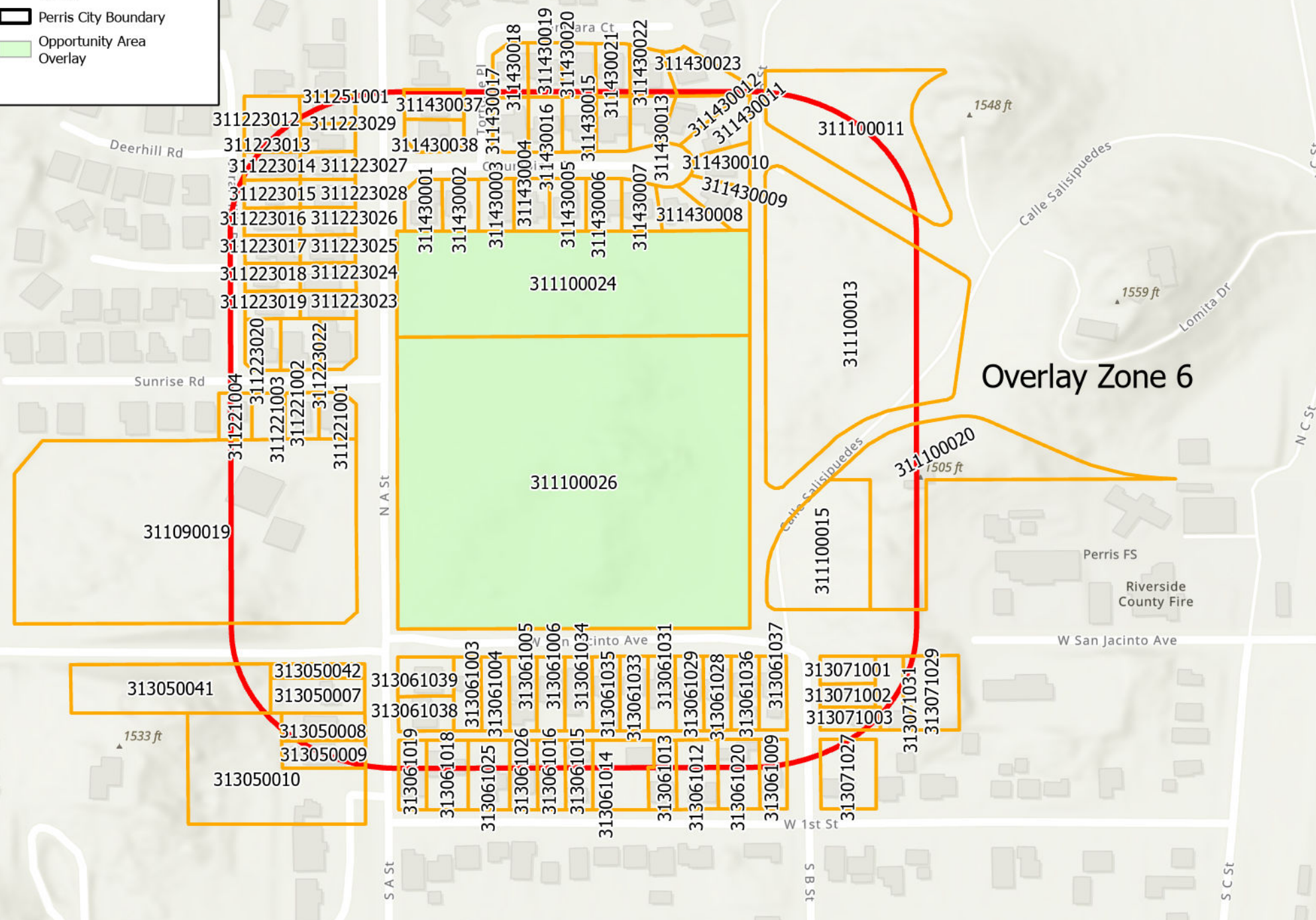


## Overlay Zone 4

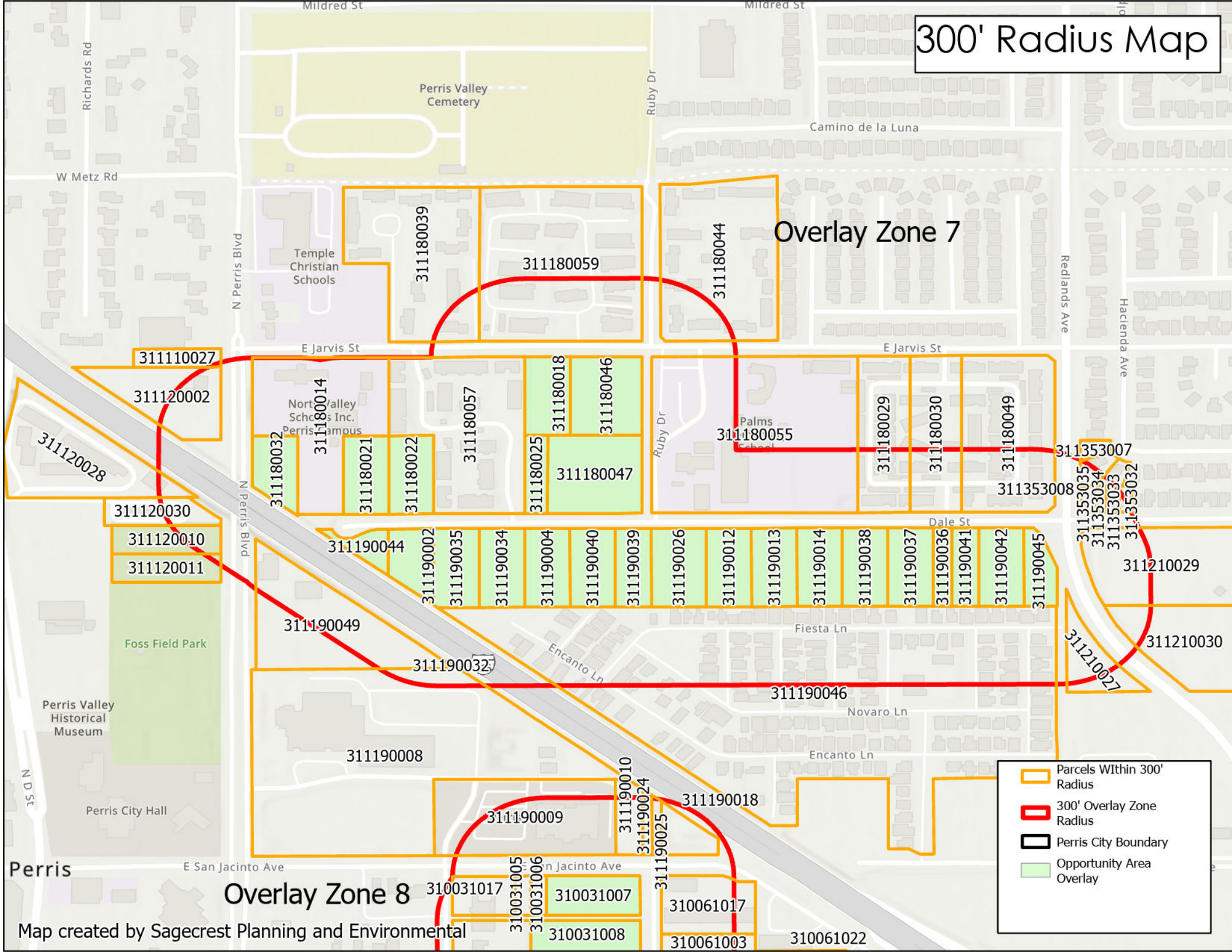
- Parcels Within 300' Radius
- 300' Overlay Zone Radius
- Perris City Boundary
- Opportunity Area Overlay

# 300' Radius Map

-  Parcels Within 300' Radius
-  300' Overlay Zone Radius
-  Perris City Boundary
-  Opportunity Area Overlay



# 300' Radius Map



## Overlay Zone 7


## Overlay Zone 8

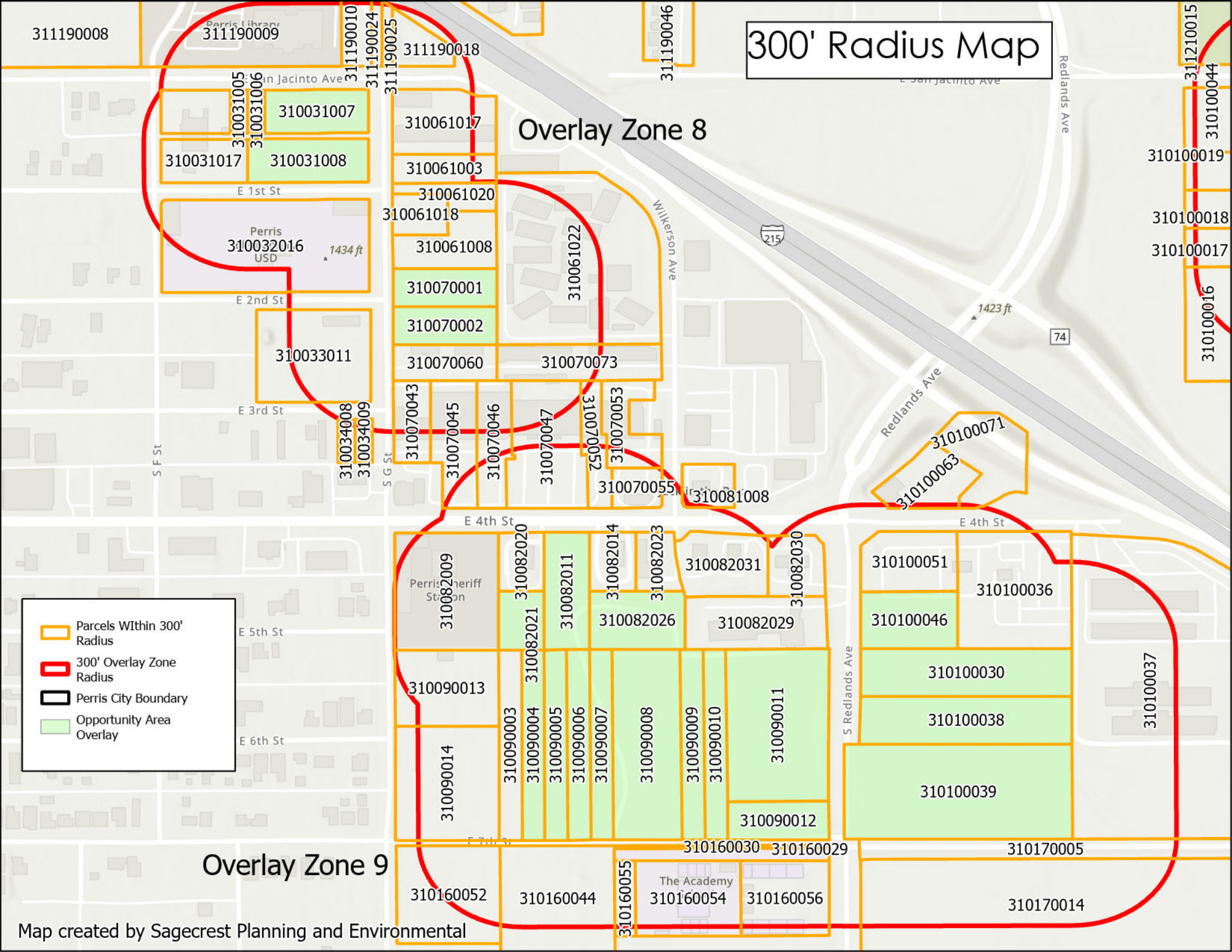
- Parcels Within 300' Radius
- 300' Overlay Zone Radius
- Perris City Boundary
- Opportunity Area Overlay

# 300' Radius Map

## Overlay Zone 8

## Overlay Zone 9

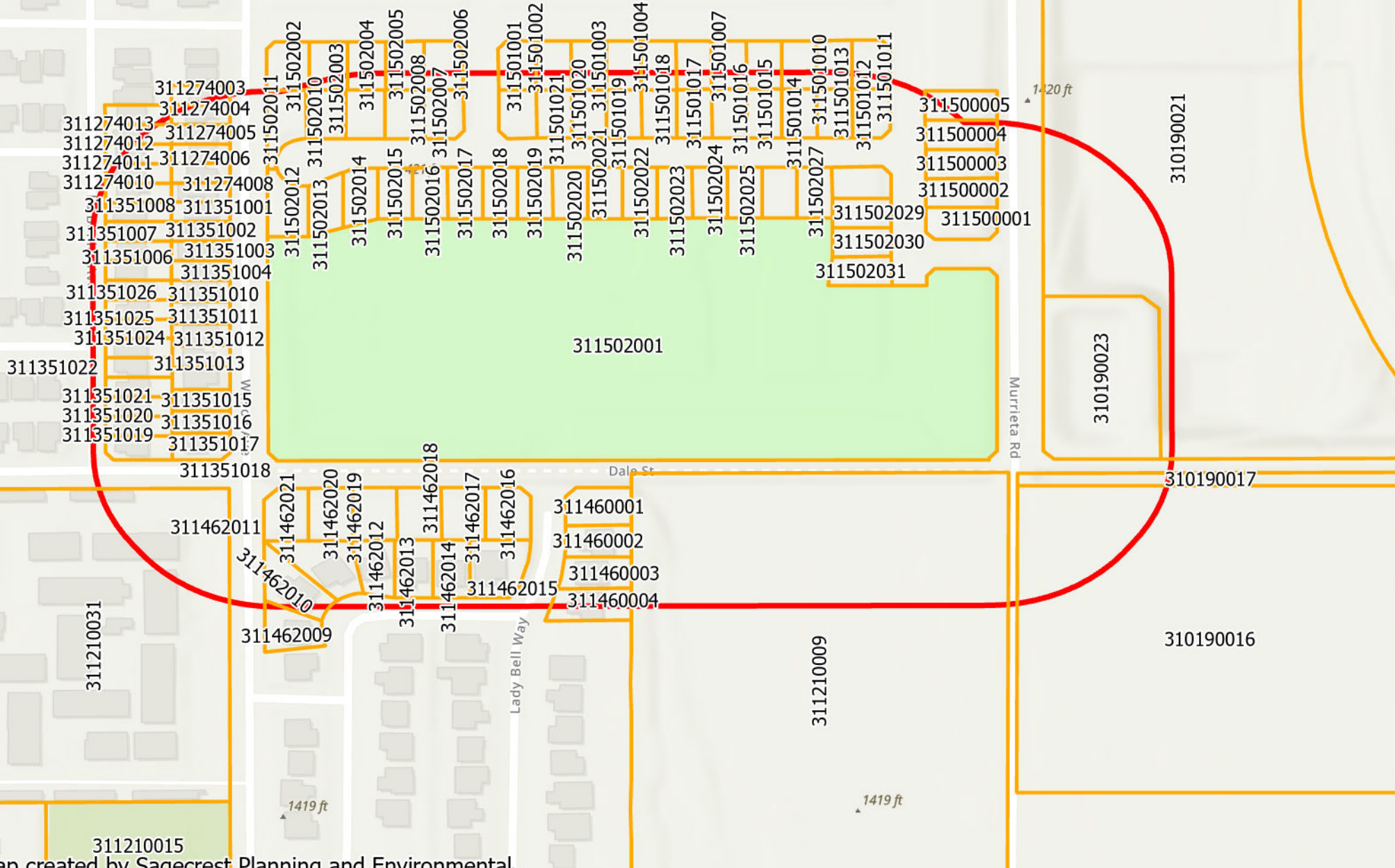
-  Parcels Within 300' Radius
-  300' Overlay Zone Radius
-  Perris City Boundary
-  Opportunity Area Overlay



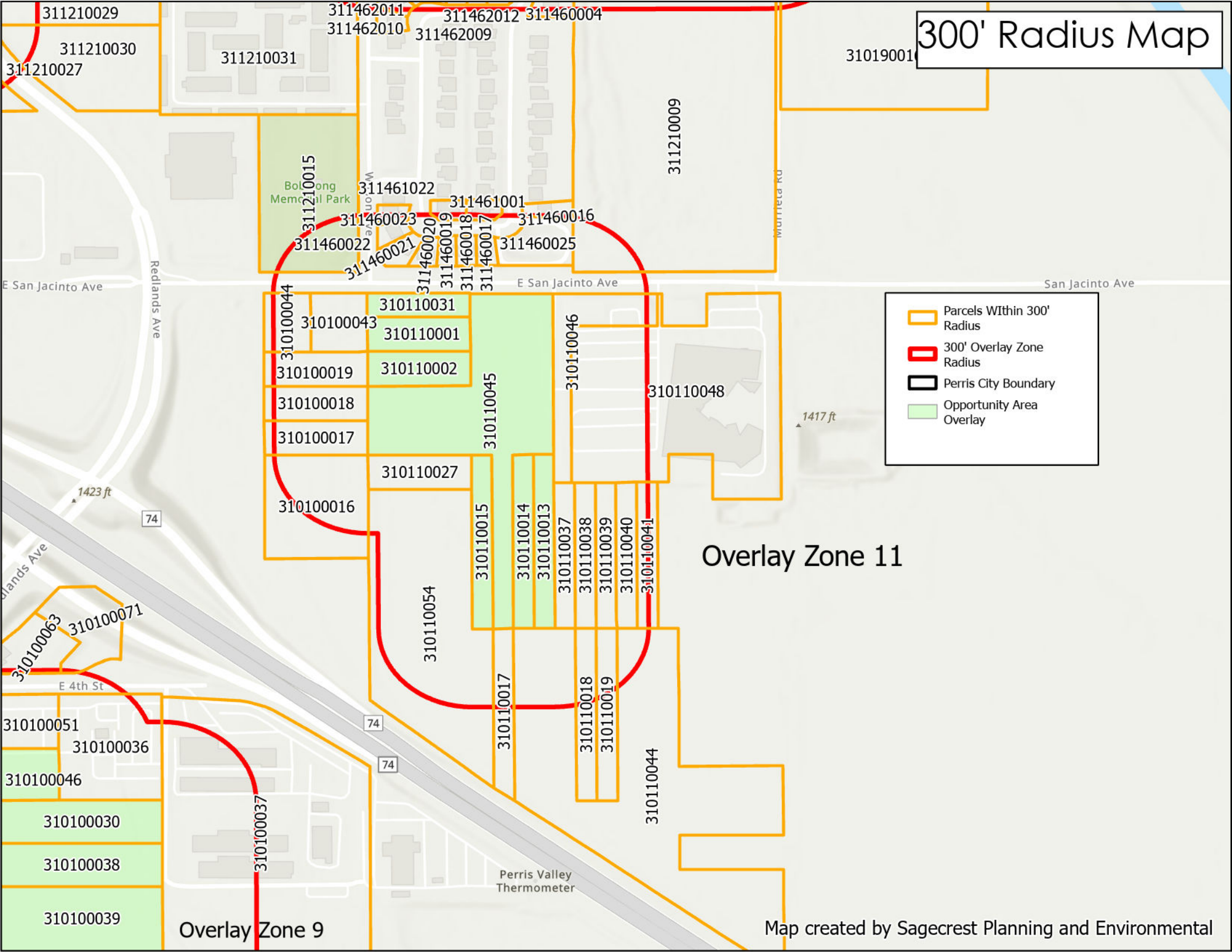
# 300' Radius Map

-  Parcels Within 300' Radius
-  300' Overlay Zone Radius
-  Perris City Boundary
-  Opportunity Area Overlay

## Overlay Zone 10



# 300' Radius Map



- Parcels Within 300' Radius
- 300' Overlay Zone Radius
- Perris City Boundary
- Opportunity Area Overlay

Overlay Zone 11

Overlay Zone 9



**CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION**

Draft IS/MND – Response to Comments

December 2024

**ATTACHMENT B**

*Final Draft Initial Study/Mitigated Negative Declaration, dated September 2024*

*The Perris HE Land Inventory and Technical Studies related to the Mitigate Negative Declaration for the Housing Implementation Project are available on line at:*

[https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-466#docan1206\\_1313\\_479](https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-466#docan1206_1313_479)



# CITY OF PERRIS GENERAL PLAN HOUSING ELEMENT IMPLEMENTATION Initial Study/Mitigated Negative Declaration



**PREPARED BY:**  
SAGECREST PLANNING + ENVIRONMENTAL

# General Plan Housing Element Implementation INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Prepared for



## City of Perris

Development Services Department • Planning Division  
135 N. "D" Street  
Perris, California 92570  
Contact: Patricia Brenes, Planning Manager

## *Prepared By:*



**SAGECREST**  
PLANNING + ENVIRONMENTAL

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San Juan Capistrano, CA 92675  
(949) 996-SAGE  
Contact: David Blumenthal, Principal

**September 27, 2024**



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**CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION**

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| Appendix E-1 – <i>City of Perris Housing Implementation Measures Transportation Study</i> , Ganddini Group, May 2023 (revised May 2024) and                                    |
| Appendix E-2 – <i>City of Perris Housing Implementation Measures Vehicle Miles Traveled (VMT) Impact Analysis</i> , Ganddini Group, August 2023 (Revised June 2024)            |



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**ACRONYMNS**

| <u>Acronym</u> | <u>Definition</u>                                       |
|----------------|---|
| AB 32          | Assembly Bill 32  |
| AB 52          | Assembly Bill 52  |
| ADA            | Americans with Disabilities Act                         |
| ADT            | Average Daily Traffic                                   |
| AFY            | Acre Feet Per Year                                      |
| AQMP           | Air Quality Management Plan                             |
| APE            | Area of Potential Effect                                |
| APN            | Assessor Parcel Number                                  |
| APZ            | Accident Potential Zone                                 |
| BMPs           | Best Management Practices                               |
| CAAQS          | California Ambient Air Quality Standards                |
| CARB           | California Air Resources Board                          |
| CDFW           | California Department of Fish and Wildlife              |
| CEQA           | California Environmental Quality Act                    |
| City           | City of Perris  |
| CMP            | Congestion Management Program                           |
| CNPS           | California Native Plant Society                         |
| CNEL           | Community Noise Equivalent Level                        |
| CO             | Carbon Monoxide   |
| CRHR           | California Register of Historic Places                  |
| dBA            | A-Weighted Decibels                                     |
| DIF            | Development Impact Fees                                 |
| DPM            | Diesel Particulate Matter                               |
| EPA            | Environmental Protection Agency                         |
| ERRP           | Enhanced Recharge and Recovery Program                  |
| ESA            | Endangered Species Act                                  |
| FAR            | Floor Area Ratio  |
| FEMA           | Federal Emergency Management Agency                     |
| FMMP           | Farmland Mapping Management Program                     |
| GHG            | Greenhouse Gas  |
| GSP            | Groundwater Sustainability Plan                         |
| gpd/acre       | Gallons per Day per Acre                                |
| HAER           | Historic American Engineering Record                    |
| HANS           | Habitat Evaluation and Acquisition Negotiation Strategy |
| HCP            | Habitat Conservation Plan                               |
| ITE            | Institute of Transportation Engineers                   |
| LID            | Low Impact Design                                       |



## CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION

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|                    |  |
|--------------------|--|
| LOS                | Level of Service   |
| LST                | Localized Significance Threshold                                       |
| MARB/IPA           | March Air Reserve Base/Inland Port Airport                             |
| MARB/IPA ALUCP     | March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan |
| mgd                | Millions of Gallons per Day  |
| MLD                | Most Likely Descendent   |
| MMRP               | Mitigation Monitoring and Reporting Program                            |
| MRZ                | Mineral Resources Zone   |
| MS4                | Municipal Separate Storm Water Sewer System                            |
| MSHCP              | Western Riverside Multiple Species Habitat Conservation Plan           |
| MTCO <sub>2e</sub> | Metric Tons Carbon Dioxide Equivalent                                  |
| MWD                | Metropolitan Water District  |
| NAHC               | Native American Heritage Commission                                    |
| NCCP               | Natural Communities Conservation Plan                                  |
| ND                 | Negative Declaration   |
| NO <sub>2</sub>    | Nitrogen Dioxide   |
| NO <sub>x</sub>    | Nitrogen Oxides  |
| NPDES              | National Pollutant Discharge Elimination System                        |
| NPRBBD             | North Perris Road and Bridge Benefit District                          |
| PCE                | Passenger Car-Equivalent   |
| PM-2.5             | Particulate Matter Less Than 2.5 Microns in Diameter                   |
| PM-10              | Particulate Matter Less Than 10 Microns in Diameter                    |
| PRIMMP             | Paleontological Resource Impact Mitigation Monitoring Program          |
| PVCCSP             | Perris Valley Commerce Center Specific Plan                            |
| RWQCB              | Regional Water Quality Control Board                                   |
| SARWQCB            | Santa Ana Regional Water Quality Control Board                         |
| SGMA               | Sustainability Groundwater Management Act                              |
| SF                 | Square Feet  |
| SCAG               | Southern California Association of Governments                         |
| SCAQMD             | South Coast Air Quality Management District                            |
| SLF                | Sacred Lands File  |
| SRA                | State Responsibility Area  |
| SSC                | Species of Special Concern   |
| SWPPP              | Stormwater Pollution Prevention Plan                                   |
| SWRCB              | State Water Resources Control Board                                    |
| TIA                | Traffic Impact Analysis  |
| TRU                | Transport Refrigeration Units  |
| TUMF               | Transportation Uniform Mitigation Fee                                  |



## **1 INTRODUCTION**

The City of Perris was assigned a regional housing needs allocation of 7,805 units for the 2021-2029 planning period, including 2,030 very-low income, 1,127 low income, 1,274 moderate income, and 3,374 above moderate-income units. While the City can accommodate its above moderate income RHNA through existing projects that are under construction, entitled or permitted, the City will establish a Housing Opportunity Area Overlay (HOAO) to accommodate its lower-income and moderate-income units. The overlay will allow densities of up to 30 units per acre, by right, without discretionary approval. The overlay will apply to roughly 299 acres of land and allow for the development of approximately 5,419 units at 30 units per acre without a density bonus.

The City of Perris (City) has been awarded a Local Early Action Planning (LEAP) grant to remove constraints to housing and implement the goals and objectives identified in the recently approved 2021-2029 General Plan Housing Element. This includes amendments to the Municipal Code and Specific Plans to implement the policies of the Housing Element to ensure the Municipal Code and Specific Plans are compliant with adopted State housing law. The Proposed Project includes preparation of a Housing Opportunity Area Overlay zone to encourage the development of housing at densities up to 30 dwelling units per acre for the twelve (12) housing opportunity areas identified in the Housing Element, which are located throughout the city.

The Project is subject to the approval of the following entitlements:

- General Plan Amendment: To incorporate the Housing Opportunity Area Overlay (HOAO) Zone in the Land Use Element.
- Specific Plan Amendment: Text amendments to the Green Valley Specific Plan for sites located in Housing Opportunity Area 6, and to the Downtown Perris Specific Plan for sites located in Housing Opportunity Area 12, for consistency with the proposed Housing Opportunity Area Overlay (HOAO) Zone.
- Zoning Code Text Amendment: Text amendments to Perris Municipal Code Title 19 – Zoning to comply with adopted State housing law and to implement the Housing Opportunity Area Overlay (HOAO) Zone.
- Zoning Code Map Amendment: Applying the Housing Opportunity Area Overlay (HOAO) Zone for the 12 housing opportunity areas identified in the 2021-2029 Housing Element.
- Subdivision Code Amendment - Text amendment to Perris Municipal Code Title 18 – Subdivision Code to comply with adopted State housing law and to implement the Housing Opportunity Area Overlay (HOAO) Zone.



## CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION

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The Project is a project under the California Environmental Quality Act (Public Resource Code § 21000 et seq.: “CEQA”). The primary purpose of CEQA is to inform the public and decision makers as to the potential impacts of a project and to allow an opportunity for public input to ensure informed decision-making. CEQA requires all state and local government agencies to consider the environmental effects of projects over which they have discretionary authority. CEQA also requires each public agency to mitigate or avoid any significant environmental impacts resulting from the implementation of projects subject to CEQA.

Pursuant to Section 15367 of the Guidelines for Implementation of the California Environmental Quality Act (“State CEQA Guidelines”), the City is the lead agency for the Project. The lead agency is the public agency that has the principal responsibility for conducting or approving a project. The City, as the lead agency for the Project, is responsible for preparing environmental documentation in accordance with CEQA to determine if approval of the discretionary actions requested and subsequent development and operation of the Project would have a significant impact on the environment.

### **1.1 California Environmental Quality Act Compliance**

In accordance with CEQA, this Initial Study has been prepared to analyze and determine any potential significant impacts upon the environment that would result from construction and implementation of the Proposed Project. In accordance with State CEQA Guidelines Section 15063, this Initial Study is a preliminary analysis prepared by the Lead Agency in consultation with other jurisdictional agencies, to determine whether a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report is required for the Proposed Project. The purpose of this Initial Study is to inform the decision-makers, affected agencies, and the public of potential environmental impacts associated with the implementation of the Proposed Project.

A Lead Agency may prepare a Mitigated Negative Declaration for a project that is subject to CEQA when an Initial Study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (Public Resources Code Section 21064.5).

This Initial Study has been prepared for the Proposed Project, in conformance with Section 15070(b) of the State CEQA Guidelines. The purpose of the Initial Study is to identify potentially significant impacts associated with the construction and operation of the Proposed Project and incorporate mitigation measures into the Proposed Project as necessary to eliminate the



potentially significant effects of the Proposed Project or to reduce the effects to a less than significant level.

## 1.2 Content and Format of the Initial Study

This Initial Study is based on an Environmental Checklist Form (Form), as suggested in Section 15063(d)(3) of the State CEQA Guidelines, as amended, and includes a series of questions about the project for each of the listed environmental topics. The Form evaluates whether or not there would be significant environmental effects associated with the development of the project and provides mitigation measures, when required, to reduce impacts to a less than significant level.

The Initial Study is organized as follows:

- **Section 1: Introduction.** This section introduces the scope of the Proposed Project and the City's role in the project, as well as a brief summary of findings.
- **Section 2: Project Summary and Environmental Determination.** This section summarizes the Proposed Project and actions to be undertaken by the City. This section also provides the determination of the environmental document to be approved by the City.
- **Section 3: Project Description.** This section details the Proposed Project components and general environmental setting.
- **Section 4: Environmental Impacts.** This section contains the Environmental Checklist Form (Form), as suggested in Section 15063(d)(3) of the State CEQA Guidelines, as amended, and includes a series of questions about the project for each of the listed environmental topics. The Form is based on the current State CEQA Guidelines Appendix G Environmental Checklist Form, and it evaluates whether or not there would be significant environmental effects associated with the development of the project and provides mitigation measures, when required, to reduce impacts to a less than significant level. The form requires an analysis in 20 subject categories as well as Mandatory Findings of Significance.
- **Section 5: List of Preparers.** This section summarizes the professionals who contributed to the preparation of this report and its technical appendices.
- **Section 6: References.** This section identifies the references used in the preparation of this Initial Study.



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### 1.3 Initial Study Summary of Findings

Based on the analysis in Section 4, there were no environmental factors that could potentially affect (“Potentially Significant”) the environment. Mitigation measures were identified to reduce some impacts to Less Than Significant. Therefore, the determination, based on the Initial Study, is that a **Mitigated Negative Declaration** would be prepared.

### 1.4 Documents Incorporated By Reference

The following reports and/or studies are applicable to development of the Project Site and are hereby incorporated by reference:

- *Perris Comprehensive General Plan 2030*, City of Perris, originally approved on April 26, 2005 (GP). (Available at <http://www.cityofperris.org/city-hall/general-plan.html>.)
- *Perris General Plan 2030 Environmental Impact Report*, SCH No. 2004031135, certified April 26, 2005. (Available at [http://www.cityofperris.org/city-hall/general-plan/General\\_Plan\\_2030.pdf](http://www.cityofperris.org/city-hall/general-plan/General_Plan_2030.pdf).)
- *City of Perris 2021-2029 Housing Element*, City of Perris, adopted January 25, 2022. (Available online at <https://www.cityofperris.org/departments/development-services/general-plan>.)
- *City of Perris Focused General Plan Update IS/MND*, SCH No. 2021110313, adopted January 25, 2022. (Available online at <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-289>.)
- *Green Valley Specific Plan Amendment No. 2*, City of Perris, originally adopted on March 5, 1990, amended on February 23, 2021 and August 2022. (Available at <https://www.cityofperris.org/departments/development-services/specific-plans>.)
- *Green Valley Specific Plan Final EIR*, SCH No. 89032707, adopted on March 5, 1990. (Available at <https://www.cityofperris.org/home/showpublisheddocument/16082/63814383172580000>)
- *Green Valley Specific Plan Final EIR Addendum 1*, adopted June 7, 2017 (Available at <https://www.cityofperris.org/home/showpublisheddocument/16082/63814383172580000>)
- *Green Valley Specific Plan Final EIR Addendum 2*, adopted March 13, 2023, (Available at <https://www.cityofperris.org/home/showpublisheddocument/16118/63814389865470000>)
- *Harvest Landing Specific Plan*, City of Perris, May 10, 2011. (Available at <https://www.cityofperris.org/departments/development-services/specific-plans>.)
- *May Ranch Specific Plan Amendment No. 3*, City of Perris, adopted September 21, 2004. (Available at <https://www.cityofperris.org/departments/development-services/specific-plans>.)



## CITY OF PERRIS HOUSING ELEMENT IMPLEMENTATION

Draft Initial Study/Mitigated Negative Declaration

September 2024

- 
- *May Ranch Specific Plan IS/MND*, adopted September 20, 2023, (Available at <https://www.cityofperris.org/home/showpublisheddocument/16800/63827193616657000>)
  - *New Horizons Specific Plan*, City of Perris, February 5, 1990. (Available at <https://www.cityofperris.org/departments/development-services/specific-plans>.)
  - *New Perris Specific Plan Amendment No. 1*, City of Perris, July 13, 2010. (Available at <https://www.cityofperris.org/departments/development-services/specific-plans>.)
  - *Parkwest Specific Plan*, October 24, 2006. (Available at <https://www.cityofperris.org/departments/development-services/specific-plans>.)
  - *Perris Valley Commerce Center Specific Plan Final EIR*, adopted September 12, 2023, (Available at [https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-269#docan1206\\_1313\\_479](https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-269#docan1206_1313_479))
  - *Downtown Perris Specific Plan*, City of Perris, adopted January 10, 2021. (Available at <https://www.cityofperris.org/departments/development-services/specific-plans>.)
  - *Downtown Perris Specific Plan EIR*, adopted on January 10, 2012, (Available at City of Perris)
  - *Riverglen Specific Plan Amendment No. 2*, City of Perris, April 1, 1992. (Available at <https://www.cityofperris.org/departments/development-services/specific-plans>.)
  - *Riverwoods Specific Plan*, City of Perris, August 13, 2004. (Available at <https://www.cityofperris.org/departments/development-services/specific-plans>.)
  - *Villages of Avalon Specific Plan Amendment No. 2*, City of Perris, January 18, 2007. (Available at <https://www.cityofperris.org/departments/development-services/specific-plans>.)

### 1.5 Contact Person

Any questions about the preparation of the Initial Study, its assumptions, or its conclusions should be referred to the following:

City of Perris - Planning Division  
Attn: Patricia Brenes, Planning Manager  
135 N. D Street  
Perris, CA 92570

Phone: (951) 943-5003 x 355  
Email: [pbrenes@cityofperris.org](mailto:pbrenes@cityofperris.org)



---

## **2 PROJECT SUMMARY AND ENVIRONMENTAL DETERMINATION**

### **2.1 Project Summary**

**1. Project Title:** Housing Element Implementation Project

**2. Lead Agency Name:** City of Perris - Planning Division

**Address** 135 N. "D" Street

Perris, California 92570

**3. Contact Person:** Patricia Brenes, Planning Manager

[pbrenes@cityofperris.org](mailto:pbrenes@cityofperris.org)

(951) 943-5003 x 355

[pbrenes@cityofperris.org](mailto:pbrenes@cityofperris.org)

**4. Project Sponsor's Name:** City of Perris – Planning Division

**Address** 135 N. "D" Street

Perris, California 92570

**5. Project Location:** Citywide

**6. General Plan Designation:** Various

**7. Zoning Designation:** Various

**8. Description of Project:**

The Project includes amendments to the General Plan, Municipal Code and Specific Plans to implement the policies of the Housing Element, as well as ensure the municipal code and specific plans are compliant with adopted State housing law. The Project also includes preparation of a Housing Opportunity Area Overlay (HOAO) Zone to encourage the development of housing at a minimum of 30 dwelling units per acre for the twelve housing opportunity areas identified in the Housing Element, which are located throughout the City of Perris.



**9. Surrounding Land Uses:**

Specific housing opportunity areas are located throughout the City of Perris adjacent to a variety of existing land uses, including industrial, commercial, and residential.

**10. Other Public Agencies Whose Approval is Required:**

The following discretionary approvals are required for the Proposed Project:

*Federal Agencies:*

- There are no federal agencies in which discretionary approvals are required.

*State Agencies:*

- There are no State agencies in which discretionary approvals are required.

*Local Agencies:*

- City of Perris:
  - Adopt CEQA compliance documents;
  - Approval of the General Plan Amendment, Specific Plan Amendments, Zoning Code Text and Map Amendment, and Subdivision Code Amendment.

**11. California Native American Consultation:**

On April 11, 2023, the City of Perris notified the following tribal entity representatives of the Proposed Project and the 30-day timeframe in which to request consultation in accordance with AB52:

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Cahuilla Mission Indians
- Cabazon Band of Mission Indians
- Cahuilla Band of Indians
- Campo Band of Diegueno Mission Indians
- Ewiiapaayp Band of Kumeyaay Indians
- La Posta Band of Diegueno Mission Indians
- Los Coyotes Band of Cahuilla and Cupeño Indians
- Manzanita Band of Kumeyaay Nation
- Mesa Grande Band of Diegueno Mission Indians
- Morongo Band of Mission Indians
- Pala Band of Mission Indians



- Pechanga Band of Indians
- Quechan Tribe of the Fort Yuma Reservation
- Ramona Band of Cahuilla
- Rincon Band of Luiseno Indians
- Santa Rosa Band of Cahuilla Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians

Of the tribes contacted, the following responses were received:

- Augustine Band of Cahuilla Mission Indians: A letter dated April 17, 2023, was received from Geramy Martin, Tribal Secretary. No consultation was requested.
- Mesa Grande Band of Diegueno Mission Indians: A letter dated April 14, 2023 was received from Kimberly Murphy, Office Manager. The letter clarified a change in Chairperson. No consultation was requested.
- Rincon Band of Luiseno Indians: A letter dated April 24, 2023, was received from Shuuluk Linton, Tribal Historic Preservation Officer requesting additional information. A follow-up letter was received on January 29, 2024, stating that no consultation was being requested.
- Quechan Tribe of the Fort Yuma Reservation: An email was received on April 11, 2023, from H. Jill McCormick. No consultation was requested.

## **2.2 Organization of Environmental Analysis**

This Initial Study is based on an Environmental Checklist Form (Checklist), as suggested in Section 15063(d)(3) of the State CEQA Guidelines, as amended, and includes a series of questions about the project for each of the listed environmental topics. The Checklist evaluates whether or not there would be significant environmental effects associated with the development of the project and provides mitigation measures, when required, to reduce impacts to a less than significant level.

Section 4 provides a discussion of the potential environmental impacts of the Proposed Project. The evaluation of environmental impacts follows the questions provided in the Checklist provided Appendix G to the State CEQA Guidelines.

## **2.3 Evaluation of Environmental Impacts**

A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific



factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including off site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the Lead Agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant.

“Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

“Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” Mitigation measures are identified and explain how they reduce the effect to a less than significant level (mitigation measures may be cross-referenced).

Earlier analyses may be used where, pursuant to the Program EIR or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (Section 15063[c][3][D]). In this case, a brief discussion should identify the following:

- a) Earlier analyses used where they are available for review.
- b) Which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards and whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) The mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project for effects that are “Less than Significant with Mitigation Measures Incorporated.

References and citations have been incorporated into the checklist references to identify information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document, where appropriate, include a reference to the page or pages where the statement is substantiated.

Source listings and other sources used, or individuals contacted are cited in the discussion.

The explanation of each issue should identify:

- a) The significance criteria or threshold, if any, used to evaluate each question
- b) The mitigation measure identified, if any, to reduce the impact to less than significant.



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## 2.4 Environmental Factors Potentially Affected

Based on the analysis in Section 4, the Proposed Project could potentially affect (“Potentially Significant”) the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor and identifies where mitigation measures would be necessary to reduce all impacts to less than significant levels.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics         | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology and Soils             | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Hydrology and Water Quality   | <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                         | <input type="checkbox"/> Population and Housing             | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                    | <input checked="" type="checkbox"/> Transportation          | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |



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### 2.5 Determination

On the basis of this initial evaluation, the following finding is made:

|   |  |
|---|--|
|   | The proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.  |
| X | Although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.  |
|   | The proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.   |
|   | The proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. |
|   | Although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.                                   |

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Patricia Brenes

Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Manager

Title



### **3 PROJECT DESCRIPTION**

#### **3.1 Background**

In 2022, the City of Perris adopted the 2021-2029 General Plan Housing Element (Housing Element). The purpose of the Housing Element of the Perris General Plan is to ensure the City establishes policies, procedures and incentives in its land use planning and redevelopment activities that will result in the maintenance and expansion of the housing supply to adequately accommodate households currently living and expected to live in Perris. It institutes policies that will guide City decision-making and establishes an action program to implement housing goals through 2029. The Housing Element was adopted by the City Council on January 25, 2022, and found in compliance with State law by the California Department of Housing and Community Development (HCD) on August 17, 2022.

The environmental impacts resulting from implementation of allowed development under the Housing Element have been evaluated in the City of Perris Focused General Plan Update Initial Study and Mitigated Negative Declaration (Focused General Plan Update MND) (State Clearinghouse No. 2021110313), which was adopted by the City of Perris in January 2022. The Focused General Plan MND is a project-specific document prepared to evaluate the potential environmental impacts of the Housing Element, Safety Element, and Environmental Justice Element updates to the City of Perris General Plan. Analysis in the Focused General Plan Update MND tiers off the Perris General Plan 2030 EIR (General Plan PEIR) (State Clearinghouse No. 2004031135) certified by the City of Perris in April 2005. As stated in Section 15168(d)(3) of the State CEQA Guidelines, “The program EIR can focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before”. The General Plan PEIR serves as the program-level EIR and analytical basis for the Focused General Plan Update MND. The environmental analysis for the Proposed Project presented in this Initial Study is based on, or “tiered” from, the analysis presented in the Focused General Plan Update MND and the General Plan PEIR, when applicable, and both documents are incorporated by reference.

The Focused General Plan Update MND analyzed environmental impacts resulting from adoption of the 2021-2029 Housing Element. Measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts resulting from adoption are identified in the MND. In conjunction with adoption of the Focused General Plan MND, the City of Perris also adopted a Mitigation Monitoring and Reporting Program (MMRP). Mitigation measures applicable to this Project are incorporated in this Initial Study to ensure compliance with the Focused General Plan Update MMRP. Due to the unknown specifics of implementing the Housing Opportunity Area Overlay Zone, analysis of the future rezone of the opportunity areas was deferred and included in this document.



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### 3.2 Project Site Setting

The Project Site consists of twelve Housing Opportunity Areas identified in the 2021-2029 Housing Element (**Figure 1** – Regional Vicinity and **Figure 2** – Housing Opportunity Areas). A comprehensive description of each site within the 12 opportunity areas, including location, site size, and existing land use designation, is provided in **Appendix A**. A brief description of each opportunity area is provided below:

- **Area 1:** Includes one (1) vacant parcel totaling 13.4 acres, located on the northwest corner of Murrieta Road and Dale Street.
- **Area 2:** Includes 24 parcels totaling 22.8 acres, located along Dale Street between Perris Boulevard and Redlands Avenue, just east of Interstate 215, the Downtown and the Metrolink transit station.
- **Area 3:** Includes 13 parcels totaling 35.6 acres, located south of 4th Street and west of Park Avenue, just west of the Downtown and the Metrolink transit station. Two parcels (Sites 3.1 and 3.3) contain existing single-family residences, and all other parcels are vacant.
- **Area 4:** Includes one (1) vacant parcel totaling 36.7 acres, south of Ellis Avenue and west of A Street.
- **Area 5:** Includes four (4) vacant parcels totaling 40.5 acres, located south of Ellis Avenue and west of River Road.
- **Area 6:** Includes two (2) parcels totaling 45.2 acres, located near the intersection of Case Road and Ethanac Road, just west of Interstate 215, within the Green Valley Specific Plan area.
- **Area 7:** Includes four (4) parcels totaling 31.1 acres, located east of Barrett Road and south of Ethanac Road, and south of the South Perris Metrolink station and the Green Valley Specific Plan area.
- **Area 8:** Includes five (5) parcels totaling 16.8 acres, located east of Encanto Road and south of Ethanac Road, and to the south of the South Perris Metrolink station and the Green Valley Specific Plan area.
- **Area 9:** Includes two (2) vacant parcels totaling 12.5 acres, north of San Jacinto Road and east of A Street.



- 
- **Area 10:** Includes four (4) parcels totaling 10.9 acres, located at the intersection of Redlands Avenue and 7th Street, to the east of the Downtown Perris Specific Plan area and near the Downtown Perris Metrolink station.
  - **Area 11:** Includes seven (7) parcels totaling 12.5 acres, located south of San Jacinto Avenue, between Murrieta Road and Redlands Avenue. Area 11 is east of the Downtown Perris Specific Plan area and in close proximity to the Downtown Perris Metrolink station.
  - **Area 12:** Includes 17 parcels totaling 21.3 acres, located within the Downtown Perris Specific Plan area.

The Housing Opportunity Areas consist of properties with a mix of commercial and residential land use designations and are surrounded by properties developed with a variety of existing uses (**Figure 3** – Site Location – Aerial View, **Figure 4** - General Plan Land Use Map and **Figure 5** – Zoning Map). Sites within Opportunity Area 6 are located within the Green Valley Specific Plan and sites within Opportunity Area 12 are located within the Downtown Perris Specific Plan. All parcels within the Housing Opportunity Areas, except for Sites 3.1 and 3.3, are currently vacant.

### **3.3 Project Characteristics**

The Proposed Project includes the following:

- **General Plan Amendment:** To incorporate the Housing Opportunity Area Overlay (HOAO) Zone in the Land Use Element.
- **Specific Plan Amendment:** Text amendments to the Green Valley Specific Plan for sites located in Housing Opportunity Area 6, and to the Downtown Perris Specific Plan for sites located in Housing Opportunity Area 12, for consistency with the proposed Housing Opportunity Area Overlay (HOAO) Zone.
- **Zoning Code Text Amendment:** Text amendments to Perris Municipal Code Title 19 – Zoning to comply with adopted State housing law and to implement the Housing Opportunity Area Overlay (HOAO) Zone.
- **Zoning Code Map Amendment:** Applying the Housing Opportunity Area Overlay (HOAO) Zone for the 12 housing opportunity areas identified in the 2021-2029 Housing Element.
- **Subdivision Code Amendment** - Text amendment to Perris Municipal Code Title 18 – Subdivision Code to comply with adopted State housing law and to implement the Housing Opportunity Area Overlay (HOAO) Zone.



### **3.4 Implementation Timing**

The Proposed Project is anticipated to be scheduled for public hearing before the City of Perris's Planning Commission in November 2024 and City Council January 2025.

### **3.5 Project Construction and Operations**

Based on the maximum density of 30 du/acre, implementation of the Proposed Project and adoption of the HOAO could facilitate up to 5,419 high density, multi-family residential units distributed over the twelve Housing Opportunity Areas. However, the Proposed Project does not authorize specific site development. As no site-specific development projects have been identified for the Housing Opportunity Areas at this time, the specific construction and operational scenario for any given parcel within the Housing Opportunity Areas cannot be identified. Individual projects will still be analyzed as they are brought forward for consideration by the City of Perris for compliance with the Perris Municipal Code and CEQA.

### **3.6 Project Approvals**

The following approvals and permits are required from the City of Perris to implement the Proposed Project:

- Adopt Mitigated Negative Declaration with the determination that the MND has been prepared in compliance with the requirements of CEQA.
- Approve General Plan Amendment to amend the Land Use Element of the General Plan to include the Housing Opportunity Area Overlay Zone.
- Approve Specific Plan Amendments to the Green Valley Specific Plan for sites located in Housing Opportunity Area 6, and to the Downtown Perris Specific Plan for sites located in Housing Opportunity Area 12, for consistency with the proposed Housing Opportunity Area Overlay Zone.
- Approve Zoning Code Text Amendment to amend Perris Municipal Code Title 19 – Zoning to comply with adopted State housing law and implement the Housing Opportunity Area Overlay Zone.
- Approve Zoning Code Map Amendment for the adoption of a Housing Opportunity Area Overlay Zone for the 12 housing opportunity areas identified in the 2021-2029 Housing Element.

Other non-discretionary actions anticipated to be taken by the City at the staff level as part of the Proposed Project include:



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- Review of supporting technical studies, including Cultural Resources, Air Quality/Greenhouse Gas/Energy, and Transportation Analysis.

Approvals and permits that may be required by other agencies include:

- Riverside County Airport Land Use Commission (RCALUC) – A determination of consistency with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and 2011 Perris Valley Airport Land Use Compatibility Plan was granted by the Director of the RCALUC on September 12, 2024.



**Figure 1 - Regional Vicinity**

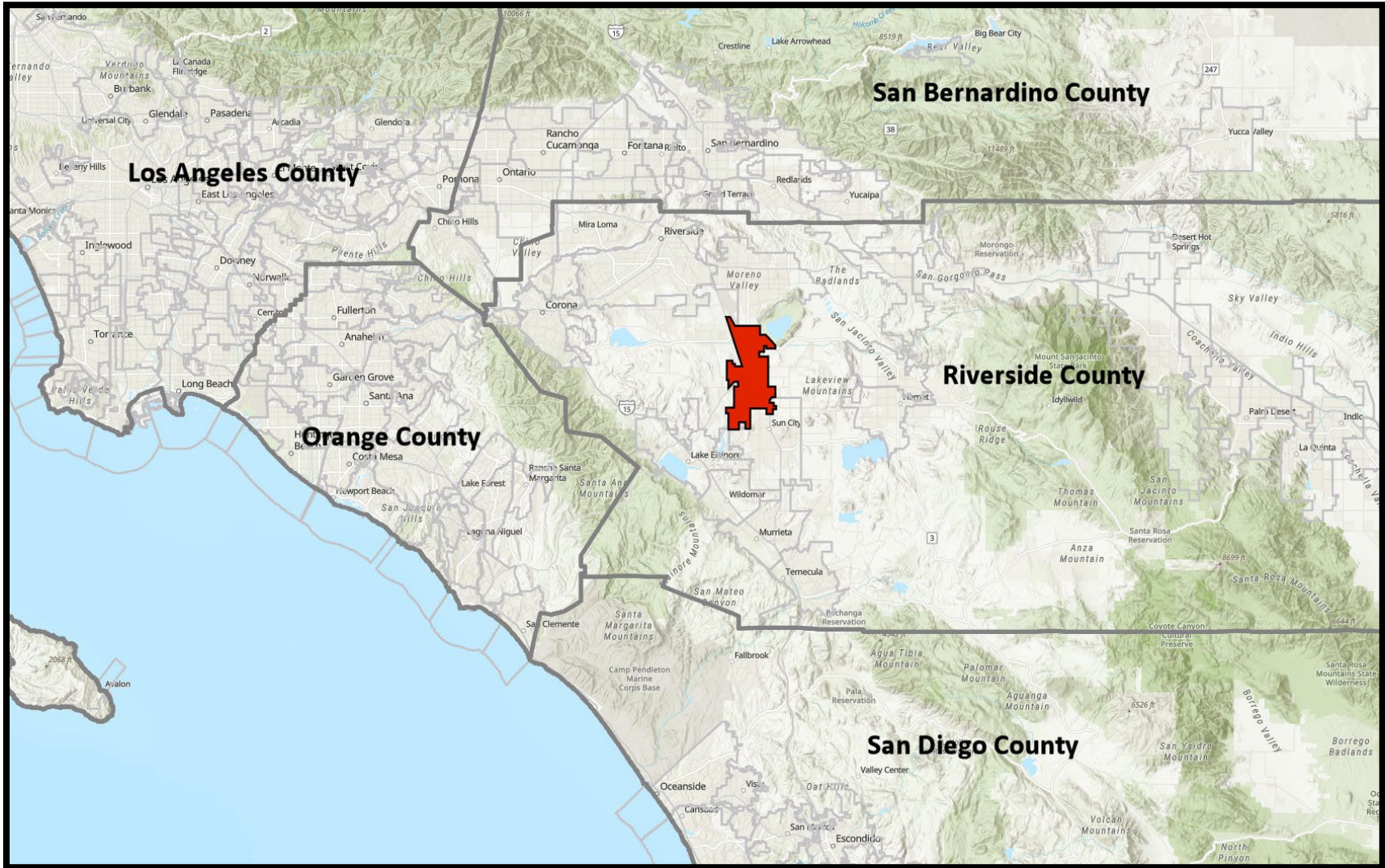




Figure 2 – Housing Opportunity Areas

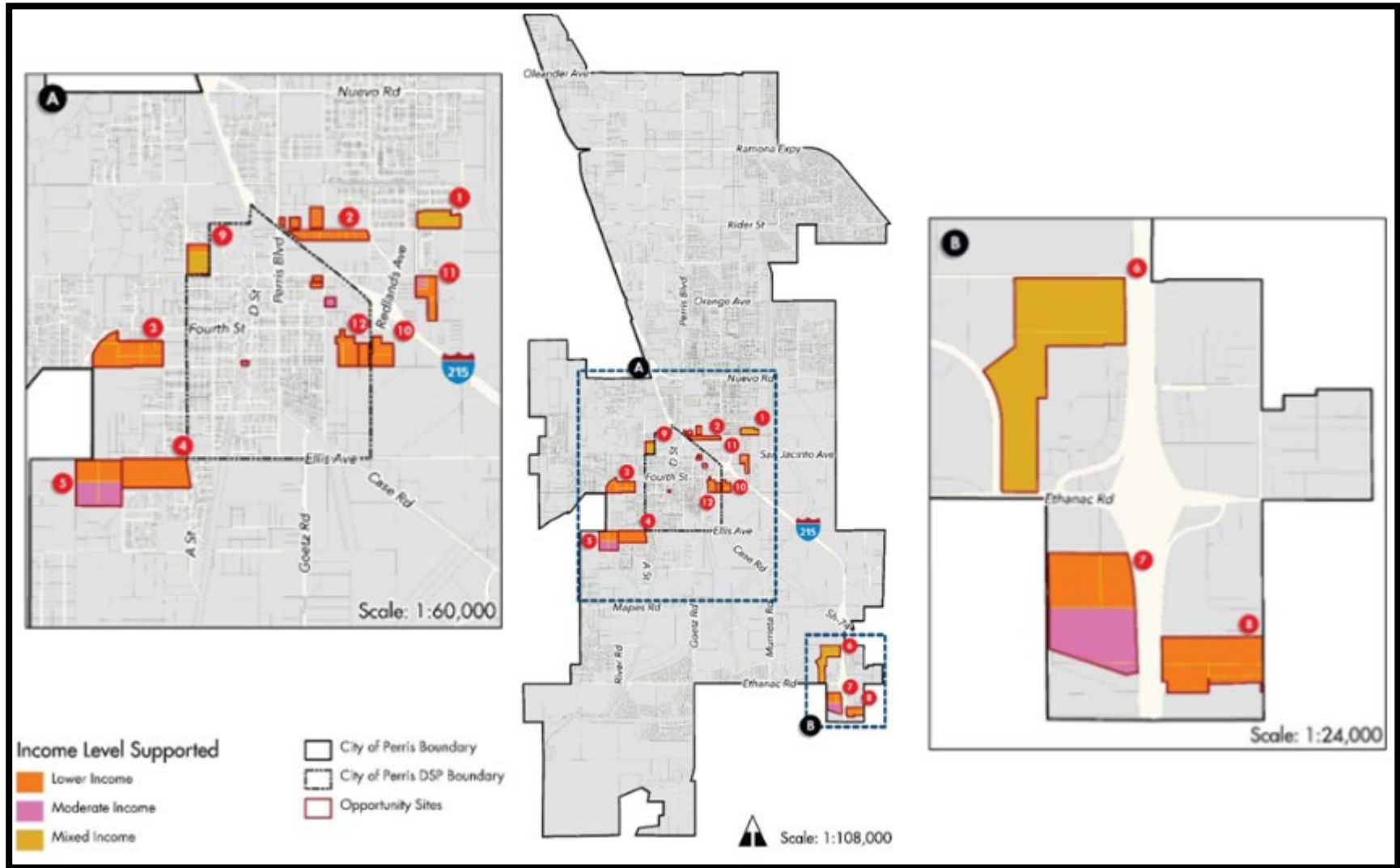




Figure 3 - Site Location – Aerial View

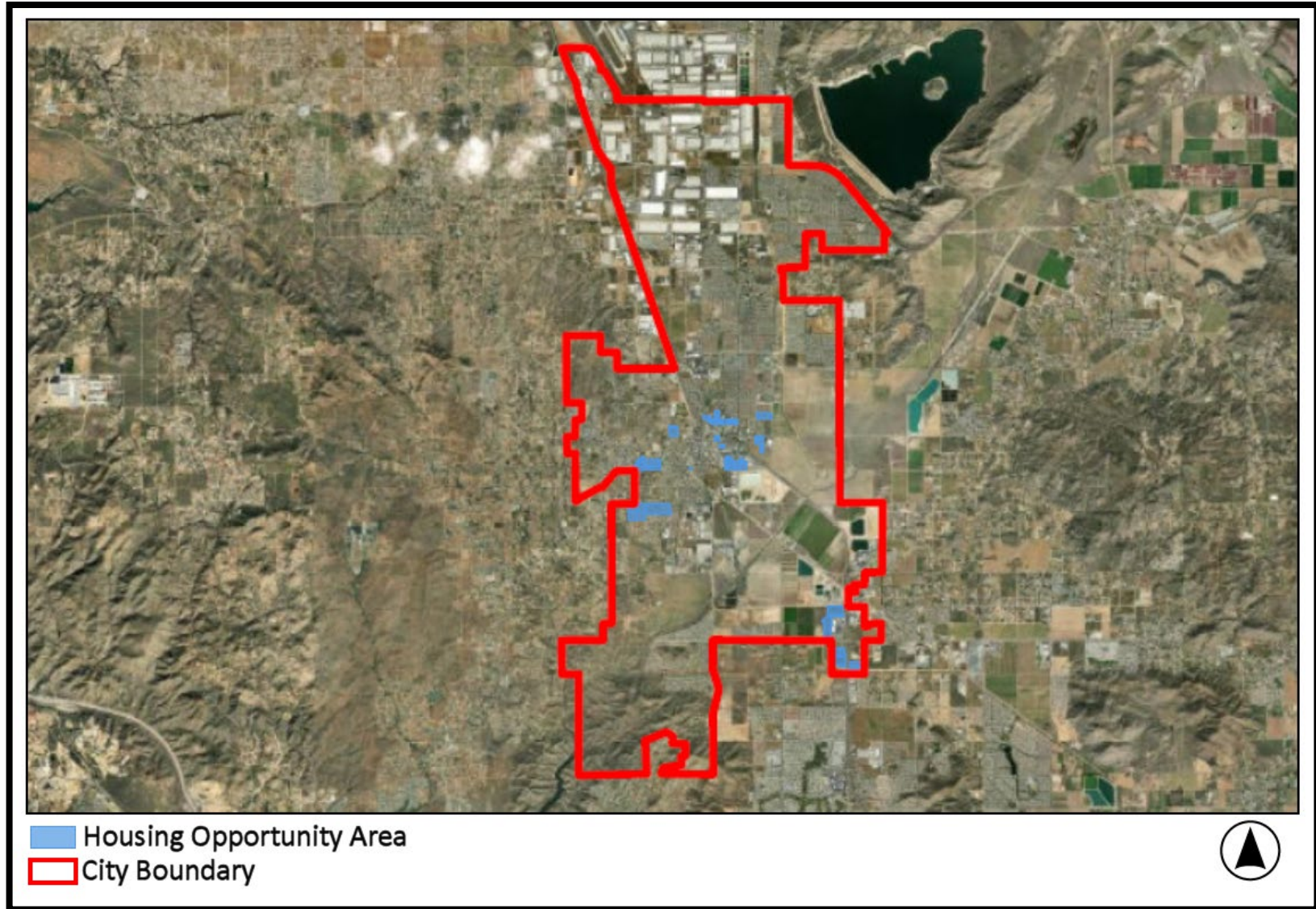
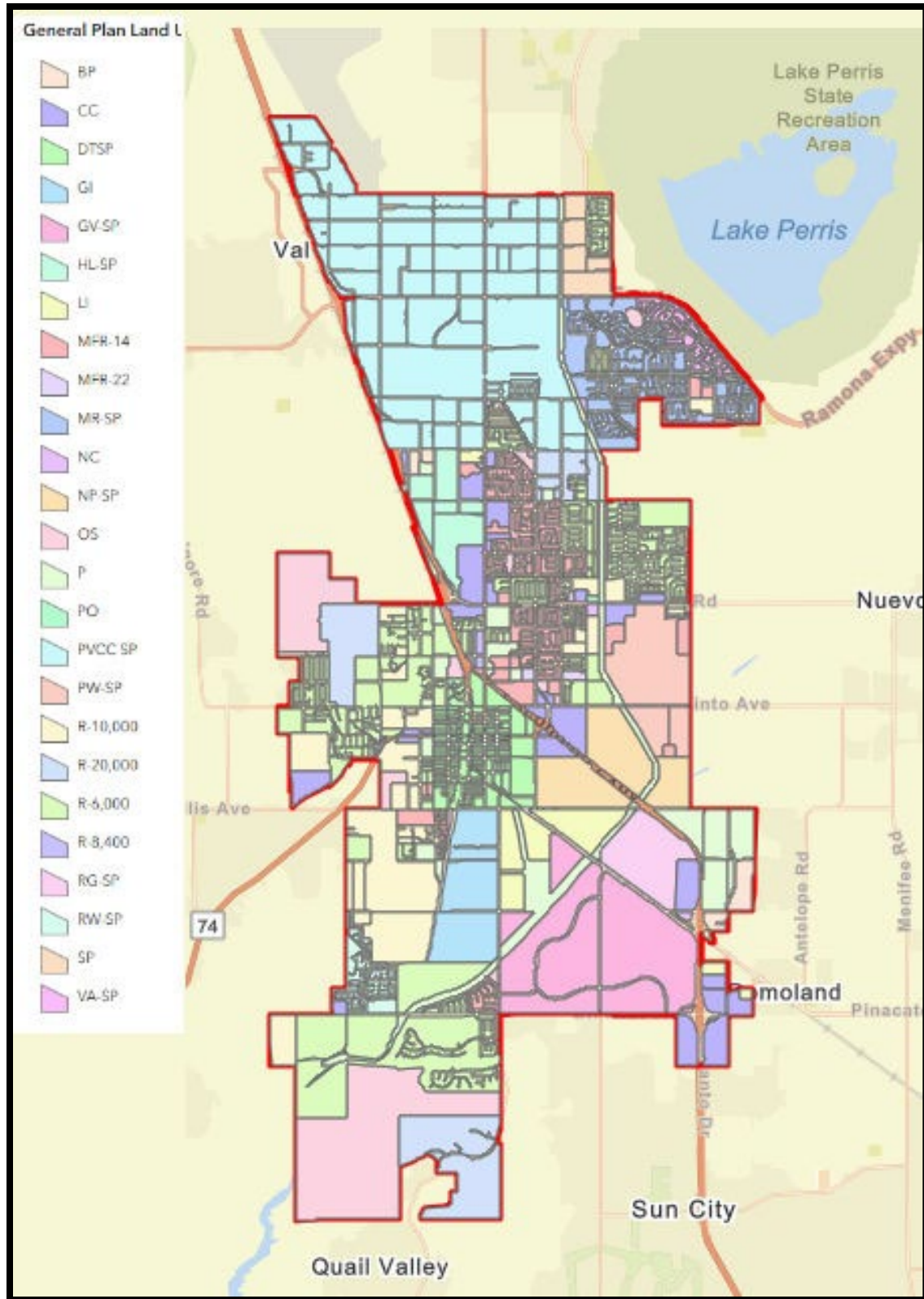




Figure 4 – General Plan Land Use Map







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## 4 ENVIRONMENTAL IMPACTS

### 4.1 Aesthetics

The Project Site consists of 12 Housing Opportunity Areas identified in the 2021-2029 Housing Element. The housing opportunity areas are located throughout the City adjacent to a variety of existing land uses, including industrial, commercial, and residential. A comprehensive description of each site within the twelve opportunity areas, including location, site size, and existing land use designation, is provided in **Appendix A**. A brief description of each opportunity area is provided below:

- Area 1: Includes one (1) vacant parcel totaling 13.4 acres, located on the northwest corner of Murrieta Road and Dale Street.
- Area 2: Includes 24 parcels totaling 22.8 acres, located along Dale Street between Perris Boulevard and Redlands Avenue, just east of Interstate 215, the Downtown and the Metrolink transit station.
- Area 3: Includes 13 parcels totaling 35.6 acres, located south of 4th Street and west of Park Avenue, just west of the Downtown and the Metrolink transit station. Two parcels (Sites 3.1 and 3.3) contain existing single-family residences and all other parcels are vacant.
- Area 4: Includes one (1) vacant parcel totaling 36.7 acres, south of Ellis Avenue and west of A Street.
- Area 5: Includes four (4) vacant parcels totaling 40.5 acres, located south of Ellis Avenue and west of River Road.
- Area 6: Includes two (2) parcels totaling 45.2 acres, located near the intersection of Case Road and Ethanac Road, just west of Interstate 215, within the Green Valley Specific Plan area.
- Area 7: Includes four (4) parcels totaling 31.1 acres, located east of Barrett Road and south of Ethanac Road, and south of the South Perris Metrolink station and the Green Valley Specific Plan area.
- Area 8: Includes five (5) parcels totaling 16.8 acres, located east of Encanto Road and south of Ethanac Road, and to the south of the South Perris Metrolink station and the Green Valley Specific Plan area.
- Area 9: Includes two (2) vacant parcels totaling 12.5 acres, north of San Jacinto Road and east of A Street.



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- **Area 10:** Includes four (4) parcels totaling 10.9 acres, located at the intersection of Redlands Avenue and 7th Street, to the east of the Downtown Perris Specific Plan area and near the Downtown Perris Metrolink station.
- **Area 11:** Includes seven (7) parcels totaling 12.5 acres, located south of San Jacinto Avenue, between Murrieta Road and Redlands Avenue. Area 11 is east of the Downtown Perris Specific Plan area and in close proximity to the Downtown Perris Metrolink station.
- **Area 12:** Includes 17 parcels totaling 21.3 acres, located within the Downtown Perris Specific Plan area.

The Housing Opportunity Areas consist of properties with a mix of commercial and residential land use designations and are surrounded by properties developed with a variety of existing uses. Sites within Opportunity Area 6 are located within the Green Valley Specific Plan and sites within Opportunity Area 12 are located within the Downtown Perris Specific Plan. Areas 1 through 12 are vacant, with the exception of two single-family homes in Area 3.

**Impact Analysis**

| CEQA THRESHOLDS  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|--|--------------------------------|--|------------------------------|-----------------------------|
| <b>I. AESTHETICS:</b> Except as provided in Public Resources Code Section 21099, would the project:  |                                |  |                              |                             |
| a) Have a substantial adverse effect on a scenic vista?  |                                |  | X                            |                             |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? |                                | X  |                              |                             |



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|   |  |  |          |  |
|---|--|--|----------|--|
| <p>c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</p> |  |  | <p>X</p> |  |
| <p>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</p>  |  |  | <p>X</p> |  |

**Discussion**

a) *Have a substantial adverse effect on a scenic vista?*

**Less Than Significant Impact.** The State CEQA Guidelines do not provide a definition of what constitutes a “scenic vista” or “scenic resource” or a reference as to from what vantage point(s) the scenic vista and/or resource, if any, should be observed. Scenic resources are typically landscape patterns and features that are visually or aesthetically pleasing and that contribute affirmatively to the definition of a distinct community or region such as trees, rock outcroppings, and historic buildings.

A scenic vista is generally identified as a public vantage viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. Common examples may include a public vantage point that provides expansive views of undeveloped hillsides, ridgelines, and open space areas that provide a unifying visual backdrop to a developed area.

The City of Perris is surrounded by mountain ranges and hills: the San Bernardino Mountains to the north; the Bernasconi Hills to the northeast; the Lakeview Mountains and San Jacinto Mountains to the east; and the Santa Ana Mountains to the southwest. The City’s scenic vistas include views of surrounding foothills to the west, east, and north, and of the San Bernardino Mountains to the north (Hogle-Ireland, Inc., 2004, p. IV-15).

The Project Site consists of 12 Housing Opportunity Areas identified in the 2021-2029 Housing Element. Because these areas are located on the flat, broad basin, future building construction may obstruct views to the foothills from at least some vantage points depending on the design of individual development projects. The proposed HOAO is a policy-level document that does not include any specific development proposals that would cause significant environmental impact. However, the proposed HOAO has goals and policies that aim to develop future housing. Future development within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could add development that could impact views of scenic vistas. A project-level CEQA analysis will be conducted for the future development of Housing Opportunity



Areas to ensure that any potential impacts to scenic vistas are identified and addressed. Therefore, implementation of the Proposed Project would have a less than significant impact regarding scenic vistas.

- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

**Less than Significant with Mitigation Incorporated.** The Department of Transportation (Caltrans) manages the State Scenic Highway Program. Caltrans provides guidance to local government agencies, community organizations and citizens that are pursuing the official designation of a State Scenic Highway. In 1963, Senate Bill 1467 (Farr) added Sections 260 through 263 to the Streets and Highways Code. In these statutes the State proclaims intent to:

“establish the State's responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the State highway system which, together with adjacent scenic corridors, require special conservation treatment.” (Scenic corridors consist of land that is visible from, adjacent to, and outside the highway right-of-way, and is comprised primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries.)

State law provides Caltrans with full possession and control of all State highways and places the Scenic Highway Program under the stewardship of Caltrans. Accordingly, Caltrans maintains a map of all scenic highways, included highways that have been officially designated or have been determined eligible to be a scenic highway, county designated scenic highways, and Federal byways.<sup>1</sup>

California State Route 74 (CA-74) that extends from Interstate 5 (I-5) in San Juan Capistrano, easterly to California State Route 111 (CA-111) in Palm Desert has portions that have been officially designated as a scenic highway and portions that have been determined to be eligible for listing as a scenic highway but has not been formally listed. The portion of CA-74 that runs through the City of Perris, which is also locally known as 4<sup>th</sup> Street, has been determined to be eligible for listing.

Housing Opportunity Sites 3.6, 3.7, and 12.4 front on CA-74; however, the potential impact of the development of these sites on the eligibility highway cannot be ascertained until a specific project is proposed. With **Mitigation Measure AES-1** incorporated into any development the is adjacent to CA-74, any potential impact would be less than significant.

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<sup>1</sup> <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, retrieved on February 22, 2024.



- c) *In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

**Less than Significant Impact.** The Proposed Project is located within an urbanized area. The proposed HOAO is a policy-level document that does not include any specific development proposals that would cause significant environmental impact. However, future development within the Housing Opportunity Areas would add residential units to the City of Perris and thus could impact scenic quality depending on the design of individual development projects. Therefore, a project-level CEQA analysis will be conducted for the future development of Housing Opportunity Areas to ensure that projects would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, impacts regarding zoning and other regulations governing scenic quality would be less than significant.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

**Less than Significant Impact.** The Proposed Project allows the development of housing that could possibly increase the light and glare within the City of Perris. However, all future development would adhere to the City's Municipal Code Section 19.02.110, Lighting, and applicable specific zoning regulations, which would prevent significant light or glare within the City of Perris (City of Perris Municipal Code, 2021). Impacts would be less than significant.

### **Mitigation Measures:**

**AES-1:** Prior to the City of Perris approving any development on any property that is adjacent to CA-74/4<sup>th</sup> Street, the development proponent shall submit a Scenic Resource Assessment to demonstrate that the development will not impact the eligibility of CA-74 to be listed as a State Scenic Highway.

### **Conclusion**

Any potential impacts of the Proposed Project associated with Aesthetics would be less than significant with the incorporated mitigation.

## **4.2 Agriculture and Forestry Resources**

### **Environmental Setting**

According to the Housing Element, Perris' economy has been linked to agriculture; however, changes in the local economy toward production and service-oriented sectors have virtually eliminated any significant agricultural production within City limits. The Riverside County 2018



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Agricultural Production Report identified that the total planted acreage in Riverside County increased from 188,019 acres in 2017 to 194,346 acres in 2018. Overall, this is a reduction from 204,250 acres in 2014. Crop valuation has overall decreased, from a total of \$1.36 million in 2014 to \$1.29 million in 2018. Vegetables and melons remain the most valued crops, with tree and vine crops and livestock also remaining fairly consistent high yield crops.

The California Department of Conservation (DOC) established the Farmland Mapping and Monitoring Program (FMMP) in 1982 to identify critical agricultural lands and track the conversion of these lands to other uses. The FMMP is a non-regulatory program and provides a consistent and impartial analysis of agricultural land use and land use changes throughout California. As identified in the Housing Needs assessment there is no area within the City of Perris that is designated Prime Farmland, Unique Farmland or Farmland of Statewide Importance. The Project Site consists of twelve Housing Opportunity Areas identified in the 2021-2029 Housing Element. The housing opportunity areas are located throughout the City. According to FMMP, Housing Opportunity Areas 1, 3, 4, and 9 are identified as Other Land, Area 2 is identified as Urban & Built-up Land, Area 6 through 8, 10, and 11 are identified as Farmland of Local Importance, Area 5 is a mix of other land and Farmland of Local Importance, and Area 12 is a mix of Other Land and Urban & Built-up Land (**Figure 6 – Project Site Agricultural Designation**).

**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**II. AGRICULTURE AND FORESTRY RESOURCES:**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:



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|  |  |  |  |   |
|--|--|--|--|---|
| a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  |  |  |  | X |
| b) Conflict with existing zoning for agricultural use or a Williamson Act contract?  |  |  |  | X |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? |  |  |  | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   |  |  |  | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   |  |  |  | X |

**Discussion**

a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?*

**No Impact.** The Project Site consists of 12 Housing Opportunity Areas that are located throughout the city. According to the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) and the County of Riverside GIS Map, the Project Site is identified as a mix of Urban and Built-up Land, Other Land, and Farmland of Local Importance. Future development within the Housing Opportunity Areas would add residential units and population to the City of Perris. Individual development projects that occur as a result of the Housing Opportunity Areas would require independent CEQA review; all feasible mitigation measures would be required for any significant impacts identified. None of the Housing Opportunity Areas are designated Agricultural land and the Proposed Project would not convert important farmland to non-agricultural uses. Therefore, the Proposed Project would not cause impacts to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). No impact would occur.



b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**No Impact.** The Housing Opportunity Areas consist of properties with a mix of commercial and residential land use designations. Some land in Perris, currently designated for commercial uses, is subject to Williamson Act contracts. Agricultural land was avoided in designating Housing Opportunity Areas and no lands within the twelve Housing Opportunity Areas has an active Williamson Act contract. Therefore, future development in accordance with the General Plan Housing Element and implementation of the HOAO would conflict with a Williamson Act contract or existing agricultural zoning designation and no mitigation would be required.

c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

**No Impact.** The Project Site consists of properties with a mix of commercial and residential land uses and is not zoned as forest land, timberland, or timberland zoned Timberland Production. Therefore, no impacts associated with forest land or timberland would occur, and no mitigation would be required.

d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

**No Impact.** There is no designated forest land on the Project Site or within the City of Perris, and the Proposed Project would not affect forests during construction or operation. Therefore, no impacts associated with forest land would occur, and no mitigation would be required.

e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or the conversion of forest land to non-forest use?*

**No Impact.** The City is developed within an urbanized setting. The Proposed Project would not result in any changes to existing farmland. In addition, there are no agricultural activities occurring at the Project Site or the surrounding properties. Therefore, no impacts to the Project's changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or the conversion of forest land to non-forest use would occur.

### **Mitigation Measures**

None.

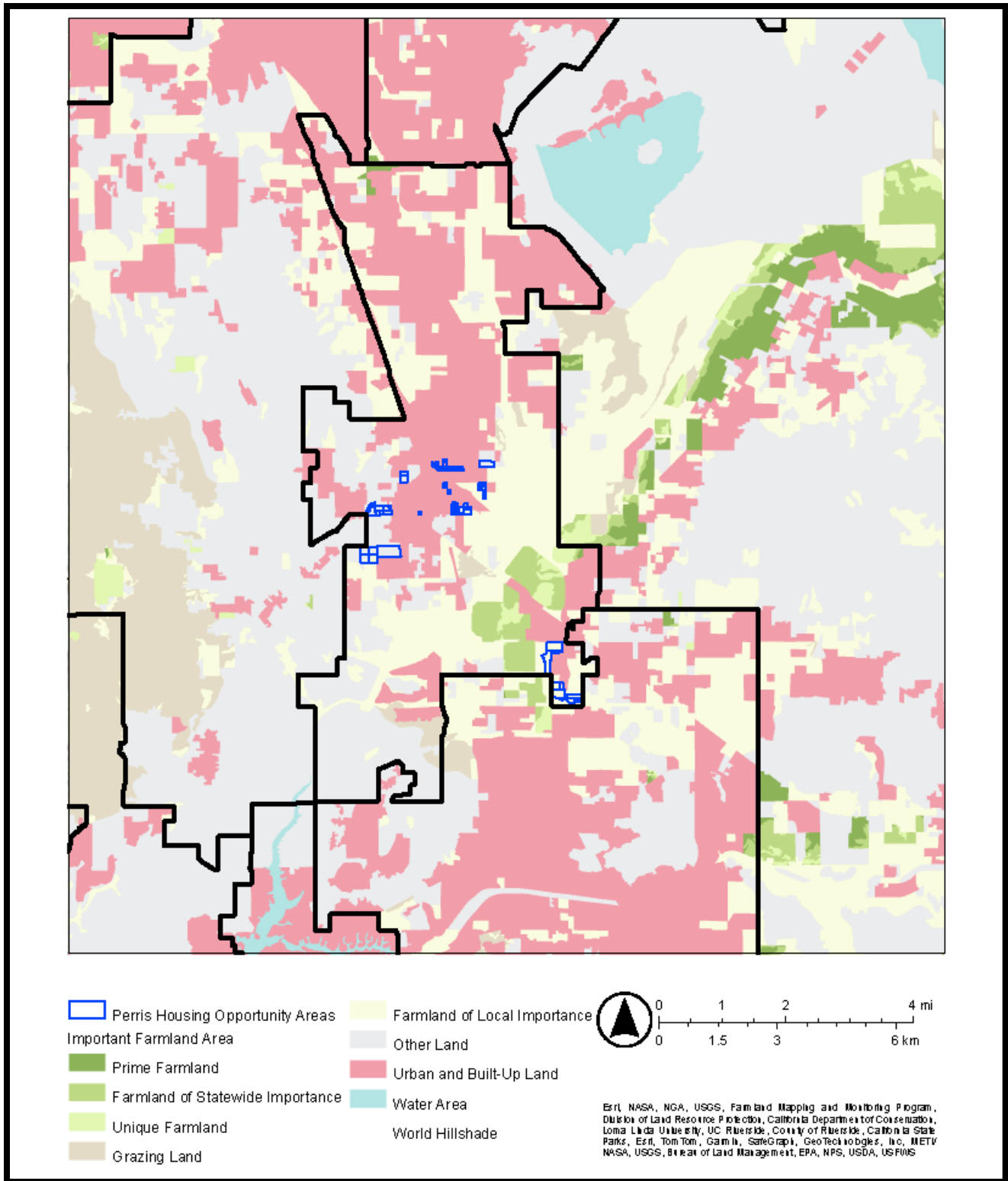


***Conclusion***

There would be no impacts of the Proposed Project associated with Agriculture and Forestry Services, and no mitigation would be required.



Figure 6 - Project Site Agricultural Designation





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### 4.3 Air Quality

An Air Quality, Global Climate Change, Health Risk Assessment and Energy Impact Analysis for the Proposed Project to assess potential impacts to air quality (**Appendix B –City of Perris Implementation Measures Air Quality, Global Climate Change, Health Risk Assessment and Energy Impact Analysis**, Ganddini Group, August 14, 2023) was prepared in August 2023.

#### **Regulatory Setting**

Air pollutants are regulated at the national, state, and air basin level; each agency has a different level of regulatory responsibility. The United States Environmental Protection Agency (EPA) regulates at the national level under the Clean Air Act of 1970. The California Air Resources Board (ARB) regulates at the state level. The South Coast Air Quality Management District (SCAQMD) regulates at the air basin level.

There are six common air pollutants, called criteria pollutants, which were identified from the provisions of the Clean Air Act of 1970.

- Ozone
- Nitrogen Dioxide (NO<sub>2</sub>)
- Lead
- Particulate Matter (PM10 and PM2.5)
- Carbon Monoxide (CO)
- Sulfur Dioxide (SO<sub>2</sub>)

The US environmental Protection Agency (EPA) and the California Air Resources Board (CARB) designate air basins where ambient air quality standards are exceeded as “nonattainment” areas. If standards are met, the area is designated as an “attainment” area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered “unclassified.” National nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

The Project Site is in the City of Perris, which is part of the South Coast Air Basin (SCAB) that includes all of Orange as well as the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties. The SCAQMD’s 2016 Air Quality Management Plan (AQMP) assesses the attainment status of the SCAB. The SCAQMD updates the AQMP every three years. Each iteration of the AQMP is an update of the previous plan and has a 20-year horizon. The latest AQMP, the 2016 AQMP, was adopted on March 3, 2017.



### ***Environmental Setting***

The South Coast Air Basin is located on a coastal plain, connecting broad valleys and low hills to the east. Regionally, the South Coast Air Basin is bounded by the Pacific Ocean to the southwest and high mountains to the east forming the inland perimeter.

Dominant airflows provide the driving mechanism for transport and dispersion of air pollution. The mountains surrounding the region form natural horizontal barriers to the dispersion of air contaminants. Air pollution created in the coastal areas and around the Los Angeles area is transported inland until it reaches the mountains where the combination of mountains and inversion layers generally prevent further dispersion. This poor ventilation results in a gradual degradation of air quality from the coastal areas to inland areas.

The temperature and precipitation levels are for the City of Sun City, the closest monitoring site to the Project Site with data. August is typically the warmest month and December is typically the coolest month. Rainfall in the surrounding area varies considerably in both time and space. Almost all the annual rainfall comes from the fringes of mid-latitude storms from late November to early April, with summers being almost completely dry (Appendix B).

#### ***Local Air Quality***

The SCAQMD has divided the South Coast Air Basin into 38 air-monitoring areas with a designated ambient air monitoring station representative of each area. The Project Site is in the City of Perris in the Perris Valley (Area 24). The nearest air monitoring station to the Project Site is the Perris Monitoring Station (Perris Station) approximately 4.81 miles south of the Project Site at 237 ½ N. D Street, Perris. The monitoring data shows that ozone and particulate matter (PM10) are the air pollutants of primary concern in the surrounding area (**Appendix B**, Table 4).



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**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**III. AIR QUALITY:**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

|   |  |  |   |  |
|---|--|--|---|--|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   |  |  | X |  |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? |  |  | X |  |
| c) Expose sensitive receptors to substantial pollutant concentrations?  |  |  | X |  |
| d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?  |  |  | X |  |

**Discussion**

a) *Conflict with or obstruct implementation of the applicable air quality plan?*

**Less Than Significant Impact.** The Proposed Project would not conflict with or obstruct implementation of the SCAQMD Air Quality Management Plan (AQMP).

*SCAQMD Air Quality Management Plan*

The California Environmental Quality Act (CEQA) requires a discussion of any inconsistencies between a Proposed Project and applicable General Plans and regional plans (CEQA Guidelines Section 15125). The regional plan that applies to the Proposed Project includes the SCAQMD AQMP. This section discusses any potential inconsistencies of the Proposed Project with the AQMP. If the decision-makers determine that the Proposed Project is inconsistent, the lead agency may consider project modifications or inclusion of mitigation to eliminate the inconsistency.



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The SCAQMD CEQA Handbook states that "New or amended GP Elements (including land use zoning and density amendments), Specific Plans, and significant projects must be analyzed for consistency with the AQMP." Strict consistency with all aspects of the plan is usually not required. A Proposed Project would be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies. The SCAQMD CEQA Handbook identifies two key indicators of consistency:

Criterion 1: Whether the project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.

Criterion 2: Whether the project will exceed the forecasted growth assumptions incorporated within the AQMP or increments based on the year of project buildout and phase.

Criterion 1 - Increase in the Frequency or Severity of Violations

Based on the air quality modeling analysis contained in Appendix B, short-term construction impacts would not result in significant impacts based on the SCAQMD regional and local thresholds of significance. This analysis also found that long-term operations impacts will result in significant impacts based on the SCAQMD regional thresholds of significance. However, Existing General Plan Buildout Impact Analysis, in comparison to the existing General Plan buildout of the proposed project the proposed project results in lower emissions for the majority of the analyzed criteria pollutants. NO<sub>x</sub> is the only criteria pollutant that has an increase in emissions from those associated with the buildout of the existing general plan. Furthermore, at only an additional 17 pounds per day of NO<sub>x</sub>, the net increase in emissions would not exceed the SCAQMD threshold of 55 pounds per day. Therefore, in comparison to the existing General Plan buildout of the proposed project, the project operational-sourced emissions would not exceed applicable regional thresholds of significance.

Therefore, the Proposed Project is not projected to contribute to the exceedance of any air pollutant concentration standards and is found to be consistent with the AQMP for Criterion 1.

Criterion 2 - Exceed Assumptions in the AQMP?

Consistency with the AQMP assumptions is determined by performing an analysis of the Proposed Project with the assumptions in the AQMP. The emphasis of this criterion is to ensure that the analyses conducted for the Proposed Project are based on the same forecasts as the AQMP. The 2020- 2045 Regional Transportation/Sustainable Communities Strategy, prepared by SCAG, 2020, includes chapters on: the challenges in a changing region, creating a plan for our future, and the road to greater mobility and sustainable growth. These chapters currently



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respond directly to federal and state requirements placed on SCAG. Local governments are required to use these as the basis of their plans for purposes of consistency with applicable regional plans under CEQA. For this Project, the County of Riverside Land Use Map defines the assumptions that are represented in the AQMP.

The proposed project involves creation of an overlay zone for Housing Opportunity Sites identified in the recently adopted *City of Perris General Plan Housing Element* (August 17, 2022) that would continue to permit development in accordance with current zoning regulations or allow activation of the overlay zoning for development of up to 5,419 high-density, multi-family residential dwelling units distributed over 12 Housing Opportunity Areas. Full development of all Housing Opportunity Areas could result in up to 5,419 multi-family residential dwelling units. The proposed project is not anticipated to exceed the AQMP assumptions for the project site and is found to be consistent with the AQMP for the second criterion.

Therefore, potential impacts associated with an inconsistency with the SCAQMD AQMP would be less than significant, and no mitigation would be required.

- b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

**Less Than Significant Impact.** There are a number of cumulative projects in the project area that have not yet been built or are currently under construction. Since the timing or sequencing of the cumulative projects is unknown, any quantitative analysis to ascertain daily construction emissions that assumes multiple, concurrent construction projects would be speculative. Further, cumulative projects include local development as well as general growth within the project area. However, as with most developments, the greatest source of emissions is from mobile sources, which travel well out of the local area. Therefore, from an air quality standpoint, the cumulative analysis would extend beyond any local projects and when wind patterns are considered would cover an even larger area. The SCAQMD recommends using two different methodologies: (1) that project-specific air quality impacts be used to determine the potential cumulative impacts to regional air quality; and (2) that a project's consistency with the current AQMP be used to determine its potential cumulative impacts.

The project area is out of attainment for ozone, PM10, and PM2.5. Construction and operation of cumulative projects will further degrade the local air quality, as well as the air quality of the South Coast Air Basin. The greatest cumulative impact on the quality of regional air cell will be the incremental addition of pollutants mainly from increased traffic volumes from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with the construction of these projects. Air quality will be temporarily degraded during construction activities that occur separately or simultaneously. However, in accordance with the SCAQMD methodology, projects that do not exceed the SCAQMD criteria or can be mitigated to



less than criteria levels are not significant and do not add to the overall cumulative impact. This applies to TACs as well, as the SCAQMD does not have any cumulative TAC thresholds; therefore, projects that do not exceed the SCAQMD TAC threshold criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact. A significant impact may occur if a project would add a cumulatively considerable contribution of a federal or state non-attainment pollutant.

### **Construction Impacts**

The construction of the housing opportunity sites under the existing General Plan buildout designations would be anticipated to potentially occur over the course of the buildout of the General Plan and be separated into multiple individual project developments. Some of the potential individual development projects may be small and generate construction emissions that do not exceed the SCAQMD's recommended thresholds of significance; however, others could be large enough to generate construction emissions that exceed these thresholds. Through the environmental review process, the city evaluates individual development projects to identify site-specific air quality impacts and requires mitigation measures as may be required to reduce emissions and potential impacts.

Furthermore, the construction of the existing General Plan buildout will be required to comply with existing SCAQMD rules for the reduction of fugitive dust emissions. SCAQMD Rule 403 establishes these procedures. Compliance with this rule is achieved through application of standard best management practices in construction and operation activities, such as application of water or chemical stabilizers to disturbed soils, managing haul road dust by application of water, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 mph, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph and establishing a permanent, stabilizing ground cover on finished sites. In addition, projects that disturb 50 acres or more of soil or move 5,000 cubic yards of materials per day are required to submit a Fugitive Dust Control Plan or a Large Operation Notification Form to SCAQMD.

SCAQMD's Rule 403 minimum requirements require that the application of the best available dust control measures is used for all grading operations and include the application of water or other soil stabilizers in sufficient quantity to prevent the generation of visible dust plumes. Compliance with Rule 403 would require the use of water trucks during all phases where earth-moving operations would occur.

Construction of the housing opportunity sites under the existing general plan buildout designations would also be required to adhere to SCAQMD Rule 1113, as amended on June 3, 2011, which requires architectural coatings applied after January 1, 2014 be limited to an average of 50 grams per liter or less of VOCs for building coatings and 100 grams per liter or less of VOCs for traffic coatings.



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Furthermore, construction of the existing general plan buildout is also required to comply with the construction-related mitigation measures identified in the City's General Plan Environmental Impact Report (EIR) (October 2004). These measures include AQ-1 through AQ-6 as provided below.

- AQ-1 Project applicants shall provide construction site electrical hook ups for electric hand tools such as saws, drills, and compressors, to eliminate the need for diesel powered electric generators or provide evidence that electrical hook ups at construction sites are not practical or prohibitively expensive.
- AQ-2 All development projects greater than 19 single-family residential units, 40 multifamily residential units, or retail/commercial/industrial land uses greater than 45,000 square feet of floor space shall apply paints using either high volume low pressure (HVLV) spray equipment or by hand application.
- AQ-3 Prior to issuance of any area grading permits, all applicants shall submit a traffic control plan that will describe in detail safe detours and provide temporary traffic control during construction activities.
- AQ-4 For all development projects, all applicants must abide by the South Coast Air Quality Management District's Rule 404 concerning Best Management Practices for construction sites in order to reduce emissions during the construction phase. Measures may include:
- Development of construction traffic management program that includes, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site;
  - Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - Wash off trucks and other equipment leaving the site;
  - Replace ground cover in disturbed areas immediately after construction;
  - Keep disturbed/loose soil moist at all times;
  - Suspend grading activities when wind speeds exceed 25 miles per hour;
  - Enforce a 15 miles per hour speed limit on unpaved portions of the construction site.
- AQ-5 Prior to issuance of any grading permits, all Applicants shall submit evidence to the City of Perris that construction equipment is and will be properly maintained, including proper tuning and timing of engines.
- AQ-6 Building and grading permits shall include a restriction to limit idling of construction equipment on site to no more than ten minutes.



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Therefore, with incorporation of the General Plan mitigation measures stated above and considering that all future individual developments of the housing opportunity sites would be subject to City environmental review, construction of the proposed project would create a less than significant regional air quality impact.

Operational Impacts

The worst-case summer or winter VOC, NOx, CO, SO2, PM10, and PM2.5 emissions of the long-term operations generated by the housing opportunity sites under the existing general plan buildout have been calculated and are summarized below in Table 1. Table 1 shows that the SCAQMD regional thresholds would not be exceeded for SO2, but would be exceeded for ROG, NOx, CO, PM10, and PM2.5. Therefore, a potential significant regional air quality impact would occur from operation of the housing opportunity sites under the existing General Plan buildout.

**Table 1 - Regional Operational Pollutant Emissions for the Existing General Plan Buildout**

| Activity                        | Pollutant Emissions (pounds/day) |            |            |           |            |            |
|---------------------------------|----------------------------------|------------|------------|-----------|------------|------------|
|                                 | ROG                              | NOx        | CO         | SO2       | PM10       | PM2.5      |
| <b>Area Sources<sup>1</sup></b> | 336.00                           | 178.00     | 1,369.00   | 3.03      | 261.00     | 69.70      |
| <b>SCAQMD Thresholds</b>        | 55                               | 55         | 550        | 150       | 150        | 55         |
| <b>Exceeds Threshold?</b>       | <b>Yes</b>                       | <b>Yes</b> | <b>Yes</b> | <b>No</b> | <b>Yes</b> | <b>Yes</b> |

Notes:

Source: CalEEMod Version 2022.1.1.16; the higher of either summer or winter emissions.

Project-related air emissions from on-site sources such as architectural coatings, landscaping equipment, on-site usage of natural gas appliances as well as the operation of vehicles on-site may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin. The nearest sensitive receptors that may be impacted by the proposed project are located adjacent to some of the housing opportunity site areas.

According to SCAQMD LST methodology, LSTs would apply to the operational phase of a project, if the project includes stationary sources, or attracts mobile sources (such as heavy-duty trucks) that may spend long periods queuing and idling at the site; such as industrial warehouse/transfer facilities. The existing General Plan and zoning designations for the housing opportunity sites include that of residential and commercial uses and do not include such uses. Therefore, due the



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lack of stationary source emissions, no long-term localized significance threshold analysis is warranted.

The maximum daily pollutant emissions created from the proposed project’s long-term operations have been calculated and are shown below in Table 2. The results show that the SCAQMD regional thresholds would not be exceeded for SO<sub>2</sub>, but would be exceeded for ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. Therefore, a potential significant regional air quality impact would occur from the operation of the proposed project.

**Table 2 - Regional Operational Pollutant Emissions**

| Activity                        | Pollutant Emissions (pounds/day) |                 |            |                 |                  |                   |
|---------------------------------|----------------------------------|-----------------|------------|-----------------|------------------|-------------------|
|                                 | ROG                              | NO <sub>x</sub> | CO         | SO <sub>2</sub> | PM <sub>10</sub> | PM <sub>2.5</sub> |
| <b>Area Sources<sup>1</sup></b> | 298.00                           | 195.00          | 1,279.00   | 2.84            | 211.00           | 61.10             |
| <b>SCAQMD Thresholds</b>        | 55                               | 55              | 550        | 150             | 150              | 55                |
| <b>Exceeds Threshold?</b>       | <b>Yes</b>                       | <b>Yes</b>      | <b>Yes</b> | <b>No</b>       | <b>Yes</b>       | <b>Yes</b>        |

Notes:

Source: CalEEMod Version 2022.1.1.16; the higher of either summer or winter emissions.

Project operations would generate emissions of NO<sub>x</sub>, ROG, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>, which would exceed the SCAQMD regional thresholds and would be expected to result in ground level concentrations that exceed the NAAQS or CAAQS. The project will not be a source of significant TACs and will not cause significant cancer or non-cancer-related health risks. Since the project would not introduce any substantial stationary sources of emissions, CO is the benchmark pollutant for assessing local area air quality impacts from post-construction motor vehicle operations. No violations of the state and federal CO standards are projected to occur for the project, based on the magnitude of traffic the project is anticipated to create.



Therefore, operation of the project could potentially result in a cumulatively considerable net increase for non-attainment of criteria pollutants or ozone precursors, or TACs. As a result, the project would result in a significant cumulative impact for operational emissions. However, Existing General Plan Buildout Impact Analysis, in comparison to the existing General Plan buildout of the proposed project, the proposed project results in lower emissions for the majority of the analyzed criteria pollutants. Therefore, the proposed project would not change the findings of significance in relation to operational emissions. NO<sub>x</sub> is the only criteria pollutant that has an increase in emissions from those associated with the buildout of the existing General Plan. Furthermore, at only an additional 17 pounds per day of NO<sub>x</sub>, the net increase in emissions would not exceed the SCAQMD threshold of 55 pounds per day. Therefore, in comparison to the existing General Plan buildout of the proposed project, the project operational-sourced emissions would not exceed applicable regional thresholds of significance.

c) *Expose sensitive receptors to substantial pollutant concentrations?*

**Less Than Significant Impact.** A sensitive receptor is defined by SCAQMD Rule 1470 as “any residence including private homes, condominiums, apartments, and living quarters, “schools as defined under paragraph (b)(57), preschools, daycare centers and health facilities such as hospitals or retirement and nursing homes.” Also included are long term care hospitals, hospices, prisons, and dormitories or similar live-in housing.

Much of the City of Perris consists of sensitive receptors; for instance, the 2030 General Plan designated nearly 47 percent of the City for residential uses (City of Perris, 2005). Other sensitive receptors in Perris include schools, Kindred Hospital, and long-term care facilities.

The nearest sensitive receptors to the Housing Opportunity Sites include:

- Area 1: The single-family residential uses located approximately 30 feet (9 meters) south and 55 feet (17 meters) west; multi-family residential uses located approximately 80 feet (24 meters) southwest (across the intersection of Dale St and Wilson Avenue); and the school use located approximately 850 feet (259 meters) north of the area boundaries.
- Area 2: The mobile home park located adjacent to the south; multi-family residential uses located adjacent to the northwest and approximately 50 feet (15 meters) north/northeast and 55 feet (16 meters) north; single-family residential uses located approximately 113 feet (34 meters) northeast and 120 feet (37 meters) west; and the school uses located adjacent to the northeast and northwest and approximately 360 feet (meters) north/northwest of the area boundaries.
- Area 3: The single-family residential uses located adjacent to the south and northeast and approximately 70 feet (21 meters) southeast, 355 feet (108 meters) north, 323 feet (98



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meters) northwest, and 444 feet (135 meters) west; and the school use located approximately 55 feet (27 meters) east of the area boundaries.

- Area 4: The single-family residential uses located adjacent to the south and north and approximately 66 feet (20 meters) east and 308 feet (94 meters) north; and the school use located approximately 532 feet (162 meters) northeast of the area boundaries.
- Area 5: The single-family residential uses located adjacent to the south and west and approximately 50 feet (15 meters) east and 94 feet (28 meters) northeast of the area boundaries.
- Area 6: The single-family residential uses located approximately 2,617 feet (797 meters) east, 1,829 feet (557 meters) southwest, and 3,244 feet (988 meters) west of the area site boundaries.
- Area 7: The single-family residential uses located approximately 1,098 feet (335 meters) south, 1,004 feet (306 meters) southeast, and 1,599 feet (487 meters) southwest of the area site boundaries.
- Area 8: The single-family residential uses located approximately 40 feet (21 meters) northeast and 368 feet (112 meters) south of the area boundaries.
- Area 9: The single-family residential uses located adjacent to the north approximately 43 feet (13 meters) south, 112 feet (34 meters) southwest, 65 feet (19 meters) west, and 208 feet (63 meters) east; and the school use located approximately 591 feet (180 meters) north of the area boundaries.
- Area 10: The transient lodging use located approximately 85 feet (26 meters) west and the school use located approximately 126 feet (38 meters) south of the area boundaries.
- Area 11: The single-family residential uses located approximately 100 feet (38 meters) north and the multi-family residential uses located approximately 682 feet (208 meters) northwest of the area boundaries.
- Area 12: For the portion of Area 12 located at the southwestern corner of San Jacinto Avenue and G street, the single-family residential uses located approximately 155 feet (~48 meters) southeast, (~360 feet (~110 meters) west, and 381 feet (~116 meters) southwest; the mobile home park located approximately 385 feet (~117 meters) northeast; and multi-family residential uses located approximately 350 feet (~107 meters) east of the area boundaries. For the portion of Area 12 located east of G Street between 1st and 3rd streets, the single-family residential use located adjacent to the north and 704 feet (~215 meters) west; the mobile home park located approximately 517 feet (~158



meters) north; and multi-family residential uses located adjacent to the east and south of the area boundaries. For the portion of Area 12 located at the northwest corner of 7th Street and D Street, the single-family residential uses located approximately 105 feet (~32 meters) west and 190 feet (~58 meters) east, and multi-family residential uses located approximately 234 feet (~71 meters) south of the area boundaries. For the portion of Area 12 located between 4th Street and 7th Street and along Redlands Avenue, the single-family residential uses located approximately 357 feet (~108 meters) west, multi-family residential uses located approximately 529 feet (~161 meters) north, the transient lodging use located adjacent to the north, and the school use located approximately 86 feet (~26 meters) south of the area boundaries.

Other air quality sensitive land uses are located further from the project site and would experience lower impacts.

### Operations

#### *Local CO Emission Impacts from Project-Generated Vehicular Trips*

CO is the pollutant of major concern along roadways because the most notable source of CO is motor vehicles. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of potential local air quality impacts. Local air quality impacts can be assessed by comparing future without and with project CO levels to the State and Federal CO standards which were presented above.

The Transportation Study (Appendix E-1) showed that the proposed project would generate a maximum of approximately 36,524 daily vehicle trips. As shown in Table 3, under the General Plan Buildout (Post 2030) With Project Scenario, the roadway segment with the highest average daily traffic volume is State Route 74 (4th Street) from A Street to D Street with 35,900 average daily vehicle trips. In addition, under the General Plan Buildout (Post 2030) Without Project Scenario, the roadway segment with the highest average daily traffic volume is State Route 74 (4th Street) from Navajo Road to A Street with 39,500 average daily vehicle trips. The 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan) showed that an intersection which has a daily traffic volume of approximately 100,000 vehicles per day would not violate the CO standard. Therefore, as the average daily vehicle trips on the modeled roadway segments will fall far short of 100,000 vehicles per day, no CO “hot spot” modeling was performed, and no significant long-term air quality impact is anticipated to local air quality with the on-going use of the proposed project.



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**Table 3- Project Trip Generation**

**Trip Generation Rates**

| Land Use                       | Source <sup>1</sup> | Unit <sup>2</sup> | AM Peak Hour |       |      | PM Peak Hour |       |      | Daily |
|--------------------------------|---------------------|-------------------|--------------|-------|------|--------------|-------|------|-------|
|                                |                     |                   | % In         | % Out | Rate | % In         | % Out | Rate |       |
| Multifamily Housing (Low-Rise) | ITE 220             | DU                | 24%          | 76%   | 0.4  | 63%          | 37%   | 0.51 | 6.74  |

**Trips Generated**

| Area                           | Quantity | Unit <sup>2</sup> | AM Peak Hour |       |       | PM Peak Hour |       |       | Daily  |
|--------------------------------|----------|-------------------|--------------|-------|-------|--------------|-------|-------|--------|
|                                |          |                   | In           | Out   | Total | In           | Out   | Total |        |
| Area 1                         | 320      | DU                | 31           | 97    | 128   | 103          | 60    | 163   | 2,157  |
| Area 2                         | 537      | DU                | 52           | 163   | 215   | 173          | 101   | 274   | 3,619  |
| Area 3                         | 685      | DU                | 66           | 208   | 274   | 220          | 129   | 349   | 4,617  |
| Area 4                         | 881      | DU                | 85           | 268   | 353   | 283          | 166   | 449   | 5,938  |
| Area 5                         | 969      | DU                | 93           | 295   | 388   | 311          | 183   | 494   | 6,531  |
| Area 6                         | 542      | DU                | 52           | 165   | 217   | 174          | 102   | 276   | 3,653  |
| Area 7                         | 374      | DU                | 36           | 114   | 150   | 120          | 71    | 191   | 2,521  |
| Area 8                         | 201      | DU                | 19           | 61    | 80    | 65           | 38    | 103   | 1,355  |
| Area 9                         | 299      | DU                | 29           | 91    | 120   | 96           | 56    | 152   | 2,015  |
| Area 10                        | 130      | DU                | 12           | 40    | 52    | 42           | 25    | 67    | 876    |
| Area 11                        | 149      | DU                | 14           | 45    | 59    | 48           | 28    | 76    | 1,004  |
| Area 12                        | 332      | DU                | 32           | 101   | 133   | 107          | 63    | 170   | 2,238  |
| <b>TOTAL NEW PROJECT TRIPS</b> |          |                   | 521          | 1,648 | 2,169 | 1,742        | 1,022 | 2,764 | 36,524 |

Notes:

(1) ITE = Institute of Transportation Engineers *Trip Generation Manual* (11th Edition, 2021); ### = Land Use Code(s).

(2) DU = Dwelling Units



*Local Air Quality Impacts from On-Site Operations*

Project-related air emissions from on-site sources such as architectural coatings, landscaping equipment, on-site usage of natural gas appliances as well as the operation of vehicles on-site may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin. The nearest sensitive receptors that may be impacted by the proposed project are located adjacent to project site boundaries.

According to SCAQMD LST methodology, LSTs would apply to the operational phase of a project, if the project includes stationary sources, or attracts mobile sources (such as heavy-duty trucks) that may spend long periods queuing and idling at the site; such as industrial warehouse/transfer facilities. The proposed project is the development of the Housing Opportunity Sites identified in the City of Perris General Plan Housing Element and includes only residential uses. Therefore, due the lack of stationary source emissions, no long-term localized significance threshold analysis is warranted.

Project operational-source emissions would not result in or cause significant localized air quality or toxic air contaminant (TAC) impacts. Additionally, project-related trips will not cause or result in CO concentrations exceeding applicable state and/or federal standards (CO “hotspots”). The project will not be a significant source of toxic air contaminants. Project operational-source emissions would therefore not adversely affect sensitive receptors within the vicinity of the project.

Health Risk Assessment

The California Air Pollution Control Officers Association (CAPCOA) has developed TAC health risk assessment guidelines to provide consistent, statewide procedures for preparing the health risk assessments required under the Air Toxics “Hot Spots” Act. The most recent Health Risk Assessment for Proposed Land Use Projects, prepared by CAPCOA, July 2009, recommends avoiding siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week).

According to the latest traffic volume data from the California Department of Transportation, the portions of the Interstate 215 Freeway that lie in proximity of the Housing Opportunity Sites has a current annual average daily trip (AADT) ranging between 94,000 to 102,000 vehicles. In addition, the portions of State Route 74 that lie in proximity of the Housing Opportunity Sites has a current AADT ranging between 18,000 to 22,000 vehicles. Therefore, in the vicinity of the proposed project, the Interstate 215 Freeway has more than 50,000 vehicles per day.



As proposed sensitive receptors are located within 500 feet of the Interstate 215 Freeway, project-specific health risk assessments would be required to assess potential impacts. However, at this time, specifics regarding the development of each housing opportunity site are not available; therefore, a mitigation measure has been included which requires a health risk assessment be prepared for any future development of housing opportunity sites located within 500 feet of the Interstate 215 Freeway. Impacts to future on-site sensitive receptors from freeway-related diesel emissions are considered to be less than significant with incorporation of mitigation.

Therefore, potential impacts associated with exposing sensitive receptors to substantial pollutant concentrations from operation of the Proposed Project would be less than significant, and no mitigation would be required.

*d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

**Less Than Significant Impact.** The SCAQMD recommends that odor impacts be addressed in a qualitative manner. Such an analysis shall determine whether the Project would result in excessive nuisance odors, as defined under the California Code of Regulations and Section 41700 of the California Health and Safety Code, and thus would constitute a public nuisance related to air quality.

Potential sources that may emit odors during construction activities include the application of materials such as asphalt pavement. The objectionable odors that may be produced during the construction process are short-term in nature and the odor emissions are expected cease upon the drying or hardening of the odor producing materials. Due to the short-term nature and limited amounts of odor producing materials being utilized, no significant impact related to odors would occur during construction of the proposed project. Diesel exhaust and VOCs would be emitted during construction of the project, which are objectionable to some; however, emissions would disperse rapidly from the housing opportunity sites and therefore should not reach an objectionable level at the nearest sensitive receptors. Due to the short-term nature and limited amounts of odor producing materials being utilized, no significant impact related to odors would occur during construction of the Proposed Project. Impacts will be less than significant.

Potential sources that may emit odors during the on-going operations of the proposed project would include odor emissions from the intermittent diesel delivery truck emissions and trash storage areas. Due to the distance of the nearest receptors from the project site areas and through compliance with SCAQMD's Rule 402 no significant impact related to odors would occur during the on-going operations of the proposed project. Therefore, potential impacts associated with other emissions, such as those leading to odors adversely affecting a substantial number of people, would be less than significant, and no mitigation would be required.



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## **Mitigation Measures**

None.

## **Conclusion**

The air quality impacts of the Project would be less than significant and no Project-specific mitigation is required. As with all projects within the City of Perris, the Project is required to comply with the construction-related mitigation measures identified in the City's General Plan which would further reduce the potential air quality impacts of the Proposed Project.

## **4.4 Biological Resources**

### **Regulatory Setting**

Given the urban environment of the Project Site, regulations governing biological resources applicable to the Proposed Project include the following:

#### *Migratory Bird Treaty Act*

The federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C 703-711) provides protection for nesting birds that are both residents and migrants whether they are considered sensitive by resource agencies. The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed under 50 CFR 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). The direct injury or death of a migratory bird, due to construction activities or other construction-related disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered a take under federal law. The USFWS, in coordination with the California Department of Fish and Wildlife (CDFW) administers the MBTA. CDFW's authoritative nexus to MBTA is provided in California Fish and Game Code (FGC) Sections 3503.5 which protects all birds of prey and their nests and FGC Section 3800 which protects all non-game birds that occur naturally in the State.

#### *Western Riverside Multiple Species Habitat Conservation Plan*

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) is the applicable habitat conservation plan for western Riverside County. The City of Perris is a signatory to the MSHCP. Section 6 of the MSHCP identifies that all projects must be evaluated for riverine/riparian resources, vernal pools, and specific resources if mapped for Amphibian, Burrowing Owl, Criteria Area Species, Mammals, Narrow Endemic Plants, and Invertebrate.



**Environmental Setting**

The Project Site consists of 12 Housing Opportunity Areas that are located throughout the city adjacent to a variety of existing land uses, including industrial, commercial, and residential.

**Impact Analysis**

| CEQA THRESHOLDS   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|---|--------------------------------|--|------------------------------|-----------------------------|
| <p><b>IV. BIOLOGICAL RESOURCES:</b><br/>Would the project:</p>  |                                |  |                              |                             |
| <p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p> |                                |  | X                            |                             |
| <p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>   |                                |  | X                            |                             |
| <p>c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means</p>  |                                |  | X                            |                             |
| <p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>   |                                |  | X                            |                             |
| <p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>  |                                |  | X                            |                             |
| <p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</p>   |                                |  | X                            |                             |



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## Discussion

a) *Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

and

b) *Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

**Less Than Significant Impact.** A database search performed during preparation of the General Plan Update Focused MND produced records of 31 special-status wildlife species and 20 special-status plant species (see Perris Focused General Plan Update MND for the list of species). Additional plant and wildlife species are protected under the Multiple Species Habitat Conservation Plan (MSHCP) on a site-by-site basis, typically including most of the plant and wildlife species recorded by the California Natural Diversity Database (CNDDDB), with the addition of species that are considered sensitive within the western Riverside County region.

The CNDDDB and MSHCP also identified the presence of vegetation communities (e.g., southern cottonwood willow riparian forest, coastal sage scrub habitat, riparian scrub, etc.) within the City of Perris which are also considered to be sensitive by California Department of Fish and Wildlife and the MSHCP. Specifically, for the San Jacinto corridor, the MSHCP has mapped and proposed for conservation the following habitat types: playas and vernal pool habitat; coastal sage scrub; riparian scrub, riparian woodland, riparian forest; grassland and chaparral habitat.

As stated in the City of Perris General Plan 2030 - Conservation Element, Policy II.A of the Conservation Element requires compliance *with state and federal regulations to ensure protection and preservation of significant biological resources;*

- *Implementation Measure II.A.2:* For public and private projects located in areas with potential for moderate or high plant and wildlife sensitivity, require biological surveys as part of the development review process.

Policy III.A requires that the City review all public and private development and construction projects and any other land use plans or activities within the MSHCP area, in accordance with the conservation criteria procedures and mitigation requirements set forth in the MSHCP (City of Perris, 2004, p. 46).

- *Implementation Measure III.A.1:* Maintain a current copy of the MSHCP, including all of its appendices, as part of the Planning Division's environmental database.



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- *Implementation Measure III.A.2*: Provide training to City Planning Staff with respect to the project review procedures, conservation goals, biological survey and analysis criteria, mitigation fee structure, and coordination with regional agencies to ensure effective and efficient administration of habitat protection plans.

Critical habitat designated by the United States Fish and Wildlife Services exists within the City of Perris vicinity: coastal California gnatcatcher (*Poliophtila californica californica*), spreading navarretia (*Navarretia fossalis*), and thread-leaved brodiaea (*Brodiaea filifolia*).<sup>2</sup>

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The selection of the Housing Opportunity Areas took into consideration potential biological resources and efforts were made to avoid areas of the city that include sensitive natural communities and riparian habitats. Implementation of the HOAO does not authorize specific site development. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could remove habitat used by sensitive species, including sensitive natural communities and riparian habitats. Conservation Element Implementation Measure II.A.2 requires that a biological survey that identifies any potential biological resource impacts and addresses them, accordingly, be submitted at time of development review with the city. Therefore, impacts of the Proposed Project would be less than significant.

- c) *Have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**Less Than Significant Impact.** The United States Fish and Wildlife Service National Wetlands Inventory (USFWS) (NWI) uses aerial photography to delineate wetlands and conduct a nationwide inventory of wetlands across the country to provide biologists and others with information on the distribution and type of wetlands to aid in conservation efforts. Within the City of Perris, the NWI has mapped at least six (6) classifications of wetlands<sup>3</sup>. The majority of these wetlands are mapped along the San Jacinto River corridor; however, wetlands may occur in or adjacent to open space, agricultural lands, and as ephemeral, intermittent, and perennial streams and rivers. Wetlands may also include water bodies such as the Lake Perris<sup>4</sup>.

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<sup>2</sup> Figure 4.4-3, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>

<sup>3</sup> Figure 4.4-4, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>

<sup>4</sup> Figure 4.4-4, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>



The following categories of wetlands are mapped on the NWI within the City of Perris:

Freshwater pond: several ponds are mapped in the northern part of the City: these appear to be depressions or detention basins on vacant land.

Riverine: river, stream, and drainage channels in Perris include the San Jacinto River; the Perris Valley Storm Drain; and other drainage channels and natural stream channels.

Lake: lakes and reservoirs. One lake is mapped in Perris consisting of surface tanks at the Perris Regional Valley Regional Water Reclamation Facility.

To protect habitat required to support sensitive wildlife and plant species, including those protected by the MSHCP, the MSHCP requires the mapping and analysis of Riparian/Riverine Areas and Vernal Pools as described in Section 6.1.2 of the MSHCP. In addition, water features (e.g., streams, washes, wetlands) must be delineated and analyzed as required by federal and state regulations.

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The selection of the Housing Opportunity Areas took into consideration potential biological resources and as a result areas of the city that are within the MSHCP habitat areas were not included in the inventory. While the Proposed Project does not authorize specific development projects, future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could impact wetlands or other waters protected by federal or state regulations, or to riparian and other sensitive natural habitats protected by the MSHCP. As such, a project-level CEQA analysis will be conducted for individual projects developed within the HOAO and Housing Opportunity Areas to ensure that any potential biological resource impacts to wetland and riparian resources are identified and addressed at the time of development review with the city. Therefore, impact of the Proposed Project would be less than significant.

d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Less Than Significant Impact.** As depicted in Figure 4.4-5 of the Focused General Plan Update MND, the CNDDDB has mapped Small Natural Areas, and a Landscape Linkage associated with the San Jacinto River within the City of Perris. Additional Small Natural Areas as well as Natural Landscape Blocks and Essential Connectivity Areas are mapped within a five-mile radius of the city boundary.



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The MSHCP also maintains a continuous Linkage along the San Jacinto River corridor between the western and eastern boundaries of the Mead Valley Area Plan (of which the City of Perris is a part). Per the MSHCP, a Linkage is a connection between Core Areas (Habitat Blocks) with adequate size, configuration and vegetation characteristics to generally provide for "Live-In" Habitat and/or provide for genetic flow for identified Planning Species. Areas identified as Linkages in MSHCP may provide movement Habitat but not Live-In Habitat for some species, thereby functioning more as movement corridors. Thus, a Linkage functions as a wildlife corridor.

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The Proposed Project does not authorize specific site development within the HOAO, and HOAO sites were chosen to avoid known migratory wildlife corridors. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could impact Small Natural Areas designated by the CDFW (see Perris Focused General Plan Update MND, Figure 4.4-5). Therefore, a project-level CEQA analysis will be conducted for each project developed within the HOAO and Housing Opportunity Areas to ensure that any potential biological resource impacts to wildlife corridors or wildlife nursery sites are identified and addressed during development review with the city. Therefore, impacts of the Proposed Project would be less than significant.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**Less Than Significant Impact.** The City of Perris Municipal Code §§ 19.71.010 et. seq. sets forth the establishment of an Urban Forestry Board to establish guidelines (i.e., Urban Forestry Plan) for the planting, care, and maintenance of trees within the City. The Urban Forestry Plan establishes the protection of public and many privately-owned trees and specifies the protection of trees during construction activities.

The City of Perris General Plan 2030 - Conservation Element, Policy II.A of the Conservation Element requires compliance with state and federal regulations to ensure protection and preservation of significant biological resources; and Policy III.A requires that the City Review all public and private development and construction projects and any other land use plans or activities within the MSHCP area, in accordance with the conservation criteria procedures and mitigation requirements set forth in the MSHCP (City of Perris, 2004, p. 46). Adherence to the Implementation Measures for each Policy is required by the City of Perris.

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and could impact trees protected under City of Perris Municipal Code §§ 19.71.010. A project-level development review will be conducted for



projects developed within the HOAO and Housing Opportunity Areas to ensure that any potential biological resource impacts are identified and that all municipal code regulations and policies related to biological resources are adhered to. Therefore, impacts of the Proposed Project would be less than significant.

f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

**Less Than Significant Impact.** The City of Perris is a signatory to the Implementing Agreement for the MSHCP. As previously discussed in subsections A and B, implementation of and adherence to the MSHCP is written into the City of Perris General Plan 2030 – Conservation Element (City of Perris, 2005, p. 50):

- **Goal III – Biological Resources:** Implementation of the Multi-Species Habitat Conservation Plan (MSHCP)

- o Policy III.A: Review all public and private development and construction projects and any other land use plans or activities within the MSHCP area, in accordance with the conservation criteria procedures and mitigation requirements set forth in the MSHCP.

- Implementation Measure III.A.1: Maintain a current copy of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), including all of its appendices, as part of the Planning Division’s environmental database.

- Implementation Measure III.A.2: Provide training to City Planning Staff with respect to the project review procedures, conservation goals, biological survey and analysis criteria, mitigation fee structure, and coordination with regional agencies to ensure effective and efficient administration of habitat protection plans.

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The selection of the Housing Opportunity Areas took into consideration potential biological resources and as a result, areas of the city that are within mapped resource areas identified in the MSHCP were not included in the inventory. Future development within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus would need to be analyzed for consistency with local policies or ordinances protecting biological resources. A project-level CEQA analysis will be conducted for projects developed within Housing Opportunity Areas to ensure that any potential impacts to protected biological



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resources within the purview of the MSHCP are identified and addressed during the development review process. Therefore, impacts of the Proposed Project would be less than significant.

**Mitigation Measures:**

None.

**Conclusion**

Potential impacts of the Proposed Project associated with Biological Resources to less than significant.

**4.5 Cultural Resources**

A Cultural and Paleontological Resources Assessment for the Proposed Project was performed for the Project in August 2021 (**Appendix C - Cultural and Paleontological Resources Assessment Report for the Perris Housing Implementation Project**, Cogstone, November 2023).

Cultural resources include archaeological sites, buildings and other kinds of structures, historic districts, cultural landscapes, and resources important to specific ethnic groups.

Archaeological sites represent the material remains of human occupation and activity either prior to European settlement (prehistoric sites) or after the arrival of Europeans (historical sites).

The historic "built environment" includes structures used for work, recreation, education and religious worship, and may be represented by houses, factories, office buildings, schools, churches, museums, hospitals, bridges and other kinds of structures.

An historic district is any "geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history" (36 CFR 60.3).

The National Park Service defines a cultural landscape as "a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values".

**Regulatory Setting**

The National Historic Preservation Act (NHPA) of 1966, as amended and the California Public Resources Code (PRC), Section 5024.1, are the primary federal and state laws and regulations governing the evaluation and significance of historical resources of national, state, regional, and local importance.



### *National Historic Preservation Act*

Section 106 (Protection of Historic Properties) of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to consider the effects of their undertakings on historic properties. The Advisory Council on Historic Preservation, an independent federal agency, administers the Section 106 review process with assistance from State Historic Preservation Offices to ensure that historic properties are considered during federal project planning and implementation. The National Register of Historic Places is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation because of their significance in American history, architecture, archeology, engineering, and culture.

### *California Register of Historical Resources*

The California Register program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act. The California Register was established to serve as an authoritative guide to the state's significant historical and archaeological resources (PRC § 5024.1). The California Office of Historic Preservation (OHP), as an office of the California Department of Parks and Recreation (DPR), implements the policies of the NHPA on a statewide level.

### *Local Regulations*

The following Goal, Policy, and Implementation Measures from Conservation Element of the City of Perris General Plan (City of Perris 2008) are in place to protect cultural and paleontological resources.

### Goal IV - Cultural Resources

Protection of historical, archaeological and paleontological sites.

- Policy IV.A Comply with state and federal regulations and ensure preservation of the significant historical, archaeological and paleontological resources.

#### Implementation Measures

- **IV.A.1** - For all private and public projects involving new construction, substantial grading, or demolition, including infrastructure and other public service facilities, staff shall require appropriate surveys and necessary site investigations in conjunction with the earliest environmental document prepared for a project.



- **IV.A.2** - For all projects subject to CEQA, applicants will be required to submit results of an archaeological records search request through the Eastern Information Center, at the University of California, Riverside.
- **IV.A.3** - Require Phase I Surveys for all projects located in areas that have not previously been surveyed for archaeological or historic resources, or which lie near areas where archaeological and/or historic sites have been recorded.
- **IV.A.5** - Identify and collect previous surveys of cultural resources. Evaluate such resource and consider preparation of a comprehensive citywide inventory of cultural resources including both prehistoric sites and man-made resources.
- **IV.A.6** - Create an archive for the City wherein all surveys, collections, records and reports can be centrally located.
- **IV.A.7** - Strengthen efforts and coordinate the management of cultural resources with other agencies and private organizations.

## ***Environmental Setting***

### *History*

The earliest evidence of human occupation in western Riverside County was discovered below the surface of an alluvial fan in the northern portion of the Lakeview Mountains, some 10 miles southeast of the Project Site, with radiocarbon dates clustering around 9,500 before present (B.P.) (Horne and McDougall 2008). Another site found near the shoreline of Lake Elsinore, close to the confluence of Temescal Wash and the San Jacinto River, yielded radiocarbon dates between 8,000 and 9,000 B.P. (Grenda 1997).

In California, the so-called “historic period” began in 1769, when an expedition sent by the Spanish authorities in Mexico founded Mission San Diego, the first European outpost in Alta California. For several decades after that, however, Spanish colonization activities were largely confined to the coastal regions and left mostly indirect impact on the arid hinterland of the territory. The first explorers, including Pedro Fages and Juan Bautista de Anza, traveled through the Perris and San Jacinto Valleys as early as 1772-1774.

In 1821, Mexico won its independence from Spain and worked to lessen the wealth and power held by the missions. After Mexico gained independence from Spain in 1821, the Mission lands were secularized under the Secularization Act of 1833, but much of the land was transferred to political appointees. A series of large land grants that transferred Mission properties to private ownership were awarded by the Governors of California—Juan B. Alvarado, Manuel Micheltoarena and Pío Pico—between 1840 and 1846 (Appendix C).

Prior to 1880, Perris Valley was a treeless desert where great bands of sheep from adjacent ranchos wandered at will (Appendix C). The development of the Perris Valley was supported by two main factors, transportation (railroads) and water. In 1911 Perris became an incorporated



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city. While the railroad had played an important part in establishing the new town, the people had turned to agriculture for their future development. Because of limited groundwater, dry grain farming was the main crop before water was brought to the valley by the Eastern Municipal Water district in the early 1950s. Alfalfa, the King potato (which would produce two crops a year), and still later, sugar beets became the mainstay of farming the Perris Valley. With the construction of Lake Perris in the late 1960s and early 1970s Perris became attractive as a recreational area. Local attractions such as activities at the Lake, hot air ballooning, Orange Empire Railway Museum and skydiving are attracting international recognition.

*Cultural Affiliation*

The Housing Opportunity Areas and the surrounding lands have been reviewed by a number of cultural reports for various projects over the last 30 years (Bean 2005; Bean and Vane 1979, 1980; Eddy et al. 2014; Horne and McDougall 2008; Lerch and Cannon 2008; O’Connell et al. 1973). A review of the ethnographic literature identifies the Housing Opportunity Areas as being within the traditional territory of a number of different tribes, the Cahuilla, the Luiseño, the Gabrielino and the Serrano. Detailed discussion of tribal cultural resources is provided in Section 4.18, Tribal Cultural Resources.

| Mitigation Measure | Focused General Plan Update MND Mitigation Measure Summary   | Project Compliance   |
|--------------------|--|--|
| MM CUL-1:          | If exterior retrofits to structures for removal of materials posing a fire risk are carried out pursuant to the Secretary of the Interior’s Standards for the Treatment of Historic Properties (Secretary of the Interior’s Standards; Code of Federal Regulations Title 36 Section 68), the retrofit would not cause significant impact to the historical significance of the structure and no further action is required under this Mitigation Measure.  | Project-specific mitigation measure MM CR-1 requires a historic built resource evaluation for potential resources identified in Housing Opportunity Area 3, Sites 3.1 and 3.3. |
| MM CUL-2:          | If the affected structure(s) are 45 years old or older, and if such exterior retrofits are not intended to be conducted pursuant to the Secretary of the Interior’s Standards, then, before any alteration is made to the structure, the structure’s owner shall have a historical resources assessment (HRA) of the structure conducted by an architectural historian meeting the Secretary of the Interior’s Qualifications for Architectural Historian. The HRA shall assess whether the structure is eligible for listing on the California Register of Historic Resources (CRHR). The architectural historian shall prepare and submit a written report of their methods, research, and findings to the City of Perris Development Services Director. | Project-specific mitigation measure MM CR-1 requires a historic built resource evaluation for potential resources identified in Housing Opportunity Area 3, Sites 3.1 and 3.3. |



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| MM CUL-3: | If the historical resources assessment concludes that the structure is eligible for listing on the CRHR, then the retrofit must be carried out pursuant to the Secretary of the Interior's Standards.  | Project-specific mitigation measure MM CR-1 requires a historic built resource evaluation for potential resources identified in Housing Opportunity Area 3, Sites 3.1 an 3.3.  |
| MM CUL-4: | If the historical resources assessment determines that the structure is not eligible for listing on the CRHR, then the retrofit may proceed without adherence to the Secretary of the Interior's Standards, and no further action is required under this Mitigation Measure. | Project-specific mitigation measure MM CR-1 requires a historic built resource evaluation for potential resources identified in Housing Opportunity Area 3, Sites 3.1 and 3.3. |

**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**V. CULTURAL RESOURCES:**

Would the project:

|  |  |   |  |  |
|--|--|---|--|--|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?    |  | X |  |  |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? |  | X |  |  |
| c) Disturb any human remains, including those interred outside of formal cemeteries?                         |  | X |  |  |

**Discussion**

a) *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

**Less than Significant Impact with Mitigation Incorporated.** Public Resources Code Section 15064.5(a) defines historical resources, which includes: *A resource listed in, or determined to be*



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*eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 14 CCR, Section 4850 et seq.).*

A search of the California Historical Resources Information System (CHRIS) from the Eastern Information Center (EIC) located at the University of California, Riverside on July 25, 2023, included the entirety of all 12 proposed Housing Opportunity Areas as well as a one-mile search radius. Results of the record search indicate that 29 previous studies have been completed within the Housing Opportunity Areas while an additional 80 studies have been completed previously within a one-mile radius of the Housing Opportunity Areas. Five cultural resources have been recorded within Housing Opportunity Areas, and an additional 136 resources cultural resources have been previously documented within the one-mile search radius from the Housing Opportunity Areas. Appendix C, Table 5 provides a summary of the search results.

Historic built environment resource P-33-0-7638, the Hook House, is located within Housing Opportunity Area 3, Housing Site 3.1. The resource has been assigned National Register of Historic Places (NRHP) Status Code 3S and appears eligible for the National Register as an individual property through previous survey evaluation. A newly identified single-family residence, located within Housing Opportunity Area 3, Housing Site 3.3, appears to be over 45 years of age but has not previously been surveyed for historic significance.

In order to comply with applicable State regulations and Focused General Plan Update MND mitigation measures MM CUL-1 through MM CUL-4, both built environment resources must be fully evaluated for significance and inclusion in the NRHP and CRHR prior to any change that may have an adverse effect on them. **Mitigation Measure CUL-1** shall require preparation of a complete historic built resource evaluation be completed by a qualified historic preservation consultant for review by the City as part of the development entitlement application for site-specific development facilitated by the Proposed Project on Housing Opportunity Sites 3.1 and 3.3.

With implementation of **CUL-1**, potential significant impacts to historical resources will be reduced to a less than significant level.

b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

**Less Than Significant Impact with Mitigation Incorporated.** Archaeological sites represent the material remains of human occupation and activity either prior to European settlement (prehistoric sites) or after the arrival of Europeans (historical sites). The City's General Plan notes that most of the prehistoric sites in and around the City of Perris consist of bedrock milling slicks. Current ethnohistorical scholarship suggests that Native peoples in this area lived in base camps close to water sources, usually in protected areas such as near the base of hills. The Project Site, located on the open valley floor, would not have been a favored location for long-term



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habitation, and there are no bedrock outcrops on the Project Site that could have been used for resource processing.

EIC records identified four previously recorded archaeological cultural resources that are located within Housing Opportunity Areas. One resource, P-33-15115 is a cultural isolate and is by definition not eligible for NRHP/CRHR listing (located within Housing Opportunity Area 2, Housing Site 2.4). Three resources, all historical archaeological sites are located within Housing Opportunity Area 9. P-33-028559 (Housing Site 9.2), P-33-028560 (Housing Site 9.1), and P-33-028561 (Housing Site 9.2), have been tested archaeologically and are recommended not eligible for NRHP/CRHR listing.

All or some portion of the Housing Sites within Housing Opportunity Areas 1, 2, 3, 4, 9, and 12 are assessed to have at least moderate sensitivity for cultural resources (**Table 4 – Housing Opportunity Area Cultural Sensitivity**).

**Table 4 – Housing Opportunity Area Cultural Sensitivity**

\*Areas with moderate to high sensitivity in bold.

| Housing Opportunity Area | Housing Site Number | Cultural Resource Sensitivity |
|--------------------------|---------------------|-------------------------------|
| 1                        | 1.1                 | <b>Low to Moderate</b>        |
| 2                        | 2.1                 | <b>Moderate</b>               |
|                          | 2.2                 | <b>Moderate</b>               |
|                          | 2.3                 | <b>Low to Moderate</b>        |
|                          | 2.4                 | <b>Low to Moderate</b>        |
|                          | 2.5                 | Low                           |
|                          | 2.6                 | Low                           |
| 3                        | 3.1                 | <b>High</b>                   |
|                          | 3.2                 | <b>High</b>                   |
|                          | 3.3                 | <b>High</b>                   |
|                          | 3.4                 | <b>High</b>                   |
|                          | 3.5                 | <b>High</b>                   |
|                          | 3.6                 | <b>High</b>                   |
|                          | 3.7                 | <b>High</b>                   |
| 4                        | 4.1                 | <b>Low to High</b>            |
| 5                        | 5.1                 | <b>Moderate to High</b>       |
|                          | 5.2                 | <b>High</b>                   |
|                          | 5.3                 | <b>High</b>                   |
|                          | 5.4                 | <b>High</b>                   |
| 6                        | 6.1                 | Low                           |
|                          | 6.2                 | Low                           |



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| Housing Opportunity Area | Housing Site Number | Cultural Resource Sensitivity |
|--------------------------|---------------------|-------------------------------|
| 7                        | 7.1                 | Low                           |
|                          | 7.2                 | Low                           |
|                          | 7.3                 | Low                           |
|                          | 7.4                 | Low                           |
| 8                        | 8.1                 | Low                           |
|                          | 8.2                 | Low                           |
|                          | 8.3                 | Low                           |
|                          | 8.4                 | Low                           |
| 9                        | <b>9.1</b>          | <b>Low to High</b>            |
|                          | <b>9.2</b>          | <b>Low to High</b>            |
| 10                       | 10.1                | Low                           |
|                          | 10.2                | Low                           |
| 11                       | 11.1                | Low                           |
|                          | 11.2                | Low                           |
|                          | 11.3                | Low                           |
| 12                       | <b>12.1</b>         | <b>Low to Moderate</b>        |
|                          | <b>12.2</b>         | <b>Moderate</b>               |
|                          | <b>12.3</b>         | <b>High</b>                   |
|                          | <b>12.4</b>         | <b>Low to Moderate</b>        |
|                          | <b>12.5</b>         | <b>Low to Moderate</b>        |
|                          | <b>12.6</b>         | <b>Low to Moderate</b>        |
|                          | 12.7                | Low                           |

The results of the Sacred Land File (SLF) search were positive, but none of the Native American groups or contacts listed in the SLF provided specific information about resources within the Housing Opportunity Areas. As a result, this positive SLF search result did not factor in the archaeological sensitivity assessment. The positive SLF search result does mean that it is likely that additional information may be provided during government-to-government tribal consultations. Detailed discussion of tribal cultural resources is provided in Section 4.18, Tribal Cultural Resources.

To avoid potential impacts to significant archaeological resources, **Mitigation Measure CUL-2** shall require a site-specific Phase I assessment archaeological sensitivity assessment shall be prepared for review by the City as part of the development entitlement application for development facilitated by the Proposed Project within any Housing Opportunity Site with moderate or high cultural sensitivity.

Furthermore, the City of Perris has developed **Mitigation Measure CUL-3**, a standard mitigation measure to manage unanticipated discoveries of archaeological and Native American resources and for when monitoring is recommended by the Phase 1 cultural resources survey. **Mitigation**



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**Measure CUL-3** would require the Property Owner/Developer to manage unanticipated discoveries of archaeological and Native American resources in order to reduce impacts to less than significant levels.

c) *Disturb any human remains, including those interred outside of formal cemeteries?*

**Less than Significant Impact with Mitigation Incorporated.** Based on an analysis of records and archaeological survey of the property, it has been determined that the Project Site does not include a formal cemetery or any archaeological resources that might contain interred human remains.

The City of Perris has also developed **Mitigation Measure CUL-4**, a standard mitigation measure to manage unanticipated discoveries of human remains. **Mitigation Measure CUL-4** would require the Property Owner/Developer to manage unanticipated discoveries of human remains, archaeological and Native American resources in order to reduce impacts to less than significant levels.

### **Mitigation Measures**

**CUL-1:** At the time of development entitlement application submittal for Housing Opportunity Sites 3.1 and/or 3.3, the Project proponent/developer shall submit a historic built resource evaluation for existing built resources over 45 years of age. The report shall be prepared by a qualified historic preservation consultant meeting the Secretary of the Interior's Professional Standards for History or Architectural History (U.S. Department of Interior, 2012).

**CUL-2:** At the time of development entitlement application submittal, the Project proponent/developer shall submit a site-specific Phase 1 cultural resources assessment archaeological sensitivity assessment for review by the City for any Housing Opportunity Site with moderate or high cultural sensitivity. The Phase 1 assessment shall be prepared by a professional archaeologist meeting the Secretary of the Interior's Professional Standards for Archaeology (U.S. Department of Interior, 2012; Registered Professional Archaeologist preferred).

The purpose of the Phase 1 study shall be to identify potential archaeological and cultural resources that are older than 45 years of age that may be affected by the proposed Project, conduct an intensive archaeological survey of all accessible areas of the Project, provide an inventory of all recorded archaeological and cultural resources located within the boundaries and a one-mile radius, conduct preliminary Native American scoping activities as required, and provide recommendations for avoidance and/or mitigation for proposed impacts to archaeological and cultural resources.



**CUL-3:** Prior to the issuance of grading permits, the Project proponent/developer shall retain a professional archaeologist meeting the Secretary of the Interior’s Professional Standards for Archaeology (U.S. Department of Interior, 2012; Registered Professional Archaeologist preferred). The primary task of the consulting archaeologist shall be to monitor the initial ground-disturbing activities at both the subject site and any off-site Project-related improvement areas for the identification of any previously unknown archaeological and/or cultural resources. Selection of the archaeologist shall be subject to the approval of the City of Perris Director of Development Services and no ground-disturbing activities shall occur at the Project Site or within the off-site Project improvement areas until the archaeologist has been approved by the City.

The archaeologist shall be responsible for monitoring ground-disturbing activities, including initial vegetation removal, maintaining daily field notes and a photographic record, and for reporting all finds to the developer and the City of Perris in a timely manner. The archaeologist shall be prepared and equipped to record and salvage cultural resources that may be unearthed during ground-disturbing activities and shall be empowered to temporarily halt or divert ground-disturbing equipment to allow time for the recording and removal of the resources.

The Project proponent/developer shall also enter into an agreement with either the Soboba Band of Luiseño Indians, the Rincon Band of Luiseño Indians, or the Pechanga Band of Luiseño Indians for a Luiseño tribal representative (observer/monitor) to work along with the consulting archaeologist. This tribal representative will assist in the identification of Native American resources and will act as a representative between the City, the project proponent/developer, and Native American Tribal Cultural Resources Department. The Luiseño tribal representative(s) shall be on-site during all ground-disturbing of each portion of the project site including clearing, grubbing, tree removals, grading, trenching, etc. The Luiseño tribal representative(s) should be on-site any time the consulting archaeologist is required to be on-site. Working with the consulting archaeologist, the Luiseño representative(s) shall have the authority to halt, redirect, or divert any activities in areas where the identification, recording, or recovery of Native American resources are on-going.

The agreement between the proponent/developer and the Luiseño tribe shall include, but not be limited to:

- An agreement that artifacts will be reburied on-site and in an area of permanent protection;
- Reburial shall not occur until all cataloging and basic recordation have been completed by the consulting archaeologist;



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- Native American artifacts that cannot be avoided or relocated at the project site shall be prepared for curation at an accredited curation facility in Riverside County that meets federal standards (per 36 CFR Part 79) and available to archaeologists/researchers for further study; and
- The project archaeologist shall deliver the Native American artifacts, including title, to the identified curation facility within a reasonable amount of time, along with applicable fees for permanent curation.

The project proponent/developer shall submit a fully executed copy of the agreement to the City of Perris Planning Division to ensure compliance with this condition of approval. Upon verification, the City of Perris Planning Division shall clear this condition. This agreement shall not modify any condition of approval or mitigation measure.

In the event that archaeological resources are discovered at the Project Site or within the off-site Project improvement areas, the handling of the discovered resource(s) will differ, depending on the nature of the find. Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for Native American/tribal cultural/archaeological resources. However, it is understood that all artifacts, with the exception of human remains and related grave goods or sacred/ceremonial/religious objects, belong to the property owner. The property owner will commit to the relinquishing and curation of all artifacts identified as being of Native American origin. All artifacts, Native American or otherwise, discovered during the monitoring program shall be recorded and inventoried by the consulting archaeologist.

If any Native American artifacts are identified when Luiseño tribal representative is not present, all reasonable measures will be taken to protect the resource(s) in situ and the City Planning Division and Luiseño tribal representative will be notified. The designated Luiseño tribal representative will be given ample time to examine the find. If the find is determined to be of sacred or religious value, the Luiseño tribal representative will work with the City and consulting archaeologist to protect the resource in accordance with tribal requirements. All analysis will be undertaken in a manner that avoids destruction or other adverse impacts.

In the event that human remains are discovered at the Project Site or within the off-site Project improvement areas, **Mitigation Measure CUL-4** shall immediately apply, and all items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling.

Non-Native American artifacts shall be inventoried, assessed, and analyzed for cultural affiliation, personal affiliation (prior ownership), function, and temporal placement.



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Subsequent to analysis and reporting, these artifacts will be subjected to curation, as deemed appropriate, or returned to the property owner.

Once grading activities have ceased and/or the archaeologist, in consultation with the designated Luiseño representative, determines that monitoring is no longer warranted, monitoring activities can be discontinued following notification to the City of Perris Planning Division.

A report of findings, including an itemized inventory of artifacts, shall be prepared upon completion of the tasks outlined above. The report shall include all data outlined by the Office of Historic Preservation guidelines, including a conclusion of the significance of all recovered, relocated, and reburied artifacts. A copy of the report shall also be filed with the City of Perris Planning Division, the University of California, Riverside, Eastern Information Center (EIC) and the Luiseño tribe(s) involved with the Project.

**CUL-4:** In the event that human remains (or remains that may be human) are discovered at the Project Site or within the off-site Project improvement areas during ground-disturbing activities, the construction contractors, Project archaeologist, and/or designated Luiseño tribal representative shall immediately stop all activities within 100 feet of the find. The Project proponent shall then inform the Riverside County Coroner and the City of Perris Planning Division immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

If the coroner determines that the remains are of Native American origin, the coroner will notify the Native American Heritage Commission (NAHC), which will identify the “Most Likely Descendent” (MLD). Despite the affiliation with any Luiseño tribal representative(s) at the Project Site, the NAHC’s identification of the MLD will stand. The MLD shall be granted access to inspect the Project Site of the discovery of Native American human remains and may recommend to the Project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the Project Site. The disposition of the remains will be determined in consultation between the Project proponent and the MLD. In the event that there is disagreement regarding the disposition of the remains, State law will apply and median with the NAHC will make the applicable determination (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the Eastern Information Center (EIC).



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## Conclusion

Implementation of mitigation measures **CUL-1** through **CUL-4** would reduce potential impacts of the Proposed Project associated with Cultural Resources to less than significant levels.

### 4.6 Energy

An Air Quality, Global Climate Change, Health Risk Assessment and Energy Impact Analysis has been prepared to assess potential impacts to energy resulting from development facilitated by the Proposed Project (**Appendix B –City of Perris Implementation Measures Air Quality, Global Climate Change, Health Risk Assessment and Energy Impact Analysis**, Ganddini Group, August 14, 2023). Information from the CalEEMod 2022.1.1.16 output utilized for air quality and greenhouse gas analyses was also utilized for this analysis. The CalEEMod output details construction equipment, transportation energy demands, and facility energy demands. The buildout year for the General Plan is anticipated to be 2030.

### Regulatory Setting

A full list of energy regulations is provided in the analysis in Appendix B. The discussion below provides a summary of key standards relative to the Proposed Project.

#### *Building Energy Efficiency Standards*

The California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were adopted to ensure that building construction and system design and installation achieve energy efficiency and preserve outdoor and indoor environmental quality. The current California Building Energy Efficiency Standards (Title 24 standards) are the 2019 Title 24 standards, which became effective on January 1, 2020. The 2019 Title 24 standards include efficiency improvements to the lighting and efficiency improvements to the non-residential standards include alignment with the American Society of Heating and Air-Conditioning Engineers.

The 2019 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as the CALGreen Code, went into effect on January 1, 2020. The 2019 CALGreen Code includes mandatory measures for non-residential development related to site development; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. Specifically, the code requires the following measures that are applicable to energy use:

- New buildings with tenant spaces that have 10 or more tenant-occupants must provide secure bicycle parking for 5 percent of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility.



- New buildings that require 10 or more parking spaces must provide a specific number of spaces to facilitate the future installation of electric vehicle supply equipment. The raceways are required to be installed at the time of construction.

### *Senate Bill 350*

Senate Bill (SB) 350 (de Leon) was signed into law in October 2015 and established new clean energy, clean air, and greenhouse gas reduction goals for 2030. SB 350 establishes periodic increases to the California Renewables Portfolio Standard (RPS) Program with the target to increase the amount of electricity generated per year from eligible renewable energy resources to an amount that equals at least 33% of the total electricity sold annually to retail customers, by December 31, 2020. The SB 350 specifically calls for the quantities of eligible renewable energy resources to be procured for all other compliance periods reflecting reasonable progress in each of the intervening years to ensure that the procurement of electricity products from eligible renewable energy resources achieves 40 percent by December 31, 2024, 45 percent by December 31, 2027, and 50 percent by December 31, 2030.

### *Senate Bill 100*

Senate Bill 100 (SB 100) was signed into law September 2018 and increased the goal of the California RPS Program to achieve at least 50 percent renewable resources by 2026, 60 percent renewable resources by 2030, and 100 percent renewable resources by 2045. SB 100 also includes a State policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

### ***Environmental Setting***

California was the seventh-largest producer of crude oil among the 50 states in 2021, and, as of January 2021, it ranked third in oil refining capacity. In 2019, California was the second-largest total energy consumer among the states, but its per capita energy consumption was less than in all other states except Rhode Island, due in part to its mild climate and its energy efficiency programs. In addition, California is the largest consumer of jet fuel and second-largest consumer of motor gasoline among the 50 states and accounted for fifteen percent of the nation's jet fuel consumption and ten percent of motor gasoline consumption in 2020. In 2021, California was the nation's top producer of electricity from solar, geothermal, and biomass energy. The state was fourth in the nation in conventional hydroelectric power generation, down from second in 2019, in part because of drought and increased water demand. In 2021, California was the fourth-largest electricity producer in the nation, but the state was also the nation's second-largest



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consumer of electricity, and in 2020, it received about 30% of its electricity supply from generating facilities outside of California, including imports from Mexico.

California's electricity in-state generation system generates approximately 194,127 gigawatt-hours each year. In 2021, California produced approximately 70 percent of the electricity it uses; the rest was imported from the Pacific Northwest (approximately 12 percent) and the U.S. Southwest (approximately 18 percent). Natural gas is the main source for electricity generation at approximately 50.2 percent of the total in-state electric generation system power as shown in Appendix B, Table 11. Adopted on September 10, 2018, SB 100 accelerates the State's Renewables Portfolio Standards Program by requiring electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

**Impact Analysis**

| CEQA THRESHOLDS   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|---|--------------------------------|--|------------------------------|-----------------------------|
| <b>VI. ENERGY:</b><br><br>Would the project:  |                                |  |                              |                             |
| a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? |                                |  | X                            |                             |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?   |                                |  |                              | X                           |

**Discussion**

- a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

**Less Than Significant Impact.** The Proposed Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. The Proposed Project does not authorize site-specific development within the HOAO. However, implementation of the HOAO will permit residential development of up to 30 du/acre on sites within the overlay zone, which could facilitate development of up to 5,419 high density, multi-family residential units distributed between the twelve Housing Opportunity Areas.



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Information from the CalEEMod version 2022.1.1.16 Daily and Annual Outputs (Appendix B) were utilized to generate estimates of the Proposed Project's electricity, natural gas, and fuel consumption for construction and operational buildout facilitated by of the Proposed Project. Electricity used during construction and operations would be provided by Southern California Edison, which serves more than 15 million customers. SCE derives electricity from varied energy resources including fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. SCE also purchases from independent power producers and utilities, including out-of-state suppliers. Natural gas would be provided to the Proposed Project by Southern California Gas (SoCalGas). Residential buildout facilitated by the Proposed Project would attract additional vehicle trips with resulting consumption of energy resources, predominantly gasoline and diesel fuel. Gasoline (and other vehicle fuels) are commercially provided commodities and would be available to the project patrons and employees via commercial outlets.

### *Construction Energy*

Energy consumed during buildout of the Housing Opportunity Areas would be that of on-site electricity consumption and fuel consumed by construction equipment and worker vehicle trips. Fuel consumed by construction equipment would be the primary energy resource expended over the course of project construction. However, project construction would represent a "single-event" diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources for this purpose. As construction details for site-specific developments are not currently known, a qualitative discussion of construction energy demands is provided.

Construction equipment used over the course of construction would conform to CARB regulations and California emissions standards and is evidence of related fuel efficiencies. There are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities; or equipment that would not conform to current emissions standards (and related fuel efficiencies). Equipment employed in the construction of the project would therefore not result in inefficient, wasteful, or unnecessary consumption of fuel.

Construction would utilize contractors which practice compliance with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Additionally, CARB has adopted the Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other Toxic Air Contaminants. Compliance with these measures would result in a more efficient use of construction-related energy and would minimize or eliminate wasteful or unnecessary consumption of energy. Idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption.



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Additionally, as required by California Code of Regulations Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than five minutes, thereby minimizing or eliminating unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Enforcement of idling limitations is realized through periodic site inspections conducted by City building officials, and/or in response to citizen complaints.

Therefore, potential impacts associated with wasteful, inefficient, or unnecessary consumption of energy resources during construction facilitated by the Proposed Project would be less than significant, and no mitigation would be required.

### *Operations*

Energy consumption in support of or related to operation residential development facilitated by the Proposed Project would include transportation energy demands (energy consumed by employee and patron vehicles accessing residential development on the Project Site) and facilities energy demands (energy consumed by building operations and site maintenance activities). In order to present a “worst-case” development scenario, it was assumed that vehicles would operate 365 days per year within the Project Site.

Development of a maximum of 5,419 residential units is anticipated to generate approximately 36,524 vehicle trips per day, and an estimated 4,737,246 gallons of fuel would be consumed per year for the operation of the Proposed Project. (Appendix B, Table 13). Trip generation and VMT calculations for maximum residential buildout are consistent with other similar residential uses of similar scale and configuration as reflected respectively in the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition, 2021). The Proposed Project does not propose use standards or operational requirements that would inherently result in excessive and wasteful vehicle trips and VMT, nor associated excess and wasteful vehicle energy consumption. Furthermore, The State of California consumed approximately 4.2 billion gallons of diesel and 15.1 billion gallons of gasoline in 2015. The increase in fuel consumption for residential development facilitated by the Proposed Project is insignificant in comparison to the State’s demand. Therefore, transportation energy consumption associated with the Proposed Project would not be considered inefficient, wasteful, or otherwise unnecessary.

Building operation and site maintenance (including landscape maintenance) would result in the consumption of electricity (provided by Southern California Edison) and natural gas (provided by Southern California Gas Company). As shown in Table 14 in Appendix B, the estimated electricity demand for the proposed project is approximately 37,102,758 kWh per year. In 2021, the residential sector of the County of Riverside consumed approximately 8,510 million kWh of electricity.<sup>50</sup> In addition, the estimated natural gas consumption for the proposed project is approximately 91,961,638 kBTU per year. In 2021, the residential sector of the County of Riverside consumed approximately 287 million therms of gas. Therefore, the increase in both



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electricity and natural gas demand generated through development within the HOAO is insignificant compared to the County's 2021 residential sector demand.

Energy use in buildings is divided into energy consumed by the built environment and energy consumed by uses that are independent of the construction of the building such as in plug-in appliances. In California, the California Building Standards Code Title 24 governs energy consumed by the built environment, mechanical systems, and some types of fixed lighting. Non-building energy use, or "plug-in" energy use can be further subdivided by specific end-use (refrigeration, cooking, appliances, etc.). Furthermore, the proposed project energy demands in total would be comparable to other residential projects of similar scale and configuration. The Proposed Project facilitates energy demands and energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary. Therefore, potential impacts associated with wasteful, inefficient, or unnecessary consumption of energy resources during operations of residential development facilitated by the Proposed Project would be less than significant, and no mitigation would be required.

b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

**Less Than Significant Impact.** As discussed above, SCE would be the default electricity provider for the HOAO sites. SB 100 mandates 100 percent clean electricity for California by 2045. Because development facilities by the HOAO would be powered by the existing electricity grid, the project would be powered by renewable energy provided by SCE and mandated by SB 100 and would not conflict with this regulation. Furthermore, the project would be required to comply with California Building Energy Efficiency Standards for Residential and Non-residential Buildings and CALGreen (California Code of Regulations Title 24, Parts 6 and 11), which contain energy efficiency requirements. Development projects would also be required to comply with all energy efficiency programs implemented by SCE and Southern California Gas Company.

**Table 4** summarizes the project consistency with the goals and policies of the Perris Climate Action Plan related to energy consumption. As discussed therein, development within the HOAO would be consistent with the applicable goals and policies related to renewable energy and energy efficiency and would not conflict with or obstruct state or local plans for renewable energy and energy efficiency. Therefore, no impact would occur and no mitigation is required.



**Table 5 – Climate Action Plan Consistency**

| CAP Measure   | Project Consistency Analysis   |
|---|--|
| <b>Energy</b>   |  |
| E-1 Energy Action Plan: Improve municipal and community-wide energy efficiency and reduce energy consumption through the adoption of the local Energy Action Plans (EAP). | No Conflict. The Proposed Project consists of implementation of a Housing Opportunity Area Overlay (HOAO) for the Housing Opportunity Areas identified in the City's 2021-2029 Housing Element. The Proposed Project would not affect the ability of the City to adopt local EAPs. Furthermore, any future development of the Housing Opportunity Areas would be required to be consistent with all applicable measures of an adopted local EAP. |

**Mitigation Measures**

None.

**Conclusion**

Potential impacts of the Proposed Project associated with Energy would be less than significant, no mitigation measures are required.

**4.7 Geology and Soils**

**Environmental Setting**

The Perris Valley is comprised of extensive alluvial deposits resulting from erosion of sediments from the San Jacinto Mountain Range. Although depths to ground water generally exceed 100 feet, the central and northeastern parts of the planning area are comprised of materials considered susceptible to moderate to very high liquefaction potential (Hogle-Ireland, 2004, p. IV-10). The western and southwestern portions of the city includes steep slopes with slopes or of 30 percent or greater (Hogle-Ireland, 2004, p. IV-11).

The Project Site consists of twelve Housing Opportunity Areas that are located throughout the city. As a consequence of this geographic spread, the specific soil composition varies throughout the Project Site. The Housing Opportunity Areas are mapped as Cretaceous (145 to 66 million years old) Val Verde tonalite, early to middle Pleistocene (2.58 million years ago to 129,000 years



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old) very old alluvial fan deposits, middle to late Pleistocene (774,000 – 11,700 years old) old alluvial fan deposits, late Pleistocene to Holocene (less than 129,000 years old) young alluvial valley deposits, and late Holocene (less than 4,200 years ago) very young alluvial valley deposits (Cohen et al. 2023; Morton and Miller 2006; **Figure 7** – Project Geology Map).

### *Seismic Hazards*

No active faults— faults showing evidence of surface displacement within the last 11,000 years— are mapped in the City of Perris by the California Geological Survey<sup>5</sup>. No Alquist-Priolo Earthquake Fault Zones, where fault studies are required before cities can permit development of structures for human occupancy, are present in or next to the City<sup>6</sup>.

Several active faults are known in the region, and strong ground shaking is likely to occur in the region within the next few decades. The U.S. Geological Survey estimates that there is a 60% probability of an earthquake measuring 6.7 magnitude striking the Los Angeles region during a 30- year period (USGS, 2015).

Liquefaction refers to loose, saturated sand or silt deposits that behave as a liquid and lose their load-supporting capability when strongly shaken. Loose granular soils and silts that are saturated by relatively shallow groundwater are susceptible to liquefaction. The Perris Valley is comprised of extensive alluvial deposits. Although depths to groundwater generally exceed 100 feet, the central and northeastern parts of the city are comprised of materials considered susceptible to moderate to very high liquefaction potential (City of Perris, 2005, p. 9).

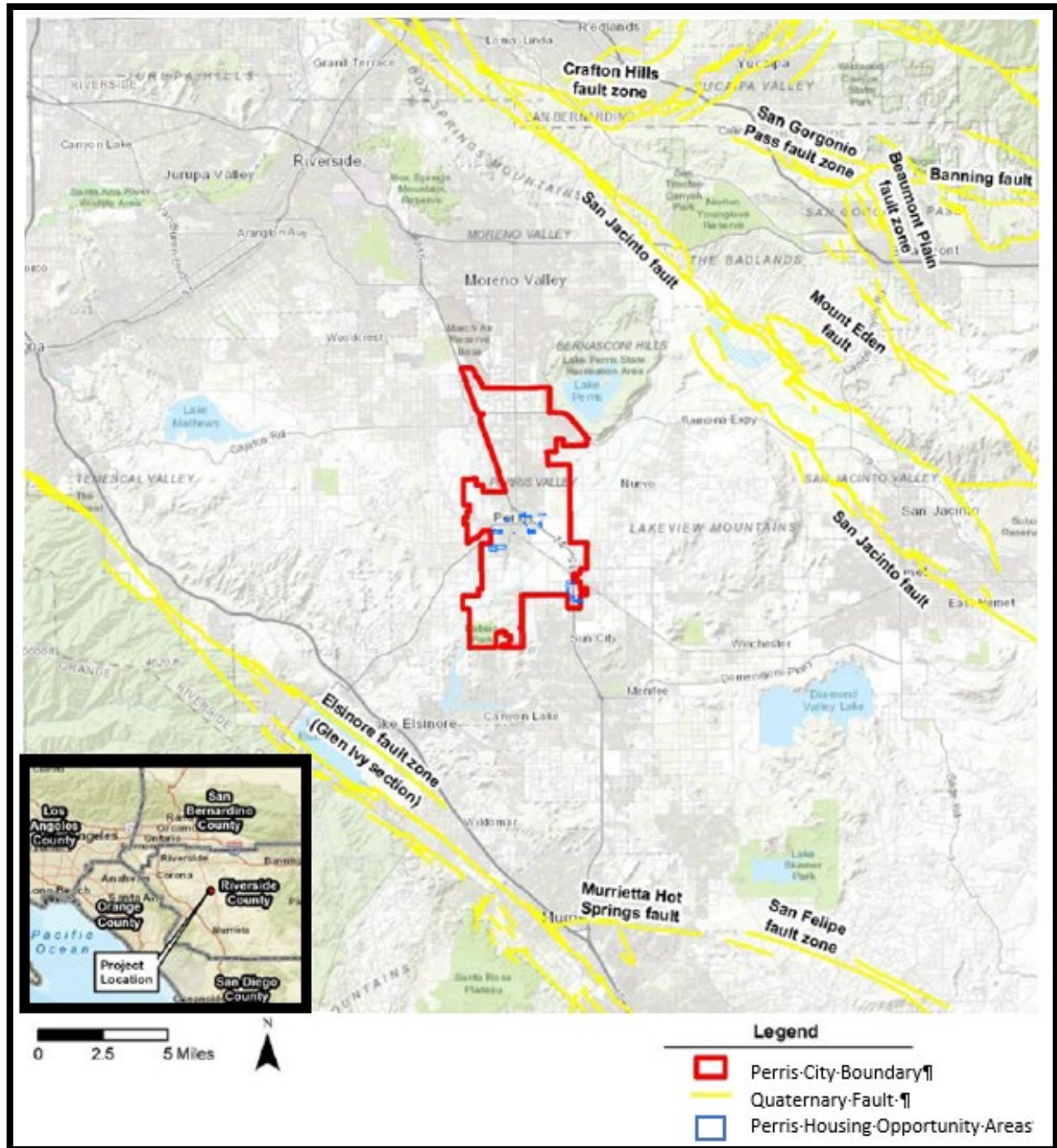
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<sup>5</sup> Figure 4.7-1, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>

<sup>6</sup> Figure 4.7-2, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>



Figure 7 - Project Geology Map





### *Other Geologic Hazards*

Much of the southwest part of the City of Perris, and scattered portions of the western part of the city, are susceptible to landslides (City of Perris, 2005a, p. 12). The main cause of ground subsidence is the excessive withdrawal of groundwater. Alluvial valleys, such as the Perris Valley, are particularly susceptible to subsidence (City of Perris, 2005a, p. 12).

Collapsible soils shrink upon being wetted and/or being subject to a load. Collapsible soils consist of loose, dry, low-density materials that collapse and compact under the addition of water or excessive loading. These soils are distributed throughout the southwestern United States, specifically in areas of young alluvial fans, debris flow sediments, and wind-blown sediment deposits. Soil collapse occurs when the land surface is saturated at depths greater than those reached by typical rain events. This saturation eliminates the clay bonds holding the soil grains together. Collapsible soils result in structural damage such as cracking of the foundation, floors, and walls in response to settlement (AEG, 2019).

Expansive soils contain substantial amounts of clay that swells when wetted and shrinks when dried; the swelling or shrinking can shift, crack, or break structures built on such soils. Expansive soils are found in hillside areas as well as in alluvial basins (City of Perris, 2005a, p. 14).

### *Paleontological Resources*

A Cultural and Paleontological resources assessment was prepared to assess potential impacts to paleontological resources within the Project Site (**Appendix C –Cultural and Paleontological Resources Assessment Report for the Perris Housing Implementation Project, City of Perris, Riverside County, California**, Cogstone, September 2023).

Pleistocene sediments throughout the Inland Empire are known to yield diverse animals from the last Ice Age including mammoth, mastodon, ground sloth, dire wolf, short-faced bear, sabre-toothed cat, western horse, camel, and bison (Springer et al. 2009, 2010; Radford 2020, 2022). Small fossils known include rabbits, rodents, and lizards.



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**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**VII. GEOLOGY AND SOILS:**

Would the project:

|   |  |  |   |   |
|---|--|--|---|---|
| a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:  |  |  |   |   |
| <ul style="list-style-type: none"> <li>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</li> </ul> |  |  |   | X |
| <ul style="list-style-type: none"> <li>Strong seismic ground shaking?</li> </ul>  |  |  | X |   |
| <ul style="list-style-type: none"> <li>Seismic-related ground failure, including liquefaction?</li> </ul>   |  |  | X |   |
| <ul style="list-style-type: none"> <li>Landslides?</li> </ul>   |  |  | X |   |
| b) Result in substantial soil erosion or the loss of topsoil?   |  |  | X |   |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?   |  |  | X |   |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?  |  |  | X |   |



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| CEQA THRESHOLDS  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|--|--------------------------------|--|------------------------------|-----------------------------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? |                                |  | X                            |                             |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?  |                                | X  |                              |                             |

**Discussion**

a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- *Rupture of a known earthquake fault, as delineated on the most recent Alquist Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

**No Impact.** The Proposed Project consists of the preparation of a Housing Opportunity Area Overlay (HOAO) zone to encourage the development of housing over twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. No active faults—that is, faults showing evidence of surface displacement within the last 11,000 years— are mapped in the City of Perris by the California Geological Survey. No Alquist-Priolo Earthquake Fault Zones, where fault studies are required before cities can permit development of structures for human occupancy, are present in or adjacent to the City (CGS, 2021). The HOAO zone and Housing Opportunity Areas would not exacerbate risks arising from surface rupture of a known active fault, and no impact would occur.

- *Strong seismic ground shaking?*

**Less than Significant Impact.** Several active faults are known in the region, and strong ground shaking is likely to occur in the region within the next few decades. The Proposed Project consists of the preparation of a Housing Opportunity Area Overlay (HOAO) zone to encourage the development of housing over twelve Housing Opportunity Areas identified in the 2021-2029



General Plan Housing Element. Future development within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. In accordance with General Plan Goal S-7, all new development projects require geological and geotechnical investigations by State-licensed professionals in areas with potential for seismic and geologic hazards as part of the environmental and development review and approval process (General Plan Safety Element 2022). Individual projects facilitated by the HOAO would also be required to meet the current CBC seismic-resistance standards that ensure new structures are engineered to withstand the expected ground acceleration at a given location.

Compliance with all applicable provisions of state and local construction and designs standards, General Plan Goal S-7, and implementation of the recommendations of the preliminary soils report prepared for each project facilitated by the AHO would ensure that potential impacts would be less than significant.

- *Seismic related ground failure, including liquefaction?*

**Less than Significant Impact.** The central and northeastern parts of the City are comprised of materials considered susceptible to moderate to very high liquefaction potential (City of Perris, 2005). The Proposed Project consists of the HOAO to encourage the development of housing over twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The Proposed Project does not propose any site-specific development. However, future development within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris which could exacerbate hazards from liquefaction or other seismic ground failure. As described above, all new development projects require geological and geotechnical investigations by State-licensed professionals in areas with potential for seismic and geologic hazards as part of the development review process, and individual development projects will be required to meet current CBC seismic-resistance standards. Compliance with General Plan policies and the CBC impacts of the Proposed Project would be less than significant.

- *Landslides?*

**Less than Significant Impact.** The topography of the Project Site is relatively flat. Future development within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and could exacerbate hazards from landslides depending on the location of each development site. New development facilitated by the HOAO would conform to the CBC, as amended at the time of permit approval, and as required by law. Compliance with the CBC combined with the area's low relative landslide susceptibility would result in less than significant impacts related to landslides.



*b) Result in substantial soil erosion or the loss of topsoil?*

**Less Than Significant Impact.** Erosion is the movement of soil from place to place and is a natural process. The main natural agents of erosion in the region are wind and flowing water. Erosion can be accelerated dramatically by ground-disturbing activities if effective erosion control measures are not used. Soil can be carried off construction sites or bare land by wind and water and tracked off construction sites by vehicles.

All development and redevelopment projects pursuant to the proposed HOAO zone and one acre or more in area would involve preparation and implementation of Stormwater Pollution Prevention Plans (SWPPPs) specifying best management practices (BMPs)—including erosion control and sediment control BMPs—to be implemented during project construction. All projects developed in accordance with the HOAO zone—and/or pursuant to the Housing Element and/or the Environmental Justice Element—and one acre or more in area would also be required to prepare Water Quality Management Plans (WQMPs) specifying BMPs to be implemented during project design and operation. Projects must infiltrate or harvest and reuse, or use bioretention and biotreatment measures, on runoff from 85th percentile storms (RCFCWCD, 2012, pp. 25-40). Erosion impacts from projects developed in accordance with the HOAO zone would be less than significant after preparation and implementation of SWPPPs and WQMPs. Therefore, potential impacts related to the Proposed Project would be less than significant.

*c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

*d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

**Less Than Significant Impact.**

*Subsidence*

Alluvial valleys such as the Perris Valley are highly susceptible to subsidence. The main cause of ground subsidence is the excessive withdrawal of groundwater. The Eastern Municipal Water District (EMWD) provides water to the City of Perris. EMWD water supplies in the City consist of imported water from northern California; and local groundwater in a small area of Perris along Perris Boulevard south of Ramona Expressway (EMWD, 2021).

*Collapsible Soils*

Collapsible soils may be present in Perris. The analysis for subsidence also applies to collapsible soils.



### *Lateral Spreading and Liquefaction*

Lateral spreading is the rapid downslope movement of surface sediment, in a fluid-like flow, due to liquefaction in a subsurface layer. Lateral spreading is possible in portions of the City due to moderate to high susceptibility to liquefaction, as discussed above. The preceding analysis of subsidence also applies to lateral spreading.

### *Expansive Soils*

Expansive soils contain substantial amounts of clay that swells when wetted and shrinks when dried; the swelling or shrinking can shift, crack, or break structures built on such soils. Expansive soils are found in hillside areas as well as in alluvial basins (City of Perris, 2005a).

The Proposed Project consists of the preparation of a Housing Opportunity Area Overlay (HOAO) zone to encourage the development of housing over twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The Proposed Project does not propose any site-specific development, but future development within the HOAO zone and within the Housing Opportunity Areas would facilitate residential development that could expose more people and structures to geologic hazards. Since Housing Opportunity Areas are located throughout the city, soils conditions vary from area to area, soils susceptible to subsidence, collapsible and expansive soils, lateral spreading and liquefaction could be present in the Housing Opportunity Areas.

Water supplies for all or nearly all of the Opportunity Sites consist of imported water; thus, future developments pursuant to the HOAO zone is unlikely to contribute substantially to ground subsidence through withdrawal of groundwater. Nevertheless, in accordance with General Plan Goal S-7, all new development projects require geological and geotechnical investigations by State-licensed professionals in areas with potential for seismic and geologic hazards as part of the environmental and development review and approval process for site-specific development. Furthermore, individual projects facilitated by the HOAO would also be required to meet the current CBC standards that ensure new structures are engineered to address site-specific soils conditions which could exacerbate geologic hazards. Therefore, impacts related to the Proposed Project would be less than significant.

*e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

**Less than Significant Impact.** The Proposed Project consists of the preparation of a Housing Opportunity Area Overlay (HOAO) zone to encourage the development of housing over twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The Proposed Project does not authorize any specific development project on any specific property within the HOAO zone. However, future development within the HOAO zone and within the Housing Opportunity Areas would result in the construction of new buildings, which will add



residential units and population to the City of Perris. Septic systems are not typically used in the City of Perris. Any projects developed in accordance with the Housing Element are expected to involve installation of sewer laterals and are not anticipated to use septic tanks or alternative wastewater disposal systems. A project-specific analysis will be conducted for each project developed within the HOAO zone based on the wastewater disposal system proposed by the developer. Therefore, impacts of the Proposed Project related to septic and wastewater disposal systems is less than significant.

*f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**Less Than Significant Impact with Mitigation.** The Proposed Project consists of the preparation of a Housing Opportunity Area Overlay (HOAO) zone to encourage the development of housing over twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The Proposed Project does not authorize any site-specific development. However, future development plans do not need to be known in order to evaluate Housing Opportunity Areas for sensitivity for paleontological resources, as this evaluation of potential impacts is generally site-specific and not development-specific in nature.

A museum records search was performed by the Western Science Center (Stoneburg 2023; Appendix B). Additional searches were conducted in online databases of the University of California Museum of Paleontology (UCMP 2023), the PaleoBiology database (PBDB 2023), and in published literature (Jefferson 1991a, 1991b; Springer et al. 2009, 2010). The results of the record searches showed that no fossils were recovered from the proposed Housing Opportunity Areas, however several paleontological localities are known from less than six miles from the Housing Opportunity Areas in sediments similar to those found within the Housing Opportunity Areas.

Housing Opportunity Areas are mapped as Cretaceous (145 to 66 million years old) Val Verde tonalite, early to middle Pleistocene (2.58 million years ago to 129,000 years old) very old alluvial fan deposits, middle to late Pleistocene (774,000 – 11,700 years old) old alluvial fan deposits, late Pleistocene to Holocene (less than 129,000 years old) young alluvial valley deposits, and late Holocene (less than 4,200 years ago) very young alluvial valley deposits. A multilevel ranking system was developed by professional resource managers within the Bureau of Land Management (BLM) as a practical tool to assess the sensitivity of sediments for fossils. The Potential Fossil Yield Classification (PFYC) system (BLM 2016; Appendix E) has a multi-level scale based on demonstrated yield of fossils. The PFYC system provides additional guidance regarding assessment and management for different fossil yield rankings.

Based upon recorded fossil locality data near the Housing Opportunity Areas, the Cretaceous Val Verde tonalite and the late Holocene very young alluvial valley deposits are given a very low paleontological sensitivity (PFYC 1, Table 7). The late Pleistocene to Holocene young alluvial valley



deposits are given a low (PFYC 2) paleontological sensitivity for the first eight feet of excavation, and a moderate (PFYC 3) paleontological sensitivity for excavations over eight feet. The early to middle Pleistocene very old alluvial fan deposits and middle to late Pleistocene old alluvial fan deposits are given a moderate (PFYC 3) paleontological sensitivity ranking.

At present, based upon the potential for impacts to the young alluvial valley deposits over eight feet, and in the very old alluvial fan deposits, and the old alluvial fan deposits within the Project Site, a qualified paleontologist should be retained to develop and implement a Paleontological Resources Impact Mitigation Monitoring Plan (PRIMMP), which should include development of a paleontology Worker Environmental Awareness Program (WEAP) and paleontological monitoring. With implementation of **Mitigation Measures GEO-1 and GEO-2**, impacts of the Proposed Project related to paleontological resources would be reduced to a less than significant level.

### ***Mitigation Measures***

**GEO-1:** Prior to the issuance of grading permits for site-specific development within the Project Site, the project proponent/developer shall submit to and receive approval from the City for a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision for a qualified professional paleontologist (or his or her trained paleontological representative) to be on-site for any ground disturbing activities (including but not limited to grading, trenching, foundation work) that either 1) exceed three (8) feet below the pre-grade surface in Housing Opportunity Area sites with late Pleistocene to Holocene young alluvial valley deposit soils or 2) have early to middle Pleistocene very old alluvial fan deposits and middle to late Pleistocene old alluvial fan deposit soils.

Selection of the paleontologist to implement the PRIMMP for each site-specific development shall be subject to approval of the City of Perris Planning Manager and no grading activities shall occur at the Project Site or within the off-site Project improvement areas until the paleontologist has been approved by the City.

In the event of unanticipated paleontological discoveries during construction, all work within 25 feet of the discovery should be halted until the find has been evaluated by a qualified paleontologist. The approved paleontologist shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The paleontologist shall also remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.



Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the Western Science Center or the Riverside Metropolitan Museum) with permanent curation and retrievable storage.

A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered specimens. The report and inventory, when submitted to the City of Perris Planning Division, will signify completion of the program to mitigate impacts to paleontological resources.

**GEO-2:** Prior to the initiation of site-specific development within the Project Site, project proponents/developers shall provide a paleontological resources Worker Environmental Awareness Program (WEAP) training program, which shall be presented to all earthmoving personnel to inform them of the possibility for buried resources and the procedures to follow in the event of fossil discoveries. Selection of the paleontologist to provide the WEAP training shall be subject to approval of the City of Perris Planning Manager and no grading activities shall occur at the Project Site or within the off-site Project improvement areas until the paleontologist has been approved by the City.

## **Conclusion**

Implementation of Project-specific mitigation measures **GEO-1** and **GEO-2** would reduce potential impacts of the Proposed Project associated with Geology and Silts to a less than significant level.

## **4.8 Greenhouse Gas Emissions**

Ganddini Group, Inc (Ganddini) performed an Air Quality, Global Climate Change, Health Risk Assessment and Energy Impact Analysis for the Proposed Project in August 2023 (**Appendix B – City of Perris Housing Implementation Measures Air Quality, Global Climate Change, Health Risk Assessment and Energy Impact Analysis**, Ganddini Group, August 14, 2023).

## **Regulatory Setting**

Since 1988, many countries around the world have tried to reduce GHG emissions since climate change is a global issue. Over the past 30 years, the United States, and the State of California, have enacted a myriad of regulations that have evolved over time aimed at reducing GHG emissions in transportation, building and manufacturing.

*South Coast Air Quality Management District*



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The Project Site is within the South Coast Air Basin, which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). SCAQMD Regulation XXVII currently includes three rules:

- The purpose of Rule 2700 is to define terms and post global warming potentials.
- The purpose of Rule 2701, SoCal Climate Solutions Exchange, is to establish a voluntary program to encourage, quantify, and certify voluntary, high quality certified greenhouse gas emission reductions in the SCAQMD.
- Rule 2702, Greenhouse Gas Reduction Program, was adopted on February 6, 2009. The purpose of this rule is to create a Greenhouse Gas Reduction Program for greenhouse gas emission reductions in the SCAQMD. The SCAQMD will fund projects through contracts in response to requests for proposals or purchase reductions from other parties.

For GHG emissions, there is not, at this time, one established, universally agreed-upon “threshold of significance” by which to measure an impact. While the CARB published some draft thresholds in 2008, they were never adopted, and the CARB recommended that local air districts and lead agencies adopt their own thresholds for GHG impacts.

The SCAQMD has been evaluating significance thresholds for greenhouse gases since 2008. In December 2008, the SCAQMD adopted an interim screening level GHG threshold of 10,000 metric tons of CO<sub>2</sub>e (MTCO<sub>2</sub>e) per year for stationary source/industrial projects for which the SCAQMD is the lead agency. The SCAQMD has continued to consider adoption of significance thresholds for residential and general development projects.

The SCAQMD’s most recent proposal issued in September 2010 describes the following five-tiered approach for determining GHG significance thresholds for various uses:

|        |   |
|--------|---|
| Tier 1 | consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA.  |
| Tier 2 | consists of determining whether or not the project is consistent with a greenhouse gas reduction plan. If a project is consistent with a qualifying local greenhouse gas reduction plan, it does not have significant greenhouse gas emissions.   |
| Tier 3 | consists of screening values, which the lead agency can choose but must be consistent. A project’s construction emissions are averaged over 30 years and are added to a project’s operational emissions. If a project’s emissions are under one of the following screening thresholds, then the project is less than significant: <ul style="list-style-type: none"><li>– Industrial projects: 10,000 MTCO<sub>2</sub>e per year</li><li>– Based on land use types: residential is 3,500 MTCO<sub>2</sub>e per year; commercial is 1,400 MTCO<sub>2</sub>e per year; and mixed use is 3,000 MTCO<sub>2</sub>e per year</li></ul> or |



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|        |  |
|--------|--|
|        | <ul style="list-style-type: none"> <li>- All non-industrial land use types: 3,000 MTCO<sub>2</sub>e per year</li> </ul>  |
| Tier 4 | <p>has the following options:</p> <ul style="list-style-type: none"> <li>- Option 1: Reduce emissions from business as usual by a certain percentage; this percentage is currently undefined</li> <li>- Option 2: Early implementation of applicable AB 32 Scoping Plan measures</li> <li>- Option 3: Year 2020 target for service populations (SP), which includes residents and employees: 4.8 MTCO<sub>2</sub>e/SP/year for projects and 6.6 MTCO<sub>2</sub>e/SP/year for plans;</li> <li>- Option 3, 2035 target: 3.0 MTCO<sub>2</sub>e/SP/year for projects and 4.1 MTCO<sub>2</sub>e/SP/year for plans</li> </ul> |
| Tier 5 | involves mitigation offsets to achieve target significance threshold.  |

The thresholds identified above have not been adopted by the SCAQMD nor distributed for widespread public review and comment, and the working group tasked with developing the thresholds has not met since September 2010. The future schedule and likelihood of threshold adoption is uncertain.

In the absence of other thresholds of significance promulgated by the SCAQMD, the City of Perris has been using the SCAQMD’s 10,000 MTCO<sub>2</sub>e threshold for industrial projects and the draft thresholds for non-industrial projects the purpose of evaluating the GHG impacts associated with proposed general development projects. As stated above, SCAQMD staff were proposing to recommend the 10,000 MTCO<sub>2</sub>e/year threshold for industrial uses by all lead agencies. The City’s use of the 10,000 MTCO<sub>2</sub>e/year threshold is also considered to be conservative since it is being applied to all of the GHG emissions generated by the Project (i.e., area sources, energy sources, vehicular sources, solid waste sources, and water sources) whereas the SCAQMD’s 10,000 MTCO<sub>2</sub>e/year threshold applies only to the new stationary sources generated at industrial facilities.

*City of Perris Climate Action Plan*

Local jurisdictions, such as the City of Perris, have the authority and responsibility to reduce air pollution through its police power and decision-making authority. The City of Perris Climate Action Plan (CAP) was completed in February 2016. The CAP was developed to address global climate change through the reduction of harmful greenhouse gas emissions at the community level and as part of California’s mandated statewide GHG reduction goal (AB 32). Through the CAP, the city has developed multiple sustainable strategies to directly benefit the community by decreasing carbon emissions while adapting to a changing climate. The programs and actions provided in the CAP were developed to help the city grow healthily, resourcefully, and sustainably.



**Environmental Setting**

Global Climate Change (GCC) refers to the change in average meteorological conditions on the earth with respect to temperature, wind patterns, precipitation and storms. Global temperatures are regulated by naturally occurring atmospheric gases such as water vapor, CO<sub>2</sub> (carbon dioxide), N<sub>2</sub>O (nitrous oxide), CH<sub>4</sub> (methane), hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These particular gases are important due to their residence time (duration they stay) in the atmosphere, which ranges from 10 years to more than 100 years. These gases allow solar radiation into the earth’s atmosphere, but prevent radioactive heat from escaping, thus warming the earth’s atmosphere. GCC can occur naturally as it has in the past with the previous ice ages.

Gases that trap heat in the atmosphere are often referred to as greenhouse gases (GHG). These gases are released into the atmosphere by both natural and anthropogenic (human) activity. Without the natural greenhouse gas effect, the earth’s average temperature would be approximately 61° Fahrenheit (F) cooler than it is currently. The cumulative accumulation of these gases in the earth’s atmosphere is considered to be the cause for the observed increase in the earth’s temperature.

**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**VIII. GREENHOUSE GAS EMISSIONS:**

Would the project:

|  |  |  |   |  |
|--|--|--|---|--|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      |  |  | X |  |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? |  |  | X |  |

**Discussion**

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*



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**Less Than Significant.** The Proposed Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The proposed project involves creation of an overlay zone for Housing Opportunity Sites identified in the recently adopted City of Perris General Plan Housing Element (August 17, 2022). The Proposed Project does not authorize any specific development project on any specific property within the HOAO Zone. However, future development facilitated by the HOAO within the Housing Opportunity Areas could result in the development of up to a maximum of 5,419 new residential units to the City of Perris based on a density of 30 du/acre. Development facilitated by the Proposed Project is anticipated to generate GHG emissions from area sources, energy usage, mobile sources, waste disposal, water usage, and construction equipment.

Using the maximum buildout potential of the HOAO as a conservative baseline for analysis, GHG emissions have been calculated with the CalEEMod model based on construction and operational parameters (Appendix B). A summary of the results is shown below in **Table 5 – Project Related Greenhouse Gas Emissions**.

**Table 6 - Project Related Greenhouse Gas Emissions**

| Category   | Greenhouse Gas Emissions (Metric Tons/Year) |                        |                 |                 |                  |                   |
|--|---|------------------------|-----------------|-----------------|------------------|-------------------|
|  | Bio-CO <sub>2</sub>                         | NonBio-CO <sub>2</sub> | CO <sub>2</sub> | CH <sub>4</sub> | N <sub>2</sub> O | CO <sub>2</sub> e |
| Maximum Annual Operations  | 427.00                                      | 46,406.00              | 46,833.00       | 45.30           | 1.78             | 48,536.00         |
| <b>Total Emissions Per Service Population Per Year</b>   |   |                        |                 |                 |                  | 2.77              |
| <b>Exceeds Interpolated 2030 SCAQMD Tier 4 Screening Threshold for Plans of 4.93 MTCO<sub>2</sub>e/SP/year</b> |   |                        |                 |                 |                  | <b>No</b>         |

Notes:

Source: CalEEMod Version 2022.1.1.16 for Buildout Year 2030.

- (1) Per the CalEEMod output, the service population of the proposed project is anticipated to be approximately 17,503 residents.
- (2) The year 2030 screening threshold of 4.93 MTCO<sub>2</sub>e/SP/year for plans was interpolated using the SCAQMD draft tier 4 screening thresholds for plans of 6.6 MTCO<sub>2</sub>e/SP/year for year 2020 and 4.1 MTCO<sub>2</sub>e/SP/year for year 2035.

**Table 6** shows that the total for the proposed project’s emissions (without credit for any reductions from sustainable design and/or regulatory requirements) would be 48,536 MTCO<sub>2</sub>e per year resulting in 2.77 MTCO<sub>2</sub>e per service population per year. According to the thresholds of significance established above, a cumulative global climate change impact would occur if the GHG emissions created from the on-going operations of the proposed project would not exceed the interpolated year 2030 SCAQMD draft tier 4 screening threshold of 4.93 MTCO<sub>2</sub>e/SP/year for plans. Therefore, maximum development buildout of the Project Site facilitated by the HOAO



would not create a significant cumulative impact to global climate change, and no additional project-specific mitigation would be required.

- b) *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

**Less Than Significant.** As stated previously, the applicable plan for the Proposed Project is the City of Perris CAP and the SCAQMD's tier 4 thresholds. The proposed project's consistency with these measures has been provided in Appendix B. As shown in Appendix B, the proposed project is consistent with the local GHG reduction measures provided in the City's CAP.

At a level of 48,536 MTCO<sub>2</sub>e per year resulting in 2.77 MTCO<sub>2</sub>e per service population per year, the project's GHG emissions do not exceed the SCAQMD draft tier 4 screening threshold of 6.6 MTCO<sub>2</sub>e/SP/year for plans and would be in compliance with the reduction goals of the City of Perris' CAP, AB-32 and SB-32. Furthermore, the project will comply with applicable Green Building Standards and City of Perris' policies regarding sustainability (as dictated by the City's General Plan and CAP).

Therefore, potential impacts associated with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases would be less than significant, and no mitigation would be required.

### **Mitigation Measures**

None.

### **Conclusion**

Potential impacts of the Proposed Project associated with Greenhouse Gas Emissions would be less than significant, and no mitigation is required.

## **4.9 Hazards and Hazardous Materials**

### **Regulatory Setting**

The Department of Environmental Health of the Riverside County Community Health Agency is responsible for regulating the operations of businesses and institutions that handle hazardous materials or generate hazardous waste in the City of Perris. As part of the State-mandated Certified Unified Program administered by the California Environmental Protection Agency, the County Department of Environmental Health coordinates regulatory and enforcement for the programs related to hazardous materials and wastes (City of Perris, 2005).



***Environmental Setting***

A hazardous material is a substance that is toxic, flammable/ignitable, reactive, or corrosive. Extremely hazardous materials are substances that show high or chronic toxicity, carcinogenic, bio accumulative properties, persistence in the environment, or that are water reactive. Improper use, storage, transport, and disposal of hazardous materials and waste may result in harm to humans, surface and groundwater degradation, air pollution, fire, and explosion.

Typical equipment which may contain fuel or hydraulic oil that may be used during construction could include graders, loaders, dozers, cranes, forklift/pallet jack, and jackhammers.

*March Air Reserve Base/Perris Valley Airport*

All parcels within the Housing Opportunity Area Overlay Zone are within the Airport Influence Area for MARB. Housing Opportunity Areas 1-5, 9-11, and 13 are also within the airport influence area for Perris Valley Airport. The selection of the Housing Opportunity Areas included an analysis of the ALUP and AICUZ. The Draft 2021-2029 General Plan Housing Element was also submitted to the ALUC for review prior to adoption.

*Project Site*

The Project Site consists of twelve Housing Opportunity Areas identified in the 2021-2029 Housing Element. The housing opportunity areas are located throughout the City adjacent to a variety of existing land uses, including industrial, commercial, and residential.

***Impact Analysis***

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**IX. HAZARDS AND HAZARDOUS MATERIALS:**

Would the project:

|   |  |  |   |  |
|---|--|--|---|--|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? |  |  | X |  |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset                                    |  |  | X |  |



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| CEQA THRESHOLDS  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|--|--------------------------------|--|------------------------------|-----------------------------|
| and accident conditions involving the release of hazardous materials into the environment?   |                                |  |                              |                             |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  |                                |  | X                            |                             |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard or excessive noise to the public or the environment?                |                                |  | X                            |                             |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? |                                |  | X                            |                             |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  |                                |  | X                            |                             |
| g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?   |                                |  | X                            |                             |

**Discussion**

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

**Less than Significant Impact.** Hazardous materials are classified by the U.S. Department of Transportation as materials that are: explosive; flammable; combustible; oxidizers; poison; infectious; radioactive; and/or corrosive (GPO, 2021).



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The Riverside County Department of Environmental Health (RCDEH) is the Certified Unified Program Agency (CUPA) for Riverside County; the Certified Unified Program coordinates and makes consistent enforcement of several state and federal regulations governing hazardous materials (CalEPA, 2021). DEH oversees six hazardous materials programs in Riverside County: aboveground petroleum storage tanks; California accidental release prevention program; hazardous materials business plan; underground storage tanks; waste generator; and waste treatment (tiered). The DEH Hazardous Materials Emergency Response Team (HMERT) responds to hazardous materials emergencies in Riverside County (DEH, 2021).

The Proposed Project will implement the HOAO to facilitate development of residential units in 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development facilitated by the HOAO within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could involve use, transport, and disposal of hazardous materials. The use of such materials would be similar to existing conditions in and around the HOAO and Housing Opportunity Areas.

The Proposed Project does not authorize specific site development. However, development projects facilitated by the HOAO would be subject to applicable local, State, and federal hazardous material regulations that minimize impacts related to hazardous materials. Hazardous materials would be required to be transported under Department of Transportation regulations. Development facilitated by the AHO would be subject to regulatory programs such as those overseen by the RCDEH, RWQCB, and the Department of Toxic Substances Control (DTSC). These agencies require applicants for development of potentially contaminated properties to perform investigation and cleanup under their oversight if the properties are found to be contaminated with hazardous substances. Therefore, compliance with existing laws and regulations governing transport, use, storage, disposal, or release of hazardous material would reduce potential impacts of the Proposed Project to a less than significant level.

c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

**Less than Significant Impact.** The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could result in emissions or handling of hazardous material, substances, or waste within one-quarter mile of an existing or proposed school. A project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential hazards and hazardous materials impacts are addressed. Impacts would be less than significant.



- 
- d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

**Less Than Significant Impact.** California Government Code Section 65962.5 requires the compiling of lists of the following types of hazardous materials sites: hazardous waste facilities subject to corrective action; hazardous waste discharges for which the State Water Quality Control Board has issued certain types of orders; public drinking water wells containing detectable levels of organic contaminants; underground storage tanks with reported unauthorized releases; and solid waste disposal facilities from which hazardous waste has migrated.

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could be developed near hazardous materials sites listed on the Cortese List. A project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential hazards and hazardous materials impacts are addressed. Impacts would be less than significant.

- e) *For a project located within an airport land use plan or, where such a plan had not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

**Less Than Significant Impact.** March Air Reserve Base (MARB) which abuts the northwest City of Perris boundary, is home to several military units and is used for civilian air cargo operations (Perris, 2008). Estimated MARB flight operations in 2018 totaled 52,172 consisting of approximately 31,172 military operations and 21,000 civilian (March Joint Powers Authority) operations (AFRC, 2018). Perris Valley Airport is privately owned; uses include skydiving and ballooning. Airport operations in 2020 totaled 19,285 (takeoffs and landings are each considered operations) (City of Perris, 2021c; FAA, 2021).

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could result in development of housing within the vicinity of an airport. All of the areas that would be zoned HOAO are within Zones D and E of the Airport Influence Area for MARB. Housing Opportunity Areas 1-5, 9-11, and 13 are also within Zones D and E the airport influence area for Perris Valley Airport<sup>7</sup>. The selection

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<sup>7</sup> Figure 4.9-1, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>



of the Housing Opportunity Areas included an analysis of the Riverside County Airport Land Use Compatibility Plan (RCALUP) and AICUZ. The Draft Housing Element was also submitted to the Director of the Riverside County Airport Land Use Commission (RCALUC) for review prior to adoption. On September 12, 2024, the Director of the RCALUC determined the Project to be consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and the 2011 Perris Valley Airport Land Use Compatibility Plan. A project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential hazards and hazardous materials impacts are addressed. Impacts would be less than significant.

f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**Less Than Significant Impact.** The existing City of Perris General Plan Safety Element is the current emergency response plan in effect for the City of Perris. The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) zone over twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. Developments pursuant to the HOAO Zone and the Housing and Environmental Justice elements would comply with City of Perris Public Works Department construction traffic management requirements. Thus, adverse impacts on emergency response plans are not anticipated. A project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential hazards and hazardous materials impacts are addressed. Impacts would be less than significant.

g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

**Less Than Significant Impact.** Portions of the west and northwest parts of the City of Perris are classified within Very High Fire Hazard Severity Zones (VHFHSZ) in a local responsibility area by the California Department of Forestry and Fire Protection<sup>8</sup>. In local responsibility areas cities and/or counties are responsible for the costs of wildfire suppression and prevention. Portions of the land abutting the City on its west, south, and northeast sides are in fire hazard severity zones in State Responsibility Areas<sup>9</sup> where the state is responsible for the costs of wildfire prevention and suppression.

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<sup>8</sup> Figure 4.9-3, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>

<sup>9</sup> Figure 4.9-4, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>



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The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. None of the areas to be rezoned HOAO are within fire hazard severity zones<sup>10</sup>. Thus, future developments within the HOAO Zone are not anticipated to increase wildfire hazards. A project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential hazards and hazardous materials impacts are addressed. Impacts would be less than significant.

### ***Mitigation Measures***

**None**

### ***Conclusion***

With implementation of existing regulations and reg associated with Geology and Sils to a less than significant level.

## **4.10 Hydrology and Water Quality**

### ***Regulatory Setting***

The Santa Ana Regional Water Quality Control Board requires that dischargers whose construction projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation. The Construction General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD).

The State's Municipal Storm Water Permitting Program regulates stormwater discharges from municipal separate storm sewer (drain) systems (MS4s). Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. The MS4 permits require the discharger to develop and implement a storm water management plan/program with the goal of reducing the discharge of pollutants to the "maximum extent practicable," which is the performance standard specified in Section 402(p) of the Clean Water Act. The management programs specify which BMPs will be used to address certain program areas. The program areas

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<sup>10</sup> Figures 3.2-1 and 4.9-2, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>



include public education and outreach, illicit discharge detection and elimination, construction and post-construction, and good housekeeping for municipal operations.

The Riverside County Flood Control and Water Conservation District, the County of Riverside, the City of Perris, and other incorporated cities (co-permittees) discharge pollutants from their MS4s. Stormwater and non-stormwater enter and are conveyed through the MS4 and discharged to surface water bodies of the Riverside County region. These discharges are regulated under countywide waste discharge requirements per Order No. R8-2010-0033, NPDES Permit No. CAS618033, approved by the Santa Ana RWQCB on January 29, 2010. The MS4 permit requires the development and implementation of a program addressing stormwater pollution issues in development planning for private projects. The primary objectives of the municipal stormwater program requirements are to: 1) effectively prohibit non-stormwater discharges, and 2) reduce the discharge of pollutants from stormwater conveyance systems to the “maximum extent practicable” statutory standard.

## ***Environmental Setting***

### Floodplains

On December 21, 2018, the Department of Water Resources released updated dam breach inundation area maps for dams with extremely high, high, and significant hazard downstream inundation areas. Perris Dam (National Dam ID CA00054; DWR 2018) was determined to have a significantly high risk of downstream inundation in the event of a dam failure<sup>11</sup>. This inundation area would cover the majority of the Project Site.

Portions of the Project Site are in 100-year flood zones. The downtown area of the City of Perris is approximately 35 miles inland from the Pacific Ocean (as measured from Dana Point) and would not be at risk of inundation by tsunami. A seiche is an oscillating wave, formed by earthquakes or winds, in an enclosed or partially enclosed waterbody. The Perris Dam is the nearest waterbody in which a seiche could form, the City is within the dam breach inundation area and would likely be at risk of inundation by seiche.

### Groundwater

The City of Perris is in the San Jacinto Subbasin (Subbasin), which spans approximately 765 square miles in western Riverside County. The San Jacinto River, the major stream in the Subbasin, extends east to west from the San Jacinto Mountains to Lake Elsinore and passes through the southern part of Perris (CDFW, 2021).

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<sup>11</sup> Figure 4.10-4, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>



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Typically, only low flows occur in the lower San Jacinto River except during and immediately after rainstorms. Flow is perennial in the headwater tributaries in the San Jacinto Mountains but is intermittent in the valley reaches. For analysis of historical trends, six USGS stream gages measured average daily flow in the watershed over extended periods. These data helped to characterize the river as an ephemeral system, with flow reaching Canyon Lake and Lake Elsinore only during wet periods (Tetra Tech 2007, p. 26). The San Jacinto River eventually discharges into the Pacific Ocean via the Santa Ana River.

Stormwater is drained via either natural drainages or municipal storm drains which discharge into either into the Perris Valley Storm Drain or the San Jacinto River, of which the Perris Valley Storm Drain is a tributary<sup>12</sup>.

The San Jacinto Groundwater Basin (SJGB) spans 247.7 square miles underlying the San Jacinto, Perris, Moreno, and Menifee Valleys in western Riverside County<sup>13</sup>. The SJGB extends from the San Jacinto Mountains on the east, the San Timoteo Badlands on the northeast, the Box Springs Mountains on the north, lower-relief hills on the west (e.g., Gavilan Peak and Steele Peak), and the Santa Rosa Hills and Bell Mountain on the south (Dudek, 2021, p. 2-1).

The West San Jacinto Groundwater Management Area (Management Area) is located in the western portion of Riverside County within the San Jacinto River Watershed and includes the cities of Moreno Valley, Menifee, and Perris, as well as the unincorporated areas of Lakeview, Nuevo, and Winchester. The Eastern Municipal Water District (EMWD) oversees the Monitoring Programs within the Management Area including groundwater quality.

The Eastern Municipal Water District (EMWD) delivers water to most of the City including the Project Site. The EMWD has prepared an Urban Water Management Plan (UWMP) to comply with the Urban Water Management Planning Act and SBX7-7 and to support water supply assessments and written verifications of water supply (EMWD, July 2021). The EMWD provides potable water, recycled water, and wastewater services to an area of approximately 555 square miles in western Riverside County. The service area includes seven incorporated cities, including the City of Perris, in addition to unincorporated areas of Riverside County. The EMWD has a diverse portfolio of local and imported supplies including recycled water, potable groundwater, desalinated groundwater. Approximately half of the water used in the EMWD service area is imported by Metropolitan. The EMWD has been able to maintain a balance of local and imported water even as new connections have been added. This has been accomplished through the use of local supply projects and increased water use efficiency (EMWD, July 2021).

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<sup>12</sup> Figure 4.10-1, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>

<sup>13</sup> Figure 4.10-2, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>



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**Impact Analysis**

| CEQA THRESHOLDS  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|--|--------------------------------|--|------------------------------|-----------------------------|
| <b>X. HYDROLOGY AND WATER QUALITY:</b>   |                                |  |                              |                             |
| Would the project:   |                                |  |                              |                             |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?   |                                |  | X                            |                             |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?  |                                |  | X                            |                             |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:                      |                                |  |                              |                             |
| <ul style="list-style-type: none"> <li>• result in substantial erosion or siltation onsite or offsite;</li> </ul>  |                                |  | X                            |                             |
| <ul style="list-style-type: none"> <li>• substantially increase the rate or amount of surface water runoff in a manner which would result in flooding on or offsite;</li> </ul>  |                                |  | X                            |                             |
| <ul style="list-style-type: none"> <li>• create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</li> </ul> |                                |  | X                            |                             |
| <ul style="list-style-type: none"> <li>• impede or redirect flood flows?</li> </ul>  |                                |  | X                            |                             |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?  |                                |  | X                            |                             |



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| CEQA THRESHOLDS   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|---|--------------------------------|--|------------------------------|-----------------------------|
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? |                                |  | X                            |                             |

**Discussion**

- a) *Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality?*

**Less Than Significant Impact.**

The California State Water Resources Control Board requires its nine Regional Water Quality Control Boards (RWQCBs) to develop water quality control plans (Basin Plans) designed to preserve and enhance water quality and protect the beneficial uses of all Regional waters. Specifically, Basin Plans designate beneficial uses for surface waters and groundwater, set narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State antidegradation policy, and describe implementation programs to protect all waters in the Regions. In addition, Basin Plans incorporate by reference all applicable State and Regional Board plans and policies, and other pertinent water quality policies and regulations.

The City of Perris is within the jurisdiction of the Santa Ana RWQCB, and water quality standards, control plans, and waste discharge requirements are defined and implemented in the RWQCB’S Basin Plan (RWQCB, 2019).

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and could emit pollutants that would contaminate stormwater. All development projects within the Housing Opportunity Areas, and one acre or more in area, would involve preparation and implementation of Stormwater Pollution Prevention Plans (SWPPPs) specifying best management practices (BMPs)—including erosion control and sediment control BMPs—to be implemented during project construction.

All projects developed in accordance with the HOAO Zone would also be required to prepare Water Quality Management Plans (WQMPs) specifying BMPs to be implemented during project design and operation. Projects must infiltrate or harvest and reuse, or use bioretention and



biotreatment measures, on runoff from 85th percentile storms (RCFCWCD, 2012, pp. 25-40). Water quality impacts from projects developed in accordance with the HOAO Zone would be less than significant after preparation and implementation of SWPPPs and WQMPs. Additionally, a project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential water quality impacts are addressed. Impacts would be less than significant.

b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**Less Than Significant Impact.** The EMWD is the Groundwater Sustainability Agency (GSA) for the non-adjudicated portions of the SJDB, and in this capacity has developed a Groundwater Sustainability Plan (GSP) in compliance with the 2014 Sustainable Groundwater Management Act (SGMA), which is codified in California Water Code (CWC), Part 2.75 (Sustainable Groundwater Management), §§ 10720 et seq. The SGMA defines sustainable groundwater management as the management and use of groundwater in a manner that can be maintained over a 50-year planning and implementation horizon without causing undesirable results, including but not limited to: seawater intrusion, violation of water quality standards, land subsidence, and depletions of interconnected surface water (Dudek, 2021, pp. 1-1 - 1-2).

The purpose of this GSP is to define the conditions under which the groundwater resources of the Plan Area, which support agricultural, domestic, municipal and industrial (M&I), and environmental uses, will be managed sustainably in the future to maintain long-term, sustainable use of groundwater resources within the Plan Area, as required by SGMA.

The sustainability goal for the GSP is to manage groundwater production in a way that facilitates long-term sustainable management of the groundwater resources of the San Jacinto Groundwater Basin. Long-term sustainable management includes:

- Maintaining sufficient groundwater in storage to allow for ongoing groundwater production that meets the operational demands of groundwater users in the Plan Area.
- Protecting beneficial uses such as municipal and domestic supplies of fresh groundwater resources in the Lakeview and Perris North Groundwater Management Zones (GMZs) to the extent possible, by minimizing the northward and eastward migration of brackish groundwater from the Perris South GMZ.
- Avoiding subsidence related to groundwater production that substantially interferes with surface land uses.



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- Ensuring that groundwater production does not result in significant and unreasonable loss of groundwater dependent ecosystems (Dudek, 2021, pp. 1.2 – 1.3).

EMWD will evaluate the GSP every five (5) years. This 5-year evaluation will assess whether the Plan implementation, including implementation of projects and management actions, are suitable to maintain sustainable groundwater use in the SJGB. Should future conditions indicate that the SJGB is undergoing undesirable or unsustainable conditions, EMWD will re-evaluate the GSP to ensure that implementation of projects and management actions, are suitable to maintain sustainable groundwater use in the SJGB (Dudek, 2021, p. 5-4).

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. The Eastern Municipal Water District (EMWD) provides water to the City of Perris. EMWD water supplies in the City consist of imported water from northern California; and local groundwater in a small area of Perris along Perris Boulevard south of Ramona Expressway (EMWD, 2021). Water supplies for all or nearly all of the proposed HOAO zoned areas consist of imported water; thus, future developments pursuant to the HOAO Zone and/or the Housing Element would not substantially decrease groundwater supplies; would infiltrate or harvest and reuse stormwater; or provide bioretention and biotreatment for stormwater; thus, such projects would not substantially reduce groundwater recharge. Additionally, a project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential groundwater impacts are addressed. Impacts would be less than significant.

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:*

- *result in substantial erosion or siltation onsite or offsite;*
- *substantially increase the rate or amount of surface water runoff in a manner which would result in flooding on or offsite;*
- *create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*

**Less Than Significant:** The project site is relatively flat and within an urbanized area. As discussed in Section 4.4(c), water features (e.g., streams, washes, wetlands) must be delineated and analyzed as required by federal and state regulations. The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) zone over twelve Housing Opportunity Areas



identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. All projects developed in accordance with the HOAO Zone and the Housing Element would also be required to prepare WQMPs specifying BMPs to be implemented during project design and operation. Projects must infiltrate or harvest and reuse—or use bioretention and biotreatment measures—on runoff from 85th percentile storms (RCFCWCD, 2012). Drainage impacts from projects developed in accordance with the HOAO zone, and/or with the Housing Element, would be less than significant after preparation and implementation of WQMPs. Portions of the Project Site are in 100-year flood zones<sup>14</sup>. A project-level CEQA analysis will be conducted for projects developed within the Housing Overlay Areas to ensure that any potential water quality impacts are addressed. Impacts would be less than significant.

- *impede or redirect flood flows?*

**Less Than Significant Impact:** On December 21, 2018, the Department of Water Resources released updated dam breach inundation area maps for dams with extremely high, high, and significant hazard downstream inundation areas. Perris Dam (National Dam ID CA00054; DWR 2018) was determined to have a significantly high risk of downstream inundation in the event of a dam failure<sup>15</sup>. This inundation area would cover the majority of the Project Site.

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and are within dam inundation areas. A project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential impacts regarding flood flows are addressed. Impacts would be less than significant.

- d) *Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

**Less Than Significant Impact.** Portions of the Project Site are in 100-year flood zones. The downtown area of the City of Perris is approximately 35 miles inland from the Pacific Ocean (as measured from Dana Point) and would not be at risk of inundation by tsunami. A seiche is an oscillating wave, formed by earthquakes or winds, in an enclosed or partially enclosed waterbody. The Perris Dam is the nearest waterbody in which a seiche could form; as discussed

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<sup>14</sup> Figure 4.10-3, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>

<sup>15</sup> Figure 4.10-4, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>



previously, the City is within the dam breach inundation area and would likely be at risk of inundation by seiche.

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and may be in 100-year flood zones and/or dam inundation areas for Perris Dam. A project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential flood hazard, tsunami, or seiche zones impacts are addressed. Impacts would be less than significant.

e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

**Less Than Significant Impact.** The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. Surface and groundwater quality within the City of Perris and vicinity is defined by the Basin Plan, which sets forth surface- and groundwater quality goals and implementation guidelines based on the beneficial uses of receiving waters. Impacts to the Groundwater Sustainability Plan are addressed above under Section 4.10.b. Water quality impacts of adoption and implementation of the Housing Element are expected to be less than significant after regulatory compliance, as described above in Section 4.10.a. A project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential water quality or groundwater plan impacts are addressed. Impacts would be less than significant.

### **Mitigation Measures**

None.

### **Conclusion**

Potential impacts of the Proposed Project associated with Hydrology and Water Quality would be less than significant, and no mitigation would be required.

## **4.11 Land Use and Planning**

### **Environmental Setting**

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element (August 17, 2022). The Housing Opportunity Site overlay would either continue to permit development



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in accordance with current zoning regulations or will allow activation of the overlay zoning for development of up to 5,419 high-density, multi-family residential dwelling units distributed over 12 Housing Opportunity Areas. The Housing Opportunity Areas are located throughout the City of Perris and consist of properties with a mix of commercial and residential land use designations. They are surrounded by properties developed with a variety of existing uses, including industrial, commercial, and residential. Nearly all parcels within the Housing Opportunity Areas are vacant, apart from two parcels developed with single-family homes in Area 3. The Housing Opportunity Area Overlay Zone would encourage the development of housing at 30 dwelling units per acre.

**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**XI. LAND USE AND PLANNING:**

Would the project:

|  |  |  |   |   |
|--|--|--|---|---|
| a) Physically divide an established community?   |  |  |   | X |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? |  |  | X |   |

**Discussion**

a) *Would the project physically divide an established community?*

**No Impact.** The HOAO would facilitate residential development of the parcels identified as Housing Opportunity Areas within the Housing Element. Two of the Housing Opportunity Area parcels are underutilized and developed with single-family residences (sites 3.1 and 3.3). All other parcels in the overlay zone are vacant. In total, 5.5 acres out of the approximately 299-acre overlay zone are underutilized and the remaining 294.5 acres are vacant. These parcels do not contain features that connect the established community. Therefore, no impacts associated with the division of an established community would occur, and no mitigation would be required.

b) *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*



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**Less Than Significant Impact.** Implementation of the HOAO would encourage the development of very low- and low-income affordable housing, and new multifamily residential development. All but two of the HOAO sites are vacant, and the two developed parcels (Sites 3.1 and 3.3) contain single-family residences.

Land use is guided by the City of Perris General Plan, and by the Green Valley Specific Plan for sites located in Housing Opportunity Area 6 and the Downtown Perris Specific Plan for sites located in Housing Opportunity Area 12. **Table 7 - General Plan Consistency** provides an evaluation of the Proposed Project’s consistency with General Plan goals, policies and implementation measures that have been adopted for the purpose of avoiding or mitigating an environmental effect.

The General Plan identifies “Goals” as representing a synthesis of input from those who live and work in the City of Perris and define desired General Plan outcomes. “Policies” provide the overall direction for choosing among alternative courses of action necessary to achieve the Goals while also providing a measure of flexibility needed to adapt the action to changes over the life of the General Plan. “Implementation Measures” and “Actions” are specific, discreet actions the City may take to achieve the future conditions reflected in the General Plan element.

The City of Perris General Plan contains several policies related to the development of new housing. For the purposes of **Table 7**, only those Goals, policies and implementation measures that are applicable to the Proposed Project are analyzed.

**Table 7 - General Plan Consistency**

| General Plan Goal or Policy   | Project Consistency Analysis   |
|---|--|
| Circulation Element   |  |
| <p><b>Goal I: A comprehensive transportation system that will serve projected future travel demand, minimize congestion, achieve the shortest feasible travel times and distances, and address future growth and development in the City.</b></p> <p><i>Policy I.A: Design and develop the transportation system to respond to concentrations of population and employment activities, as designated by the Land Use Element and in accordance with the</i></p> | <p><i>Consistent.</i> Implementation of the HOAO would encourage development in the Downtown Specific Plan area by creating a by-right, non-discretionary approval process to streamline housing development. The HOAO includes 17</p> |



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| General Plan Goal or Policy  | Project Consistency Analysis   |
|--|--|
| <p><i>designated Transportation System, Exhibit 4.2 Future Roadway Network</i></p> <p><b>Implementation Measure I.A.2:</b> Identify incentives for development in the Downtown Specific Plan area.</p>                                       | <p>parcels totaling 21.3 acres within the Downtown Perris Specific Plan area.</p>  |
| Housing Element  |  |
| <p><b>Goal 2: Assist in the development of housing for all economic segments of the City.</b></p> <p><i>Policy 2.2: Avoid concentrating housing constructed expressly for lower-income households in any single portion of the City.</i></p> | <p><i>Consistent.</i> The HOAO would apply to approximately 299 acres within twelve areas throughout the City. The HOAO would facilitate lower income housing by allowing residential development up to 30 units per acre and requiring that at least 20 percent of units are deed restricted for lower income households.</p>   |
| <p><i>Policy 2.4: Promote construction of units consistent with the new construction needs identified in the Regional Housing Needs Assessment (RHNA).</i></p>   | <p><i>Consistent.</i> The City of Perris was assigned a regional housing needs allocation of 7,805 units for the 2021-2029 planning period, including 3,157 lower-income and 1,274 moderate-income units. The HOAO would allow densities of up to 30 units per acre, by right, without discretionary approval and would require that at least 20 percent of units are deed restricted for lower income households. The overlay would apply to approximately 299 acres of land and allow for the development of approximately 5,419 units at 30 units per acre without a density bonus.</p> |
| <p><i>Policy 2.5: Continue to support non-profit and for-profit organizations in their efforts to construct, acquire, improve, and maintain</i></p>  | <p><i>Consistent.</i> The HOAO removes barriers to development by allowing densities of up to 30 units per acre, by right, without discretionary approval and without a density</p>  |



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| General Plan Goal or Policy  | Project Consistency Analysis   |
|--|--|
| <i>housing to accommodate households with lower and moderate incomes.</i>  | bonus. The HOAO would require that at least 20 percent of units are deed restricted for lower income households.   |
| <b>Environmental Justice Element</b>   |  |
| <p><b>Goal 6: Affordable Housing</b></p> <p><b>Goal 6.1:</b> A diverse housing stock that preserves and enhances housing affordability in the community.</p> | <p><i>Consistent.</i> The HOAO would allow densities of up to 30 units per acre, by right, without discretionary approval and without a density bonus. The HOAO would require that at least 20 percent of units are deed restricted for lower income households.</p> |

As provided in Table 7, the Proposed Project would be consistent with the applicable General Plan goals and policies and would not conflict with an applicable land use plan, policy, or regulation that has been adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, potential impacts associated with land use consistency would be less than significant, and no mitigation would be required.

*Green Valley Specific Plan*

The Green Valley Specific Plan (GVSP) encompasses both parcels within Housing Opportunity Area 6. The GVSP is a master-planned community totaling 1,269 acres of land envisioned to have single-family detached homes, multi-family units, business and professional office space, commercial retail, industrial, three school sites, and public parks to be developed in four phases. It was approved by the Perris City Council in 1990 for a total of 4,210 dwelling units.

The HOAO would combine the overlay zone with the underlying zone district. Any lot designated by the HOAO Zone would be subject to the land use provisions of the GVSP and create an additional set of development options that property owners could choose to exercise at their discretion. Accordingly, development within the HOAO sites would continue to be subject to the requirements of the GVSP. The HOAO would not conflict with existing GVSP regulations in effect to avoid or mitigate environmental effects. Therefore, impacts would be less than significant, and no mitigation would be required.

*Downtown Perris Specific Plan*

The Downtown Perris Specific Plan was adopted on March 6, 1993. Housing Opportunity Area 12 identifies 17 vacant parcels within the Downtown Perris Specific Plan area that are zoned for



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mixed use development within four districts: Urban Village, 4th Street Gateway, Plaza Mercado, and Downtown Promenade. These four districts are intended to promote the development of higher density residential uses, allowing between 3 to 5 stories, with commercial development allowed only on the first floor of new developments.

The HOAO would combine the overlay zone with the underlying zone districts. Any lot designated by the HOAO Zone would be subject to the land use provisions of the Downtown Perris Specific Plan and create an additional set of development options that property owners could choose to exercise at their discretion. Accordingly, development within the HOAO sites would continue to be subject to the requirements of the Downtown Perris Specific Plan. The HOAO would not conflict with existing Downtown Perris Specific Plan regulations in effect to avoid or mitigate environmental effects. Impacts would be less than significant, and no mitigation would be required.

### *City of Perris Zoning Code*

The HOAO would be applied to 84 parcels located in twelve Housing Opportunity areas throughout the City. The HOAO would re-zone these parcels to combine the overlay with the underlying zone districts. Any lot designated by the HOAO Zone would be subject to the land use provisions of the underlying zone districts and create an additional set of development options that property owners could choose to exercise at their discretion. Accordingly, development within the HOAO sites would continue to be subject to the requirements of the Perris Municipal Code. The HOAO would not conflict with existing zoning code regulations in effect to avoid or mitigate environmental effects.

Implementation of the HOAO would modify the City's development standards at these 84 parcels, but would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant, and no mitigation would be required.

### **Mitigation Measures**

None.

### **Conclusion**

Potential impacts of the Proposed Project associated with Land Use and Planning would be less than significant, and no mitigation would be required.



## 4.12 Mineral Resources

### *Regulatory Setting*

In 1975, the California legislature enacted the Surface Mining and Reclamation Act (SMARA). This act provides for the reclamation of mined lands and directs the State Geologist to classify (identify and map) the non-fuel mineral resources of the state to show where economically significant mineral deposits occur and where they are likely to occur based upon the best available scientific data. Mineral Resource Zones (MRZ) classifications are designed by the State Geologist in accordance with the State Mining and Geology Board (SMGB)'s priority list, as follows:

- MRZ-1 - areas where geologic information indicates no significant mineral deposits are present;
- MRZ-2 - areas that contain identified mineral resources;
- MRZ-3 - areas of undetermined mineral resource significance;
- MRZ-4 - areas of unknown mineral resource potential.

### *Environmental Setting*

Most of the City of Perris is located within Mineral Resource Zone 3 (MRZ-3), which is defined as areas containing mineral deposits, the significance of which cannot be evaluated with available data. The Focused General Plan Update MND provides a mineral resources zone map that covers the City of Perris (**Figure 9** – Designated Mineral Resource Zones). Part of the northern half of the City is in MRZ-1 meaning that available geologic information indicates that little likelihood exists for the presence of significant mineral resources (CGS, 2008). According to the Mineral Land Classification the City is primarily designated as an Urban Area with no aggregate production areas. The City of Perris does not have any identified locally important mining sites or oil wells outlined on local general plan, specific plan, or other land use plan.



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**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**XII. MINERAL RESOURCES:**

Would the project:

|   |  |  |  |   |
|---|--|--|--|---|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                |  |  |  | X |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? |  |  |  | X |

**Discussion**

a) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

**and**

b) *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

**No Impact.** The Housing Element sets forth policies and policy actions promoting development of residential uses and commits the City to creating an HOAO Zone on 12 of the 13 Housing Opportunity Areas. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. No land in the City of Perris is classified MRZ-2, where significant mineral resources are known to be present or to be likely present. Most of the City is mapped as urban area by the CGS, and the balance of the city is mapped as MRZ-1. Establishing the HOAO Zone would not cause a loss of availability of known mineral resources valuable to the region, and no impact would occur.

**Mitigation Measures**

No mitigation measures associated with impacts to Mineral Resources apply to the Proposed Project.

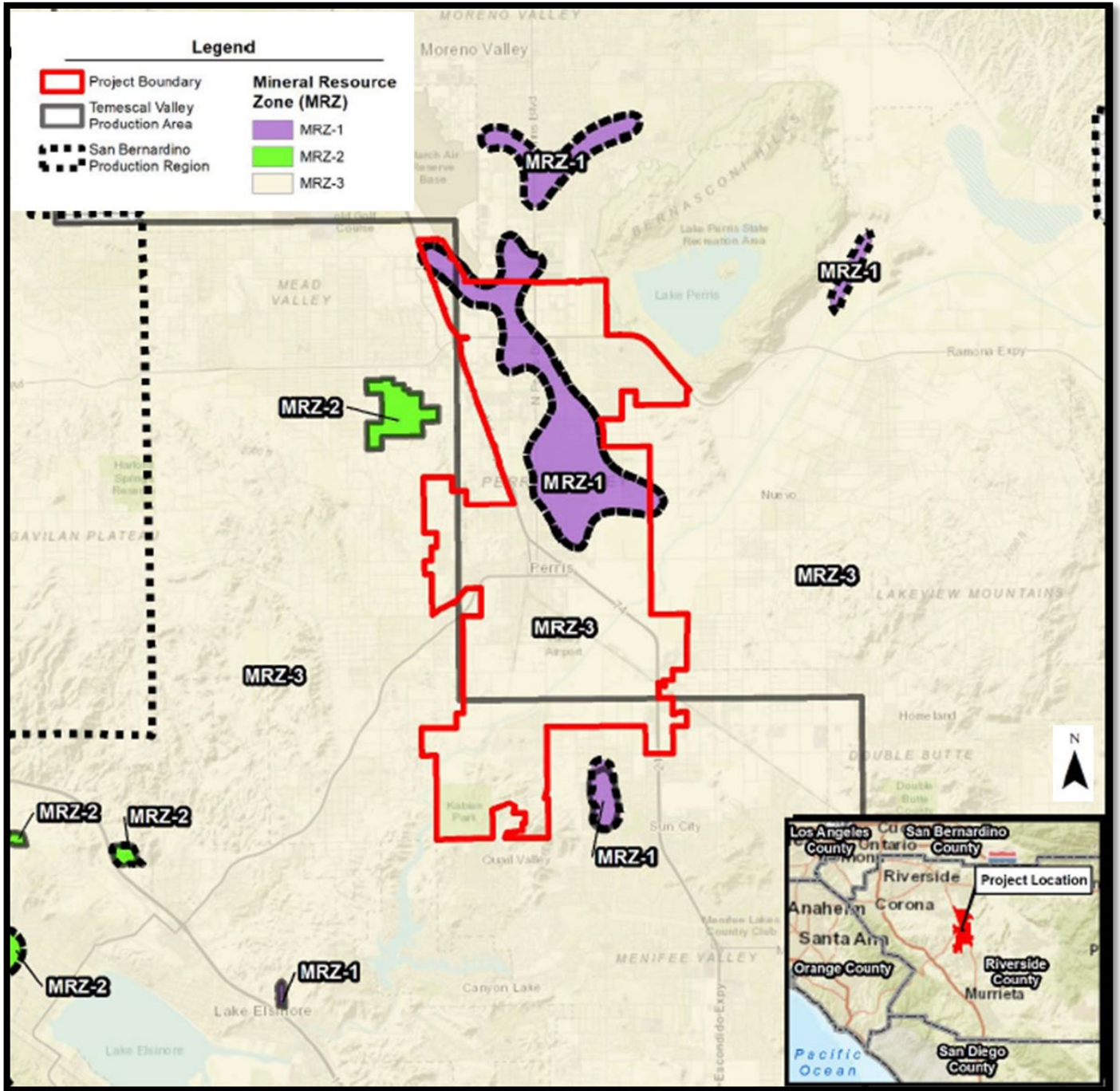


***Conclusion***

Potential impacts of the Proposed Project associated with Mineral Resources would be less than significant, and no mitigation would be required.



Figure 8 – Designated Mineral Resource Zones





### 4.13 Noise

Ganddini Group prepared a Noise Impact Analysis to determine potential impacts from noise associated with the development of the Proposed Project (**Appendix D – City of Perris Housing Implementation Measures, Noise Impact Analysis, Ganddini Group, September 7, 2023**).

Environmental noise is commonly measured in A-weighted decibels (dBA). A decibel (dB) is a unit of sound energy intensity. Sound waves, traveling outward from a source, exert a sound pressure level (commonly called a “sound level”) measured in dB. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response that duplicates the sensitivity of human ears. Decibels are measured on a logarithmic scale. Generally, a three dBA increase in ambient noise levels represents the threshold at which most people can detect a change in the noise environment; an increase of 10 dBA is perceived as a doubling of loudness.

The FHWA identifies ranges of noise perceptibility as follows:

| Changes in Intensity Level, dBA | Changes in Apparent Loudness |
|---------------------------------|------------------------------|
| 1                               | Not perceptible              |
| 3                               | Just perceptible             |
| 5                               | Clearly noticeable           |
| 10                              | Twice (or half) as loud      |

[https://www.fhwa.dot.gov/environMent/noise/regulations\\_and\\_guidance/polguide/polguide02.cfm](https://www.fhwa.dot.gov/environMent/noise/regulations_and_guidance/polguide/polguide02.cfm)

#### Noise Descriptors

The noise descriptors utilized in the noise study for the Proposed Project include but are not limited to the following:

- **Ambient Noise Level**: The composite of noise from all sources, near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
- **Community Noise Equivalent Level (CNEL)**: The average equivalent A-weighted sound level during a 24- hour day, obtained after addition of five (5) decibels to sound levels in the evening from 7:00 to 10:00 PM and after addition of ten (10) decibels to sound levels in the night before 7:00 AM and after 10:00 PM.

#### **Regulatory Setting**

##### Federal Regulations

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:



- Publicize noise emission standards for interstate commerce
- Assist state and local abatement efforts
- Promote noise education and research

The federal government advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that “noise sensitive” uses are either prohibited from being constructed adjacent to a highway or, or alternatively that the developments are planned and constructed in such a manner that potential noise impacts are minimized.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by the transportation source, the City is restricted to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

#### State Regulations

The State of California has established noise insulation standards as outlined in Title 24 and the Uniform Building Code (UBC) which in some cases requires acoustical analyses to outline exterior noise levels and to ensure interior noise levels do not exceed the interior threshold.

The State Department of Health Services has published guidelines that rank noise land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable in which local agencies can utilize as a guide in establishing their own policies.

#### City of Perris

The City of Perris outlines its noise regulations and standards within the Municipal Code and the General Plan, Noise Element, adopted in 2005.

The City of Perris Municipal Code sets limits for exterior noise levels. Section 7.34.060 states that between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on a legal holiday, with the exception of Columbus Day and Washington's birthday, or on Sundays no one may erect, construct, demolish, excavate, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise. Construction activity shall not exceed 80 dBA Lmax in residential zones in the City.



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March Air Reserve Base /Inland Port Airport Land Use Compatibility Plan

The March Air Reserve Base Airport Land Use Compatibility Plan (MARB ALUCP) requires that all new residences and other noise-sensitive uses must have sound attenuation features incorporated into the structures sufficient to reduce interior levels from exterior aviation-related sources to no more than 40 dBA CNEL. Office space must have sound attenuation features sufficient to reduce the exterior aviation-related noise level to no more than CNEL 45 dB.

The MARB ALUCP also requires that an acoustical study be required to be completed for any development proposed to be situated where the aviation related noise exposure is more than 20 dB above the interior standard (e.g., within the CNEL 60 dB contour where the interior standard is CNEL 40 dB). Standard building construction is presumed to provide adequate sound attenuation where the difference between the exterior noise exposure and the interior standard is 20 dB or less.

### ***Environmental Setting***

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. (August 17, 2022). The Housing Opportunity Site overlay would either continue to permit development in accordance with current zoning regulations or will allow activation of the overlay zoning for development of up to 5,419 high-density, multi-family residential dwelling units distributed over 12 Housing Opportunity Areas (“Project”).

The City of Perris has two airports within or near its City limits: 1) March Air Reserve Base/Inland Port Airport (March ARB/IPA), and 2) Perris Valley Airport (NRC, 2021b, p. 153). The 12 Housing Opportunity Areas that would be zoned Housing Opportunity Area Overlay (HOAO) are all outside of both aforementioned airport high noise contours<sup>16</sup>.

An American National Standards Institute (ANSI Section SI.4 2014, Class 1) Larson Davis model LxT sound level meter was used to document existing ambient noise levels. In order to document existing ambient noise levels in the project area, fourteen (14) 15-minute daytime noise measurements were **taken between 9:02 AM and 7:50 PM on June 26, 2023. Field worksheets and noise measurement worksheets are provided in Appendix D.**

Noise measurements were collected at the following locations as shown on **Table 8 - Noise Measurement Locations** and on **Figure 9 - Noise Monitoring Locations**.

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<sup>16</sup> Figure 4.13-1, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>



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**Table 8 - Noise Measurement Locations**

| Station Number | Location  |
|----------------|---|
| NM1            | Represents the existing noise environment of the residential and school uses located along E Jarvis Street between N Perris Boulevard and Redlands Avenue (255 E Jarvis St, Perris). The noise meter was placed at the northwestern corner of Palms Elementary School just south of E Jarvis Avenue                     |
| NM2            | Represents the existing noise environment of the residential uses located along Wilson Avenue between E Nuevo Road and E San Jacinto Avenue (428 Wilson Avenue, Perris). The noise meter was placed just east of the residential uses along the western side of Wilson Avenue.  |
| NM3            | Represents the existing noise environment of the residential uses located along E San Jacinto Avenue between Redlands Avenue and Murrieta Road (631 Passiflora Drive, Perris). The noise meter was placed just south of the residential use and north of E San Jacinto Avenue.  |
| NM4            | Represents the existing noise environment of the residential uses located along G Street between 4th Street and E San Jacinto Avenue (225 S G Street, Perris). The noise meter was placed just west of the residential use and east of G Street   |
| NM5            | Represents the existing noise environment of the residential uses located near the intersection of W San Jacinto Avenue and C Street (8 S C Street, Perris). The noise meter was placed near the southwestern corner of the intersection of W San Jacinto Avenue and at the northeastern corner of the residential use. |
| NM6            | Represents the existing noise environment of the residential uses located along W San Jacinto Avenue between A Street and B Street (377 W San Jacinto Avenue, Perris). The noise meter was placed just north of the residential use and south of W San Jacinto Avenue   |
| NM7            | Represents the existing noise environment of the residential and school uses located along 7th Street between Park Avenue and S A Street (435 7th Street, Perris). The noise meter was placed just north of the residential use and south of 7th Street.  |
| NM8            | Represents the existing noise environment of the commercial uses located along D Street between 4th Street and 7th Street (600 S D Street, Perris). The noise meter was placed just northwest of the commercial use and east of D Street.   |
| NM9            | Represents the existing noise environment of the residential uses along G Street between 4th Street and Case Road (377 E 6th Street, Perris). The noise meter was placed just east of the residential use and west of G Street  |
| NM10           | Represents the existing noise environment of the transient lodging use located along Redlands Avenue between 4th Street and 7th Street (480 S Redlands Avenue, Perris). The   |



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| Station Number | Location  |
|----------------|---|
|                | noise meter was placed just east of the transient lodging use and west of Redlands Avenue.  |
| NM11           | Represents the existing noise environment of potential future land uses along E Ellis Avenue between Case Road and Goetz Road. The noise meter was placed just north of E Ellis Avenue.   |
| NM12           | Represents the existing noise environment of the residential uses located along Perris Boulevard between 11th Street and E Ellis Avenue (1355 S Perris Boulevard, Perris). The noise meter was placed just east of Perris Boulevard along the western side of the residential uses. |
| NM13           | Represents the existing noise environment of the residential uses located along E Ellis Avenue between A Street and Goetz Road (137 Mercado Street, Perris). The noise meter was placed just south of the residential use and north of E Ellis Avenue                               |
| NM14           | Represents the existing noise environment of the residential uses along E Ellis Avenue between State Route 74 and A Street (1270 Park Avenue, Perris). The noise meter was placed just south of the residential use along the northern side of E Ellis Avenue                       |

**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**XIII. NOISE:**

Would the project result in:

|  |  |   |   |  |
|--|--|---|---|--|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project site in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? |  | X |   |  |
| b) Generation of excessive groundborne vibration or groundborne noise levels?  |  |   | X |  |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles  |  |   | X |  |



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|   |  |  |  |  |
|---|--|--|--|--|
| of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? |  |  |  |  |
|---|--|--|--|--|

**Discussion**

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

**Less Than Significant Impact with Mitigation Incorporated.** Table 9 provides a summary of the short-term ambient noise data. Measured short-term ambient noise levels ranged between 45.6 and 68.2 dBA Leq. The dominant noise source in the project vicinity was vehicle traffic associated with Ruby Road, Jarvis Street, Wilson Avenue, San Jacinto Avenue, G Street, C Street, 7th Street, D Street, 6th Street, Redlands Avenue, Case Road, Goetz Road, Perris Boulevard, Ellis Avenue, and other surrounding roadways.

**Table 9- Short-Term Noise Measurement Summary (dBA)**

| Daytime Measurements <sup>1,2</sup> |              |      |      |      |      |      |       |       |
|-------------------------------------|--------------|------|------|------|------|------|-------|-------|
| Site Location                       | Time Started | Leq  | Lmax | Lmin | L(2) | L(8) | L(25) | L(50) |
| NM1                                 | 9:02 AM      | 61.4 | 77.8 | 55.0 | 66.1 | 64.1 | 62.0  | 59.6  |
| NM2                                 | 9:42 AM      | 57.7 | 75.4 | 33.3 | 69.2 | 61.9 | 48.4  | 41.5  |
| NM3                                 | 10:19 AM     | 67.5 | 83.6 | 44.1 | 74.8 | 71.3 | 68.2  | 64.2  |
| NM4                                 | 11:00 AM     | 68.2 | 86.1 | 45.1 | 78.9 | 70.7 | 62.1  | 55.4  |
| NM5                                 | 11:36 AM     | 64.5 | 81.3 | 49.5 | 73.9 | 67.4 | 63.1  | 60.1  |
| NM6                                 | 12:22 PM     | 47.5 | 63.1 | 38.2 | 55.7 | 50.6 | 46.6  | 43.8  |
| NM7                                 | 12:57 PM     | 58.1 | 77.9 | 45.1 | 67.5 | 61.6 | 52.3  | 48.7  |



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| Daytime Measurements <sup>1,2</sup> |              |      |      |      |      |      |       |       |
|-------------------------------------|--------------|------|------|------|------|------|-------|-------|
| Site Location                       | Time Started | Leq  | Lmax | Lmin | L(2) | L(8) | L(25) | L(50) |
| NM8                                 | 1:38 PM      | 57.6 | 69.7 | 50.8 | 64.9 | 61.1 | 57.6  | 55.4  |
| NM9                                 | 2:13 PM      | 60.5 | 76   | 43.7 | 70.3 | 66   | 57.9  | 51.1  |
| NM10                                | 2:50 PM      | 67.8 | 82.5 | 51.8 | 76.9 | 72.9 | 66.4  | 61.6  |
| NM11                                | 3:29 PM      | 53.4 | 70   | 43.2 | 61.1 | 56.2 | 52.7  | 50.1  |
| NM12                                | 6:01 PM      | 61   | 74.2 | 49.4 | 69.7 | 66.5 | 59.7  | 54.6  |
| NM13                                | 6:52 PM      | 50.3 | 70   | 46.3 | 53.9 | 49.5 | 47.8  | 47.3  |
| NM14                                | 7:35 PM      | 45.6 | 59.6 | 39.5 | 51.7 | 47.4 | 45.5  | 44    |

**Notes:**

(1) See Figure 5 for noise measurement locations. Each noise measurement was performed over a 15-minute duration.

(2) Noise measurements performed on July 26, 2023.

Traffic noise from vehicular traffic was projected using a computer program that replicates the FHWA Traffic Noise Prediction Model (FHWA-RD-77-108). Roadway traffic noise levels were projected to the on-site receptors. The project noise calculation worksheets are included in Appendix D.

For the evaluation of project generated vehicle noise, California courts have rejected use of what is effectively a single “absolute noise level” threshold of significance (e.g., exceed 65 dBA CNEL) on the grounds that the use of such a threshold fails to consider the magnitude or severity of increases in noise levels attributable to the project in different environments (see *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814). California courts have also upheld the use of “ambient plus increment” thresholds for assessing project noise impacts as consistent with CEQA, noting however, that the severity of existing noise levels should not be ignored by incorporating a smaller incremental threshold for areas where existing ambient noise levels were already high (see *Mission Bay Alliance v. Office of Community Investment and Infrastructure* (2016) 6 Cal.App.5th 160).

Consistent with the Perris General Plan Environmental Impact Report (EIR), project roadway noise impacts shall be considered significant when the resulting noise levels at noise-sensitive land uses (e.g., residential, etc.):



- 
- are less than 60 dBA CNEL and the project creates a 5 dBA CNEL or greater project-related level increase; or,
  - exceed 60 dBA CNEL and the project creates a 3 dBA CNEL or greater project-related noise level increase.

In order to evaluate the significance of potential noise impacts to other land uses along the study roadway segments associated with development of full buildout potential of the proposed Housing Opportunity Areas (i.e., Project), the following scenarios were modeled and then compared:

- General Plan Buildout (Post 2030) Without Project: This scenario refers to traffic noise conditions associated with the existing General Plan buildout year.
- General Plan Buildout (Post 2030) With Project: This scenario refers to traffic noise conditions for General Plan buildout with full buildout potential of the proposed Housing Opportunity Areas (i.e., Project).

General Plan buildout noise levels without and with project were compared to determine if the Project would result in a significant increase in noise levels at buildout that may affect other land uses and to determine if future noise levels will exceed the City's Land Use Compatibility Guidelines at the proposed Housing Opportunity areas.

#### Impacts to Other Land Uses

Table 5 in Appendix D shows the change in General Plan Buildout noise levels with the addition of project-generated operational trips. Modeled General Plan Buildout (Post 2030) Without Project traffic noise levels range between 58-79 dBA CNEL and the modeled General Plan Buildout (Post 2030) With Project traffic noise levels range between 60-79 dBA CNEL at the rights-of-way of studied roadway segments. The addition of Project trips is expected to increase buildout noise levels between 0 to 2.82 dB and is not expected to increase noise levels in excess of the applicable threshold at any of the modeled roadway segments (see Appendix D, Table 5). Program-level impacts related to vehicle traffic associated with development of full buildout potential of the proposed Housing Opportunity Areas would be less than significant. No mitigation is required.

Impacts to Future Housing Developments Within the Housing Opportunity Areas Regarding noise/land use compatibility, nearly all of the studied roadway segments in the project area are expected to generate future noise levels that exceed the City's Land Use Compatibility Guidelines for Noise. The following mitigation measure is recommended to ensure future housing development proposals within the Housing Opportunity Areas are not significantly impacted by roadway traffic noise:



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### Mitigation Measure NOI-1

Individual housing development applications within the Housing Opportunity Areas shall require a project-level noise study be prepared by a professional noise analyst to assess interior noise levels and, if necessary, provide measures that would ensure interior noise levels do not exceed the State's interior noise requirement of 45 dBA CNEL.

Impacts to future housing developments within the Housing Opportunity Areas would be less than significant with implementation of Mitigation Measure NOI-1.

b) *Would the project result in the generation of excessive groundborne vibration or groundborne noise levels?*

### Less Than Significant Impact.

Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. The HOAO Zone would permit development of residential uses at densities up to 30 units per acre. The HOAO Zone would not permit land uses with operations generating intense noise—such as heavy industrial uses, truck routes, or railroad tracks. A project-level CEQA analysis and noise study will be conducted for projects developed within the housing opportunity areas to ensure that any potential temporary or permanent noise impacts are addressed. Further, the construction activities would require to comply with the allowed hours for operation outlined in City Code 7.34.060. Therefore, potential impacts associated with construction and operational vibration would be less than significant with implementation of Mitigation Measure NOI-1, and no additional mitigation would be required.

c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

**Less Than Significant Impact.** The City of Perris has two airports within or near its City limits: 1) March Air Reserve Base/Inland Port Airport (March ARB/IPA), and 2) Perris Valley Airport (NRC, 2021b, p. 153). The 12 Housing Opportunity Areas that would be zoned Housing Opportunity Area Overlay (HOAO) are all outside of both aforementioned airport high noise contours<sup>17</sup>. Developments conforming with the HOAO Zone would not expose people to excessive noise levels. Additionally, a project-level CEQA analysis and noise study will be conducted for the future

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<sup>17</sup> Figure 4.13-1, City of Perris Focused General Plan Update IS/MND, found at <https://www.cityofperris.org/home/showpublisheddocument/14714/637871933711770000>



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development of the housing opportunity areas to ensure that any potential airport-related noise impacts are addressed. Therefore, potential Project impacts would be less than significant with the implementation of mitigation measure NOI-1. No additional mitigation would be required.

### ***Mitigation Measures:***

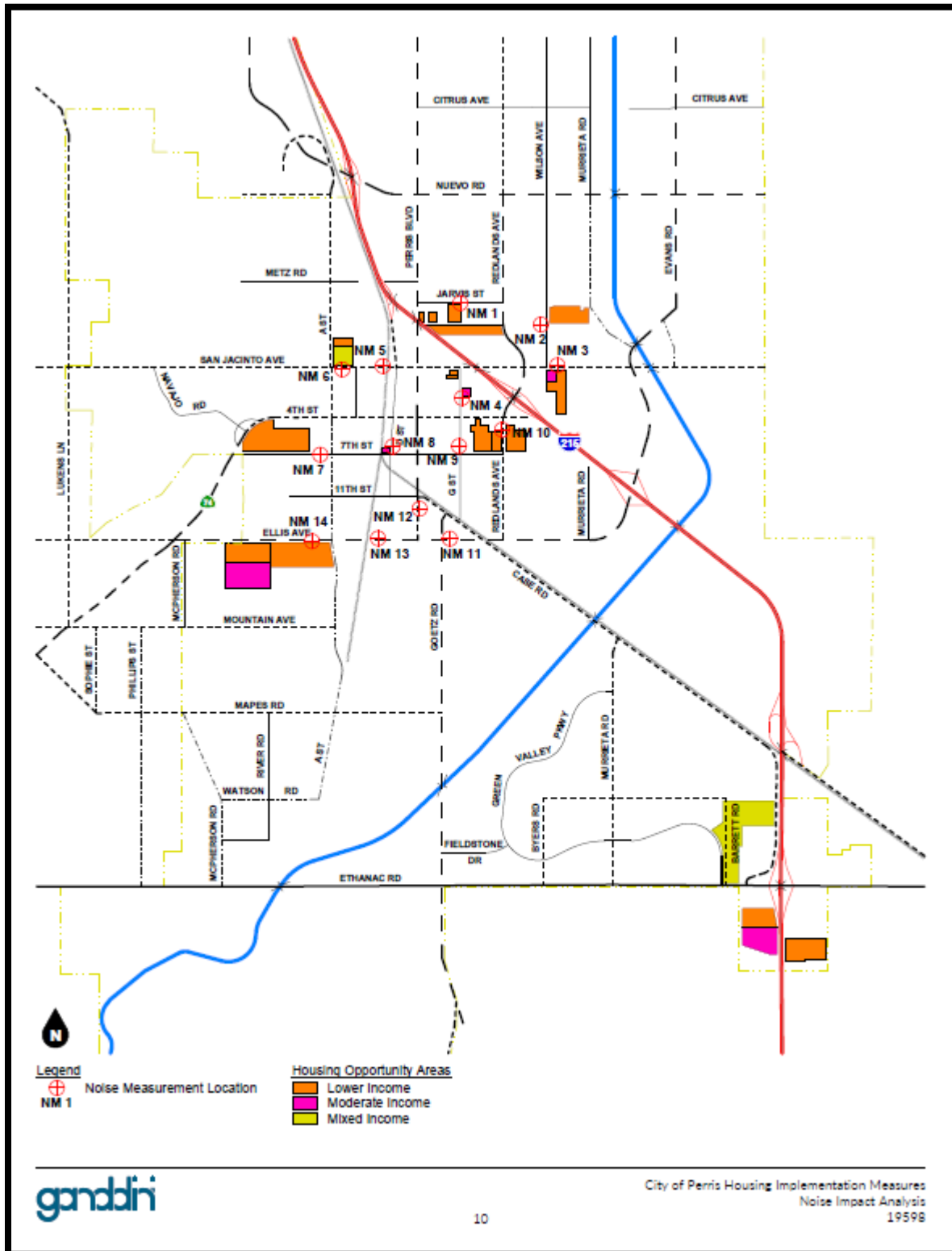
**NOI-1:** Individual housing development applications within the Housing Opportunity Areas shall require a project-level noise study be prepared by a professional noise analyst to assess interior noise levels and, if necessary, provide measures that would ensure interior noise levels do not exceed the State's interior noise requirement of 45 dBA CNEL.

### ***Conclusion***

Potential impacts of the Proposed Project associated with noise would be less than significant with the implementation measures.



Figure 9 - Noise Monitoring Locations





## **4.14 Population and Housing**

### ***Environmental Setting***

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element (August 17, 2022). The Housing Opportunity Site overlay would either continue to permit development in accordance with current zoning regulations or will allow activation of the overlay zoning for development of up to 5,419 high-density, multi-family residential dwelling units distributed over 12 Housing Opportunity Areas. The Housing Opportunity Areas are located throughout the City of Perris and consist of properties with a mix of commercial and residential land use designations. They are surrounded by properties developed with a variety of existing uses, including industrial, commercial, and residential. Nearly all parcels within the Housing Opportunity Areas are vacant, apart from two parcels developed with single-family homes in Area 3. The Housing Opportunity Area Overlay zone would encourage the development of housing at 30 dwelling units per acre.

Census data shows population growth in Perris was steady between 1970 and 1980; however, after 1980, a rapid increase in population occurred. Between 1980 and 1990, the City's population increased 214 percent. Similarly, between 1990 and 2000 the population increased 68 percent, and between 2000 and 2010 the population increased 35 percent. From 2010 to 2020, the population increased from 55,799 to 80,201, a 43 percent increase over the ten-year period (City of Perris 2022a).

Future growth estimates for the next 20 years predict a continued increase in population, yet at a slower rate. The Riverside County Center for Demographic Research estimates that the population of Perris will top 84,881 by the year 2030; a population increase of 35 percent between 2010 and 2030. The 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) Final Growth Forecast prepared by SCAG shows the City's population increasing to 112,400 by 2035 and 116,700 by 2040, an increase of 32.4 percent and 37.5 percent respectively from the 2030 estimate (City of Perris 2022a).

According to the California Department of Finance, there were an estimated 19,843 housing units in Perris as of January 2023 (DOF 2023). Of these, the U.S. Census Bureau estimates 66.9% are owner-occupied (USCB 2023).



**Impact Analysis**

| CEQA THRESHOLDS   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|---|--------------------------------|--|------------------------------|-----------------------------|
| <b>XIV. POPULATION AND HOUSING:</b>   |                                |  |                              |                             |
| Would the project:  |                                |  |                              |                             |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? |                                |  | X                            |                             |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   |                                |  | X                            |                             |

**Discussion**

- a) *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

**Less Than Significant Impact.** The HOAO would facilitate development of up to 5,419 new residential units in the City of Perris. According to the California Department of Finance (DOF), there is an average of 4.05 persons per household in Perris (DOF 2023). Assuming a conservative, maximum-growth scenario in which all new residents relocate to the City of Perris, the HOAO would result in an estimated 21,947 new residents in the city.

The DOF estimates that the population of Perris as of January 2023 was 78,948 (DOF 2023). The Riverside County Center for Demographic Research estimates that the population of Perris will top 84,881 by the year 2030. The 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) Final Growth Forecast prepared by SCAG shows the City’s population increasing to 112,400 by 2035 and 116,700 by 2040 (City of Perris 2022a). The SCAG population estimate for the city in 2040 is 37,752 more people than the city’s currently population. Therefore, the 21,947 new residents added by the project would be within SCAG’s growth projections for Perris.

Therefore, potential impacts associated with population growth would be less than significant, and no mitigation would be required.



- 
- b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

**Less Than Significant Impact.** Implementation of the HOAO would involve demolition of existing single-family residences on two parcels to develop new units. However, any displacement of people or housing would be temporary, and new housing added would support a greater number of residents than existing housing. Therefore, the project would not result in the need for new housing elsewhere, as the HOAO would result in a concentration of the City's housing stock within higher density development within the downtown area. Therefore, any potential impacts would be less than significant.

### ***Mitigation Measures***

None.

### ***Conclusion***

Potential impacts of the Proposed Project associated with Population and Housing would be less than significant, and no mitigation would be required.

## **4.15 Public Services**

### ***Environmental Setting***

Fire and police services are provided by contract with the County of Riverside. The City of Perris is within the boundaries of the Menifee Union School District, Perris Elementary School District, Perris Union High School District, Romoland Elementary School District, and Val Verde Unified School District. Recreation services are provided by the City of Perris.



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**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**XV. PUBLIC SERVICES:**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

|                          |  |  |   |  |
|--------------------------|--|--|---|--|
| Fire protection?         |  |  | X |  |
| Police protection?       |  |  | X |  |
| Schools?                 |  |  | X |  |
| Recreation/Parks?        |  |  | X |  |
| Other public facilities? |  |  | X |  |

**Discussion**

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

*Fire Protection*

**Less Than Significant Impact.** The California Department of Forestry and Fire Protection (CAL FIRE), under contract with Riverside County and operating as the Riverside County Fire Department (RCFD), provides fire prevention and suppression to the City of Perris. RCFD’s 2009-2029 Strategic Plan outlines how the department maintains adequate personnel and services throughout its areas of responsibility, including Perris. RCFD Station No. 1 located at 210 W. San Jacinto Avenue and RCFD Station No. 90 at 333 Placentia Avenue exclusively serve the City of Perris. Other RCFD stations respond to emergency service calls in the City on an as-needed basis. Currently, RCFD has four mutual aid agreements, and seven automatic aid agreements with various jurisdictions (Cities, Fire Districts, March Air Reserve Base, and Native American Bands).



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Under RCFD, five fire stations provide response services to the City, which ensure adequate coverage and timely response to all parts of the City. These locations include (City of Perris 2022b):

- Station 1 - Perris Battalion 1 at 210 West San Jacinto Avenue, Perris
- Station 9 - Goodmeadow Battalion 1 at 21565 Steel Peak Road, Perris
- Station 59 - Mead Valley Battalion 1 at 21510 Pinewood Street, Perris
- Station 90 - North Perris City Battalion 1 at 333 Placentia Avenue, Perris
- Station 101 - City of Perris Battalion 1 at 105 S. F Street, Perris

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the Housing Opportunity Areas would add residential units and population to the City of Perris and could generate increased demands for fire protection facilities. The City of Perris estimates needs for future fire stations based on General Plan buildout projections. The buildout population projected in General Plan 2030 is 155,800 (Hogle Ireland 2004). As described in Section 4.14, *Population and Housing*, buildout of the HOAO would not cause substantial unplanned population growth. Rather, the project would facilitate the City's planned population growth within the Housing Opportunity Areas. The DOF estimates that the population of Perris as of January 2023 was 78,948 (DOF 2023) and the 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) Final Growth Forecast prepared by SCAG estimates the City's population increasing to 116,700 by 2040 (City of Perris 2022a). The SCAG 2040 population estimate, plus the 21,947 new residents added by the project, would result in 17,153 fewer people than the buildout population projected in General Plan 2030. The addition of an estimated 21,947 future residents would not create excessive demand for emergency services or introduce development to areas outside of normal service range that would necessitate new fire protection facilities.

Future developments within the HOAO would be required to comply with the most current adopted fire, building, and electrical codes and nationally recognized fire and life safety standards of the City and RCFD, as outlined in Chapter 16.08 (Building, Plumbing and Other Codes Adopted) of the City's Municipal Code. Compliance with these codes and standards would be enforced through the City's building plan check process to ensure it has the capacity to provide proper fire protection to the development.

Additionally, the HOAO developments would be required to comply with the provisions of Municipal Code Chapter 19.68, which requires payment of the Development Impact Fee to assist the City in providing fire protection services. Payment of the Development Impact Fee would ensure that future HOAO developments provide fair share funds for the provision of additional public services, including fire protection services, which may be applied to fire facilities and/or equipment, to offset the incremental increase in the demand for fire protection services that



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would be created by the Project. Therefore, impacts related to fire protection services from the proposed Project would be less than significant, and no mitigation would be required.

*Police Protection*

**Less Than Significant Impact.** The Perris Police Department (PPD) provides police protection to the City of Perris under contract with the Riverside County Sheriff's Department (RCSD). The PPD is housed in the Perris RCSD Station located at 137 N. Perris Blvd, Suite A, Perris. In addition to serving the city of Perris, the station provides RCSD services for substantial unincorporated areas in western Riverside County. The RCSD Forensic Services section, responsible for the collection, preservation, and identification of evidence for all Sheriff's stations in the western end of the county, also operates out of this station (RCSD 2023). Demands for police facilities are generated by the population and the total building area within the police agencies' service areas.

The Perris Police Department serves both homes and businesses in the City of Perris. The need for public services and associated facilities are measured by service area population, or the number of residents and workers within the City's service area. Service population reasonably predicts the need for police facilities. The Riverside County Sheriff's Department and the Perris Police Department use a standard of one officer per 1,000 residents. As the population in Perris increases, additional police officers will be needed. The Perris Police Department does not have established thresholds for the need for additional police facilities, such as a new station. Rather, the need for additional police stations and facilities is determined on an as needed basis (Hogle-Ireland 2004).

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development within the Housing Opportunity Areas would add residential units and population to the City of Perris and could generate increased demands for police protection facilities; however, the increase would be incremental and within the growth projections outlined in the City's General Plan (Hogle-Ireland 2004, City of Perris 2022a). The addition of an estimated 21,947 residents would not create excessive demand for police services or introduce development to areas outside of normal service range that would necessitate new police protection facilities.

Additionally, the HOAO developments would be required to comply with the provisions of Municipal Code Chapter 19.68, which requires payment of the Development Impact Fee to assist the City in providing police protection services. Payment of the Development Impact Fee would ensure that future HOAO developments provide fair share funds for the provision of additional public services, including police protection services, which may be applied to police facilities and/or equipment, to offset the incremental increase in the demand for fire protection services that would be created by the Project. Therefore, the project would not place an unanticipated burden on police protection services or affect response times or service ratios such that new or



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expanded police facilities would be needed. Potential impacts associated with police protection would be less than significant, and no mitigation would be required.

*Schools*

**Less Than Significant Impact.** The City of Perris is within the boundaries of the Menifee Union School District, Perris Elementary School District, Perris Union High School District, Romoland Elementary School District, and Val Verde Unified School District. Table 10 displays the public schools that serve the City of Perris and the 2022-2023 student enrollment for these schools.

**Table 10 – City of Perris School Enrollment**

| District            | School Name                   | School Type                          | Grades | 2022-2023 Enrollment |
|---------------------|-------------------------------|--------------------------------------|--------|----------------------|
| Menifee Union       | Hans Christensen Middle       | Intermediate/Middle Schools (Public) | 6-8    | 663                  |
| Menifee Union       | Quail Valley Elementary       | Elementary Schools (Public)          | K-5    | 527                  |
| Perris Elementary   | Clearwater Elementary         | Elementary Schools (Public)          | K-6    | 664                  |
| Perris Elementary   | Enchanted Hills Elementary    | Elementary Schools (Public)          | K-6    | 479                  |
| Perris Elementary   | Innovative Horizons Charter   | Elementary Schools (Public)          | K-8    | 904                  |
| Perris Elementary   | Palms Elementary              | Elementary Schools (Public)          | K-6    | 734                  |
| Perris Elementary   | Perris Elementary             | Elementary Schools (Public)          | K-6    | 684                  |
| Perris Elementary   | Railway Elementary            | Elementary Schools (Public)          | K-6    | 779                  |
| Perris Elementary   | Sky View Elementary           | Elementary Schools (Public)          | K-6    | 712                  |
| Perris Union High   | California Military Institute | K-12 Schools (Public)                | 5-12   | 1,006                |
| Perris Union High   | Heritage High                 | High Schools (Public)                | 9-12   | 2,428                |
| Perris Union High   | Perris High                   | High Schools (Public)                | 9-12   | 2,243                |
| Perris Union High   | Perris Lake High              | Continuation High Schools            | 9-12   | 357                  |
| Perris Union High   | Pinacate Middle               | Intermediate/Middle Schools (Public) | 7-8    | 927                  |
| Romoland Elementary | Boulder Ridge Elementary      | Elementary Schools (Public)          | K-5    | 840                  |
| Romoland Elementary | Romoland Elementary           | Elementary Schools (Public)          | K-5    | 488                  |
| Val Verde Unified   | Avalon Elementary             | Elementary Schools (Public)          | K-5    | 590                  |
| Val Verde Unified   | Lakeside Middle               | Intermediate/Middle Schools (Public) | 7-8    | 1,085                |
| Val Verde Unified   | March Middle                  | Intermediate/Middle Schools (Public) | 6-8    | 758                  |
| Val Verde Unified   | May Ranch Elementary          | Elementary Schools (Public)          | K-5    | 853                  |
| Val Verde Unified   | Orange Vista High             | High Schools (Public)                | 9-12   | 2,595                |
| Val Verde Unified   | Rancho Verde High             | High Schools (Public)                | 9-12   | 1,944                |
| Val Verde Unified   | Sierra Vista Elementary       | Elementary Schools (Public)          | K-6    | 886                  |



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| District          | School Name             | School Type                          | Grades | 2022-2023 Enrollment |
|-------------------|-------------------------|--------------------------------------|--------|----------------------|
| Val Verde Unified | Triple Crown Elementary | Elementary Schools (Public)          | K-5    | 993                  |
| Val Verde Unified | Val Verde Elementary    | Elementary Schools (Public)          | K-6    | 640                  |
| Val Verde Unified | Val Verde High          | Continuation High Schools            | 9-12   | 329                  |
| Val Verde Unified | Vista Verde Middle      | Intermediate/Middle Schools (Public) | 6-8    | 880                  |

Sources: Ed Data 2023; Menifee Union School District, 2023; Perris Elementary School District, 2023; Perris Union High School District, 2023; Romoland School District, 2023; Val Verde Unified School District, 2023

Demand for schools is generated by the numbers of households in a school’s service area. The California State Allocation Board estimates that new residential units generate 0.5 students per dwelling unit for elementary school districts, 0.2 students per dwelling for high school districts, and 0.37 students per dwelling for unified school districts (SAB 2009). The Project Site consists of 12 Housing Opportunity Areas identified in the 2021-2029 Housing Element. The buildout of all twelve areas would involve development of 5,419 residential units that would be estimated to generate 3,793 additional students at local schools. While future development would increase the number of students, the increase in student population would occur incrementally as development facilitated by the HOAO would occur over several years. Furthermore, a school impact fee is collected for each residential unit that is constructed during the building permitting process. As stated in California Government Code Section 65996, payment of school impact fees is deemed to constitute full and complete mitigation for potential impacts to schools caused by development. Therefore, impacts related to the need for new school facilities as a result of implementing the proposed project would be less than significant.

*Recreational/Parks*

**Less Than Significant Impact.** The City of Perris Community Services Department manages 203 acres of parks and open spaces, 3 recreation facilities, and features many community events and programs that serve to connect families and neighborhoods. The Department oversees 28 parks, 2 trails, 18 playgrounds, 26 sports fields, 10 looped walking trails, 22 shelters, 1 community demonstration garden, and 3 indoor recreation facilities (City of Perris Community Services 2021).

Demand for park space is generated by the population in the facility’s service area. Buildout of the HOAO would add 5,419 residential units that would house 21,947 people at full occupancy. The development proposed under the HOAO is within the City’s growth projections, which takes the City’s recreational needs and impacts into account. The City of Perris General Plan establishes a standard of 5 acres of park space for every 1,000 residents. Using the General Plan standard, buildout of the HOAO would generate demand for nearly 110 acres of parkland. However, as of 2021, the City of Perris provides approximately 2.4 acres of park space per 1,000 residents (City of Perris Community Services 2021). To meet the current park space ratio, the City would need



to add 52.7 acres of park space to accommodate the projected population growth as a result of the HOAO.

The Quimby Act (California Government Code §66477) allows a city whose General Plan contains policies and standards for park and recreation facilities to pass ordinances requiring developers to set aside land, donate conservation easements, or pay fees for park improvements. The City of Perris adopted a park facility development impact fee to ensure residential development funds its fair share of park and recreational facilities. The City charges development impact fees for parks of \$9,070.39 per single-family unit and \$8,021.81 per multiple-family unit (City of Perris 2023). Payments of such fees would reduce impacts to parks to less than significant levels, and no mitigation would be required.

#### *Other public facilities*

**Less Than Significant Impact.** The Riverside County Library System provides library services to the City of Perris through its Cesar Chavez Library at 163 East San Jacinto Avenue (City of Perris, 2021d). Kindred Hospital – Riverside, the one hospital in Perris, is at 2224 Medical Center Drive (OSHPD, 2021). Demands for libraries and hospitals are generated by the population in the facilities' service areas.

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Buildout of the HOAO would involve development of 5,419 residential units to house 21,947 residents. HOAO implementation would therefore increase demands for libraries and hospitals. Future development projects in accordance with the HOAO would pay development impact fees for library facilities. Additionally, future housing development would generate annually recurring revenue to the City in the form of taxes and other miscellaneous charges (e.g., sales tax, property tax, etc.). A portion of such revenue would be available to address costs associated with potential demands for other public facilities. Therefore, Project impacts relative to creating demand for new or physically altered public facilities would be less than significant.

#### **Mitigation Measures**

None.

#### **Conclusion**

Potential impacts of the Proposed Project associated with Public Services would be less than significant, and no mitigation would be required.



## 4.16 Recreation

### Impact Analysis

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**XVI. RECREATION:**

|  |  |  |   |  |
|--|--|--|---|--|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? |  |  | X |  |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        |  |  | X |  |

### Discussion

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

**Less Than Significant Impact.** Neighborhood parks range in size from 5 to 14 acres and are intended to serve the residents within a radius of approximately one-half mile, typically within walking or cycling distance. Community parks should be between 15 and 40 acres in size and are generally designed to meet the active recreational needs of several neighborhoods. These parks are intended to serve people living within a radius of up to two miles. The City has 11 neighborhood parks, 4 community parks, and 13 mini parks (City of Perris Community Services 2021).

The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development of the HOAO would add residential units and population to the City of Perris and could thus increase the use of existing parks and recreational facilities. The Quimby Act (California Government Code §66477) allows a city whose general plan contains policies and standards for park and recreation facilities to pass ordinances requiring developers to set aside land, donate conservation easements, or pay fees for park improvements. The City of Perris adopted a park facility development impact fee to ensure residential development funds its fair share of park



and recreational facilities. The City charges development impact fees for parks of \$9,070.39 per single-family unit and \$8,021.81 per multiple-family unit (City of Perris 2023). Payments of such fees would reduce impacts to parks to less than significant levels, and no mitigation would be required.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

**Less Than Significant Impact.** The Proposed Project will implement a Housing Opportunity Area Overlay (HOAO) Zone over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. Future development of the HOAO would add residential units and population to the City of Perris and thus could increase the use of existing neighborhood and/or regional parks or other recreational facilities, see the analysis of impacts to park facilities in Section 4.15 above. No recreational facilities are identified within the HOAO, and development of the HOAO would not involve construction or expansion of park facilities. Therefore, Project impacts relative to impacts on the environment from construction and operation of the recreational facilities would not be significant.

### **Mitigation Measures**

None.

### **Conclusion**

Potential impacts of the Proposed Project associated with Recreation would be less than significant, and no mitigation would be required.

### **4.17 Transportation**

Traffic studies were prepared to determine potential impacts from transportation associated with the development of the Proposed Project (**Appendix E-1 – City of Perris Housing Implementation Measures Transportation Study**, Ganddini Group, May 12, 2023 and **Appendix E-2 – City of Perris Housing Implementation Measures Vehicle Miles Traveled (VMT) Impact Analysis**, Ganddini Group, August 24, 2023).

### **Regulatory Setting**

#### *Senate Bill 743*

SB 743, passed in 2013, updated the way transportation impacts are measured in California for new development projects, to allow Californians more options to drive less. The change was made as part of the California Global Warming Solutions Act of 2006 (Assembly Bill [AB 32]) to assist with achieving climate commitments.



In January 2019, the California Office of Planning and Research (OPR) issued guidance relative to evaluating a project's Vehicle Miles Traveled (VMT) to reduce GHG emissions. The CEQA Guidelines were also subsequently revised to require that lead agencies utilize VMT-related metric(s) that evaluate the significance of transportation-related impacts under CEQA for development projects, land use plans, and transportation infrastructure projects, beginning on July 1, 2020. Until that time, jurisdictions utilized a Level of Service (LOS) to analyze traffic impacts. The OPR guidelines require that projects be evaluated using VMT metrics but also allows jurisdictions to continue to use the LOS method as a secondary methodology for non-CEQA purposes.

The State OPR also set forth guidance for agencies to use "screening thresholds" to quickly identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study. (refer to CEQA Guidelines, §§ 15063(c)(3)(C), 15128, and CEQA Guidelines Appendix G). The types of projects that are exempt from preparing a detailed VMT analysis are based on project size, maps, transit availability, and provision of affordable housing. Consistent with the requirements of CEQA Guidelines Section 15064.3, the City of Perris adopted significance criteria for transportation impacts based on VMT when evaluating VMT to determine traffic-related impacts for land use development projects. The screening criteria and significance criteria are contained in the *City of Perris Transportation Impact Analysis Guidelines for CEQA* (May 12, 2020) ["the City TIA Guidelines"].

### *Regional Transportation Plans*

The Southern California Association of Governments (SCAG) is a council of governments representing the six-county region of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. Every four years SCAG updates the Regional Transportation Plan (RTP) for the six-county region. On April 7, 2016, the SCAG's Regional Council adopted the 2016-2040 Regional Transportation Plan / Sustainable Communities Strategy (2016 RTP/SCS). The SCS outlines a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce greenhouse gas emissions from transportation (excluding goods movement).

### *City of Perris*

The City of Perris's General Plan contains a Circulation Element that addresses the physical circulation system consisting of streets, highways, bicycle routes, equestrian facilities, paths, and sidewalks, as well as available modes of transportation, including cars, buses, bicycles, and walking. The Circulation Element also identifies goals and policies with respect to the City's transportation network.

Level of Service (LOS) analysis is generally performed for assessing conformance with General Plan and operational standards established by the City. LOS is commonly used as a qualitative



description of intersection operation and is based on the capacity of the intersection and the volume of traffic using the intersection.

In accordance with current CEQA provisions, a project's effect on automobile delay as measured by LOS shall not constitute a significant environmental impact. Therefore, LOS is not discussed as a measure of analysis as part of this report. Analysis related to LOS and General Plan consistency shall be discussed as part of the Planning entitlement review process associated with this document.

### *Study Methodology*

The Traffic Impact Analysis (Appendix E) utilized the City TIA Guidelines for assessing VMT.

### Vehicle Miles Traveled

The City's TIA Guidelines provide a framework for "screening thresholds" for certain projects that are expected to cause a less than significant impact without conducting a detailed VMT study. The Proposed Project was evaluated for transportation impacts under CEQA using the City of Perris VMT Scoping Form for Land Use Projects as appended to the City of Perris TIA Guidelines. The screening criteria for the City of Perris are:

- A. Is the Project 100% affordable housing?
- B. Is the Project within ½ mile of qualifying transit?
- C. Is the Project a local serving land use?
- D. Is the Project in a low VMT area?
- E. Are the Project's net Daily Trips less than 500 ADT?

### ***Environmental Setting***

The proposed project involves creation of an overlay zone for Housing Opportunity Sites identified in the recently adopted City of Perris General Plan Housing Element (August 17, 2022) that would continue to permit development in accordance with current zoning regulations or allow activation of the overlay zoning for development of up to 5,419 high-density, multifamily residential dwelling units distributed over 12 Housing Opportunity Areas ("Housing Overlay"). The Housing Opportunity Areas are identified on Figure 1 of the Housing Element.

The northern portion of the City of Perris is generally bordered by the Interstate 215 (I-215) freeway on the west and Harley Knox Boulevard on the north, while the central and southern



portions of the City straddle the I-215 freeway. In the southeastern portion of the City, State Route 74 (SR-74) connects to I-215 and continues along 4th Street to the western City limits.

### *Truck Routes*

In February 2022, the City of Perris updated its Final General Plan Truck Route Map. Highway 215, Case Road, San Jacinto Avenue, Ellis Avenue, 4<sup>th</sup> street are designated as a Truck Route, and are in the vicinity of the Project Area.

### *Public/Mass Transit*

The City of Perris is currently served with fixed route transit service by the Riverside Transit Agency (RTA). The City is currently served by RTA Routes 9, 19, 27, 28, 30, 41, 61, and 74. These routes extend north and northwest to Moreno Valley and Riverside (Routes 27, 28, and 74); west to Lake Elsinore (Route 9); south to Temecula and Murrieta (Route 61); and east to Hemet via Menifee (Routes 28 and 74). Route 30 is a local circulator in Perris (RTA, 2021).

Two portions of the City are mapped as high-quality transit areas by the Riverside County Transportation Commission: 1, a north-south corridor along Perris Boulevard from downtown Perris to the north City boundary; and 2, an area surrounding the interchange of I-215 and SR-74 in the southeast part of the City. High-quality transit areas are within 0.5 mile of major transit stops or fixed-route bus service with frequencies no longer than 15 minutes during weekday peak hours (RCTC, 2020).

### *Bicycle and Pedestrian Facilities*

Approximately 15 miles of bicycle facilities are in Perris, most of which are off-road shared-use paths or striped (Class II) bicycle lanes; and most of which are in the northern part of the City (Perris, 2020). Figure 5 shows the City of Perris Bikeways Systems map. As shown on Figure 5, the City's bikeway system is comprised of shared-use paths (Class I), on-street bicycle lanes (Class II), buffered bicycle lanes (Class IIB), bicycle routes (Class III), bicycle boulevards (Class IIIB), and separated bikeways (Class IV). Numerous bicycle facilities are planned throughout the City with a concentration of Class II bicycle lanes and Class IIIB bicycle boulevard in the downtown area.

Most streets in Perris have sidewalks or pathways on at least one side, especially in newer developments and in downtown Perris (Perris, 2020). Figure 6 shows the City of Perris Pedestrian Facilities map. The figure identifies crossing facilities, curb treatments, signals and beacons, traffic calming, transit stop amenities, pedestrian-scale lighting, sidewalks and paths, and shared-use paths. As shown on Figure 6, numerous pedestrian facilities are planned throughout the City with a concentration of crossing facilities and traffic calming features in the downtown area.



**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**XVII. TRANSPORTATION:**

Would the project:

|  |  |   |   |  |
|--|--|---|---|--|
| a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?          |  |   | X |  |
| b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?  |  | X |   |  |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? |  |   | X |  |
| d) Result in inadequate emergency access?  |  |   | X |  |

a) *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?*

**Less Than Significant Impact.** The City of Perris General Plan Circulation Element and City of Perris Active Transportation Plan govern the circulation system in the City of Perris.

*City of Perris General Plan*

The City of Perris General Plan was established to provide a safe, convenient and efficient transportation system for the City. In order to meet this objective, the Circulation Element has been designed to accommodate the anticipated transportation needs based on the estimated intensities of various land uses within the region. Table 7 identified that the Proposed Project is consistent with the City’s General Plan applicable Circulation Element Goals, Policies and Implementation Measures relative to the Proposed Project.

*City of Perris Active Transportation Plan*

The City of Perris Active Transportation Plan aims to expand the cities’ networks of pedestrian and bicycle routes by over 90 percent by 2040. Bicycle facilities include shared-use, off-road (Class I) paths; striped (Class II) bicycle lanes and Class IIB buffered bicycle lanes; signed (Class III)



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bicycle routes and Class IIIB bicycle boulevards; and Class IV on-road separated bikeways. Pedestrian facilities include sidewalks; off-road shared-use paths; crossing facilities such as high-visibility sidewalks, beacons, and signals; and pedestrian-scale lighting (City of Perris, 2020).

The proposed project involves creation of an overlay zone over 12 Housing Opportunity Areas (“Housing Overlay”) identified in the recently adopted City of Perris General Plan Housing Element (August 17, 2022). Future development within the Housing Opportunity Areas would add residential units and population to the City of Perris. A project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential transportation policy impacts are addressed. Therefore, potential impacts associated with the circulation system would be less than significant, and no mitigation would be required.

b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

**Less Than Significant Impact.** CEQA Guidelines Section 15064.3 provides that transportation impacts of projects are, in general, best measured by evaluating the Proposed Project's VMT. Automobile delay (LOS) will no longer be considered to be an environmental impact under CEQA.

On June 9, 2020, the City of Perris adopted its *Transportation Impact Analysis Guidelines for CEQA* (TIA Guidelines) to help ensure that land use development and transportation projects comply with the latest CEQA requirements regarding VMT. These guidelines include a CEQA Assessment for VMT analysis and lists the VMT thresholds, screening tools, and methodologies. The City also maintains LOS policies as part of the General Plan and discretionary review process, which is separate and apart from the environmental analysis.

A VMT impact analysis consistent with the City’s guidelines was prepared for the Proposed Project (Appendix E-2). VMT modeling was performed using the County of Riverside’s RIVCOM regional travel demand model. Table 8 shows the daily VMT estimates for the City of Perris for the base year (2018) and future year (2045) conditions without and with the Housing Overlay. Table 8 also shows the threshold of significance, which was determined based on linear interpolation between the base year (2018) and future year (2045) model results for without Housing Overlay conditions.

**Table 11- Daily VMT Estimates**

| Scenario                     | City of Perris |         |        | Significant Impact? |
|------------------------------|----------------|---------|--------|---------------------|
|                              | VMT            | SP      | VMT/SP |                     |
| 2018 Without Housing Overlay | 2,492,699      | 92,552  | 26.9   | -                   |
| 2018 With Housing Overlay    | 2,844,890      | 108,876 | 26.1   | No                  |



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| Scenario   | City of Perris |         |             | Significant Impact? |
|--|----------------|---------|-------------|---------------------|
|  | VMT            | SP      | VMT/SP      |                     |
| 2045 Without Housing Overlay                                 | 4,464,588      | 164,849 | 27.1        | -                   |
| 2045 With Housing Overlay                                    | 4,767,636      | 179,828 | 26.5        | No                  |
| Threshold of Significance:<br>City of Perris Baseline (2023) |                |         | <b>27.0</b> | -                   |

Notes:

1. Source: Western Riverside Council of Governments, Riverside County Transportation Model (RIVCOM).

2. VMT = Vehicle Miles Traveled; SP = Service Population (population plus employment)

Based on the VMT modeling presented in the previous section, buildout of the overall Housing Overlay is forecast to result in a less than significant impact based on the City-established thresholds for VMT. Specifically, the base model year (2018) with Housing Overlay buildout is forecast to result in a Citywide VMT per service population of 26.1, which does not exceed the City of Perris baseline VMT per service population of 27.0. The future model year (2045) with Housing Overlay buildout is forecast to result in a Citywide VMT per service population of 26.5, which does not exceed the City of Perris baseline VMT per service population of 27.0.

Although implementation of the overall Housing Overlay would result in a less than significant impact, individual Housing Opportunity Area sites may exceed the Citywide baseline VMT per service population and would require further review at the project-specific level. To aid in implementation of the Housing Overlay, the project (i.e., net change with Housing Overlay) VMT per service population was calculated for each individual Housing Opportunity Area site as summarized in Appendix E-2. Appendix E-2 summarizes the net change in VMT per service population (i.e., project-generated VMT) for each Housing Opportunity Area site with implementation of the Housing Overlay.

As shown in Appendix E-2, all of the Housing Opportunity Area sites are forecast to have a low VMT impact (i.e., the net effect of development on the site per the Housing Overlay would not exceed the City of Perris baseline VMT per service population of 27.0), except for sites within Housing Opportunity Area 7. Housing Opportunity Area 7 is forecast to generate 28.1 VMT per service population, which would require VMT to be reduced by 4.1% percent to reduce the impact to a less than significant level. The following mitigation measure is recommended to ensure individual Housing Opportunity Area sites do not cause significant impacts:

**Mitigation Measure TRA-1**

Housing development proposals in Housing Opportunity Area 7 shall prepare a VMT reduction strategy that identifies measures to achieve a 4.1 percent reduction in VMT. VMT reduction shall be quantified in accordance with the Handbook for Analyzing Greenhouse Gas Emission



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Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021) ["GHG Reductions Handbook"] publication by the California Air Pollution Control Officers Association (CAPCOA), or other applicable source to the satisfaction of the City of Perris Director of Development Services.

- c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

**Less Than Significant Impact.** In accordance with the City of Perris development review procedures and standard conditions of approval, future development proposals would be required to adhere to the following or similar conditions that would ensure projects do not substantially increase hazards due to geometric design features or incompatible uses:

- A construction work site traffic control plan shall comply with State standards set forth in the California Manual of Uniform Traffic Control Devices and shall be submitted to the City of Perris for review and approval prior to the issuance of a grading permit or start of construction. The plan shall identify any roadway, sidewalk, bike route, or bus stop closures and detours as well as haul routes and hours of operation. All construction-related trips shall be restricted to off-peak hours to the extent possible.
- All on-site and off-site roadway design, traffic signing and striping, and traffic control improvements relating to the proposed project shall be constructed in accordance with applicable State/Federal engineering standards to the satisfaction of the City of Perris.
- Site-adjacent roadways shall be constructed or repaired at their ultimate half-section width, including landscaping and parkway improvements in conjunction with development, or as otherwise required by the City of Perris.
- Adequate emergency vehicle access shall be provided to the satisfaction of the Riverside County Fire Authority.
- The final grading, landscaping, and street improvement plans shall demonstrate that sight distance requirements are met in accordance with applicable City of Perris/California Department of transportation sight distance standards.

Therefore, potential impacts associated with hazards or incompatible uses would be less than significant, and no mitigation would be required.

- d) *Would the project result in inadequate emergency access?*

**Less Than Significant Impact.** The proposed project involves creation of an overlay zone over 12 Housing Opportunity Areas ("Housing Overlay") identified in the recently adopted City of Perris General Plan Housing Element (August 17, 2022). Future development within the Housing Opportunity Areas would require comply with the City's development review process including review by the County Fire Department for compliance with all applicable fire code requirements for construction and access to the Project Site. Therefore, potential impacts associated with



inadequate emergency access would be less than significant, and no mitigation would be required.

### **Mitigation Measures**

**TRA-1:** Housing development proposals in Housing Opportunity Area 7 shall prepare a VMT reduction strategy that identifies measures to achieve a 4.1 percent reduction in VMT. VMT reduction shall be quantified in accordance with the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021) [“GHG Reductions Handbook”] publication by the California Air Pollution Control Officers Association (CAPCOA), or other applicable source to the satisfaction of the City of Perris Director of Development Services.

### **Conclusion**

Potential impacts of the Proposed Project associated with Transportation would be less than significant with the implementation measures.

### **4.18 Tribal Cultural Resources**

Cogstone prepared a Cultural and Paleontological Resources Assessment for the Proposed Project (**Appendix C - Cultural and Paleontological Resources Assessment Report for the Perris Housing Implementation Project**, Cogstone, September 2023). The assessment addressed the ethnographic and archaeology of the Native American occupation in the City of Perris.

#### *City of Perris AB 52 Tribal Consultation*

On April 11, 2023, the City of Perris notified the following tribal entity representatives of the Proposed Project and the 30-day timeframe in which to request consultation in accordance with AB52:

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Cahuilla Mission Indians
- Cabazon Band of Mission Indians
- Cahuilla Band of Indians
- Campo Band of Diegueno Mission Indians
- Ewiiapaayp Band of Kumeyaay Indians
- La Posta Band of Diegueno Mission Indians
- Los Coyotes Band of Cahuilla and Cupeño Indians
- Manzanita Band of Kumeyaay Nation
- Mesa Grande Band of Diegueno Mission Indians
- Morongo Band of Mission Indians



- Pala Band of Mission Indians
- Pechanga Band of Indians
- Quechan Tribe of the Fort Yuma Reservation
- Ramona Band of Cahuilla
- Rincon Band of Luiseno Indians
- Santa Rosa Band of Cahuilla Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians

Of the tribes contacted, the following responses were received:

- Augustine Band of Cahuilla Mission Indians: A letter dated April 17, 2023, was received from Geramy Martin, Tribal Secretary. No consultation was requested.
- Mesa Grande Band of Diegueno Mission Indians: A letter dated April 14, 2023 was received from Kimberly Murphy, Office Manager. The letter clarified a change in Chairperson. No consultation was requested.
- Rincon Band of Luiseno Indians: A letter dated April 24, 2023, was received from Shuuluk Linton, Tribal Historic Preservation Officer requesting additional information. A follow-up letter was received on January 29, 2024, stating that no consultation was being requested.
- Quechan Tribe of the Fort Yuma Reservation: An email was received on April 11, 2023, from H. Jill McCormick. No consultation was requested.

### ***Environmental Setting***

According to current ethnohistorical scholarship, the traditional territories of several Native American groups, including the Luiseño, the Serrano, the Gabrielino, and the Cahuilla, overlapped one another in the present-day Riverside-San Bernardino region during the Late Prehistoric Period. The Perris Valley area is generally recognized as a part of the traditional homeland of the Luiseño, a Takic-speaking people whose territory extended from present-day Riverside to Escondido and Oceanside. The Project Site is within the traditional territory of the Luiseño.

Anthropologists have divided the Luiseño into several autonomous lineages or kin groups, which represented the basic political unit among most Native Americans in southern California. Each Luiseño lineage possessed a permanent base camp, or village, on the valley floor and another in the mountain regions for acorn collection. Luiseño villages were made up of family members and relatives, the chiefs inherited their positions, and each village owned its own land. Villages were usually located in sheltered canyons or near year-round sources of fresh water, always near subsistence resources (Bean and Shipek 1978).



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The map provided in Volume 8 of the Smithsonian Institution’s *Handbook of North American Indians, California* also shows that the Project Site is in Cahuilla territory (Appendix C). Although the Cahuilla have not described the Project Site with a place name, the oral histories documented by Francisco Patencio, né of the Agua Caliente Band of Cahuilla Indians, in the book *Legends and Stories of the Palm Springs Indians* shows that the Perris Valley is important to the Cahuilla. Patencio stated that the Moreno Valley, located to the north of Perris, was where the first gathering of “a great people” occurred prior to separating and going to the four directions (Appendix C). It is also from Moreno Valley that Evon ga net, the leader of the Fox people (now known as the Agua Caliente Cahuilla), started naming areas on the landscape for the Cahuilla people.

It is estimated that when Spanish colonization of Alta California began in 1769, the Luiseño had approximately 50 active villages with an average population of 200 individuals each, although other estimates place the total Luiseño population at 4,000-5,000 (Appendix C). Some of the villages were forcefully moved to the Spanish missions, while others were left largely intact. Ultimately, Luiseño population declined rapidly after European contact because of diseases such as smallpox and harsh living conditions at the missions and, later, on the Mexican ranchos, where the Native people often worked as seasonal ranch hands.

After the American annexation of Alta California, the large number of non-Native settlers further eroded the foundation of traditional Luiseño society. During the latter half of the 19th century, almost all of the remaining Luiseño villages were displaced, their occupants eventually removed to the various reservations. Today, the nearest Native American groups of Luiseño heritage live on the Soboba, Pechanga, and Pala Indian Reservations.

**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**XVIII. TRIBAL CULTURAL RESOURCES:**

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

|  |  |  |   |  |
|--|--|--|---|--|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register |  |  | X |  |
|--|--|--|---|--|



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| CEQA THRESHOLDS  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|--|--------------------------------|--|------------------------------|-----------------------------|
| of historical resources as defined in Public Resources Code section 5020.1(k), or  |                                |  |                              |                             |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. |                                |  | X                            |                             |

**Discussion**

- a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

**Less Than Significant Impact.** According to PRC Chapter 2.5, Section 21074, Tribal Cultural Resources are sites, features, places, cultural landscapes, sacred places, and items with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in Section 5020.1.

No resources are listed on or have been identified as eligible for listing on the California Register of Historic Places within or near the Project Site and no potential impacts to known Tribal Cultural Resources would occur. Furthermore, no tribe elected to consult with the City and/or provide additional information regarding tribal resources. Nevertheless, should tribal resources be encountered during construction, mitigation measures CUL-3 and CUL-4 would be applied. Implementation of these measures will ensure that Project-specific impacts will be less than significant.

- b) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature,*



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*place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

**Less Than Significant Impact.** Although ground-disturbing activities would likely occur as future development occurs, no resources are listed on or have been identified as eligible for listing on the California Register of Historic Places within or near the Project Site and no potential impacts to known Tribal Cultural Resources would occur. Furthermore, no tribe elected to consult with the City and/or provide additional information regarding tribal resources. Nevertheless, should tribal resources be encountered during construction, mitigation measures CUL-3 and CUL-4 would be applied. Implementation of these measures will ensure that Project-specific impacts will be less than significant..

**Mitigation Measures:**

None.

**Conclusion**

Tribal resources are not anticipated to be found on the project sites, but mitigation measures CUL-3 and CUL-4 would ensure that should resources be found, impacts would be to less than significant levels.

**4.19 Utilities and Service Systems**

**Environmental Setting**

Within the City of Perris, water and wastewater services are supplied by the Eastern Municipal Water District (EMWD). Electricity is provided by Southern California Edison (SCE), and natural gas is provided by Southern California Gas Company. Trash, recycling, and green waste service is provided by CR&R Waste Services.



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**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**XIX. UTILITIES AND SERVICE SYSTEMS:**

Would the project:

|  |  |  |   |   |
|--|--|--|---|---|
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? |  |  | X |   |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?  |  |  | X |   |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?  |  |  | X |   |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?  |  |  | X |   |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?   |  |  |   | X |

**Discussion**

- a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*



**Less than Significant Impact.**

*Wastewater Treatment*

The EMWD provides wastewater treatment within its service area at four regional water recycling facilities (RWRFs) with total capacity of 86,300 acre-feet per year (afy). In 2020, EMWD collected 53,073 afy of wastewater; thus, the residual capacities of the four RWRFs total 33,227 afy or approximately 29.7 million gallons per day (mgd). The City of Perris is within the service area of the Perris Valley RWRf, which has capacity of 26,900 afy. The EMWD collected 17,282 afy of wastewater in the service area of the Perris Valley RWRf in 2020; thus, the facility's residual capacity is 9,618 afy or approximately 8.6 mgd (EMWD, 2021).

Wastewater generation is estimated as 100 percent of indoor water use. Indoor water use by residential uses in the project region is estimated at approximately 55 percent of total water use (DWR, 2010), that is, 185 gallons per day (gpd) per unit. The Proposed Project consists of a HOAO zone for twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element to promote development of housing within the City. The 8,782 residential units that could be permitted in the 13 Housing Opportunity Areas are estimated to generate approximately 1.62 mgd of wastewater. Sufficient wastewater treatment capacity is available in the region for wastewater generated by buildout of the Opportunity Areas. The Proposed Project implementation would not cause direct impacts on wastewater treatment capacity.

Domestic/Fire Water – Project impacts on water supplies and water treatment facilities are addressed below in Section 4.19.b.

*Stormwater*

The primary drainage channel in the City is the Perris Valley Channel, a 250-foot-wide earthen channel that extends north-south and discharges into the San Jacinto River in the southeastern part of Perris (Hogle-Ireland, 2004). Other drainage facilities in the City are a combination of open channels and underground storm drains (RCFCWCD, 1991).

The Proposed Project consists of the preparation of a Housing Opportunity Area Overlay (HOAO) zone to encourage the development of housing over twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element.. The Proposed Project does not authorize any specific development project on any specific property within the HOAO zone. However, future development within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. Development pursuant to the HOAO zone would be required to prepare project-specific Water Quality Management Plans (WQMPs) as part of the entitlement review process with the City. Projects must infiltrate or harvest and reuse, or use bioretention and biotreatment measures, on runoff from 85th percentile storms (see Section 4.10, for further discussion). Compliance with water quality regulations by such projects would



reduce impacts on stormwater drainage. Furthermore, a project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential stormwater impacts are addressed. As such, impacts of the Proposed Project would be less than significant.

#### Electric Power

Southern California Edison (SCE) provides electric power for the City of Perris. SCE's service area spans much of southern California from Orange and Riverside counties on the south to Santa Barbara County on the west to Mono County on the north (CEC, 2015). Total electricity consumption in SCE's service area is forecast to be 97,503 GWh in 2020 and 99,414 GWh in 2030 (CEC, 2020); one GWh is equivalent to one million kilowatt-hours. The HOAO Zone promotes development of housing. Buildout of the 13 Housing Opportunity Areas would involve development of 8,782 residential units. The Proposed Project does not authorize any specific development project on any specific property within the HOAO zone. Therefore, a project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential electric power impacts are identified and addressed during the development review process. As such, impacts of the Proposed Project would be less than significant.

#### Natural Gas

The Southern California Gas Company (SCGC) is the primary distributor of retail and wholesale natural gas across Southern California, including the City of Perris. SCGC's service area spans much of the southern half of California, from Imperial County on the southeast to San Luis Obispo County on the northwest to part of Fresno County on the north to Riverside County and most of San Bernardino County on the east (CEC, 2015). Total natural gas supplies available to SCGC are forecast to remain constant at 3,775 million cubic feet per day (MMCF/Day) from 2015 through 2035. Total natural gas consumption in SoCalGas's service area is forecast to be 2.625 billion cubic feet per day (bcfd) in 2018 and 2.313 bcfd in 2035 (CGEU, 2020). Impacts would be less than significant. The impact analysis for electric power also applies to natural gas; impacts would be less than significant.

#### Telecommunications Facilities

Cable services, including internet, phone, and television, are provided in the City of Perris by Spectrum, Frontier, Verizon, and AT&T (City of Perris, 2021f). The Project Site consists of twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element located within the urbanized areas of the city limits, where services have already been established by one of more telecommunication provider. Therefore, potential impacts of the Proposed Project related to telecommunications facilities would be less than significant.



- b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

**Less than Significant Impact.**

Water Supplies

The City of Perris Water System (PWS) provides water to part of central Perris. The EMWD wholesales water to PWS and retails water to the balance of the City. The EMWD spans 555 square miles in western Riverside County; wholesales water to seven agencies within its boundaries including PWS; and is the retail water purveyor to the rest of its service area (EMWD, 2021).

EMWD obtains water from five sources:

- Imported water purchased from the Metropolitan Water District of Southern California
- Groundwater pumped from the San Jacinto Groundwater Basin
- Desalinated groundwater pumped from the San Jacinto Groundwater Basin
- Recycled water for non-potable uses
- Purified Water Replenishment (indirect potable reuse of recycled water) (EMWD, 2021).

EMWD water supplied in the City of Perris consists of imported water except for a small area of Perris along Perris Boulevard south of Ramona Expressway, where supplies also include local groundwater (EMWD, 2021). The EMWD forecasts that its retail water supplies will increase from 145,930 afy in 2025 to 187,100 afy in 2045; and that its wholesale water supplies will increase from 62,970 afy in 2025 to 64,400 afy in 2045. The net increases in forecast supplies are 41,170 afy or approximately 36.8 mgd for retail supplies; and 1,430 afy or approximately 1.3 mgd for wholesale supplies. EMWD forecasts that it will have sufficient water supplies to meet demands in its retail and wholesale service areas over the 2025-2045 period during normal, single-dry-year, and multiple-dry-year conditions (EMWD, 2021). PWS purchases all of its water from EMWD (City of Perris, 2021e).

The Project Site consists of 12 Housing Opportunity Areas that are located throughout the City. Full development of all Housing Opportunity Areas could result in up to 5,419 multifamily residential dwelling units. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could have an impact on water supply. Residential water use in EMWD's retail service area in 2025 is estimated to be 337 gpd per household (EMWD, 2021). No estimate of water use per household or housing unit in PWS' service area is available; thus, the estimate for EMWD's retail service area



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is used here for PWS' service area also. Therefore, buildout of the 8,782 residential units pursuant to the Housing Element is estimated to increase water demands by approximately 2.96 mgd. Sufficient water supplies are available in the region for buildout according with the Housing Element. Additionally, a project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential water supply impacts are addressed. Therefore, impacts associated with water supplies would be less than significant, and no mitigation is required.

### Water Treatment Facilities

EMWD water supplies are treated at the following facilities: Imported water purchased from MWD is treated at MWD's Mills Filtration Plant in Riverside, with capacity of 220 mgd; and Skinner Filtration Plant near Hemet, with capacity of 350 mgd (MWD, 2021). Imported water from MWD is also treated at two EMWD filtration plants: the Perris Water Filtration Plant (WFP), with 22 mgd capacity; and the Hemet WFP, with 12 mgd capacity. Brackish groundwater is treated at two EMWD desalters, with total capacity of 8,000 afy or approximately 7.1 mgd. Recycled water is produced at four EMWD regional water recycling facilities with total capacity of 86,300 afy or approximately 77 mgd (EMWD, 2021). Sufficient water treatment capacity is available in the region for water demands that may be generated by implementation of the Housing element.

The Project Site consists of 12 Housing Opportunity Areas that are located throughout the City. Future development within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could create additional demand on water treatment facilities. A project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential water treatment facility impacts are addressed. Therefore, impacts associated with water treatment facilities would be less than significant, and no mitigation is required.

- c) *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

**Less than Significant Impact.** Sufficient wastewater treatment capacity is available in the region to accommodate residential units that may be developed pursuant to the Housing element, as substantiated above in Section 4.19.a.

- d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*



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**Less than Significant Impact.** In 2019, the latest year for which data are available, approximately 98 percent of the solid waste from the City of Perris was disposed of at the three facilities described below in Table 9 (CalRecycle, 2021a).

The Project Site consists of 12 Housing Opportunity Areas that are located throughout the City. Future development within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could generate additional solid waste that could place additional demand on solid waste treatment facilities. Buildout of all twelve Housing Opportunity Areas proposed in the Housing Element would involve development of 8,782 residential units. Solid waste generation by multifamily residential units is estimated at 5.3 pounds per day (ppd) per unit (CalRecycle, 2021f). Thus, buildout of the 8,782 residential units pursuant to the Housing Element is estimated to generate approximately 46,544 pounds—or 23.3 tons—of solid waste per day. As shown below in Table 9, sufficient waste disposal capacity is available in the region for solid waste that would be generated by buildout according with the two General Plan elements. Additionally, since the Proposed Project does not authorize site-specific development projects, a project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential solid waste impacts are addressed. Therefore, impacts associated with solid waste would be less than significant, and no mitigation is required.

**Table 12 - Landfills Serving The City of Perris**

| <b>Facility and Nearest City/Community</b>                         | <b>Remaining Capacity, cubic yards</b> | <b>Daily Permitted Disposal Capacity, tons</b> | <b>Actual Daily Disposal, tons</b> | <b>Residual Daily Disposal Capacity, tons</b> | <b>Estimated Closing Date</b> |
|--|--|--|------------------------------------|---|-------------------------------|
| <b>Badlands Sanitary Landfill, Moreno Valley, Riverside County</b> | 15,748,799                             | 4,800  | 2,955                              | 1,845   | 2022                          |
| <b>El Sobrante Landfill, Corona, Riverside County</b>              | 143,977,170                            | 16,054   | 11,398                             | 4,656   | 2051                          |
| <b>Lamb Canyon Sanitary</b>  | 19,242,950                             | 5,000  | 1,970                              | 3,030   | 2029                          |



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|                               |             |        |        |       |                |
|-------------------------------|-------------|--------|--------|-------|----------------|
| <b>Landfill,<br/>Beaumont</b> |             |        |        |       |                |
| <b>Total</b>                  | 178,968,919 | 25,854 | 16,323 | 9,531 | Not applicable |

e) *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

**No Impact.**

Assembly Bill 939 (AB 939; Integrated Solid Waste Management Act of 1989; Public Resources Code 40050 et seq.) established an integrated waste-management system that focused on source reduction, recycling, composting, and land disposal of waste. AB 939 required every California city and county to divert 50 percent of its waste from landfills by the year 2000. Compliance with AB 939 is measured in part by comparing solid waste disposal rates for a jurisdiction with target disposal rates; actual rates at or below target rates are consistent with AB 939. AB 939 also requires California counties to show 15 years disposal capacity for all jurisdictions within the county; or show a plan to transform or divert its waste.

Assembly Bill 341 (AB 341; Chapter 476, Statutes of 2011) increases the statewide waste diversion goal to 75 percent by 2020, and mandates recycling for commercial and multi-family residential land uses.

Assembly Bill 1826 (AB 1826; California Public Resources Code Sections 42649.8 et seq.) requires recycling of organic matter by businesses, and multifamily residences of five or more units, generating such wastes in amounts over certain thresholds. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Multifamily residences are not required to have a food waste diversion program.

Senate Bill 1383 (SB 1383; California Health and Safety Code Sections 39730.5 et seq.) set targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law is intended to reduce emissions of methane, a short-lived climate pollutant, from decomposition of organic waste in landfills, for the protection of people in at-risk communities as well as to reduce GHG emissions.

Development projects pursuant to the 12 Opportunity Areas identified in the Housing Element would include storage areas for recyclable materials in accordance with AB 341. Multifamily residences are not required to have a food waste diversion program; multifamily developments built in accordance with the Housing element would have green waste storage areas in



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accordance with AB 1826 and SB 1383. Buildout of the Opportunity Areas would comply with the above laws pertaining to solid waste diversion.

The Project Site consists of 12 Housing Opportunity Areas that are located throughout the City. Future development within the Housing Opportunity Area Overlay zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris and thus could have an impact on solid waste regulations. Additionally, since the Proposed Project does not authorize site-specific development projects, a project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that any potential solid waste regulations impacts are addressed. Therefore, the project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, and no mitigation would be required.

### ***Mitigation Measures***

None.

### ***Conclusion***

Potential impacts of the Proposed Project associated with Utilities and Service Systems would be less than significant, and no mitigation would be required.

## **4.20 Wildfire**

### ***Environmental Setting***

The City's General Plan identifies that the City has a very low risk and a very low incidence of brush fires, as the City is relatively flat and not within a high fire zone or near hillsides that are subject to fires. The Project Site consists of twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element located within the urbanized areas of the city limits. None of the properties are located within a very high fire hazard severity zone according to the California Department of Forestry and Fire Protection (VHFHSZ; CAL FIRE, 2021).

### ***Housing Element Applicable Standards and Mitigation Measures***

The 2021-2029 Housing Element Update does not include Standards and Guidelines related to wildfire prevention. The Focused General Plan Update MND did not identify any mitigation measures that individual projects must adhere to during planning, design, construction and permitting. There are no mitigation measures for Wildfire included in the General Plan PEIR.



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**Impact Analysis**

| CEQA THRESHOLDS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------|--------------------------------|--|------------------------------|-----------------------------|

**XX. WILDFIRE:**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones,

Would the project:

|  |  |  |   |  |
|--|--|--|---|--|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?   |  |  | X |  |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?   |  |  | X |  |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? |  |  | X |  |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?  |  |  | X |  |

**Discussion**

a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

**Less Than Significant Impact.** The Proposed Project consists of the preparation of a Housing Opportunity Area Overlay (HOAO) Zone to encourage the development of housing over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The Proposed Project does not authorize any specific development project on any specific property within the HOAO zone. However, future development projects within the HOAO zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. Therefore, a project-level CEQA analysis will be conducted for each project developed within the Housing Opportunity Areas to ensure that any potential impacts regarding emergency response



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plan or emergency evacuation plan are identified and addressed. Additionally, future development must be designed to comply with Fire access, fire code, building code. As such, impacts of the Proposed Project would be less than significant.

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

**Less Than Significant Impact.** The Proposed Project consists of the preparation of a Housing Opportunity Area Overlay (HOAO) Zone to encourage the development of housing over 12 Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The Housing Opportunity Areas are located throughout the urbanized area of the city and will have variations in terrain. The Proposed Project does not authorize any specific development project on any specific property within the HOAO Zone. However, future development projects within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. Therefore, a project-level CEQA analysis will be conducted for each project developed within the Housing Opportunity Areas to ensure that any potential impacts regarding uncontrolled spread of a wildfire are identified and addressed. Additionally, future development must be designed to comply with Fire access, fire code, building code. As such, impacts of the Proposed Project would be less than significant.

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**Less Than Significant Impact.** The 12 Housing Opportunity Areas comprise approximately 408 acres of vacant land and 39 acres of underutilized land. All 12 areas are in developed portions of the city. Therefore, developments pursuant to the Housing Element would not extend infrastructure substantial distances into vacant land or land supporting wildland vegetation. Any such extensions of infrastructure would not substantially exacerbate wildfire risk. The Proposed Project does not authorize specific development, and that future development will include project-specific analysis of infrastructure needs. Additionally, a project-level CEQA analysis will be conducted for projects developed within the Housing Opportunity Areas to ensure that wildfire impacts are addressed. Impacts would be less than significant.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

**Less Than Significant Impact.** The Proposed Project consists of the preparation of a Housing Opportunity Area Overlay (HOAO) zone to encourage the development of housing over twelve Housing Opportunity Areas identified in the 2021-2029 General Plan Housing Element. The housing Opportunity Areas are located throughout the urbanized area of the city and will have



variations in terrain. The Proposed Project does not authorize any specific development project on any specific property within the HOAO Zone. However, future development projects within the HOAO Zone and within the Housing Opportunity Areas would add residential units and population to the City of Perris. Therefore, a project-level CEQA analysis will be conducted for each project developed within the Housing Opportunity Areas to ensure that any potential impacts resulting from wildfire that occur on slopes, such as flooding, or landslides are identified and addressed. Additionally, future development must be designed to comply with Fire access, fire code, building code. As such, impacts of the Proposed Project would be less than significant.

**Mitigation Measures**

None.

**Conclusion**

The Proposed Project would have no impact associated with wildfire risk and no mitigation would be required.

**4.21 Mandatory Findings of Significance**

**Housing Element Applicable Standards and Mitigation Measures**

The Housing Element includes Standards and Guidelines that apply to all projects within the Plan area. Applicable provisions of the Housing Element have been included in the Proposed Project design, construction and operations plan. The Housing Element IS/MND identified mitigation measures that individual projects must adhere to during planning, design, construction and permitting which will be implemented to reduce impacts to less than significant.

**Impact Analysis**

| ENVIRONMENTAL IMPACTS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact or Does Not Apply |
|-----------------------|--------------------------------|--|------------------------------|-----------------------------|
|-----------------------|--------------------------------|--|------------------------------|-----------------------------|

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE:**

|  |  |   |  |  |
|--|--|---|--|--|
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the |  | X |  |  |
|--|--|---|--|--|



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|  |  |   |  |  |
|--|--|---|--|--|
| range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?  |  |   |  |  |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a 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)? |  | X |  |  |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  |  | X |  |  |

**Discussion**

a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Less Than Significant.** According to the Phase I Cultural Resources Assessment (Appendix C), no cultural resources have been recorded within the Project Site, and the Project Site does not contain any resources that are important to major periods of California history or prehistory. However, the City of Perris requires projects to comply with City-standard mitigation measures, which have been included in the Cultural Resource section of this analysis. Additionally, Housing Opportunity Area 1 is classified as a “High Sensitivity” for potential paleontological resources according to the City’s Conservation Element of its General Plan and the Property Owner/Developer would be required to comply mitigation measures contained in the geology section of this analysis to manage unanticipated discoveries of paleontological resources.

Implementation of these measures will ensure that Project-specific impacts would be less than significant.



- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of* The Proposed Project is consistent with local and regional plans, and its air quality emissions do not exceed established thresholds of significance. The Proposed Project would not cause a substantial increase in ambient noise levels or a significant increase in traffic volumes within the surrounding area.

Although the impacts of the Proposed Project would be less than significant, the Proposed Project would be subject to all of the applicable mitigation measures as identified in this Initial Study Sections 4.3 (Air Quality), 4.9 (Hazards and Hazardous Materials), 4.13 (Noise), and 4.17 (Transportation), which would further ensure that any contribution to cumulative impacts resulting from implementation of the Proposed Project would be minimized. Therefore, with implementation of Mitigation Measures, potential cumulative impacts associated with Air Quality, Hazards and Hazardous Materials, Noise, and Transportation would be less than significant.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

All potential impacts of the Proposed Project have been identified, and mitigation measures have been provided, where applicable, to reduce potential impacts to less than significant levels. Upon implementation of mitigation measures, the Proposed Project would not result in substantial direct or indirect adverse impacts on human beings.

The Proposed Project would comply with PVCCSP project-specific mitigation measures that are identified throughout this document. Implementation of these measures will ensure that Project-specific impacts will be less than significant.

## 5 LIST OF PREPARERS

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### **City of Perris**

Patricia Brenes, Planning Manager



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## 6 REFERENCES

The following reports and/or studies are applicable to development of the Project Site and are hereby incorporated by reference:

Appendix A – Housing Opportunity Area Inventory

Appendix B – *City of Perris Implementation Measures Air Quality, Global Climate Change, Health Risk Assessment and Energy Impact Analysis*, Ganddini Group, August 14, 2023

Appendix C – *Cultural and Paleontological Resources Assessment Report for the Perris Housing Implementation Project*, City of Perris, Cogstone, September 2023

Appendix D – *City of Perris Housing Implementation Measures, Noise Impact Analysis*, Ganddini Group, September 7, 2023

Appendix E-1 – *City of Perris Housing Implementation Measures Transportation Study*, Ganddini Group, May 12, 2023 and

Appendix E-2 – *City of Perris Housing Implementation Measures Vehicle Miles Traveled (VMT) Impact Analysis*, Ganddini Group, August 24, 2023

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Appendix A

Housing Opportunity Area Inventory



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**Appendix B**

**City of Perris Implementation Measures Air Quality, Global Climate  
Change, Health Risk Assessment and Energy Impact Analysis**

**August 2023**



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Appendix C

Cultural and Paleontological Resources Assessment Report for the  
Perris Housing Implementation Project, City of Perris

November 2023



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Appendix D

City of Perris Housing Implementation Measures, Noise Impact Analysis

September 2023



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Appendix E-1

City of Perris Housing Implementation Measures Transportation Study

May 2023 (Revised May 2024)



## Appendix E-2

### City of Perris Housing Implementation Measures Vehicle Miles Traveled (VMT) Impact Analysis

August 2023 (Revised June 2024)