

## COMMENT AND APPEAL LETTERS

The City of Menifee submitted a comment letter to the City of Perris Planning Commission, and Menifee’s City Attorney submitted an appeal to the City of Perris Mayor and City Council related to the approval of the Final EIR for the Ethanac Travel Center Project, as listed in Table 1 below.

**Table 1**  
**List of Comments**

<b>Response Letter</b>	<b>Individual or Signatory</b>	<b>Affiliation</b>	<b>Date</b>
A	Cheryl Kitzerow, AICP, Community Development Director	City of Menifee	October 16, 2024
B	Stephanie Talavera, City of Menifee Attorney	Rutan & Tucker, LLP	October 24, 2024

## COMMENTS AND RESPONSES

### RESPONSES TO COMMENT LETTERS

The above listed comment letters are reproduced on the following pages, along with the City’s responses to those comments. To assist in referencing comments and responses, each comment letter is lettered (i.e., Letter A), each comment within each letter is numbered (i.e., A-1, A-2, etc.), and each response is numbered correspondingly (i.e., A-1, A-2, etc.).

## **Response to Comment Letter A**

Cheryl Kitzerow, AICP, Community Development Director  
City of Menifee

October 16, 2024

A-1 This comment states that the City of Perris is required to ensure adequate review of the CEQA documentation, and the City of Perris has undertaken appropriate steps to ensure that the Ethanac Travel Center Project (Project) environmental documentation was properly reviewed and processed. The remainder of this comment provides an overview of the Project.

A-2 The comment raises issues that were already addressed in previous comments from the City of Menifee and addressed in the Final EIR for the Project, as attached to this comment letter. The comment states that Perris failed to address or meaningfully respond to Menifee's previous comments; however, Perris did provide responses related to the adequacy of the CEQA documentation and process in the Final EIR, specifically in Responses to Comment Letter B.

A-3 Refer to Final EIR Response to Comment B-4. The Project Description provides an overview of Project characteristics, including Project design features, that are proposed as part of the Project or are otherwise standard requirements. While the description of the Project's bioretention basin is listed in the Project Description under the Landscaping and Fencing heading, an evaluation of the Project's water quality impacts and the designed stormwater detention system is provided in the Draft EIR Chapter 8, Effects Found Not to be Significant. The Landscaping and Fencing discussion simply states that there will be landscaping around the bioretention basin. Similarly, the bioretention basin is mentioned in the Parking Facilities discussion as a matter of describing the location of parking in relation to other Project improvements. This is a proposed feature of the Project and does not represent a mitigation measure, buried or otherwise. The Project Description goes on to describe the proposed Infrastructure/Utilities Improvements, including the Project's inclusion of a bioretention basin to capture flow and provide stormwater quality treatment in addition to installation of on-site storm drains and a proposed channel and drainage ditch. Water and wastewater infrastructure, as well as electricity/natural gas/telephone lines are also discussed. Such infrastructure improvements are required and included as a part of the Project's proposed design, not as mitigation measures to reduce an otherwise significant impact.

New stormwater infrastructure includes a bioretention basin to capture flow and provide stormwater treatment for the site by intercepting onsite flows with four grated inlets with filter inserts and conveyed via new on-site storm drains. The stormwater drainage facilities are designed to ensure that the Project would not increase runoff in excess of existing conditions and provide water quality measures to treat stormwater. It is a standard requirement for projects to treat on-site stormwater flows and provide an evaluation of its efficacy, and the design of the bioretention basin and management of Project stormwater flows were designed in accordance with all applicable requirements, as provided in the technical studies and Water Quality Management Plan (WQMP) prepared for the Project. The WQMP was reviewed by the City of Perris and was determined to be in compliance with Riverside County and City Ordinances related to stormwater and urban runoff controls. As the Project's bioretention basin is a design feature which demonstrates compliance with existing regulations, it is not a mitigation measure; nor is it a buried mitigation measure.

A-4 Refer to Final EIR Response to Comment B-5. This comment disregards additional discussion on Draft EIR Page 5.0-2 that specifically references the City's preparation of an Initial Study, which

included an analysis of the proposed Project's potential effects on environmental topic areas, included as part of the Environmental Checklist form presented in State CEQA Guidelines Appendix G. Reference to the location of the Initial Study (Draft EIR Appendix A) is also provided. The Initial Study evaluated all the impacts under the CEQA Guidelines Appendix G checklist, and those topics that could not be scoped out as resulting in no impact or a less than significant impact were carried forward for a full evaluation in the Draft EIR. The analysis prepared was not conclusory and satisfied the requirements in accordance with the State CEQA Guidelines, and they were restated in Section 8.0 of the Draft EIR, as the "effects of this type" were already determined not to have a significant impact and did not require further evaluation in the Draft EIR.

With respect to potential aesthetic impacts, the description of the Project components, including lighting, signage, and the pylon sign is described in the Initial Study, which is supported with analysis. The Draft EIR Project Description also provides multiple exhibits depicting the photosimulations of the Project site after construction and the appearance of the pylon sign. The Project Description indicates that the pylon sign would be internally illuminated and would be designed and operated in compliance with City lighting requirements. It would not include any neon elements, which the comment deems "unseemly".

The Project's proposed fencing is described in the Project Description, including the locations, heights and materials used, as well as depictions provided in the site plans and exhibits. The locations of fencing in relation to trucks using the site are provided. An 8-foot-tall split face block wall would extend from the northernmost driveway on Trumble Road along the Project site's northern boundary and extend south just west of the proposed truck parking area to just north of the proposed bioretention basin. The block wall and chain link fence would connect within the southwestern portion of the Project site, and the block wall would extend southeast and east to just east of the truck parking area. It would then extend north and terminate at the proposed above ground storage tank farm located west of the drive-thru.

Light and glare impacts are also evaluated, as daytime glare would be mainly caused by the windshields of passing cars or from reflective architectural materials, like glass or metal. The Project's design and materials would not involve expansive use of glass or materials that would create a new substantial source of glare that could affect day or nighttime views in the area. The Project's lighting would be incorporated in the Project in compliance with the Perris Municipal Code, which includes minimum lighting requirements for building exteriors and commercial parking areas for safety and security. The Project's photometric plan demonstrated that the Project lighting would be contained within the site by requiring Project lighting be designed to be fully shielded and project downward, thereby avoiding light and glare impacts to adjoining properties and the public right-of-way. Mitigation Measure AES-1 further ensures that nighttime lighting installed for security purposes during construction be downward facing and hooded or shielded to prevent light spillage. Mitigation is not required for Project operation, as the lighting would be designed to prevent any such light spillover impacts, whereas construction lighting can be more mobile and located in areas which were not evaluated in the Project's operational photometric study. All topics were adequately described in the Project Description and evaluated in accordance with the State CEQA Guidelines in the Initial Study and the Draft EIR.

The evaluation of Biological Resources includes Project-specific mitigation measures to reduce potential impacts to species of concern and provides a complete evaluation that is not conclusory in nature. The evaluation of Public Services includes evaluations that are appropriate to determine whether or not the Project would result in adverse physical impacts associated with new or physically altered facilities, the construction of which could cause significant environmental impacts. The City's approval and review process, including the imposition of fees, address impacts

related to Public Services. In addition, the Draft EIR states that development of the site with commercial uses was anticipated in the City of Perris General Plan; thereby providing further evidence that impacts related to such services would be less than significant.

- A-5 Refer to Draft EIR Chapter 5.1, Air Quality, for the evaluation and discussion of truck queuing, as well as Chapter 5.4, Transportation, for the discussion of hazards due to geometric design configuration, as well as associated cumulative impacts. Impacts to public services, including fire services, were determined to be less than significant. As part of the Project, roadway improvements are proposed to assist with the flow of traffic around the Project site, including a new raised median along Ethanac Road, extending from Trumble Road to just west of Encanto Drive and new striping would be provided. A second westbound through lane would be added to Ethanac Road along the Project's frontage. The existing unsignalized intersection of Encanto Drive and Ethanac Road would change from a full access to a right-in-right-out only unsignalized intersection. The driveway on Ethanac Road would provide right-in-right-out only access. The southern driveway on Trumble Road would be full access for passenger vehicles. The northern driveway on Trumble Road would provide truck ingress and egress access to the Project site. All Project driveways would be unsignalized. The trucks would be segregated in the northern portion of the site and separated from the passenger vehicles and pedestrians in the southern part of the site. The Project's Traffic Study analyzed miscellaneous traffic safety items such as on-site circulation, truck turning ingress/egress movements, driveway spacing, Project access queuing, and drive-through queuing. All items were adequately addressed with the Project.

The Project is required to pay to the City \$100,000 for the fair share contribution towards the realignment of Ethanac Road and Barnett Road intersection. The realignment would align Barnett road with Case Road to the north to reflect the City's General Plan.

- A-6 Refer to Final EIR Response to Comment B-6, which includes information that refines and adds to the data provided in the Draft EIR. The updated analysis was specifically prepared in response to a comment submitted by the South Coast Air Quality Management District (AQMD) and the impact conclusions resulting from this updated analysis did not change the significance of the potential impacts, which remained less than significant. This is not significant new data that would require recirculation of the EIR. Pursuant to State CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Certification, "A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification...New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement". The analysis was conducted in compliance with South Coast AQMD requirements for toxic air contaminants, inclusive of the revised modeling. Potential health risks were still determined to be below applicable thresholds, for both cancer and non-cancer risks, and continue to be less than significant. Because, the South Coast AQMD was the only party that commented on this issue in the Draft EIR and the significance conclusions of the Draft EIR did not change as a result of the updated analysis, the public has not been deprived of a meaningful opportunity to review and comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect.

- A-7 Refer to Response A-6, above, as all required studies related to truck idling and PM<sub>10</sub> were considered as part of the Draft and Final EIR. The GHG emissions calculations provided in the EIR included the emissions from idling trucks. The EIR also included the PM<sub>10</sub> emissions of trucks driving on roadways as well as idling at the Project site in the evaluation of regional and localized

air quality impacts as well as diesel particulate matter health risk impacts. Idling trucks do not generate PM<sub>10</sub> emissions from brakes and tires, and the PM<sub>10</sub> emissions associated with brakes and tires do not contribute to GHG emissions.

With respect to use of the maximum five-minute idle time, this is a requirement per the California Air Resources Board; as such, questioning the use of a required methodology is not appropriate. Its bearing on actual idle times is reflected in the fact that idle times being limited, per legal requirements.

- A-8 Refer to Final EIR Response to Comment B-7. This comment is incorrect. As depicted on the City of Perris General Map Land Use Map (General Plan Land Use Element Figure LU-2), the Project site has a General Plan land use designation of Commercial Community (CC) and has a corresponding zoning of Commercial Community (CC) as depicted on the City of Perris Zoning Map. The City of Perris General Plan describes allowed uses in CC zones as professional offices, department stores, discount stores, furniture/appliance outlets, home improvement centers, entertainment centers, and subregional/regional shopping centers. The General Plan identifies the site as being located within Planning Area 9, Southeast Commercial, including the CC land use designations surrounding the Ethanac interchange on I-215 and the Riverglen and Green Valley Specific Plan areas, where residential uses and community uses are permitted. However, the Project site is not within either of these Specific Plan areas and is not designated or zoned for residential uses, and the CC land use designation and zoning does not consider residential uses as approved uses. In fact, the General Plan identifies the “large undeveloped commercial land surrounding the Ethanac interchange on I-215 as an opportunity site to increase City revenue,” and also identifies the I-215 corridor as affording “opportunities for new retail and commercial development.” As such, this comment remains factually incorrect.
- A-9 Refer to Final EIR Response to Comment B-8. As indicated in this comment, the public comment period was extended for an additional 30 days (from August 19, 2024, to September 20, 2024) to allow time for the technical appendices to the Draft EIR to be reviewed. In accordance with CEQA noticing requirements, no additional new notice is required to be sent, since the updated technical appendices were posted during the original 45-day public review period and additional time was provided to the public. As a result, any individual going to the City’s website to review the CEQA document will be informed of the extended review time. Therefore, no additional re-noticing is required, as suggested in this comment, and no further response is required. It should be noted, however, that the only agency that requested an extension of the public review period for the Draft EIR was the City of Menifee. The other agencies that submitted comments on the Draft EIR to the City of Perris did so within the original public review period.
- A-10 This comment is a summarizing conclusion, describing how the Draft EIR is legally inadequate for the reasons described. The responses provided above, in responses A-1 to A-9, provide information to refute the assertions in the comment. No further environmental review or revised environmental documentation is required.

## **Response to Comment Letter B**

Stephanie Talavera

Rutan & Tucker, LLP for the City of Menifee

October 24, 2024

- B-1 This comment provides an overview of the Project and requests that the City of Perris grand the City of Menifee's appeal and deny the Project.
- B-2 This comment states that the Project's CEQA documentation relies on flawed analysis and should be overturned on appeal. It also provides an introduction to the overview of comments previously submitted by the City of Menifee in opposition to the Project and its EIR.
- B-3 This comment states that significant impacts and mitigation measures are missing from the analysis in the Final EIR, MMRP, and associated findings. This assertion is supported by restating Perris General Plan Circulation Element goals and implementation measures.

The EIR found that the Project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Contrary to the opinion of the City of Menifee, the proposed Project would be consistent with Goal II, as well as Policy II.B, which is to maintain the existing transportation network while providing for future expansion and improvement based on travel demand, and the development of alternative travel modes. The Circulation Element does not identify any planned roadway improvements along Ethanac Road or Trumble Road, so the Project would not conflict with future roadway planning. As part of the Project, roadway improvements are proposed to assist with the flow of traffic around the Project site, including a new raised median along Ethanac Road, extending from Trumble Road to just west of Encanto Drive and new striping would be provided. The Project is required to widen Ethanac Road and Trumble Road to ultimate half-width improvements per City's General Plan along the Project's frontage. A curbed median is required to be installed along Ethanac Road along the Project's frontage, which will restrict left-turn movements between I-215 northbound ramps and Trumble Road. The Project is also required to modify the existing traffic signal at the intersection of Ethanac Road and Trumble Road to be fully operational to accommodate widening improvements.

A second westbound through lane would be added to Ethanac Road along the Project's frontage. The existing unsignalized intersection of Encanto Drive and Ethanac Road would change from a full access to a right-in-right-out only unsignalized intersection. The driveway on Ethanac Road would provide right-in-right-out only access. The southern driveway on Trumble Road would be full access for passenger vehicles. The northern driveway on Trumble Road would provide truck ingress and egress access to the Project site. All Project driveways would be unsignalized. The trucks would be segregated in the northern portion of the site and separated from the passenger vehicles and pedestrians in the southern part of the site.

All proposed roadway improvements have been reviewed by the City of Perris as part of the development review process to ensure standard roadway engineering practices and design requirements, including site distance, are met. The approved improvements would be required to be designed and constructed in conformance with all applicable City design standards.

The Project would also be consistent with Circulation Element Goal III, related to financially supporting a transportation system that is adequately maintained, as required. The City of

Menifee's concerns related to the City of Perris' financial or maintenance obligations to improvements along the Ethanac Road corridor is beyond the scope of the CEQA documentation.

The State CEQA Guidelines require an evaluation of transportation impacts based on Vehicle Miles Traveled (VMT). Lead agencies are no longer allowed to rely upon a Level of Service (LOS) analysis for purposes of CEQA. Pursuant to State CEQA Guidelines Section 15064.3(b), the EIR found that the Project would have a less than significant impact related to VMT. Nonetheless, a complete Transportation Analysis was prepared and included in the EIR as Appendix E. The report includes a description of existing traffic conditions in the surrounding area, estimated project trip generation and distribution, future traffic growth, and an assessment of project-related effects on the transportation system. Where necessary, circulation system improvements have been identified to address project-related deficiencies at the study locations.

The Project is required to pay to the City \$100,000 for the fair share contribution towards the realignment of Ethanac Road and Barnett Road intersection. The realignment would align Barnett road with Case Road to the north to reflect the City's General Plan.

The commenter expresses concern that the City of Perris is not contributing fairly to fire safety, particularly as fire stations in Menifee are responding to more calls for service than those in Perris. However, it is important to note that both the Cities of Perris and Menifee contract with the Riverside County Fire Department, and Riverside County's contracts with all participating jurisdictions are based on the principle of shared resources for fire safety. These contracts take a comprehensive approach, recognizing that as new fire stations are developed in participating jurisdictions, there will eventually be an even distribution of service calls. This means that in the future, Perris may be sending more fire service calls to Menifee as new stations are built.

In the situation along the shared boundary with Menifee, Perris has already secured a 3.5-acre site for a future fire station at the northeast corner of Murrieta and Watson Road. The city has allocated \$1 million for the design and construction plans and is currently in the process of issuing a Request for Proposals to hire a contractor to manage and complete the construction of the fire station. The city anticipates that this new fire station will be operational within the next 3 to 5 years. Once completed, the new Perris fire station will be just 0.6 mile from the Menifee city boundary, significantly closer than the nearest Menifee fire station located at 28349 Bradley Road, which is located 2.3 miles from the closest development in Perris. This development will, in time, help balance and exceed the historical service load provided by Menifee to Perris.

Regarding an industrial moratorium, it is outside of the scope of this project, as fire protection services are a comprehensive approach that are part of the fire contract with the Riverside County Fire Department.

- B-4 Refer to Response A-4, above, and Final EIR Response to Comment B-5. As stated therein, this comment disregards the additional discussion on Draft EIR page 5.0-2 that specifically references the City's preparation of an Initial Study, which included an analysis of the proposed Project's potential effects on environmental topic areas, included as part of the Environmental Checklist form presented in State CEQA Guidelines Appendix G. Reference to the location of the Initial Study (Draft EIR Appendix A) is also provided. The Initial Study evaluated all the impacts under the State CEQA Guidelines Appendix G checklist and those topics that could not be scoped out as resulting in no impact or a less than significant impact were carried forward for a full evaluation in the Draft EIR. The analysis prepared was not conclusory and satisfied the requirements in accordance with the State CEQA Guidelines, and they were restated in Section 8.0 of the Draft EIR, as impacts related to Aesthetics, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Population and Housing, Public Services, and Wildfire were

already determined not to have a significant impact and did not require further evaluation in the Draft EIR.

B-5 Refer to Response A-6, above, and Final EIR Response to Comment B-6, which includes an explanation and revision to modeling results which have been included in the Errata to the Final EIR. The updated analysis was specifically prepared in response to a comment submitted by the South Coast Air Quality Management District (AQMD) and the impact conclusions resulting from this updated analysis did not change the significance of the potential impacts, which remained less than significant. This is not significant new data that would require recirculation of the EIR. Pursuant to State CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Certification, "A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification...New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement". The analysis was conducted in compliance with South Coast AQMD requirements for toxic air contaminants, inclusive of the revised modeling. Potential health risks were still determined to be below applicable thresholds, for both cancer and non-cancer risks, and continue to be less than significant. Because, the South Coast AQMD was the only party that commented on this issue in the Draft EIR and the significance conclusions of the Draft EIR did not change as a result of the updated analysis, the public has not been deprived of a meaningful opportunity to review and comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect.

B-6 Refer to Response A-7 above. The GHG emissions calculations provided in the EIR included the emissions from idling trucks. The EIR also included the PM<sub>10</sub> emissions of trucks driving on roadways as well as idling at the Project site in the evaluation of regional and localized air quality impacts as well as diesel particulate matter health risk impacts. Idling trucks do not generate PM<sub>10</sub> emissions from brakes and tires, and the PM<sub>10</sub> emissions associated with brakes and tires do not contribute to GHG emissions.

With respect to use of the maximum five-minute idle time, this is a requirement per the California Air Resources Board; as such, questioning the use of a required methodology is not appropriate. Its bearing on actual idle times is reflected in the fact that idle times being limited, per legal requirements.

B-7 Refer to Response A-3, above and Final EIR Response to Comment B-4, which explains how the Project's bioretention basin is not a buried mitigation measure. The Project Description describes the proposed Infrastructure/Utilities Improvements, including the Project's inclusion of a bioretention basin to capture flow and provide stormwater quality treatment in addition to installation of on-site storm drains and a proposed channel and drainage ditch. Water and wastewater infrastructure, as well as electricity/natural gas/telephone lines are also discussed. Such infrastructure improvements are required by the City and other agencies, and included as a part of the Project's proposed design; not as mitigation measures to reduce an otherwise significant impact. The management and treatment of stormwater runoff is a regulatory requirement and part of the proposed Project's design. The potential impacts associated with construction and operation of the bioretention basin, as a component of the proposed Project, has been properly analyzed within the EIR.

New stormwater infrastructure includes a bioretention basin to capture flow and provide stormwater treatment for the site by intercepting onsite flows with four grated inlets with filter inserts and conveyed via new on-site storm drains. The stormwater drainage facilities are designed to ensure that the Project would not increase runoff in excess of existing conditions and provide water quality measures to treat stormwater. It is a standard requirement for projects to treat on-site stormwater flows and provide an evaluation of its efficacy, and the design of the bioretention basin and management of Project stormwater flows were designed in accordance with all applicable requirements, as provided in the technical studies and Water Quality Management Plan (WQMP) prepared for the Project. The WQMP was reviewed by the City and determined to be in compliance with Riverside County and City Ordinances related to stormwater and urban runoff controls. As the Project's bioretention basin is a design feature which demonstrates compliance with existing regulations, it is not a mitigation measure; nor is it a buried mitigation measure.

The circumstances of the caselaw cited in (*Lotus v. Dept. of Transportation*) are different from the circumstances of the proposed Project, in that Caltrans was undertaking roadway realignments along Highway 101, and the evaluation did not consider potential impacts to root systems of old growth redwood trees from installed culverts. That EIR described "avoidance, minimization and/or mitigation measures" that "have been incorporated into the project to avoid and minimize impacts as well as to mitigate expected impacts." These generalized, unenforceable and non-specific mitigation measures did not provide the information necessary to determine if other possible mitigation measures would be more effective, bringing to question the viability of the measures. In the case of the proposed Project, the design of stormwater retention to treat stormwater is a regulatory requirement, and the caselaw cited is not applicable. It is a far reach to compare the circumstances of vague mitigation measures for old growth redwood tree roots to required stormwater treatment, designed by a civil engineer for the purpose of ensuring that the Project is in compliance with the WQMP.

It should be noted that the City of Menifee also includes the required drainage and water quality infrastructure and features in its EIR project descriptions and impact analyses acknowledging that they are design features of the Project being proposed and that their construction and implementation would be confirmed as part of the permitting approval process, resulting in less than significant impacts without the need for additional mitigation, contrary to what Menifee is stating is required in this comment.

- B-8 Refer to Response A-8, above, and Final EIR Response to Comment B-7. The assertion that there is a General Plan inconsistency is factually incorrect. Page 3 of the Land Use Element shows the boundaries of the 10 planning areas of the City of Perris. The Project site is located within Planning Area 9, Southeast Commercial. Pages 5 and 6 of the Land Use Element provide a general description of Planning Area 9, such as the Riverglen and Green Valley Specific Plan areas making up the majority of this planning area, where residential uses and community uses are permitted. These pages also state that Community Commercial land use designations surround the existing Case Road interchange on Interstate 215. Of particular relevance, page 6 states that "this area may provide opportunities for retail commercial and business park uses that draw upon a regional market accessible by the I-215 Freeway."

Pages 32 and 33 provide additional information about Planning Area 9. As shown on page 32, Planning Area 9 has 374 acres of land designated Commercial Community (CC). While the text of the General Plan does not describe any of the individual parcels within Planning Area 9, the City of Perris General Map Land Use Map (General Plan Land Use Element Figure LU-2) shows that the Project site has a General Plan land use designation of Commercial Community (CC). The

discussion of Issues, Opportunities, & Constraints on page 33 state that “the large undeveloped commercial land surrounding the Ethanac interchange on I-215 as an opportunity site to increase City revenue” and that “the I-215 corridor affords opportunities for new retail and commercial development.” Table LU-13 shows the development areas of the two Specific Plans within Planning Area 9. However, the Project site is not within either of these Specific Plan areas. Therefore, there are no inconsistencies of the proposed Project and the text and designations in the City of Perris General Plan.

- B-9 As discussed previously, an Initial Study was prepared for the Project, and in accordance with the CEQA Guidelines, potential impacts that were determined not to result in a potentially significant impact or impacts that could be reduced below a level of significance with mitigation were not further evaluated in the Draft EIR. This is the case for both agricultural resources and paleontological resources, in addition to all the other topics that the commenter asserts were not properly considered, but, in fact, were in the Initial Study.

The properties that are considered to be farmland and the types of farmland associated with each property is determined by the California Department of Conservation (DOC) and not the City of Perris. Although the City of Perris General Plan Conservation Element identifies the Project site as being located on land designated as Farmland of Statewide Importance, that designation is based on the DOC’s farmland designation from 2005 when the Conservation Element was prepared. The DOC’s farmland designations for many properties within the City of Perris have changed in the 19 years since 2005 but the Conservation Element has not been updated to reflect these changes that are out of the control of the City.

As discussed in the Initial Study prepared for the Project, the Project site is now identified by the DOC’s Farmland Finder as “Urban Land” and “Farmland of Local Importance.” The Project site is not currently being used for agricultural purposes. The Project would not infringe upon or hinder any current agricultural activity or decrease the amount of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (Farmland). Furthermore, the Project site is zoned Community Commercial (CC) and is not zoned for agricultural purposes.

With respect to paleontological resources, a mitigation measure to reduce potential impacts to paleontological resources is included in the Initial Study and is properly incorporated in Section 8.0, Impacts Found Not to be Significant of the Draft EIR and the Final EIR’s Mitigation Monitoring and Reporting Program (MMRP). The monitoring of previously undisturbed soil is standard, as previously disturbed areas no longer have the same integrity related to the discovery of an unknown buried resource. As for the content of the reporting, a qualified professional paleontologist will prepare a complete technical report, in accordance with the requirements of their professional standards, including the location, duration and methods of monitoring which is standard procedure for technical reports of this nature. The table of contents of this technical study need not be spelled out in such specificity in a mitigation measure. The reach for semantics and catching missing words in the mitigation measures is not warranted, as the mitigation measure provides complete protection and documentation related to the preservation of an unknown paleontological resource below the Project site.

- B-10 Refer to Response A-9, above, and Final EIR Response to Comment B-8. The public comment period was extended for an additional 30 days (from August 19, 2024, to September 20, 2024) to allow time for the technical appendices to the Draft EIR to be reviewed. In accordance with CEQA noticing requirements, no additional new notice is required to be sent, since the updated technical appendices were posted during the original 45-day public review period and additional time was provided to the public. As a result, any individual going to the City’s website to review

the CEQA document will be informed of the extended review time. Therefore, no additional re-noticing is required, as suggested in this comment, and no further response is required. It should be noted, however, that the only agency that requested an extension of the public review period for the Draft EIR was the City of Menifee. The other agencies that submitted comments on the Draft EIR to the City of Perris did so within the original public review period.

- B-11 This comment is a summarizing conclusion, describing how the Draft EIR is legally inadequate for the reasons described. The responses provided above, in Responses A-1 to A-10 and B-1 to B-10, provide information to refute the assertions in the comment. No further environmental review or revised environmental documentation is required.