

**Vallarta Market Place Commercial Shopping Center Project
Environmental Impact Report**

**FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

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I. INTRODUCTION

The following Findings of Fact and Statement of Overriding Considerations are made for the Vallarta Market Place Commercial Shopping Center Project (herein referred to as “Project”). The environmental effects of the Project are addressed in the Environmental Impact Report (EIR), State Clearinghouse (SCH) No. 2024110841 dated March 2025, which is incorporated by reference herein.

A. Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21081, and the CEQA Guidelines, 14 California Code of Regulations, Section 15091 (collectively, CEQA) require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

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- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
 - (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
 - (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final EIR, as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of Perris (City) in its capacity as the CEQA Lead Agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

B. Records of Proceedings

For purposes of CEQA and these Findings and Statement, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed Project;
- The responses to the NOP received by the City;
- The Final EIR;
- The Draft EIR, including technical reports;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The technical reports and analyses included or referenced in any response to comments in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during preparation of, the Draft EIR and the Final EIR;
- Matters of common knowledge, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and Statement; and
- Any other relevant materials required to be in the record of proceedings by PRC Section 21167.6(e).

C. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the Project are located at the City of Perris Planning Division, 135 North D Street, Perris, CA 92570. The City Planning Division is the custodian of the administrative record for the Project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Planning Division. The EIR is located on the City of Perris's website, at <https://www.cityofperris.org/departments/development-services/planning/environmentaldocuments-for-public-review>

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The information is provided in compliance with PRC Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

II. PROJECT SUMMARY

A. Project Location

The Project site (Assessor's Parcel Number APN 300-260-001-08) is comprised of approximately 10.55 acres located within the Central Core planning area (Planning Area 5) of the City of Perris at the southeastern corner of Placentia Avenue and North Perris Boulevard. It is located approximately 0.9 mile east of Interstate 215 (I-215), approximately 8.3 miles south of State Route (SR-) 60 and approximately 1.3 miles south of March Air Reserve Base/Inland Port Airport (ARB/IPA).

The Project site is located adjacent to and south of the planned Mid County Parkway, a planned 16-mile transportation corridor between the Perris and San Jacinto areas. The planned eastern-most segment of the Mid County Parkway follows the Placentia Avenue alignment between I-215 and Redlands Avenue. Construction of the Interstate 215/Placentia Avenue Interchange in Perris, the first Mid-County Parkway segment, began in August 2020 and opened in December 2022. This project widened Placentia Avenue to four lanes (two lanes each in the east and west directions).

B. Project Description

The Vallarta Market Place Community Shopping Center project is the proposed construction and operation of eight new commercial/retail buildings on the 10.55-acre Project site. The Project applicant would construct and operate a new 59,371-square-foot grocery store/supermarket along the eastern portion of the Project site. One delivery dock would be located at the rear of the building (east side). A 15,593-square-foot retail building would abut the supermarket building to the south. This would be a single-story building with parking and delivery provided at the rear of the building (east side). A 4,913-square-foot convenience store and fueling station would be located at the northwest corner of the site. A total of eight fueling positions and 16 pumps would be constructed. A total of 14 parking spaces would be located proximal to the convenience store to provide employee, customer and vendor parking. A 2,367-square-foot quick service restaurant dine-in/drive-thru coffee shop building would be constructed adjacent to and south of the convenience store buildings. The drive-thru menu board and pick-up window would be located along the west side of the building facing North Perris Boulevard. Eight parking spaces for quick service restaurant building 1 would be on the east side of the building. A 2,079-square-foot quick service restaurant building would be provided along the western side boundary, south of the coffee quick service restaurant building. The drive-thru menu board and pick-up window would be located along the west side of the building facing Perris Boulevard. A total of five parking spaces and one accessible space would be provided in front (east side) of the building. The remainder of parking would be provided in the adjacent parking lot. A 2,621-square-foot quick service restaurant building would be provided along the western side boundary at the southwest corner of the site, south of the quick service restaurant building 1. The drive-thru menu board and pick-up window would be located on the south side of the building. A total of eight parking spaces and two accessible spaces would be provided on the east side of the building. A total of

seven spaces would be provided on the north side of the building. The remainder of parking would be provided in the adjacent parking lot. A 7,520-square-foot retail building would abut the supermarket building to the north. This would be a single-story building with parking and delivery provided at the rear of the building (east side). A 7,000-square-foot retail building would be located near the northeast corner of the site, north of the supermarket building. This would be a single-story building with parking and delivery provided at the front (south side) and east side of the building.

A total of six access driveways would be provided – three along Placentia Avenue and three along Perris Boulevard. One driveway along Placentia Avenue and one driveway along Perris Boulevard would provide two-lane ingress/egress access. Two additional driveways along Placentia Avenue and two driveways along Perris Boulevard would provide single-lane access. Delivery vehicles for the grocery store and retail buildings would use the driveways at the northeast and southwest corners of the site.

C. Statement of Objectives

Section 15124 of the State CEQA Guidelines establishes the requirement to address Project objectives in an EIR project description. In addition to addressing the underlying project purpose, the objectives are also relevant to the development of the alternatives that are considered in the EIR and in the preparation of findings or a statement of overriding considerations, if necessary, in support of the decision-making action by the City.

The fundamental purpose and goal of the Project is to accomplish the orderly development of a new commercial shopping center within the City of Perris, to increase employment opportunities, and provide local services for residents and visitors. This purpose aligns with Connect SoCal – the 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California

Association of Governments (SCAG) (Connect SoCal 2024) which primarily focuses on accommodating goods movement industries and balancing job and housing opportunities in local areas to reduce long commutes. SCAG identifies the Inland Empire as a housing rich area and coastal communities as job rich areas and is attempting to achieve a better balance. The Project is proposed to help achieve this goal through the following objectives as established by the Project applicant:

1. Implement City of Perris General Plan policies and objectives relevant to the Project site and proposed commercial development.
2. Provide a new grocery store, retail, restaurant and convenience store/fueling station uses to serve residents within the City of Perris.
3. Expand economic development and facilitate job creation in the City of Perris by establishing commercial uses adjacent to residential areas.

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4. Develop a new commercial shopping center that meets current industry standards, can accommodate a variety of users, and that provides uses that are economically competitive with similar uses in the local area and region.
 5. Attract new businesses to the City of Perris; thus, providing a more equal jobs-housing balance in the Riverside County/Inland Empire area. This will reduce the need for local workers to commute outside the area for employment.
 6. Provide new development that will generate tax revenue for the City of Perris including, but not limited to, increased property and sales taxes.
 7. Provide commercial uses that take advantage of the City's proximity to freeways and transportation corridors to reduce traffic congestion on local surface streets and related mobile source air emissions.
 8. Accommodate new development in a phased, orderly manner that is coordinated with the provision of necessary infrastructure and public improvements.
 9. Assist the SCAG region in achieving jobs/housing balance region-wide by providing additional job opportunities in a housing rich area of the Inland Empire.

D. Required Discretionary Actions and Permits

The proposed commercial uses are allowed by right in the Commercial Community zone. The proposed buildings have been designed to comply with the City on-site design standards and guidelines (including site layout, architecture, lighting, and others), off-site design standards and guidelines (including circulation and infrastructure) and landscaping. The Project has also been designed to comply with applicable requirements of the 2014 March ARB/IPA Airport Land Use Compatibility Plan relative to uses within Compatibility Zone B1.

The following discretionary approvals from the City of Perris are necessary for implementation of the proposed Project:

Development Plan Review (DPR) 23-05264. A Development Plan approval will be required for construction of the supermarket, retail buildings, convenience store and restaurant buildings.

Conditional Use Permit (CUP) 23-05264: A Conditional Use Permit is required to allow development of the proposed fast-food restaurants with drive-thru windows and the convenience store/fueling station.

Other non-discretionary actions anticipated to be taken by the City at the staff level for the proposed Project include:

- Review and approval of off-site infrastructure plans, including street and utility improvements pursuant to the conditions of approval;
- Review all on-site plans, including grading and on-site utilities; and

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- Approval of the Water Quality Management Plan (WQMP) to address post-construction storm flows.

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

- **Regional Water Quality Control Board (RWQCB)** – Issuance of a Construction Activity General Construction Permit and Issuance of a National Pollutant Discharge Elimination System (NPDES) Permit
- **South Coast Air Quality Management District** – Permits to construct and/or permits to operate new stationary sources of equipment that emit or control air contaminants, such as cooking equipment. Permit to construct and/or permit to operate the proposed fueling station including stationary source equipment that would control evaporative emissions.
- **Eastern Municipal Water District** – water and sewer connections.
- **Southern California Edison** – electrical line connections.
- **Southern California Gas Company**– natural gas connections.

E. Other CEQA Documents Referenced

In accordance with Section 15150 of the State CEQA Guidelines, an EIR may incorporate by reference all or portions of another document that is a part of public record or is available to the public. The previously prepared EIRs and environmental analyses listed below were relied upon or consulted in the preparation of this EIR, and are hereby incorporated by reference:

- Perris Comprehensive General Plan 2030, City of Perris, originally approved April 26, 2005, and subsequently amended.
- Perris General Plan 2030 Draft Environmental Impact Report (SCH No. 2004031135), certified April 26, 2005.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On November 22, 2024, the Project NOP was filed at the Riverside County Clerk’s Office. The City also distributed the NOP to federal, state, regional, and local government agencies and interested parties for a 30-day public review period to solicit comments and to inform agencies and the public of the Project. A public scoping meeting was held during a Planning Commission Meeting on December 4, 2024. The scoping process closed on December 23, 2024. The Project was described, potential environmental effects associated with Project implementation were identified, and agencies and the public were invited to review and comment on the NOP.

Comments received during the public scoping process were considered in the preparation of the Draft EIR. The Draft EIR was made available for review by the public and interested parties, agencies, and organizations for a 45-day comment period beginning on April 11, 2025, and ending May 26, 2025. During the comment period, the public was invited to submit written or email comments on the Draft EIR to the City of Perris Planning Division.

Following the conclusion of the 45-day public review period for the Draft EIR, the City reviewed comments received and prepared written responses to comments on environmental issues. A Final EIR has been prepared, which contains the comments received, responses to comments raising environmental issues. The Final EIR will be presented to the City of Perris Planning Commission and City Council for consideration and certification. Agencies, organizations, and/or individuals who commented on the Draft EIR shall be notified of the availability of the Final EIR and the date of the public hearings before the City of Perris City Council.

Responses to comments submitted on the Draft EIR by public agencies shall be provided to those agencies at least 10 days prior to certification of the EIR. Public input is encouraged at all public hearings before the City. The City Council would also make findings regarding each significant environmental impact of the proposed Project as identified in the Final EIR.

IV. SUMMARY OF IMPACTS

As described in Section V.A. of these Findings and Statement, the Final EIR concludes that the proposed Project will have **no impact** or a **less than significant impacts and require no mitigation measures** with respect to the following issues:

- Agriculture and Forestry Resources;
- Energy;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Mineral Resources;
- Population and Housing
- Public Services (i.e., fire protection, law enforcement, schools, parks and other government facilities);
- Recreation;
- Transportation;
- Utilities and Service Systems
- Wildfire

As described in Section V.B of these Findings and Statement, **potentially significant impacts of the proposed Project will be mitigated to below a level of significance** with implementation of Project-specific mitigation measures with respect to the following issues:

- Aesthetics
- Biological Resources
- Cultural Resources
- Geology and Soils
- Noise
- Tribal Cultural Resources

As described in Section V.C of these Findings and Statement, the Final EIR concludes that the Project could result in **significant and unavoidable impacts** with respect to the following issues:

- Air Quality
- Greenhouse Gas Emissions

V. FINDINGS REGARDING IMPACTS

The Findings Regarding Impacts are organized as follows:

- Environmental impacts determined to be less than significant;
- Environmental impacts that will be mitigated to below a level of significance; and,
- Environmental impacts determined to be significant and unavoidable after mitigation.

A. Potential Environmental Impacts Determined to be Less Than Significant

This section of the Findings summarizes the potential effects evaluated in the EIR that were determined to be less than significant with no mitigation required.

1. Agriculture and Forestry Resources

Rationale: As discussed in Section 6.1.2 of the Draft EIR, the California Department of Conservation’s Farmland Mapping and Monitoring Program classifies the Project site as Farmland of Local Importance and further notes that the Project site does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Furthermore, the Project site is not used for agricultural production. Additionally, the Conservation Element of the City General Plan does not identify the Project site as containing Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Grazing Land. The Project site is not under a Williamson Act contract (California Department of Conservation, California Important Farmland Finder, 2022, accessed October 2024). The Project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use nor conflict with land zoned for agricultural use, or land under a Williamson Act contract.

There is no land zoned as forest land or timberland within the City of Perris, as defined in Public Resources Code Sections 12220(g) and Section 4526, respectively. The site is zoned Commercial. There is no concentration of trees on the Project site that would be considered a forest. The site has not been historically, and is not currently, used or planned to be used for forest land. Further, implementation of the Project would not result in the conversion of forest land to non-forest and would not involve other changes to the existing environment which could result in the conversation of Farmland to non-agricultural use.

Finding: No impact

2. Energy

Rationale: As discussed in Section 6.1.5, during operation, the project would generate demand for approximately 2,687,021 kilowatt hours (kWh) of electricity and 2,018,831 British Thermal Units (BTU) of natural gas annually. The annual gasoline demand generated by passenger vehicles visiting the site would be approximately 1,434,498 gallons. Construction of the proposed Project is estimated to generate demand for 11,981 gallons of gasoline and 34,500 gallons of diesel fuel.

Compliance with state Title 24 and CalGreen standards would ensure that the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. No further Project-specific mitigation measures would be required. Implementation of the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources that may have a significant impact on the environment. Impacts would be less than significant and no mitigation would be required.

The Project would not conflict with any state or local plans for renewable energy efficiency. The Project would employ standard methods of construction and does not propose to create a Project condition post-construction whereby a greater energy demand, relative to projects of a similar scope would occur. The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Finding: Less than significant impact

3. Hazards and Hazardous Materials

Rationale. As discussed in Section 6.1.7 of the Draft EIR, operation of the proposed Project would involve the use of materials common to all urban development that are labeled hazardous (e.g., solvents and commercial cleansers; petroleum products; and pesticides, fertilizers, and other landscape maintenance materials). There is the potential for routine use, storage or transport of other hazardous materials; however, the precise materials are not known, as the tenants of the proposed retail buildings are not yet defined. Manufacturing and other chemical processing would not occur on-site.

The proposed convenience store and fueling station would require the ongoing use, storage and routine transport of hazardous materials consisting primarily of gasoline and diesel fuel. Individual liquid propane canisters may be available; and thus, stored on-site. Common cleaning chemicals would also be used on-site similar to those used in other businesses. The fueling center would be designed and operated consistent with state and federal regulations pertaining to the underground storage and dispensation of flammable materials. With adherence to all applicable regulations pertaining to the construction and operation of a fueling station containing below ground fuel storage tanks, the Project would not emit or release hazardous waste or emissions or otherwise adversely impact public safety through the storage of flammable materials on-site. Impacts would be **less than significant**.

The nearest school to the Project site is the Triple Crown Elementary School located at 530 Orange Avenue in the City of Perris. This school is located approximately ½ mile southeast of the Project site. No schools are located within ¼ mile from the site. **No impact** would occur under this threshold.

Based on the regulatory agency records search conducted as part of the Phase I Environmental Site Assessment prepared by Chubb Global Risk Advisors E, the Project site is not on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.

Finding: Less than significant impact

4. Hydrology and Water Quality

Rationale: As discussed in Section 6.1.8 of the Draft EIR, the Project applicant has prepared a Preliminary Water Quality Management Plan (WQMP) to illustrate how low impact development Best Management Practices (BMPs) have been incorporated into Project construction and design. The WQMP incorporates BMPs in accordance with the California Stormwater BMPs Handbook and the City’s BMP Design Manual to control erosion and protect the quality of surface water runoff. Further, the Project must obtain coverage under the must obtain the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). As part of the permitting effort, a Stormwater Pollution Prevention Plan would be created specifically for construction of the proposed Project. The plan would address erosion control measures that would be implemented to avoid or minimize erosion impacts to exposed soil associated with construction activities. With implementation of the BMPs, combined with compliance with existing regulations such as the implementation of the WQMP, the proposed Project would not violate water quality standards or waste discharge requirements.

The Project site is located within the Eastern Municipal Water District (EMWD) service area. The EMWD also owns and operates two desalination plants that convert brackish groundwater from the West San Jacinto Basin into potable water. These plants provide a source of potable water, protect potable sources of groundwater and support the EMWD’s groundwater salinity management program. The Project would have no substantial effect upon groundwater recharge within the groundwater basin. Furthermore, the Project would rely on domestic water supply and would not require the use of groundwater sources and would not substantially deplete groundwater supplies. There are no streams or rivers on the Project site. Therefore, the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation onsite or offsite.

The Project site is not located within a Special Flood Hazard Area Inundated by 100-Year Flood Zone. The Project site is located approximately 34 miles inland from the Pacific Ocean. The nearest water body is Lake Perris Reservoir which is located approximately 2.8 miles northeast of the site. The subject property is not expected to be affected by either a tsunami or seiche. The Project site is generally flat and not located near any slopes that would be subject to a mudflow

hazard. According to the Safety Element of the City General Plan, the Project site is not located within a Special Flood Hazard Area Inundated by 100-Year Flood Zone. However, the Project site is within the Dam Inundation Area for the Lake Perris Dam (City of Perris 2022). The California Department of Water Resources has developed The Perris Dam Modernization Project, which is intended to make the dam more seismically resilient. The final phase is the construction of an Emergency Release Facility, which will allow for the safe drawdown of lake water surface levels following a seismic event. This final phase of the project is scheduled to begin construction in 2022. Potential impacts related to dam inundation would be less than significant. The Project would not be inconsistent with the Water Quality Control Plan for the West San Jacinto Groundwater Sub-basin and Santa Ana River Basin. Hydrology and water quality impacts would be less than significant.

Finding: Less than significant impact

5. Land Use and Planning

Rationale: As discussed in Section 6.1.9 of the Draft EIR, the proposed Project uses would be allowed outright or with approval of a Conditional Use Permit (CUP) allowing development of the proposed fast-food restaurants with drive-thru windows and the convenience store/fueling station. The project is being designed consistent with development criteria in Section 19.30.080 and design criteria in Section 19.030.090 of the Perris Municipal Code. The site is vacant and located adjacent to single-family residential neighborhoods to the north, south and east. The site would be accessed via Placentia Avenue and North Perris Boulevard. The Project would not physically divide a community or otherwise cause an adverse land use impact. The proposed Project would be consistent with the policies of the City of Perris General Plan and Connect SoCal 2024.

Finding: No Impact

6. Mineral Resources

Rationale: As discussed in Section 6.1.10 of the Draft EIR, the California Department of Conservation classifies the availability of mineral resources in a region into four mineral resource zone (MRZ) categories: MRZ 1 for no mineral resources, MRZ 2 for significant resources areas with the quality and quantity known, MRZ 3 for significant resource areas with the quality and quantity unknown, and MRZ 4 for areas with no information. According to the City of Perris General Plan, the Department of Conservation is primarily interested in the preservation of significant resources in MRZ 2 regions. The land within the City of Perris, including the Project site, is classified as MRZ 3 and MRZ 4, which are not considered to be significant resource areas or delineated on any plan for mineral resource recovery uses. Implementation of the proposed Project would not 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. Accordingly, no impact to the availability of a regionally or locally important mineral resource would occur.

Finding: No Impact

7. Population and Housing

Rationale: As discussed in Section 6.1.12 of the Draft EIR, the proposed Project would include a new grocery store/supermarket, two retail buildings, a convenience store/fueling station and four fast food restaurants. The proposed Project does not include residential development; thus, the project would not cause or contribute to unplanned population growth.

Findings: No impact

8. Public Services

Rationale: As discussed in Section 6.1.13 of the Draft EIR, the proposed Project would have a less than significant impact or no impact to public services.

Fire Protection

The proposed Project would include the construction and operation of a new shopping center that would require fire protection services; however, no new residential uses or other uses that would increase the City's population would be constructed. The City of Perris contracts with the Riverside County Fire Department to provide fire protection services within the City and has two fire stations within its boundaries that are served by 14 firefighters. The two fire stations are located at 210 W. San Jacinto Avenue (Station No. 1) and 333 Placentia Avenue (Station No. 90). Station 90 is located approximately ¼ mile east of the Project site; and thus, would be first responder to an incident. The Project site is designated for commercial development; thus, the Project would not induce unplanned growth that would require the construction of new or expanded fire protection facilities. However, the Project applicant would be required to pay a Development Impact Fee (DIF) for fire services that would support fire protection services at the Project site and throughout the City of Perris. Therefore, potential impacts would be **less than significant**.

Law Enforcement

The proposed Project would include the construction and operation of a new shopping center that may require police protection services; however, no new residential uses or other uses that would increase the City's population would be constructed as part of the project. The City contracts with the Riverside County Sheriff's Office to provide police protection services within the City and has a police station located at 137 North Perris Boulevard, approximately 2.2 miles south of the Project site. While the Project site is planned for commercial development, the Project would not induce growth in an unplanned manner that would place unexpected future demands on existing police protection services. The Project would also not represent a use that would require unique or expanded police protection services. As a result, the Project itself is not expected to require the construction of new or expanded police protection facilities; however, the Project applicant would be required to pay a Development Impact Fee (DIF) to support police protection services at the Project site. Therefore, potential impacts would be less than significant.

School Services

The proposed Project would construct and operate a new shopping center. It would not induce growth within the Project area that would increase the demand for school services. The site is within the Val Verde Unified School District. The Project applicant would be conditioned to pay impact fees to the school district to assist with the development and/or expansion of school facilities to accommodate population growth within the City of Perris associated with future growth. **No impact** to schools would occur.

Park Services

The proposed Project would result in the construction and operation of a new shopping center. It would not increase the use of parks that would require the construction or expansion of additional park and recreational facilities. Additionally, the payment of development impact fees per Municipal Code Chapter 19.68 are intended to fund improvements to existing parks and/or development of new parks. No impact to parks would occur.

Other Public Facilities Services

Other public facilities include streets, libraries, senior centers, community centers, and pools, all of which are intended to serve the general public. The proposed Project involves the construction and operation of a new shopping center. These uses would not induce population growth or otherwise increase demand for public services. Thus, no construction or expansion of other public facilities would occur. However, increased use of Perris Boulevard and Placentia Avenue by trucks accessing the site would contribute to ongoing wear and tear of local streets. Impact fees paid by the applicant could be allocated to street repair or a related use as needed and determined by City of Perris staff. In addition, the Project 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 public services. Potential impacts would be less than significant under this threshold.

Finding: Less than significant

9. Recreation

Rationale: As identified in Section 6.1.14 of the Draft EIR, the proposed Project consists of construction and operation of a new commercial shopping center. The Project would not increase the use of or create the need for new or expanded parks and recreational facilities. Similarly, the proposed Project would not result in physical deterioration of an existing open space area or any recreation facilities.

Finding: No impact

10. Transportation

Rationale: The following summarizes potential Project impacts to existing bicycle/trail, transit and pedestrian facilities in proximity to the Project site (see Section 6.1.15 of the Draft EIR).

Bicycle and Trail Facilities. There are no existing striped bicycle lanes on Perris Boulevard or Placentia Avenue. No trails are located within or planned for construction within the Project area. The Project would not affect existing bicycle facilities, implementation of planned bicycle facilities or use of existing or planned trail facilities.

Transit Facilities. The Riverside Transit Agency (RTA) provides service to the general area with Route 19. The nearest transit stop is located across Perris Boulevard from the Project site. The Project would not affect existing transit service along RTA Route 19 as currently provided.

Pedestrian Facilities. Sidewalks front the Project site on both sides of Perris Boulevard and Placentia Avenue. Sidewalk, curb and gutter repair/improvements would be required for construction of the project ingress/egress driveways. These improvements would retain off-site connectivity for pedestrians. The project will have no adverse impacts to pedestrian facilities. No impact would occur under this threshold.

Senate Bill (SB) 743 was approved in 2013 and revised the method for assessing transportation impacts under CEQA. The Governor's Office of Planning and Research recommended the use of vehicle miles travelled (VMT) as the required metric to replace the automobile delay-based Level of Service (LOS). The VMT assessment is required to satisfy CEQA guidelines that utilize VMT as the required metric to determine transportation impacts. The Trip Generation and VMT Screening Analysis was based on the criteria outlined in the *City of Perris Traffic Impact Analysis Guidelines, May 2020*.

The City's Transit Priority Area exhibit shows that the project site is located within a Transit Priority Area. Additionally, the Western Regional Council of Government's VMT Screening Tool was used to verify the determination. The Project site is located within Traffic Analysis Zone 1836 and this is located inside a Transit Priority Area. Thus, the Project would meet criterion 2 (e.g., Is the project within one half (1/2) mile of qualifying transit?). Potential transportation impacts related to VMT would be less than significant.

All roadway improvements would be designed consistent with City of Perris standards. The Project would not create dangerous curves or intersections. During construction, the proposed Project would comply with all local regulations regarding temporary road closures or/and/or one-way traffic controls. Potential impacts would be less than significant.

The proposed Project would provide adequate emergency access. As discussed above, access to the site will be provided via six driveways; three along Placentia Avenue and three along North Perris Boulevard. The driveways would be of standard size required to accommodate passenger cars and emergency vehicles. The truck entrances would be constructed per City of Perris standards to accommodate heavy trucks. All access features are subject to the City of Perris

design requirements, including the Fire Department’s requirement of a minimum 20-foot width for driveways. Because of this, emergency vehicles would be able to access the Project site. Potential impacts associated with this issue would be less than significant

Finding: Less than significant

11. Utilities and Service Systems

Rationale: At the request of Eastern Municipal Water District, potential impacts to water and wastewater were evaluated in the Draft EIR (see Section 4.3). Impacts to solid waste are addressed as follows (see Section 6.1.17 of the Draft EIR):

The proposed Project would generate construction waste as well as ongoing domestic waste. Construction waste associated with the proposed Project would be recycled to the extent practicable with the remainder sent to a landfill. The construction debris would be processed and recycled or sent to the landfill. CalEEMod 2022.1 estimates the proposed Project would generate approximately 640 tons of solid annually (3,507 pounds daily) during operation. These estimates assume no solid waste would be recycled. If the Project were to recycle 75%, the policy goal of AB 341, the amount of solid waste landfilled would be approximately 160 tons annually. Assuming that the El Sobrante Landfill receives the waste, this would increase the total volumes going to landfill daily by less than 1 percent. Compliance with County of Riverside waste reduction programs and policies would reduce the volume of solid waste entering landfills. Individual development projects would be required to comply with applicable state and local regulations which are focused on reducing the amount of landfill waste. Therefore, because there would be adequate landfill capacity in the region to accommodate Project-generated waste and the proposed Project would not generate a substantial quantity of solid waste. Further, the Applicant and Project contractor would comply with all local, state, and federal requirements for integrated waste management (e.g., recycling, green waste) and solid waste disposal as required by the CIWMA of 1989, Assembly Bill (AB) 341 and AB 1896. Specifically, AB 1896 requires that businesses and multifamily residential developments of five or more units divert organic waste. This is defined as compostable paper, food waste and landscape trimmings. Thus, recycling infrastructure will be required for organic (AB 1896) and non-organic (AB 341) waste and would help ensure that at least 75% of the solid waste generated by the Project is recycled. CR&R is the franchise hauler for the City of Perris and is responsible for providing collection cans, collecting the solid waste material, providing recycling services and disposing of the solid waste in a landfill. Per the franchise agreement with the City of Perris, it is presumed that CR&R would follow all applicable federal, state, and local management and reduction statutes and regulations related to solid waste.

Findings: Less than significant impact

12. Wildfire

Rationale: As identified in Section 6.1.18 of the Draft EIR, according to Figure S-05, Wildfire Hazards, of the City of Perris General Plan Safety Element, the Project site is located within a

Local Responsibility Area and is not located in or near an area identified as being a Very High Fire Hazard Severity Zone. The Project site is not within a State Responsibility Area. Therefore, the Project would have no impacts related to wildfires.

Findings: No impact

B. Potential Environmental Impacts that will be Mitigated to Below a Level of Significance

Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the City of Perris finds that for each of the following significant effects as identified in the Draft EIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the Project which avoid or substantially lessen each of the significant environmental effects as identified in the Draft EIR. The following discussion includes all issue areas of potentially significant effects for which changes or alterations (mitigation measures) have been required in, or incorporated into, the Project which avoid or substantially lessen each of the significant environmental effects as identified in the Draft EIR. The rationale is included for each issue area discussed in this section.

1. Aesthetics

Lighting and Glare

Rationale. As discussed in Section 6.1.1 of the Draft EIR, the Project site is relatively flat and undeveloped with little topographical change and ruderal vegetation. Development at the Project site would include commercial land uses consistent with the existing General Plan and zoning designations. While development of the Project may obstruct views to the foothills from at least some vantage points (i.e., residences to the south of the site); the building designs would be consistent with land use development standards referenced above and the proposed landscaping would preserve east/west roadway corridors that also support scenic views. A less than significant impact to scenic vistas would occur with Project implementation.

There are presently no officially designated State Scenic Highways that extend through the City of Perris. There are no protected/historic tree species, historic structures or other visually prominent features on the site. No impact to these resources would occur as a result of Project implementation.

The Project would comply with the City's applicable site development criteria such as height limitations, setbacks, screening and landscaping. Therefore, the Project would be consistent with the planned site uses and would not conflict with applicable zoning or other regulations governing scenic quality. Potential impacts associated with the visual character and quality and applicable regulations governing scenic quality would be less than significant.

Proposed lighting is anticipated to include a combination of street and security lighting (including signage) on the exterior of each building and in parking areas. City of Perris Ordinance No. 1051 requires the use of specific types of light fixtures on non-residential properties to minimize the amount of light cast on adjoining properties, the public right-of-way

and into the night sky. During construction, lights would be used within the construction areas, notably the construction staging areas, to provide security for construction equipment and construction materials. Further, in the event that construction-related activities occur during nighttime hours, temporary, overhead artificial lighting would be provided to illuminate the work area. Due to the distance between the construction area and the adjacent residents and motorists on adjacent roadways, such security lights may result in glare to residents and motorists. With implementation of Mitigation Measure AES-1, this potential impact would be less than significant with mitigation incorporated.

Mitigation Measures

MM AES-1: Prior to issuance of grading permits, the Project developer shall provide evidence to the City of Perris that any temporary nighttime lighting installed for security purposes shall be downward facing and hooded or shielded to prevent security light spillage outside of the staging area or direct broadcast of security light into the sky.

Findings

1. The proposed Project has been designed and would be constructed to avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The potential impacts from lighting during construction have been eliminated or substantially lessened to a level of less than significant with implementation of Project-specific Mitigation Measure AES-1.

Cumulative Impacts:

Rationale. Because development in the same viewshed as the Project would be required to comply with the applicable standards and guidelines related to architectural design and landscaping, nighttime lighting or similar design requirements outlined in City regulations, these projects would also conform to the overall visual theme of the area. The Project would not result in a cumulatively considerable contribution to a significant aesthetic impact related to substantial degradation of the existing visual character or quality of public views of the site. Implementation of Project-specific mitigation measure MM AES-1 would ensure that construction-related lighting impacts from the Project are also less than significant. The Project would not result in a cumulatively considerable contribution to a significant aesthetic impact related to light and glare.

Findings

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

-
2. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The potential cumulative impacts from lighting during construction have been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measure AES-1.

2. Biological Resources.

Rationale. As discussed in Section 6.1.3 of the Draft EIR No native plant communities will be impacted from implementation of the proposed Project. No sensitive animal species or their habitats are located on the site. Although subjected to routine disturbance, the plant communities and land cover types supported on-site, including ornamental vegetation along North Perris Boulevard, have the potential to provide suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to urban environments. Nesting birds are protected pursuant to the federal Migratory Bird Treaty Act and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs during the nesting season, a pre-construction clearance survey for nesting birds would be conducted prior to the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. With implementation of Mitigation Measure BIO-1, the potential impact to nesting birds and raptors would be less than significant.

No burrowing owls or recent sign (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. Based on the results of the field investigation, it was determined that the Project site does not have potential to support burrowing owl and focused surveys are not recommended. With implementation of Mitigation Measure BIO-2, the potential impact to special-status biological resources would be less than significant.

The Project site is located within the Mitigation Fee Area of the Stephen's Kangaroo Rat Habitat Conservation Plan. Therefore, the Project applicant would be required to pay the Stephen's Kangaroo Rat Habitat Conservation Plan Mitigation Fee prior to development of the Project site.

No jurisdictional drainage and/or wetland features were observed within the Project site during the field investigation. Further, no blue-line streams have been recorded within the Project site. No impact to riparian habitat or state or federally protected wetlands would occur with Project implementation.

The Project site has not been identified as occurring in a wildlife corridor or linkage. There are no riparian corridors, creeks, or useful patches of steppingstone habitat (natural areas) within or connecting the site to a recognized wildlife corridor or linkage. As such, implementation of the proposed Project is not expected to impact wildlife movement opportunities. Therefore, no impact to wildlife corridors or linkages is expected to occur.

The City of Perris Municipal Code Section 19.71.050 provides regulations for the protection, preservation, and maintenance of significant tree resources and establishes minimum mitigation measures for trees removed as a result of new development. No trees are located within the Project site. Therefore, no impact to protected tree species would occur under this threshold.

The proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact would occur under this threshold.

Mitigation

MM BIO-1. To avoid violation of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513, site preparation activities (ground disturbance, construction activities, staging equipment, and/or removal of trees and vegetation) for the Project shall be avoided, to the greatest extent possible, during the nesting season of potentially occurring native and migratory bird species.

If site-preparation activities are proposed during the nesting/breeding season, the Project proponent shall retain a qualified biologist to conduct a pre-activity field survey prior to the issuance of grading permits for the Project to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present within the construction zone. The nest surveys shall include the Project site and adjacent areas where project activities have the potential to cause nest failure. The survey results shall be provided to the City's Planning Division. The Project proponent shall adhere to the following:

1. The Project proponent shall retain a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.
2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures within the Project site and an appropriate buffer of 500 feet of an active listed species or raptor nests, 300 feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests. The survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.

If no nesting birds are observed during the survey, site preparation and construction activities may be conducted during the nesting/breeding season. However, if active nests

(including nesting raptors) are located within the survey area, then the Designated Biologist shall immediately establish a conservative avoidance buffer surrounding the nest(s) based on their best professional judgement and experience. The Designated Biologist shall monitor the nest(s) at the onset of Project activities and at the onset of any changes in such Project activities (e.g., increase in number or type of equipment, change in equipment usage) to determine the efficacy of the buffer. If the Designated Biologist determines that such Project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The Designated Biologist shall review and verify compliance with these nesting avoidance buffers and shall verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to City of Perris Planning Division for mitigation monitoring compliance record keeping.

MM BIO-2. The Project proponent shall retain a qualified biologist to conduct a pre-construction survey for resident burrowing owls within 30 days prior to commencement of grading and construction activities on the Project site. The survey shall include the Project site and all suitable burrowing owl habitat within a 500-foot buffer. The results of the survey shall be submitted to the City of Perris Planning Division prior to obtaining a grading permit. In addition, if burrowing owls are observed during the nesting bird survey (Mitigation Measure BIO-1), to be conducted within three days prior to ground disturbance or vegetation clearance, the observation shall be reported to the Wildlife Agencies. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey and any relocation activity shall be conducted in accordance with the current Burrowing Owl Survey Instructions for the Western Riverside MSHCP.

If burrowing owl are detected, the CDFW shall be sent written notification by the City, within three days of detection of burrowing owls. If active nests are identified during the pre-construction survey, the nests shall be avoided and the qualified biologist and Project applicant shall coordinate with the City of Perris Planning Department, the US Fish and Wildlife Service, and the CDFW to develop a Burrowing Owl Plan to be approved by the City in consultation with the CDFW and the US Fish and Wildlife Service prior to commencing Project activities. The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and MSHCP. The Burrowing Owl Plan shall describe proposed avoidance, minimization, relocation, and monitoring as applicable. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls and/or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls may also be required in the Burrowing Owl Plan.

The Permittee shall implement the Burrowing Owl Plan following CDFW and US Fish and Wildlife Service review and concurrence. A final letter report shall be prepared by the qualified biologist documenting the results of the Burrowing Owl Plan. The letter shall be submitted to the CDFW prior to the start of Project activities. When a qualified biologist determines that burrowing owls are no longer occupying the Project site per the criteria in the Burrowing Owl Plan, Project activities may begin.

If burrowing owls occupy the Project site after Project activities have started, then construction activities shall be halted immediately. The Project proponent shall notify the City and the City shall notify the CDFW and the US Fish and Wildlife Service within 48 hours of detection. A Burrowing Owl Plan, as detailed above, shall be implemented.

Findings

1. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The potential impacts to migratory birds and burrowing owl, have been eliminated or substantially lessened to less than significant with implementation of MM BIO-1 and MM BIO-2.

Cumulative Impacts:

Rationale. As discussed under the analysis of Threshold “a”, the Project site does not contain any special-status plant or wildlife species. The site does not contain productive foraging or nesting habitat for migratory birds or the western burrowing owl. There is the potential for this species to migrate onto the site and occupy the property prior to the initiation of grading activities. The burrowing owl is commonly found within the Project vicinity; as such, it is reasonable to conclude that impacts to the burrowing owl habitat would occur in during development of other properties throughout Riverside County. Thus, implementation of the Project has the potential to contribute to a cumulatively considerable impact to the burrowing owl. However, the Project Applicant would comply with previously identified mitigation measures MM BIO-1 and BIO-2 which would ensure that pre-construction surveys are conducted for migratory birds and burrowing owl to determine the presence or absence of the species on the Project site. If present, the mitigation measure provides performance criteria that requires avoidance and/or relocation of burrowing owls in accordance with MSHCP protocol. With implementation of the required mitigation, potential cumulatively considerable impacts to the burrowing owl would be reduced to below a level of significance.

The Project would not impact riparian or jurisdictional resources; and thus, would not cause or contribute to cumulatively considerable impacts.

The Project would not conflict with any local policies or ordinances protecting biological resources. Other development projects in the cumulative study area would be required to comply

with applicable local policies and/or ordinances related to the protection of biological resources as a standard condition of review/approval. Because the Project and cumulative development would be prohibited from violating applicable, local policies or ordinances related to the protection of biological resources, a cumulatively considerable impact would not occur.

As discussed in Thresholds “a” and “f,” the Project would be consistent with the Western Riverside County MSHCP and no cumulatively considerable impact would occur.

Findings

2. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The potential cumulative impacts have been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measure BIO-1 and BIO-2.

3. Cultural Resources

Rationale. Historical Resource

An examination of topographic and historical aerial maps indicates that the Project site was developed by the early 1940s and contained nine buildings and a track or riding ring. These buildings and structures appear to have been demolished by 1997 and the area was subsequently graded. No historic or built-environment resources were identified during the survey of the Project area.

Mitigation Measures

None required.

Findings

3. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The site is vacant and no historic resources are known to occur. No impacts to historic resources would occur with implementation of the proposed Project.

Rationale. Cultural Resources

Although no archaeological resources were identified in the Project area during the survey, ground-disturbing activities have the potential to impact unknown buried archaeological resources in the Project area. With implementation of Mitigation Measure CUL-1, identified above, this potential impact would be less than significant.

Mitigation

MM CUL-1. 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 Project 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, 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 Pechanga Band of Indians or the Soboba Band of Luiseño Indians for a Native American 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 the Native American Tribal Cultural Resources Department. The Native American tribal representative shall be on-site during all ground-disturbing of each portion of the Project site including clearing, grubbing, tree removals, grading, trenching, etc. The Native American tribal representative should be on-site any time the consulting archaeologist is required to be on-site. Working with the consulting archaeologist, the Native American representative 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 Native American 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;
- Native American artifacts that cannot be avoided or relocated within 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

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- 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 shall 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 the Native American tribal representative is not present, all reasonable measures shall be taken to protect the resource(s) in situ and the City Planning Division and Native American tribal representative will be notified. The designated Native American tribal representative shall be given ample time to examine the find. If the find is determined to be of sacred or religious value, the Native American tribal representative will work with the City and Project archaeologist to protect the resource in accordance with tribal requirements. All analysis shall 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-2 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. Subsequent to analysis and reporting, these artifacts shall 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 Native American tribal 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, San Diego, South Coastal Information Center and the Native American tribe(s) involved with the Project.

Findings

4. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The potential cumulative impacts have been eliminated or substantially lessened to less than significant with implementation of Project-specific Mitigation Measures CUL-1.

Rationale. Human Remains

The Project site has been previously disturbed, as described above, and has not been previously used as a cemetery. It is not anticipated that implementation of the proposed Project would result in the disturbance of human remains. If human remains are discovered during any phase of construction, including disarticulated or cremated remains, all ground-disturbing activities must cease within 100 feet of the remains and the County Coroner and the Lead Agency (City of Perris) must be immediately notified.

California State Health and Safety Code §7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to the California Environmental Quality Act (CEQA) and Public Resources Code § 5097.98. If the County Coroner determines that the remains are Native American, the NAHC shall be notified within 24 hours and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. These requirements are reflected in Mitigation Measure CUL-2. With implementation of Mitigation Measure CUL-2, this potential impact would be less than significant.

Mitigation

MM CUL-2: 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 Native American 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 would notify the NAHC, which will identify the “Most Likely Descendent” (MLD). Despite the affiliation with any Native American tribal representative(s) at the site, the NAHC’s identification of the MLD will stand. The MLD shall be granted access to inspect the 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 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 5097.98I 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 shall be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings shall be filed with the South Coast Information Center.

Findings

5. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The potential cumulative impacts have been eliminated or substantially lessened to less than significant with implementation of Project-specific Mitigation Measures CUL-1 and CUL-2.

Cumulative Impacts: Rationale.

Direct impacts to on-site cultural resources are site-specific. Each development proposal received by the City undergoes environmental review and is subject to the same resource protection requirements as the Project as outlined in the City of Perris General Plan EIR, as applicable. If there is a potential for significant impacts on cultural resources, an investigation is required to determine the nature and extent of the resources and to identify appropriate mitigation measures, including requirements such as those identified in this section. Based on the information presented in the required site-specific cultural resource studies, construction activities associated with the Project would not impact any known prehistoric archaeological resources and the likelihood of uncovering previously unknown archaeological resources during Project construction is low based on the site characteristics and magnitude of previous disturbance. Regardless, during construction, the potential exists for the discovery of previously unknown subsurface archaeological resources that meet the definition of a significant archaeological resource during construction. Therefore, without mitigation, the Project would result in a potentially cumulatively considerable contribution to a significant cumulative impact to archaeological resources (MM CUL-1 and MM CUL-2). The City of Perris requires incorporation of similar measures in each development Project. Thus, the Project would not result in a cumulatively considerable contribution to a significant cumulative impact to archaeological resources.

Findings

6. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The potential cumulative impacts have been eliminated or substantially lessened to less than significant with implementation of Project-specific Mitigation Measures CUL-1 and CUL-2.

4. Geology and Soils

Paleontological Resources:

Rationale. As identified in Section 6.1.6 of the Draft EIR, ground disturbance into geologic units with high paleontological potential may encounter paleontological resources. The potential impacts would be mitigated through Project-specific mitigation measure MM PAL-1 and PAL-2.

Mitigation

MM PAL-1: Paleontological Resource Impact Mitigation Monitoring Program. Prior to the issuance of grading permits, the Project applicant shall submit to and receive approval from the City of Perris Planning Division, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision of a qualified professional paleontologist (or his

or her trained paleontological monitor representative) during any onsite and offsite subsurface excavation. Selection of the paleontologist shall be subject to approval of the City of Perris Planning Manager and no grading activities shall occur at the Project site or within offsite Project improvement areas until the paleontologist has been approved by the City.

Monitoring shall be restricted to undisturbed subsurface areas of older Quaternary alluvium, which might be present below the surface. The 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.

MM PAL-2: Worker's Environmental Awareness Program (WEAP). Prior to the start of the Project site disturbance activities, all field personnel shall receive a worker's environmental awareness training on paleontological resources. The training shall provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the project area, the role of the paleontological monitor, outline steps to follow if a fossil discovery is made, and provide contact information for the project paleontologist. The training shall be developed by the Project paleontologist and can be delivered concurrently with other training, including cultural, biological, safety, et cetera.

Findings

1. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The potential impacts from discovery of paleontological resources have been eliminated or substantially reduced to less than significant with implementation of MM PAL-1 and MM PAL-2.

Cumulative Impacts: Rationale

As identified in Section 6.1.6 of the Draft EIR, although development activities within the Project site would not impact any known paleontological resources, there is the potential that

such resources are buried beneath the surface of the Project site and could be impacted during construction. Other projects within the region would similarly have the potential to impact unknown, subsurface paleontological resources during ground-disturbing activities. However, implementation of MM PAL-1 and PAL-2 would ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities associated. The Project would not result in a cumulatively considerable contribution to a significant cumulative impact to paleontological resources.

Findings

1. The effects identified in the Draft EIR have been determined not to be significant with mitigation.

Facts in Support of Findings: The potential cumulative impacts from discovery of paleontological resources have been eliminated or substantially reduced to less than significant with implementation of MM PAL-1 and MM PAL-2.

Noise

Rationale. The primary source of noise during construction activities would be comprised of heavy machinery used during site preparation (i.e., clearing/grubbing) and grading, as well as equipment used during building construction and paving. On a typical workday, heavy equipment would be operating sporadically throughout the project site and more frequently away from the edges of the site as the site preparation and grading phases are completed. Nearby off-site residences would be exposed to elevated noise levels associated with construction. Noise levels could exceed the 80 dBA Lmax standard at the closest sensitive properties. With implementation of Project specific Mitigation Measures NOI-1, NOI-2 and NOI-3, potential impacts to a less than less than significant.

With respect to Project operation, P.M. peak hour traffic volumes would not be high enough to cause a noticeable effect (i.e., +/- 3 dBA) on baseline conditions at any of the receivers modeled. Impacts related to exterior traffic-related noise would be less than significant. With respect to stationary noise, the combined noise from operation of HVAC units would attenuate to approximately 52.7 dBA Lmax at 50 feet, the approximate distance between the source and closest residential receivers to the south. This would meet both the 80 dBA Lmax daytime and 60 dBA Lmax nighttime standard along the eastern and southern property lines where residences are located adjacent to the site. The closest menu board speaker would be approximately 40 feet north of the southern property line. A sound level of 53 dBA at 32 feet would be less than the 80 dBA daytime Lmax standard and 60 dBA nighttime Lmax standard at the southern property line. Truck movement would generate an Lmax of approximately 78.1 dBA Lmax and a 24-hour average of 41.2 dBA. The 24-hour average is below the residential compatibility standard identified in the General Plan Noise Element as referenced above. While truck movement activities would be below the 80 dBA Lmax daytime standard, truck movement could exceed the 60 dBA Lmax nighttime standard during individual events. Similarly, operation of the loading

dock behind the supermarket would exceed the 60 dBA nighttime standard. To avoid exceeding the nighttime standard, it is recommended that mitigation measure NOI-4 be implemented.

With implementation of project-specific Mitigation Measures NOI-4, nighttime noise levels at neighboring receivers would be **less than significant**.

Mitigation

MM NOI-1: Install Temporary Noise Barrier. A noise barrier shall be erected along the southern and eastern site boundary during construction. A minimum 8-foot-high barrier shall be maintained throughout site preparation and grading activities to reduce noise at adjacent receivers to the south and east. The noise barrier should be constructed of material with a minimum weight of 4 pounds per square foot with no gaps or perforations. Noise barriers may be constructed of 5/8-inch plywood and/or 5/8-inch oriented strand board. Other temporary construction noise barrier systems may be used at the contractors' discretion with City of Perris approval.

MM NOI-2: Neighbor Notification. Notification shall be provided to residential occupants adjacent to the project site at least 48 hours prior to initiation of construction activities that could result in substantial noise levels at outdoor or indoor living areas. This notification shall include the anticipated hours and duration of construction and a description of noise reduction measures being implemented at the project site. The notification shall include a telephone number for local residents to call and submit complaints associated with construction noise.

MM NOI-3: Noise Control Plan. Construction contractors shall develop and implement a noise control plan that includes a noise control monitoring program to avoid construction noise levels exceeding 80 dBA Lmax at the nearest sensitive receivers. The plan may include the following requirements:

- Contractor shall turn off idling equipment.
- Contractor shall perform noisier operation during the times least sensitive to receptors.
- All diesel equipment shall be operated with closed engine doors and shall be equipped with factory- recommended mufflers.
- Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or security staff facilities.

Mitigation Measure NOI-4. All truck deliveries requiring use of the loading dock at the rear of the supermarket building shall be conditioned to occur only between 7:00 a.m. and 10:00 p.m.

Findings

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant with mitigation.

Facts in Support of Findings: The potential noise impacts have been eliminated or substantially reduced to less than significant with implementation of MM NOI-1, NOI-2, NOI-3, and NOI-4.

Cumulative Impacts: Rationale

As identified in Section 6.1.11 of the Draft EIR, development activities within the Project site could result in temporary construction noise impacts and operational impacts related to operation of delivery trucks on the east side of the site. Other projects within the region would similarly have the potential to cause construction and operational impacts and project-specific mitigation measures, if necessary, would ensure the impacts are addressed. The Project would not result in a cumulatively considerable contribution to a significant cumulative noise impact.

Findings

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

Facts in Support of Findings: The potential cumulative noise impacts have been eliminated or substantially reduced to less than significant with implementation of MM NOI-1 through NOI-4.

Tribal Cultural Resources

Rational

Based on the results of the Cultural Resources Investigation conducted for the Project (PaleoWest, October 2023), no known tribal cultural resources are present at the Project site. However, there is the potential for previously undiscovered tribal cultural resources to occur at the Project site given the cultural sensitivity of the area identified by Native American tribes in the region. Ground disturbing activities could harm previously undiscovered subsurface resources which would be a potentially significant impact. The Cultural Resources Survey recommends that a Native American monitoring program be implemented. This would be implemented through Mitigation Measure CUL-1.

In the unlikely event that human remains are discovered during construction, all activities in the vicinity of the remains shall cease and the contractor shall notify the County Coroner immediately pursuant to California Health & Safety Code Section 7050.5 and California Public

Resources Code Section 5097.98. Project Mitigation Measure CUL-2 shall be implemented to ensure that potential impacts to Native American human remains would be less than significant.

Mitigation

Refer to previously referenced Project-specific Mitigation Measures CUL-1 and CUL-2.

Findings

1. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The potential impacts to tribal cultural resources have been eliminated or substantially lessened to a level of less than significant by virtue Project-specific Mitigation Measures CUL-1 and CUL-2.

Cumulative Impacts:

Rationale. The proposed mitigation measures will ensure that any unknown buried tribal cultural and/or archaeological resources that are discovered during development of the proposed Project are protected, evaluated, and recovered as determined by the appropriate qualified expert. With the implementation of Project-specific mitigation measures from Draft EIR Section 6.1.4 (Cultural Resources), MM CUL-2 and MM CUL-2, impacts to unknown potentially significant tribal cultural resources will be reduced to a less than significant level with mitigation.

Findings

1. The effects identified in the Draft EIR have been determined to be less than significant with mitigation.

Facts in Support of Findings: The potential cumulative impacts have been eliminated or substantially lessened to a level of less than significant with implementation of Project-specific Mitigation Measures CUL-1 and CUL-2.

C. Potential Environmental Impacts Determined to be Significant and Unavoidable

Section 15126.2(b) of the State CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. The environmental impacts of the Project are discussed in Sections 4.1, 4.2 and 4.3 of this Draft EIR. The Project would result in two significant and unavoidable impacts related to Air Quality and Greenhouse Gas Emissions. As stated, the EMWD requested that potential impacts associated with water/sewer demand/capacity and off-site impacts be evaluated in the Draft EIR. These impacts are evaluated in Section 4.3, *Utilities*, and would remain less than significant as disclosed in the Initial Study prepared for the proposed Project.

Pursuant to Section 15091(a)(3) of the CEQA Guidelines, the City of Perris finds that, for each of the following significant effects identified in the Draft EIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or Project alternatives infeasible.

1. Air Quality

Criteria Pollutants:

Rationale. As identified in Section 4.1 of the Draft EIR, unmitigated on-site PM₁₀ and PM_{2.5} emissions during construction would exceed the LST thresholds during the site preparation. Implementation of mitigation measure MM AIR-1 would reduce PM₁₀ and PM_{2.5} emissions to below the daily thresholds during site preparation. This would meet the Local Significance Threshold.

Operational emissions include emissions from electricity consumption (energy sources), vehicle trips (mobile sources), and area sources including architectural coating emissions as the structures are repainted over the life of the project. Daily emissions would exceed the South Coast AQMD thresholds for Reactive Organic Gas/Volatile Organic Compounds (ROG/VOC). Project operational emissions would result in significant and unavoidable air quality impacts.

Mitigation Measures

MM AIR-1: During the Site Preparation phase, the Project contractor(s) shall water active construction areas at least three times daily to reduce PM₁₀ and PM_{2.5} emissions.

Findings

1. Operational air emissions from implementation of the Project have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the Draft EIR, the impacts would remain a significant and unavoidable impact.

Facts in Support of Findings: The Project-specific mitigation measure MM AIR-1 is designed to reduce construction particulate matter emissions. With implementation of applicable design standards and development code requirements, ROG/VOC emissions would exceed the regional significance thresholds. Furthermore, because neither the City of Perris or Project applicant have regulatory authority to control tailpipe emissions, no feasible mitigation exists that would reduce ROG/VOC emissions to levels that are less than significant. Thus, Project operational emissions would result in significant and unavoidable air quality impacts.

Cumulative Impacts:

Rationale. The proposed Project has the potential to result in cumulative impacts associated with on-going operations for emissions of ROG/VOC. The operational emissions are primarily associated with vehicle emissions, use of refrigerants and operation of the fueling station. The City of Perris and the Project applicant do not have regulatory authority to control tailpipe emissions and no additional feasible mitigation measures beyond applicable design standards and regulatory requirements exist that would reduce ROG/VOC emissions to levels below the regional thresholds established by the SCAQMD. Therefore, operation of the Project would result in a significant and unavoidable cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. Therefore, the proposed Project would have the potential to result in a cumulatively considerable significant impact with respect to operational activity.

Findings

1. Impacts associated with operational air quality emissions from implementation of the Project have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the Draft EIR, the cumulative impacts would be considered a significant and unavoidable impact.

Facts in Support of Findings: As discussed above, operation of the Project would result in a significant and unavoidable cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. Therefore, the proposed Project would have the potential to result in a cumulatively considerable significant impact with respect to operational activity.

2. Greenhouse Gas Emissions

GHG Emissions:

Rationale. As identified in Section 4.2 of the Draft EIR, the Project GHG emissions would exceed the 3,000 MT CO₂e/yr threshold of significance. Thus, the Project would result in a significant impact with respect to GHG emissions. The proposed Project will implement Project-specific Mitigation Measures GHG-1 through GHG-5. Those mitigation measures that could be modeled were incorporated into the California Emission Estimator Model (CalEEMod) to determine the GHG emission reduction benefits. With implementation of mitigation, the GHG emissions associated with operation of the proposed Project would be reduced by 185 metric tons, or 1.16 percent, annually. With implementation of the above-referenced measures, GHG emissions produced by the Project would remain a significant and unavoidable impact.

Mitigation Measures

MM GHG-1. Prior to the issuance of each building permit, the Project Applicant and its contractors shall provide plans and specifications to the City of Perris Building Division that

demonstrate that electrical service is provided to each of the areas in the vicinity of all buildings that are to be landscaped in order that electrical equipment may be used for landscape maintenance.

MM GHG-2. All landscaping equipment (e.g., leaf blower) used for property management shall be electric-powered only. The property manager/facility owner for all buildings constructed shall provide documentation (e.g., purchase, rental, and/or services agreement) to the City of Perris Building Division to verify, to the City's satisfaction, that all landscaping equipment utilized will be electric-powered.

MM GHG-3. Prior to the issuance of a building permit for the supermarket, the Project Applicant shall provide evidence to the City of Perris Building Division that the loading dock is designed to be compatible with SmartWay trucks.

MM GHG-4. Prior to issuance of a building permit, the Project Applicant shall provide the City of Perris Building Division with project specifications, drawings, and calculations that demonstrate that main electrical supply lines and panels at the supermarket loading dock have been sized to support heavy truck charging facilities when these trucks become available. The calculations shall be based on reasonable predictions from currently available truck manufacturer's data. Electrical system upgrades that exceed reasonable costs shall not be required.

MM GHG-5. The buildings shall be constructed as certified LEED Silver Level and implement the following, voluntary provisions of the California Green Building Standards Code (CALGreen). The Project Applicant/developer(s) shall provide documentation (e.g., building plans) of implementation of the applicable voluntary measures to the City of Perris Building Division prior to the issuance of building permits.

- Design the proposed parking areas to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles. At minimum, the number of preferential parking spaces shall equal the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.1.2;
- Design the proposed parking areas to provide electric vehicle (EV) charging stations. At minimum, the number of EV charging stations shall equal the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2; and.
- Plant trees in excess of the number required per landscaping standards for commercial uses or identify, with assistance from City staff, areas (i.e., parks and open space) within the City of Perris where additional trees could be planted.

Findings

1. Impacts associated with greenhouse gas emissions from implementation of the Project have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the Draft EIR, the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings: As discussed above, the Project would exceed the threshold of significance. The proposed Project will implement the Project-specific mitigation measures GHG-1 through GHG-5 discussed above. Measures GHG-1 through GHG-5 would reduce GHG emissions and would have a negligible GHG reduction benefit. However, the GHG emissions produced by the Project would remain a significant and unavoidable impact.

Cumulative Impacts:

Rationale. Although the proposed Project is expected to emit greenhouse gases, given the global reach of climate change, the emission of greenhouse gases by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of greenhouse gas from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of climate change can cause adverse cumulative environmental effects. The assessment of GHG emissions is inherently cumulative because climate change is a global phenomenon. Because the Project's GHG emissions would exceed the 3,000 metric tons of CO₂e per year threshold of significance used for this analysis, the Project would result in a cumulatively considerable impact related to GHG emissions.

Findings

1. Impacts associated with greenhouse emissions from implementation of the Project have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the Draft EIR, the cumulative impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings: As discussed above, the Project would exceed the threshold of significance. Because the proposed Project's GHG emissions would exceed both the threshold selected for this Project and the SCAQMD's recommended threshold, the cumulative impact of the proposed Project on GHG emissions would be significant and unavoidable. No additional mitigation identified is feasible or applicable to the proposed Project.

D. Alternatives to the Proposed Project

CEQA Guidelines (Section 15126.6) require that a discussion of project alternatives be part of any EIR. Any such identified alternatives must significantly meet project objectives, or they cannot be said to be true project alternatives. Further, CEQA Guidelines 15091(a)(3) and 15091(b) require an explanation and analysis of why project alternatives are infeasible. As a result, Chapter 5 of the Draft EIR discusses the following alternatives: No Project Alternative and Reduced Intensity Alternative.

1. No Project Alternative

Description

Section 15126.6(e) of the State CEQA Guidelines requires that an EIR evaluate a “no project” alternative to allow decision makers to compare the impacts of approving a project with the impacts of not approving that project. Section 15126.6(e)(3) of the State CEQA Guidelines describes the two general types of no project alternatives: (a) when the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the no project alternative would be the continuation of that plan; and (b) when the project is other than a land use/regulatory plan (such as a specific development on an identifiable property), the no project alternative is the circumstance under which the project does not proceed.

Under the No Project/No Development Alternative, the proposed commercial development would not occur. The Project site would remain in its current vacant condition.

Finding and Rationale

The No Project Alternative would avoid the significant and unavoidable operational and cumulative air quality and GHG impacts associated with the proposed Project. Additionally, because no development would occur under the No Project Alternative, the less than significant impacts resulting from the Project for the following environmental topics would be avoided: aesthetics, biological resources, cultural resources, geology and soils, noise and tribal cultural resources. The No Project Alternative would not involve any development at the Project site. This alternative would not meet any of the Project Objectives identified in Section 3.4 of the Draft EIR.

2. Reduced Intensity Alternative

Description

The purpose of the Reduced Intensity Alternative is to address the significant and unavoidable impacts of the Project related to VOC/ROG and GHG emissions. Under this alternative, it is assumed that the building program would be reduced by 25 percent relative to the proposed Project. The proposed Project assumes a total of 101,464 square feet of commercial space.

Reducing the overall square footage by 25 percent would reduce the square footage to approximately 76,098 square feet or 75 percent of the total square footage proposed.

Relevant to this alternatives analysis is the average daily trip generation associated with the proposed Project and the reduction in trips, as well as related air and GHG emissions, associated with the alternative. As reported in the Trip Generation and VMT Screening Analysis for the Proposed Vallarta Market Place Community Shopping Center Project (Mizuta Traffic Consulting, Inc. October 2024), the proposed Project would generate an estimated 16,617 new daily weekday primary and pass by trips. A reduction of 25 percent, would reduce the traffic generation by 4,154 average daily trips, or from 16,617 average daily weekday trips to approximately 12,463 average daily weekday trips with implementation of the Reduced Intensity Alternative.

Finding and Rationale

Operational emissions associated with the Reduced Intensity Alternative, would be reduced by approximately 25 percent consistent with the reduction in commercial square footage and related trip generation (which is calculated based on building square footage). Total maximum ROG/VOC emissions would be reduced from 61.5 pounds per to 46.1 pounds per day. The ROG/VOC emissions would be below the daily threshold of significance. Therefore, operational air emissions and associated impacts under this alternative would be reduced to less than significant.

Implementation of the Reduced Intensity Alternative would result in lower energy demand during construction compared to the Project because of the reduction in building size. This alternative would also result in reduced emissions from all operational GHG sources because the emissions from each source would vary in direct proportion to the building size. Total operational emissions (which include energy, mobile, solid waste, and water consumption sources) for this alternative would be approximately 11,933 metric tons of CO₂e per year (compared to 15,911 metric tons of CO₂e per year with the Project). This would continue to exceed the 3,000 metric tons of CO₂e per year significance threshold used in the GHG analysis. GHG impacts would continue to be significant and unavoidable under this threshold with implementation of the Reduced Intensity Alternative. The Reduced Intensity Alternative would attain all Project objectives though not to the extent that that proposed Project would attain the objectives.

E. Cumulative Impacts

Cumulative impacts were analyzed in Section 4.1 through 4.3 of the Draft EIR, which concludes that even with the adoption of each mitigation measure identified in the Draft EIR, the Project could result in significant and unavoidable cumulative impacts with respect to the following issues:

- Air Quality
- Greenhouse Gas Emissions

Findings and Rationale

Air Quality

The CAAQS designates the Project area as nonattainment for O₃, PM₁₀, and PM_{2.5} while the NAAQS designates the Project area as nonattainment for O₃ and PM_{2.5}. The Project-specific evaluation of emissions presented in the preceding analysis demonstrates that proposed Project's construction-source air pollutant emissions would result in exceedances of regional thresholds. With mitigation, construction-source emissions would be reduced to less than significant on a Project-specific and cumulative basis. The proposed Project has the potential to result in cumulative impacts associated with on-going operations for emissions of ROG/VOC. The operational emissions are primarily associated with vehicle emissions, fueling station operation and use of refrigerants. The City of Perris and the Project Applicant do not have regulatory authority to control tailpipe emissions and no additional feasible mitigation measures beyond the measures identified herein exist that would reduce ROG/VOC emissions to levels below the regional thresholds established by the SCAQMD. Therefore, operation of the Project would result in a significant and unavoidable cumulatively considerable net increase of a criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard. Therefore, the proposed Project would have the potential to result in a cumulatively considerable significant impact with respect to operational activity.

Greenhouse Gas Emissions

Individual projects would result in impacts that are cumulatively considerable when the individual project, along with all other past, present, and probably future projects, would contribute to the potential for global climate change. While individual projects are unlikely to measurably affect global climate change, each of these projects incrementally contributes toward the potential for global climate change on a cumulative basis, in concert with all other past, present, and probable future projects.

Despite the global nature of GHG impacts, it is important to note that the scope of the City's jurisdictional authority is limited to certain types of emissions generated within the City's physical boundaries. The City's authority does not include the regulation of the majority of actions, including for example, transportation policy, fuel consumption, and energy generation, which the state has determined are necessary to meet all of AB 32's greenhouse gas reduction goals. Further, some of the GHG emissions associated with the Project can be reduced only by measures to be implemented by other governmental agencies which are outside the City's jurisdiction. GHG emissions are clearly significant on a global basis, and when GHG emissions are outside of the lead agency's jurisdiction and control, consistent with Public Resources Code Section 21081(a)(2), a project has cumulatively considerable significant and unavoidable GHG impacts if other agencies do not take necessary action. These other agencies can and should adopt requirements to ensure cumulative GHG reductions.

Greenhouse gas emissions modeling was used to predict the amount of greenhouse gases the Project would generate during construction and operation. The total GHG emissions were above

the SCAQMD interim significance threshold of 3,000 MT CO₂e/year which was used to evaluate the Project.

Although the proposed Project is expected to emit greenhouse gases, given the global reach of climate change, the emission of greenhouse gases by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of greenhouse gas from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of that climate change can cause adverse environmental effects on a cumulative basis. The fact that GHG emissions are cumulative was noted by the CRNA in its Public Notice for the SB 97's CEQA amendments regarding GHG. Because the proposed Project's GHG emissions would exceed SCAQMD's recommended threshold, the cumulative impact of the proposed Project on GHG emissions would be significant and unavoidable.

F. Environmental Impact Report Recirculation

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. 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 on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. CEQA Guidelines provide the following examples of significant new information under this standard (CEQA Guidelines, Section 15088.5[a]).

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* [1989] 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines, Section 15088.5, subd. (b)).

Findings and Rationale

Because none of the criteria outlined above have been met, the EIR is not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project and, therefore, recirculation of the EIR is not required.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, City approval of the proposed Project would potentially result in significant environmental impacts to Air Quality and Greenhouse Gas emissions. No feasible mitigation measures have been identified that could reduce the potential air quality and greenhouse gas emissions to less than significant. As stated, Alternative 2 would reduce air emissions to less than significant; however, GHG emissions would remain significant and unavoidable. Consequently, the EIR reaches the conclusion that air quality and greenhouse gas impacts would remain potentially significant and unavoidable with implementation of the proposed Project.

Whenever a lead agency adopts a project that will result in a significant and unavoidable impact, the agency must, pursuant to PRC Section 21002 and 21081(b) and CEQA Guidelines Section 15093, state in writing the specific reasons to support its action based on the EIR and/or other information in the administrative record.

Pursuant to PRC Section 21081(b) and CEQA Guidelines Section 15093, the City has balanced the benefits of the Project against its unavoidable adverse impacts to Air Quality and Greenhouse Gas emissions. The City, having considered all of the foregoing, finds that there are specific overriding economic, legal, social, technological, and/or other benefits associated with the proposed Project that outweigh unavoidable direct and/or cumulative impacts related to Air Quality, Greenhouse Gas emissions.

The City also has examined alternatives to the proposed Project and found that the Reduced Intensity Alternative and the No Project Alternative would be environmentally superior to the proposed Project. The No Project Alternative, however, would not meet the objectives of the proposed Project. In accordance with CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The Reduced Intensity Alternative would involve a reduction in the overall building area and a reduction in vehicular trips. While the alternative would meet air emission standards, GHG emissions would be reduced, but not eliminated with this alternative. Overall, the Reduced Intensity Alternative is the environmentally superior Project alternative per CEQA Guidelines Section 15126.6(e)(2). The Reduced Intensity Alternative would meet all Project objectives though not to the extent the proposed Project would meet the objectives.

The City, (i) having independently reviewed the information in the Final EIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant environmental impacts resulting from the Project to the extent feasible by adopting the mitigation measures identified in the Final EIR; and (iii) having balanced the benefits of the Project against the significant environmental impacts, chooses to approve the Project, despite its significant environmental impacts, because, in its view, specific economic, legal, social, technological, and other benefits of the Project render the significant environmental impacts acceptable.

The following statement identifies why, in the City’s judgment, the benefits of the Project outweigh the unavoidable significant impacts. Each of the benefits described below serves as an independent basis that justifies approval of the Project and for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the Project. Therefore, the City expressly finds in accordance with PRC Section 21081, the following benefits outweigh the unavoidable adverse environmental impacts of the Project.

A. Findings for Statement of Overriding Considerations

1. Implement City of Perris General Plan policies and objectives relevant to the Project site and proposed commercial development.

The proposed Project would be consistent with the General Plan policies as described in Section XI, *Land Use and Planning*, in the Initial Study. Further, the Project would be consistent with the Community Commercial zoning designation with approval of a CUP allowing development of the proposed fast-food restaurants with drive-thru windows and the convenience store/fueling station. The proposed Project would meet this objective.

2. Provide a new grocery store, retail, restaurant and convenience store/fueling station uses to serve residents within the City of Perris.

As stated, the Project would provide a new grocery store, retail buildings, restaurants and a fueling station. This would diversify the shopping and dining opportunities within the City of Perris. The proposed Project would meet this objective.

3. Expand economic development and facilitate job creation in the City of Perris by establishing commercial uses adjacent to residential areas.

The Project would construct a new commercial development adjacent to existing residential neighborhoods located to the east and south of the site and across Placentia Avenue to the north. The proposed Project would meet this objective.

4. Develop a new commercial shopping center that meets current industry standards, can accommodate a variety of users, and that provides uses that are economically competitive with similar uses in the local area and region.

The Project would develop a new shopping center designed and constructed consistent with all applicable standards and codes. The Project would provide multiple buildings that could accommodate a variety of tenants; thus, focusing demand for goods and services on one site proximal to existing residential neighborhoods and adjacent to existing transportation corridors. The proposed Project would meet this objective.

5. Attract new businesses to the City of Perris; thus, providing a more equal jobs-housing balance in the Riverside County/Inland Empire area. This will reduce the need for local workers to commute outside the area for employment.

The proposed grocery store would employ an estimated 250 people. The remaining tenants have yet to be specified; however, these uses are anticipated to have an employee count that is consistent with like uses in the City of Perris. The Project would provide new job opportunities within the local economy. The increase in jobs would reduce home/work commute trips for workers currently commuting to/from the area for jobs. The proposed Project would meet this objective.

6. Provide new development that will generate tax revenue for the City of Perris including, but not limited to increased property taxes.

The new businesses would all generate tax revenue for the City of Perris. This would include property taxes, occupancy tax (hotel) and sales tax associated with all goods/services purchased. The proposed Project would meet this objective.

7. Provide commercial uses that take advantage of the City's proximity to freeways and transportation corridors to reduce traffic congestion on local surface streets and related mobile source air emissions.

The Project site is located at the southeastern corner of Placentia Avenue and North Perris Boulevard. It is located approximately 0.9 miles east of Interstate 215 (I-215) and approximately 8.3 miles south of State Route (SR-) 60. The Project site is located adjacent to and south of the planned Mid County Parkway, a 16-mile transportation corridor between the Perris and San Jacinto areas. The planned eastern-most segment of the Mid County Parkway follows the Placentia Avenue alignment between I-215 and Redlands Avenue. Construction of the Interstate 215/Placentia Avenue Interchange in Perris, the first Mid-County Parkway segment, began in August 2020 and opened in December 2022. This project widened Placentia Avenue to four lanes (two lanes each in the east and west directions). The proposed Project would meet this objective.

8. Accommodate new development in a phased, orderly manner that is coordinated with the provision of necessary infrastructure and public improvements.

The proposed grocery store would be constructed first with subsequent phases constructed based on market demand. The infrastructure connections would occur as needed for each element of the Project. The timing of each phase is dependent on tenant demand and may change accordingly. The proposed Project would meet this objective.

9. Assist the SCAG region in achieving jobs/housing balance region-wide by providing additional job opportunities in a housing rich area of the Inland Empire.

As stated, the proposed grocery store would employ an estimated 250 people. The remaining uses are anticipated to have an employee count that is consistent with like uses in the City of Perris. The Project would provide new job opportunities within the local economy. The increase in jobs in the SCAG region which would reduce home/work commute trips for workers currently commuting to/from the area for jobs. The proposed Project would meet this objective.

B. Conclusion

For the foregoing reasons, the City finds that the Project's adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one of which individually would be sufficient to outweigh the adverse environmental effects of the Project. Therefore, the City has adopted these Findings of Fact and Statement of Overriding Considerations.