

Facts, Findings and Statement of Overriding
Considerations Regarding the Environmental Effects
from the Environmental Impact Report for the

Wildomar Walmart Project

(Planning Application No. 13-0086)

State Clearinghouse No. 2014011014

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**Facts, Findings and Statement of Overriding Considerations
Regarding the Environmental Effects from the Approval of the
Wildomar Walmart Project
(Planning Application No. 13-0086)
State Clearinghouse No. 2014011014**

I. INTRODUCTION

The City Council (this “Council”) of the City of Wildomar (the “City”), in approving the Wildomar Walmart Project, which requires approval of a number of discretionary approvals as discussed within the Project Summary, authorizing the construction of a new approximately 200,000-square-foot Walmart store and a 7,800-square-foot building on one outparcel, on-site supporting infrastructure, parking, landscaping/hardscaping, signs and a detention basin, (the “Project”), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report (“EIR”) was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act (“CEQA”). Hereafter, the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring Program will be referred to collectively herein as the “EIR”. These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project is located in the City of Wildomar. The Project site consists of approximately 24.5 acres of land, located at the southwest corner of Bundy Canyon Road and Monte Vista Drive, immediately adjacent to Interstate 15 (I-15). The Project site is vacant and currently undeveloped.

Surrounding land uses consist of the Bundy Canyon Plaza (PP 08-0179, CUP 3403, TPM 32257), which is immediately adjacent to the Project site on the northwest. Although Bundy Canyon Plaza is entitled for 33,800 square feet of retail, 6,200 square feet of fast food restaurant with drive-through and 12 fueling pumps, only 2,800 square feet of the retail, along with the fueling pumps, have been constructed (Shell/Circle K). A storage facility is located further to the north, across Bundy Canyon Road. To the east, across Monte Vista Drive, is vacant land with approved Tentative Tract Maps 31409 and 32024. A rural residential use is located to the south of the Project site, across Canyon Drive. I-15 forms the westerly boundary, beyond which are vacant land and residential uses.

2. Project Description

The Project consists of a Walmart store of up to 200,000 square feet (including outdoor Garden Center) and would offer groceries and general retail merchandise including alcohol for off-site consumption, indoor and outdoor garden center, drive-through pharmacy connected to the interior walk-up pharmacy, an optical center, a photo lab center, full grocery with deli and bakery and a “site-to-store” pick up location for the pickup of internet orders. Additionally, the Walmart would include all necessary and appurtenant structures and facilities, including truck docks and loading

facilities, outdoor sales facilities and outdoor bale and pallet storage. The store would operate 24 hours-per day, year-round including truck deliveries. In addition, a single freestanding retail pad of up to 7,800 square feet (3,900 square feet specialty retail and 3,900 square feet fast food with drive through) is proposed at the northeasterly corner of Bundy Canyon Road at Monte Vista Drive. Tenancy of this retail use has not been identified.

3. Actions Covered by the EIR

The EIR will support the following discretionary approvals:

- Zone Change from Rural Residential (RR) to Scenic Highway Commercial (C-P-S);
- Tentative Tract Map or Parcel Merger to merge the four existing parcels into two parcels;
- Plot Plan approval for Project design and architectural details;
- Conditional Use Permit to allow alcohol sales for off-site consumption;
- Master Sign Program; and
- Any other discretionary approvals that may be necessary.

B. PROJECT OBJECTIVES

The Project objectives include the following:

- To capitalize on the site's location proximate to the I-15/Bundy Canyon Road interchange;
- To create a complementary mix of commercial/retail uses;

- To take advantage of available infrastructure; enhance and improve local infrastructure systems to the benefit of the Project and surrounding areas; and to maximize access opportunities for the convenience of patrons;
- To provide a commercial/retail development that meets the current unmet demand for goods and services from consumers residing in the trade area and future residential developments;
- To provide a commercial/retail shopping center that serves the local market area and beyond, and to attract new customers and retailers into the City;
- To provide goods and services at a local site, thereby reducing the number of trips currently being made to shop for these same goods and services outside the City;
- To provide a convenient source of grocery and food items to serve the local community;
- To provide convenience-oriented retail sale of food, beverage, and related products and convenience-oriented services to the currently underserved area;
- Improve and maximize economic viability of the currently vacant and underutilized Project site and area through the establishment of a new commercial center;
- Maximize and broaden the City's sales tax base by providing local and regional tax-generating uses and by increasing property tax revenues;

- Expand and provide new retail options, with updated, modern and energy efficient buildings, proximate to local consumers by providing daytime and nighttime shopping opportunities in a safe and secure environment;
- Create additional employment-generating opportunities for the citizens of Wildomar and surrounding communities.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an extensive review of this Project which included a Draft EIR and a Final EIR, including technical reports; along with a public review and comment period. The following is a summary of the City's environmental review of this Project:

- On January 9, 2014, the City circulated a Notice of Preparation ("NOP") identifying the environmental issues to be analyzed in the Project's EIR to the State Clearinghouse, responsible agencies, and other interested parties.
- The NOP public review period ran for 30 days. Written comments on the NOP were received from nine public agencies, one investor-owned utility and one individual. The scope of the issues identified in the comments expressing concern included potential impacts associated with: biological resources, cultural resources, air quality, hydrology (drainage) and water quality, noise, public services and utilities, and transportation and traffic.
- The Notice of Availability ("NOA") and Draft EIR were circulated for public review and a Notice of Completion ("NOC") was filed with the State Clearinghouse on August 22, 2014 to start the 45-day review period.
- The City received a total of three comment letters from public agencies and five comment letters from private groups and individuals. The City

prepared specific responses to all comments. The responses to comments are in Section 3.0 of the Final EIR.

- On January 7, 2015, in accordance with *Public Resources Code* Section 21092.5, the City provided written proposed responses to public agencies that commented on the DEIR.
- On January 9, 2015, notice of the Planning Commission hearing to consider the project was provided in the following newspapers of general and/or regional circulation: Press Enterprise
- On January 21, 2015, the Planning Commission conducted a public hearing to consider the Project. The Commission, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, the Planning Commission recommended that this Council certify the EIR, adopt these Findings and the Statement of Overriding Considerations, and to take action to approve the Project as recommended by the Staff Report.
- On January 30, 2015, notice of the City Council hearing to consider the project was provided in the following newspapers of general and/or regional circulation: Press Enterprise
- On February 11, 2015, this Council approved a continuance to March 11, 2015.
- On March 11, 2015, the City Council certified the EIR, adopted Facts, Findings and the Statement of Overriding Considerations, which also

adopted the Mitigation Monitoring Program (“MMP”), and the recommendations contained in the Staff Report, and approved the Project.

IV. INDEPENDENT JUDGMENT FINDING

Applied Planning, Inc. was selected to prepare the EIR after the City sent out Requests for Proposals. Applied Planning prepared the EIR under the supervision, direction and review of the City planning staff.

Finding: The EIR for the Project reflects the City’s independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council’s intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless

specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

As discussed in more detail below, these Facts, Findings and Statement of Overriding Considerations are intended to meet the requirements of CEQA Guidelines Sections 15091 and 15093. City staff reports, the EIR, written and oral testimony at public meetings or hearings, these Facts, Findings and Statement of Overriding Considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

Detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 of the EIR and Section 2.0 of the EIR. Responses to comments from the public and from other government agencies on the EIR are provided in Section 3.0 of the EIR.

The EIR evaluated nine major environmental categories for potential impacts including Land Use, Traffic and Circulation, Air Quality, Noise, Public Services and Utilities, Hydrology and Water Quality, Biological Resources, Geology and Soils, and Cultural Resources. Both Project-specific and cumulative impacts were evaluated. Of these nine major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in V.A below can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.B, overriding considerations exist which make these potential impacts acceptable to this Council.

A. POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE WITH MITIGATION MEASURES

Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(1) states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes the following finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

The following issues from the environmental categories analyzed in the EIR, including Traffic and Circulation – Design, Air Quality – Construction, Hydrology and Water Quality, Biological Resources and Cultural Resources, were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 and CEQA Guidelines Section 15091(a)(1) that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring Plan adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

Each mitigation measure discussed in this Section of the findings has a number code correlating it with the environmental category used in the Mitigation Monitoring Plan and in the EIR.

1. **Traffic and Circulation**

a. **Increase Hazards – Construction**

Potential Significant Impact: The EIR evaluated and concluded that the Project could substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure 4.2.39. The Mitigation Measure is adopted and incorporated into the Mitigation Monitoring Plan for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.2 of the Draft EIR. The following Mitigation Measures will mitigate impacts related to construction hazards to below a level of significance:

4.2.39 The Project Applicant shall prepare a Construction Area Traffic Management Plan (Plan) to be reviewed and approved by the City Public Works Department. The Plan shall identify traffic controls, any street closures and/or detours, or other disruption to traffic circulation, as well as construction vehicle access routes, hours of construction traffic, and any pavement repairs or enhancements along proposed construction traffic routes. The Plan and its requirements shall be provided to all contractors as one component of building plan/contract document packages.

Facts in Support of the Finding: Among other facts, the EIR recommends Mitigation Measure 4.2.39 to reduce this potentially significant impact to a less than significant

level. It is recognized that temporary and short-term traffic detours and traffic disruption could result during Project construction activities. These interim and transient impacts are considered potentially significant for the duration of Project construction activities. Management and control of construction traffic would be addressed through the preparation and submittal of a construction area traffic management plan, to be reviewed and approved by City prior to or concurrent with Project building plan review(s). The Project Construction Area Traffic Management Plan (Plan), required by Mitigation Measure 4.2.39, would identify traffic controls for any street closures, detours, or other potential disruptions to traffic circulation during Project construction. The Plan would also be required to identify construction vehicle access routes, and hours of construction traffic. (DEIR, pg. 4.2-111). Accordingly, implementation of this mitigation measure would reduce the Project's impact from substantially increase hazards to a design feature or incompatible uses or result in inadequate emergency access to less than significant.

2. Air Quality

a. Construction

Potential Significant Impact: The EIR evaluated and concluded that the Project could violate an air quality standard or contribute substantially to an existing or projected air quality violation during construction.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures 4.3.1 through 4.3.3. The Mitigation Measures are adopted and incorporated into the Mitigation Monitoring Plan for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than

significant level. The impacts related to this issue area are discussed in detail in Section 4.3 of the Draft EIR. The following Mitigation Measures will mitigate impacts related to construction hazards to below a level of significance:

4.3.1 *The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403, which limits fugitive dust emissions:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; and*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.*

4.3.2 *Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling. This requirement is based on the California Air Resources Board regulation in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations, which imposes a requirement that heavy duty trucks accessing the site shall not idle for greater than five minutes at any location. This measure applies to construction traffic.*

4.3.3 *During grading activity, all rubber tired dozers and scrapers (\geq 50 horsepower) shall be CARB Tier 3 Certified or better. Additionally, during grading activity, total horsepower-hours per day for all equipment shall not exceed 16,784; and the maximum (actively graded) disturbance area shall not exceed five acres per day.*

Facts in Support of the Finding: Among other facts, the EIR recommends Mitigation Measures 4.3.1 through 4.3.3 to reduce this potentially significant impact to a less than significant level. As shown in Table 4.3-5, the Project's construction air emission would violate the SCAQMD threshold for maximum daily emission of NO_x (100 pounds per day). (DEIR, pg. 4.3-51). With implementation of these mitigation measures, the Project's daily emission of NO_x falls below the SCAQMD threshold. (DEIR, pg. 4.3-52, Table 4.3-6) Accordingly, the implementation of the mitigation measures reduces the Project's impact to air quality during construction to less than significant.

3. Hydrology/Water Quality

Potential Significant Impact: The EIR evaluated and concluded that the Project could have a substantial effect, because it may substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding or substantial erosion or siltation on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; violate any water quality standards or waste discharge requirements; or otherwise substantially degrade water quality.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures 4.6.1 through 4.6.3. The

Mitigation Measures are adopted and incorporated into the Mitigation Monitoring Plan for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.6 of the EIR. The following Mitigation Measures will mitigate impacts related to construction hazards to below a level of significance:

4.6.1 *Prior to the issuance of grading permits, the Project Applicant must obtain coverage under the SWRCB General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). As required by the General Permit, Project Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City, Riverside County Flood Control and Water Conservation District, and San Diego Regional Water Quality Control Board for review and approval. The SWPPP shall identify pre- and post-construction Best Management Practices (BMPs) intended to prevent the release of sediment and pollutants into downstream waterways and comply with all other requirements of the General Permit. Examples of construction BMPs to be incorporated in the Project include, but are not limited to, the following:*

- *Silt Fences;*
- *Check Dams;*
- *Gravel Bag Berms;*
- *Street Sweeping and Vacuuming;*
- *Sand Bag Barriers;*
- *Storm Drain Inlet Protection;*
- *Wind Erosion Control;*

- *Stabilized Construction Entrance/Exit; and*
- *Entrance/Outlet Tire Wash.*

Post-construction BMPs to reduce sediments and other pollutants include, but are not limited to, the following:

- *Providing permanent cover to stabilize the disturbed surfaces after construction has been completed;*
- *Incorporating structural BMPs (e.g., grease traps, debris, screens, continuous deflection separators, oil/water separators, drain inlet inserts) into the Project's design to provide detention and filtering of contaminants in urban runoff prior to discharge to stormwater facilities;*
- *Precluding non-stormwater discharges to the stormwater system; and*
- *Performing monitoring of discharges to the stormwater system.*

4.6.2 *Prior to the issuance of grading permits, the Project Applicant shall submit a final Water Quality Management Plan (WQMP) to the City, Riverside County Flood Control and Water Conservation District, and San Diego Regional Water Quality Control Board for review and approval, as required by SDRWQCB Order No. 2010-0016. The WQMP shall identify Best Management Practices (BMPs) addressing all post-construction pollutant discharges and comply with all other requirements of Order No. 2010-0016. Examples of BMPs included in the Project's Preliminary WQMP include the following:*

Source Control/Non-Structural BMPs

- *Education of property owners, operators, tenants, occupants, or employees;*
- *Street Sweeping of Private Streets and Parking Lots;*
- *Drainage facility inspection and maintenance;*
- *Roof Runoff Controls;*

- *Efficient Irrigation;*
- *Protection of Slopes and Channels;*
- *Storm Drain stenciling and signage;*
- *Trash Storage Areas and Litter Control;*
- *Irrigation system and landscape maintenance; and*
- *Loading dock drainage controls.*

Site Design/Structural BMPs

- *Maximize permeable areas;*
- *Minimize street, sidewalk, and parking lot aisle widths;*
- *Maintain natural drainage patterns;*
- *Incorporate drought-tolerant landscaping;*
- *On-site ponding areas or retention facilities to increase opportunities for infiltration;*
- *Convey roof runoff to landscaping/permeable areas prior to discharge to storm drains;*
- *Drain sidewalks and walkways to adjacent landscaped areas; and*
- *Integration of landscaping and drainage designs.*

4.6.3 *If determined necessary by the City, the Interim Off-site Drainage Concept described at Section 4.6.4.3, and discussed in detail within Limited Off-Site Storm Drain Analysis for #3882-02 Wildomar, CA Walmart Planning Application No. 13-0086 I-15 & Bundy Canyon Road Wildomar, CA (Nasland Engineering) July 8, 2014 (Off-Site Storm Drain Analysis, included at Draft EIR Appendix F), shall be implemented by the Project*

Applicant. Final design of the Interim Off-site Drainage Concept is subject to review and approval by the City Engineer.

Facts in Support of the Finding: Among other facts, the EIR recommends Mitigation Measures 4.6.1 through 4.6.3 to reduce this potentially significant impact to a less than significant level.

Construction: During site preparation activities prior to construction, existing groundcover will be removed from the site, exposing the Project area to increased wind and water erosion potentials. Further, construction site runoff may carry increased loads of sediment, heavy metals and petroleum hydrocarbons (from machinery) which could degrade water quality. In accordance with NPDES requirements, the Project Applicant will be required to prepare a construction activities erosion control plan to alleviate potential sedimentation and storm water discharge contamination impacts of the Project. (DEIR, pg. 4.6-26)

The Applicant shall also be responsible for compliance with the General Construction NPDES permit from the SDRWQCB by filing a Notice of Intent to Commence Construction Activities. Under the General Construction Permit, discharge of materials other than storm water is prohibited. The Applicant shall prepare, retain at the construction site, and implement a SWPPP which identifies the sources of sediments and other pollutants that affect the quality of storm water discharge, and implement practices to reduce sediment and other pollutants to storm water discharge. The SWPPP also identifies both construction and post-construction BMPs to reduce sediments and other pollutants. Implementation of the Project SWPPP and compliance with applicable NPDES and SDRWQCB requirements, as required by Mitigation Measure 4.6.1, below, will ensure that potential construction-source water

quality impacts of the Project are reduced below the level of significance. (*Id.*, pg. 4.6-27)

Operations: Over the life of the Project, contaminants such as oil, fuel and grease that are spilled or left behind by vehicular traffic, collect and concentrate on paved surfaces. During storm events, these contaminants are washed into the storm drain system and may potentially degrade receiving water quality. Storm water runoff from paved surfaces within the developed Project area could carry a variety of urban wastes, including greases and oils and small amounts of metals which are common by-products of vehicular travel. In addition, storm runoff will likely contain residual amounts of fertilizers and plant additives washed off from landscaped areas within the Project site. (*Id.*, pg. 4.6-27)

Recognizing the potential hazards of such urban runoff, the EPA has issued regulations which required municipalities to participate in the NPDES. As part of this program, the San Diego Regional Water Quality Control Board (SDRWQCB) has issued an NPDES permit for urban runoff to the Riverside County Flood Control and Water Conservation District (RCFC&WCD), and the City has been established as a co-permittee. Compliance with the provisions specified in the NPDES permit ensures proper management and disposal of urban runoff from the Project. The Project Applicant shall be responsible for obtaining a General Permit for storm water discharge from the SDRWQCB, in accordance with the Notice of Intent instructions. Under the General Permit, discharge of materials other than storm water is prohibited. In support of the above requirements, the Project Applicant shall also develop and implement a Project-specific Water Quality Management Plan ("WQMP") addressing all post-construction pollutant discharges. (*Id.*)

Based on compliance with applicable NPDES requirements, and implementation of the Project WQMP to include any additional requirements stipulated by the City and/or SDRWQCB as required under Mitigation Measure 4.6.2, the potential for the Project to result in a potential for discharge of storm water pollutants from post-construction activities; otherwise result in any other potential impacts to storm water runoff from post-construction activities; violate any water quality standards or waste discharge requirements; or otherwise substantially degrade water quality would be reduced below the level of significance. (*Id.*, pg. 4.6-28)

4. Biological Resources

a. Special-Status and Protected Species

Potential Significant Impact: Whether the Project would have an impact on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS).

Findings: Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures 4.7.1 to 4.7.5. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring Plan for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.7 of the DEIR. The following Mitigation Measures will mitigate impacts related to biological resources to below a level of

significance:

- 4.7.1 *Limits of the Project site shall be clearly marked by stakes or other means to ensure that off-site areas are not disturbed by Project construction activities.*
- 4.7.2 *A biological monitor shall be on-site during all vegetation clearing activities, and will halt any such activities if, in his or her professional opinion, such activities will result in the take of a protected species.*
- 4.7.3 *Within 30 days prior to disturbance at the Project site, a pre-construction survey shall be conducted for burrowing owl (*Athene cunicularia*), and if owls are present they can be relocated following accepted protocols to comply with the MSHCP.*
- 4.7.4 *To avoid impacts to nesting birds and to comply with the federal Migratory Bird Treaty Act of 1918 (MBTA):*
- *If possible, all vegetation removal activities shall be scheduled from September 15 to February 15, which is outside the nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly.*
 - *If vegetation is to be cleared during the nesting season (February 15 – September 15), all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist 72 hours prior to clearing. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 200-foot buffer and up to 500 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist will be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*
- 4.7.5 *A biologist shall make periodic site visits to ensure compliance with all permit conditions.*

Facts in Support of the Findings: Project implementation will result in the elimination of undeveloped land that is currently used by common wildlife species, such as birds and squirrels. These common species will be displaced to other areas within the vicinity of the Project site. The removal of common wildlife habitat is not considered a potentially significant impact. A small flock of California horned larks, which are a special status species, was observed on-site during the biological surveys. Additionally, the site has suitable habitat for the burrowing owl, another special status species; however, no owls, owl sign, or suitable burrows were observed during the site survey. (DEIR, pg. 4.7-15) With application of Mitigation Measures 4.7.1 to 4.7.5, the potential for the Project to substantially affect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS is considered less-than-significant. (*Id.*, pg. 4.7-17)

b. Jurisdictional Waters

Potential Significant Impact: Whether the Project would have an impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

Findings: Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures 4.7.6 to 4.7.8. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring Plan for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.7 of the Draft EIR. The following Mitigation Measures

will mitigate impacts related to biological resources to below a level of significance:

- 4.7.6 *Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the applicant shall obtain a Regional Board 401 Certification, or a written waiver of the requirement for such an agreement or permit, from the California Regional Water Quality Control Board. Written verification of such a permit or waiver shall be provided to the City Planning Department.*
- 4.7.7 *Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from the California Department of Fish and Wildlife. Written verification of such a permit or waiver shall be provided to the City Planning Department.*
- 4.7.8 *Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the applicant shall obtain a 404 permit, or a written waiver of the requirement for such an agreement or permit, from the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the City Planning Department.*

Facts in Support of the Findings: Although the Jurisdictional Delineation prepared for the site determined that the drainage was most likely not subject to the jurisdiction of the U.S. Army Corps of Engineers 404 program and the California Department of Fish and Wildlife 1600 program, consultation with these agencies is required to confirm this conclusion. As such, permitting may be required through these agencies, as well as the local Regional Water Quality Control Board. (DEIR, pg. 4.7-18) With application of Mitigation Measures 4.7.6 to 4.7.8, the potential for the Project to substantially riparian habitat or other sensitive natural community identified in local or regional plans,

policies, and regulations or by the CDFW or USFWS is considered less-than-significant.
(*Id.*)

5. Cultural Resources

a. All Issue Areas

Potential Significant Impact: Whether the Project would result in significant impacts on cultural resources.

Findings: Potential impacts of the Project on cultural resources are discussed in Section 4.9 of the Draft EIR. Based on the entire record before us, this Council finds there is the potential for discovery of archeological resources, paleontological resources and human remains. Impacts could be significant without mitigation.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures 4.9.1 to 4.9.12. The Mitigation Measures are adopted and incorporated into the Mitigation Monitoring Plan for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.9 of the DEIR. The following Mitigation Measures will mitigate impacts related to cultural resources to below a level of significance

Archaeological Resources

4.9.1 *Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:*

“If during grading or construction activities, cultural resources are discovered on the Project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist and the Pechanga Tribe (Tribe). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist and the Tribe determines the resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.9.2.”

4.9.2 *At least 30 days prior to seeking a grading permit, the Project applicant(s) shall contact the appropriate Tribe to notify the Tribe of grading, excavation, and the monitoring program and to coordinate with the City and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; Project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.*

4.9.3 *Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:*

“If human remains are encountered, California Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable time frame. Subsequently, the Native American Heritage Commission shall identify the “most likely descendant” within 24 hours of receiving notification from the coroner. The most likely descendant shall then have 48 hours to make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.”

4.9.4 *All cultural materials, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.9.2, that are collected during the grading monitoring program and from any previous archeological studies or excavations on the Project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe’s curation facility, which meets the standards set forth in 36 CFR Part 79 for federal repositories.*

4.9.5 *All sacred sites, should they be encountered within the Project site, shall be avoided and preserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with the Pechanga Tribe. To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.*

4.9.6 *Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:*

“If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery. The developer, the Project archeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the developer and the Tribe cannot agree on the significance of or the mitigation for such resources, these issues will be presented to the City Planning Director. The Planning Director shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Pechanga Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the City. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique as defined by relevant state and local law, avoidance and mitigation would be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.”

4.9.7 *To address the possibility that cultural resources may be encountered during grading or construction, a qualified professional archeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural and/or paleontological resources.*

Paleontological Resources

4.9.8 *Prior to the issuance of a grading permit, the Project applicant(s) shall identify the qualified paleontologist to the City who has been retained to evaluate the significance of any inadvertently discovery paleontological resources. If paleontological resources are encountered during grading or Project construction, all work in the area of the find shall cease. The Project applicant shall notify the City and retain a qualified paleontologist to investigate the find. The qualified paleontologist shall make recommendations as to the paleontological resource's disposition to the City Planning Director. The developer shall pay for all required treatment and storage of the discovered resources.*

4.9.9 *A qualified paleontologist or paleontological monitor shall monitor all mass grading and excavation activities. Monitoring will be conducted in areas of grading or excavation in undisturbed formational sediments of the sandstone member of the Pauba Formation (Qpfs) and the sandstone member of the Sandstone and Conglomerate of Wildomar (QTsw), of late Pliocene to middle Pleistocene age, as well as where over-excavation of surficial alluvial sediments will encounter these formations in the subsurface. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not*

present in the subsurface, or if present, are determined on exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.

4.9.10 *Any recovered paleontological specimens shall be identified to the lowest taxonomic level possible and prepared for permanent preservation, including screen-washing of sediments to recover small invertebrates and vertebrates shall occur if necessary.*

4.9.11 *Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage shall occur at an institutional repository approved by the City. The paleontological program shall include a written repository agreement prior to the initiation of mitigation activities.*

4.9.12 *A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location. The report, when submitted to and accepted by the City, shall signify satisfactory completion of the Project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.*

Facts to Support Finding: Although the likelihood for prehistoric and/or historic cultural resources to exist onsite is considered moderately low, Mitigation Measures 4.9.1 through 4.9.7 have been incorporated to fully ensure the protection of cultural resources that may be present in a buried context within the Project area. (DEIR, pg. 4.9-14) As for paleontological resources, the site is relatively flat with no unique geologic features. However, as a result of the recent field investigations, the Project area is considered highly sensitive for the presence of fossil specimens in areas

where deposits associated with the Quaternary deposits derived from the nearby Elsinore Mountains are present. The nearby granitic outcroppings are not considered to be fossil-bearing. Based on this sensitivity, paleontological monitoring is recommended for areas where the Quaternary deposits are present in shallow contexts and monitoring should be conducted for any excavations that exceed depths of five feet below the present surface. (Id., pg. 4.9-17). Mitigation Measures 4.9.8 to 4.9.12 are intended to address those potential paleontological impacts. With incorporation all of the mitigation measures discussed above cultural resource impacts will be reduced to less-than-significant.

B. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

This Council finds that the following environmental impacts identified in the EIR remains significant even after all feasible mitigation measures: Traffic – Project and Cumulative, Air Quality – Operation and Cumulative Impacts and Noise – Construction.

In accordance with CEQA Guidelines Section 15092(b)(2), this Council cannot approve the Project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3) and CEQA Guidelines Section 15901 (a)(3), that specific economic, legal, social, technological or other considerations, including provisions of employment opportunities to workers, make infeasible the mitigation measures or project alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant impacts are acceptable due to overriding considerations

described in CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

1. **Traffic and Circulation**

a. **Project and Cumulative**

Significant Unavoidable Impact: The EIR concluded that the Project could result in significant and unavoidable impacts to traffic during operations and cumulatively.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but can be reduced through mitigation. The Council finds that the payment of all requisite fees (Riverside County Transportation Uniform Mitigation Fee (TUMF), Riverside County Road and Bridge Benefit District (RBBD), Wildomar Development Impact Fee (DIF) or fair share) towards improvements as required by Mitigation Measure 4.2.1 to 4.2.38 would reduce impacts once the Project is completed. However, notwithstanding the Project's full compliance with fee payments, the payment of these fees would not ensure timely completion of the required improvements and is beyond the control of the Project applicant and, in some instances, also beyond the control of the City. Accordingly, the Council finds that the Project's potentially significant traffic impacts may remain significant. Opening day traffic impacts are discussed in detail in Section 4.2 in the DEIR. The following Mitigation Measure would mitigate traffic impacts to the extent feasible; however, potential traffic impacts will remain significant and unavoidable:

Existing-plus-Project

4.2.1 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 SB Ramps at Baxter Road (Study Area Intersection 13):*

- *Install a traffic signal.*

4.2.2 *Prior the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 NB Ramps at Baxter Road (Study Area Intersection 15):*

- *Install a traffic signal*
- *Construct a second eastbound(EB) through lane;*
- *Construct a second westbound (WB)through lane; and*
- *Construct a WB right-turn lane.*

4.2.3 *At the intersection of Sellers Road at Bundy Canyon Road (Study Area Intersection 16), the following is a current WRCOG-funded TUMF improvement:*

- *Restripe the WB right-turn lane as a second through lane.*

This improvement shall be completed prior to the issuance of the first Certificate of Occupancy for the Project.

4.2.4 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Monte Vista Drive at Baxter Road (Study Area Intersection 20):*

- *Install a traffic signal; and*
- *Construct an EB left-turn lane.*

4.2.5 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Harvest Way West at Bundy Canyon Road (Study Area Intersection 24):*

- *Install a traffic signal.*

4.2.6 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Harvest Way East at Bundy Canyon Road (Study Area Intersection 25):*

- *Install a traffic signal;*
- *Construct an EB left-turn lane; and*
- *Construct a WB left-turn lane.*

4.2.7 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Murrieta Road at Scott Road (Study Area Intersection 26):*

- *Install a traffic signal; and*
- *Construct an EB left-turn lane.*

Opening Year with Project

4.2.8 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Orchard Street at Bundy Canyon Road (Study Area Intersection 8):*

- *Install a traffic signal; and*
- *Construct a WB left-turn lane.*

4.2.9 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Almond Street at Bundy Canyon Road (Study Area Intersection 9):*

- *Install a traffic signal;*

- *Construct an EB left-turn lane; and*
- *Construct a WB left-turn lane.*

4.2.10 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Orange Street at Bundy Canyon Road (Study Area Intersection 10):*

- *Modify the traffic signal to accommodate overlap phasing for the NB right-turn lane.*

4.2.11 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Orange Street at Canyon Drive (Study Area Intersection 11):*

- *Install a traffic signal;*
- *Construct a NB left-turn lane;*
- *Construct a NB shared through/right-turn lane;*
- *Construct a SB left-turn lane;*
- *Construct an EB left-turn lane; and*
- *Construct a WB left-turn lane.*

4.2.12 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 SB Ramps at Bundy Canyon Road (Study Area Intersection 12):*

- *Construct an EB right-turn lane.*

4.2.13 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-15 SB Ramps at Baxter Road (Study Area Intersection 13):*

- *Install a traffic signal (same improvement required under Existing-plus-Project conditions); and*
- *Construct an EB right-turn lane.*

4.2.14 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 NB Ramps at Bundy Canyon Road (Study Area Intersection 14):*

- *Construct a WB right-turn lane.*

4.2.15 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Monte Vista Drive at Bundy Canyon Road (Study Area Intersection 17):*

- *Construct a 2nd westbound through lane.*

4.2.16 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of The Farm Road at Bundy Canyon Road (Study Area Intersection 23):*

- *Restripe the EB right-turn lane as a shared through/right-turn lane; and*
- *Construct a second WB through lane.*

4.2.17 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Harvest Way West at Bundy Canyon Road (Study Area Intersection 24):*

- *Install a traffic signal (same improvement required under Existing-plus-Project conditions);*
- *Construct an EB shared through/right-turn lane;*
- *Construct a WB shared through/right-turn lane;*
- *Construct a NB shared through/right-turn lane;*
- *Construct a SB left-turn lane; and*
- *Construct an EB left-turn lane.*

4.2.18 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Harvest Way East at Bundy Canyon Road (Study Area Intersection 25):*

- *Install a traffic signal (same improvement required under Existing-plus-Project conditions);*
- *Construct an EB left-turn lane (same improvement required under Existing-plus-Project conditions);*
- *Construct an EB shared through/right-turn lane;*
- *Construct a WB left-turn lane (same improvement required under Existing-plus-Project conditions); and*
- *Construct a WB shared through/right-turn lane.*

4.2.19 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Murrieta Road at Scott Road (Study Area Intersection 26):*

- *Install a traffic signal (same improvement required under Existing-plus-Project conditions);*
- *Restripe the SB shared left/right-turn lane as a left-turn lane;*
- *Construct a SB right-turn lane;*
- *Construct an EB left-turn lane (same improvement required under Existing-plus-Project conditions);*
- *Construct a second EB through lane; and*
- *Construct a WB shared through/right-turn lane.*

General Plan Buildout with Project

4.2.20 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Palomar Street at Corydon Road (Study Area Intersection 2):*

- *Construct an EB shared through/right-turn lane.*

4.2.21 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Palomar Street at Central Avenue (Study Area Intersection 3):*

- *Construct a second NB through lane;*
- *Construct a second SB through lane;*
- *Construct a second WB through lane; and*
- *Construct a NB right-turn lane.*

4.2.22 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Mission Trail at Waite Street (Study Area Intersection 6):*

- *Install a traffic signal.*

4.2.23 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Mission Trail at Bundy Canyon Road (Study Area Intersection 7):*

- *Construct a NB right-turn lane with overlap phasing;*
- *Construct an EB left-turn lane;*
- *Construct an EB right-turn lane;*
- *Construct a WB left-turn lane;*
- *Construct a second and third EB through lane; and*
- *Construct a second WB through lane.*

4.2.24 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Orchard Street at Bundy Canyon Road (Study Area Intersection 8):*

- *Install a traffic signal (same improvement required under Opening Year conditions);*
- *Construct a WB left-turn lane (same improvement required under Opening Year conditions);*
- *Construct a NB left-turn lane;*
- *Construct a SB left-turn lane;*
- *Construct an EB left-turn lane;*
- *Construct a second and third EB through lane; and*
- *Construct a second and third WB through lane.*

4.2.25 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Almond Street at Bundy Canyon Road (Study Area Intersection 9):*

- *Install a traffic signal (same improvement required under Opening Year conditions);*
- *Construct an EB left-turn lane (same improvement required under Opening Year conditions);*
- *Construct a WB left-turn lane (same improvement required under Opening Year conditions);*
- *Construct a NB left-turn lane;*
- *Construct a SB left-turn lane;*
- *Construct a third EB through lane; and*
- *Construct a third WB through lane.*

4.2.26 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Orange Street at Bundy Canyon Road (Study Area Intersection 10):*

- *Modify the traffic signal to accommodate overlap phasing for the NB right-turn lane (same improvement required under Opening Year conditions);*
- *Construct a SB left-turn lane;*
- *Construct a second WB left-turn lane;*
- *Construct a third EB through lane; and*
- *Construct a second and third WB through lane.*

4.2.27 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Orange Street at Canyon Drive (Study Area Intersection 11):

- *Install a traffic signal (same improvement required under Opening Year conditions);*
- *Construct a NB left-turn lane (same improvement required under Opening Year conditions);*
- *Construct a SB left-turn lane (same improvement required under Opening Year conditions);*
- *Construct an EB left-turn lane (same improvement required under Opening Year conditions);*
- *Construct a WB left-turn lane (same improvement required under Opening Year conditions);*
- *Construct a NB right-turn lane;*
- *Construct a SB right-turn lane with overlap phasing;*
- *Construct a WB right-turn lane with overlap phasing;*
- *Construct a NB shared through/right-turn lane (same improvement required under Opening Year conditions); and*
- *Construct a second SB through lane.*

4.2.28 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 SB Ramps at Bundy Canyon Road (Study Area Intersection 12):*

- *Construct an EB right-turn lane (same improvement required under Opening Year conditions); and*
- *Construct a second WB left-turn lane;*
- *Construct a third EB through lane; and*
- *Construct a third WB through lane.*

4.2.29 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-15 SB Ramps at Baxter Road (Study Area Intersection 13):*

- *Install a traffic signal (same improvement required under Existing-plus-Project conditions);*
- *Construct an EB right-turn lane (same improvement required under Opening Year conditions);*
- *Construct a second EB through lane; and*
- *Construct a second WB through lane.*

4.2.30 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 NB Ramps at Bundy Canyon Road (Study Area Intersection 14):*

- *Construct a WB right-turn lane (same improvement required under Opening Year conditions); and*
- *Construct a second EB left-turn lane;*
- *Construct a third EB through lane; and*
- *Construct a third WB through lane.*

4.2.31 *The following improvement at the intersection of Sellers Road at Bundy Canyon Road (Study Area Intersection 16) is currently TUMF-funded and programmed for construction:*

- *Restripe the WB right-turn lane as a second through lane.*

This improvement shall be completed prior to the issuance of the first Certificate of Occupancy for the Project (same improvement required under Existing-plus-Project conditions).

Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward implementation of the following improvement at the intersection of Sellers Road at Bundy Canyon Road (Study Area Intersection 16):

- *Modify the traffic signal to accommodate overlap phasing for the SB right-turn lane.*

4.2.32 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Monte Vista Drive at Bundy Canyon Road (Study Area Intersection 17):*

- *Construct a second WB through lane (same improvement required under Existing-plus-Project conditions);*
- *Construct a third WB through lane;*
- *Construct a NB shared left/right-turn lane; and*
- *Construct a second WB left-turn lane.*

4.2.33 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Monte Vista Drive at Baxter Road (Study Area Intersection 20):*

- *Install a traffic signal (same improvement required under Existing-plus-Project conditions);*

- *Construct an EB left-turn lane (same improvement required under Existing-plus-Project conditions);*
- *Construct a SB left-turn lane striped as a shared left/right-turn lane;*
- *Construct a SB de facto right-turn lane striped as a dedicated right-turn lane;*
- *Construct a WB de facto right-turn lane striped as a dedicated right-turn lane; and*
- *Modify the traffic signal to accommodate overlap phasing on the WB right-turn lane.*

4.2.34 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of George Avenue at La Estrella Road (Study Area Intersection 21):

- *Install a traffic signal;*
- *Construct an EB left-turn lane;*
- *Construct a second EB through lane;*
- *Construct a WB left-turn lane; and*
- *Construct a second WB through lane.*

4.2.35 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Iodine Springs Road at La Estrella Road (Study Area Intersection 22):

- *Install a traffic signal;*
- *Construct a NB left-turn lane;*
- *Construct a SB left-turn lane;*
- *Construct an EB left-turn lane; and*
- *Construct a WB left-turn lane.*

4.2.36 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of The Farm Road at Bundy Canyon Road (Study Area Intersection 23):

- *Restripe the EB right-turn lane as a shared through/right-turn lane (same improvement required under Opening Year conditions);*
- *Construct a second WB through lane (same improvement required under Opening Year conditions); and*
- *Construct a third EB through lane.*

4.2.37 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Harvest Way East at Bundy Canyon Road (Study Area Intersection 25):

- *Install a traffic signal (same improvement required under Existing-plus-Project conditions);*
- *Construct an EB left-turn lane (same improvement required under Existing-plus-Project conditions);*
- *Construct an EB shared through/right-turn lane (same improvement required under Opening Year conditions);*
- *Construct a WB left-turn lane (same improvement required under Existing-plus-Project conditions); and*
- *Construct a WB shared through/right-turn lane (same improvement required under Opening Year conditions);*
- *Construct a third EB through lane; and*
- *Construct a third WB through lane.*

4.2.38 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Murrieta Road at Scott Road (Study Area Intersection 26):

- *Install a traffic signal (same improvement required under Existing-plus-Project conditions);*

- *Restripe the SB shared left/right-turn lane as a left-turn lane (same improvement required under Opening Year conditions);*
- *Construct a SB right-turn lane (same improvement required under Opening Year conditions);*
- *Construct an EB left-turn lane (same improvement required under Existing-plus-Project conditions) (same improvement required under Opening Year With-Project conditions);*
- *Construct a second EB left-turn lane;*
- *Construct a WB right-turn lane;*
- *Construct a second EB through lane (same improvement required under Opening Year conditions);*
- *Construct a WB shared through/right-turn lane (same improvement required under Opening Year conditions);*
- *Construct a third EB through lane; and*
- *Construct a third WB through lane.*

Facts in Support of the Finding: Notwithstanding the previous considerations, payment of the identify fees does not ensure timely completion of required improvements; and pending completion of the required improvements, impacts at the affected locations are considered cumulatively significant and unavoidable. Improvements required to mitigate potentially significant cumulative impacts would be implemented consistent with demonstrated demands and pursuant to priorities established through the jurisdictional capital improvements programs. In these regards, the City as the Lead Agency is considered authoritative in determining when and how City improvements should be programmed and implemented to ensure near-term and long-term adequacy of the City roadway system. Similarly, other jurisdictional authorities, e.g., Caltrans, would determine appropriate programming and

implementation of required improvements under their control. (DEIR, pg. 4.2-97 to 4.2-98)

Project proportional responsibilities for construction of necessary improvements is addressed through fee payments noted previously. However, depending on jurisdictional improvements priorities and coordination with broader transportation planning objectives, timing of these off-site improvements may or may not coincide with construction and opening of the Project. Further, within areas that are extra-jurisdictional to the City, or are under shared jurisdictional control, neither the Lead Agency nor the Project Applicant can autonomously construct improvements. Thus, while the physical improvements identified at these extra-jurisdictional or shared-jurisdictional locations may be capable of mitigating potentially significant impacts, these improvements cannot be feasibly implemented or assured by the Project Applicant or the City, nor can their timely completion be assured. Furthermore, there are not any plans to improve these intersections within the Project's estimated opening date and the City does not have an existing agreement with any of these jurisdictions regarding the improvement or timing of improvement of these intersections. Therefore, the project impacts on the intersections identified in the mitigation measures above are significant and unavoidable.

2. Air Quality

a. **Operations -Source Air Pollutant Emissions - Violation of Air Quality Standards (Project and Cumulative**

Significant Unavoidable Impact: The EIR concluded that the Project could result in significant air quality impacts from operations both.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant and Mitigation Measures 4.3.4 and 4.3.5 are

incorporated into the Mitigation Monitoring Plan for the Project, and will be implemented as specified therein, thereby reducing the potentially significant impacts, but not below a level of less than significant. Accordingly, air quality impacts from operations (project and cumulative) will remain significant and unavoidable. The following Mitigation Measures will mitigate impacts to air quality emissions to the extent feasible, but the impacts will remain significant and unavoidable:

4.3.4 *Prior to the issuance of building permits, the Project Applicant shall submit energy usage calculations showing that the Project is designed to achieve a minimum 5% efficiency beyond then incumbent California Building Code Title 24 requirements. The Project energy usage calculations shall be subject to review and approval by the City.*

Examples of measures that reduce energy consumption include, but are not limited to, the following (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that reduce energy consumption also are acceptable):

- *Increase in insulation such that heat transfer and thermal bridging is minimized;*
- *Limit air leakage through the structure and/or within the heating and cooling distribution system;*
- *Use of energy-efficient space heating and cooling equipment;*
- *Installation of electrical hook-ups at loading dock areas;*
- *Installation of dual-paned or other energy efficient windows;*
- *Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;*
- *Installation of automatic devices to turn off lights where they are not needed;*
- *Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;*

- *Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;*
- *Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.*

4.3.5 *Enhanced Water Conservation Required: Prior to the issuance of building permits, the Project Applicant shall prepare and implement a Water Conservation Strategy demonstrating a minimum 30% reduction in outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy). The Project Water Conservation Strategy shall be subject to review and approval by the City.*

The Project shall also implement the following:

- *Landscaping palette emphasizing drought tolerant plants;*
- *Use of water-efficient irrigation techniques;*
- *U.S. Environmental Protection Agency (EPA) Certified WaterSense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.*

Facts in Support of the Finding: Operational emissions generated by area sources, energy sources, and mobile sources would result from the increased amount of normal day-to-day activities at the Project after occupation. The results of these calculations are presented in DEIR, Table 4.3-7. As shown, the Project would generate a net increase in annual operational emissions of CO, SO_x, PM₁₀, and PM_{2.5} that does not exceed the thresholds of significance recommended by the South Coast Air Quality Management District (SCAQMD). As such,

the impact of these pollutants would be less than significant. However, the net increase in emissions of VOC and NO_x would exceed the SCAQMD's recommended threshold for these pollutants. Even with the implementation of the mitigation measures, Project operational-source VOC and NO_x emissions would still exceed SCAQMD regional thresholds. (DEIR, Table 4.3-8) Furthermore, the fact that the Project generates long-term emissions of the ozone precursors VOC and NO_x in excess of applicable SCAQMD thresholds indicates that the Project impact is significant on an individual basis and would therefore contribute to cumulatively significant air quality impacts within the SCAQMD ozone non-attainment area as well. Accordingly, the air quality impacts from operations (project and cumulative) will be significant and unavoidable.

3. Noise

a. **Construction**

Significant Unavoidable Impact: The EIR concluded that the Project could result in significant and unavoidable construction noise impacts.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant and incorporates Mitigation Measures 4.4.1 to 4.4.4 into the Mitigation Monitoring Plan for the Project. While implementation of these mitigation measures will reduce the impacts, it will not reduce the

potentially significant impacts below a level of less than significant. Construction noise impacts are discussed in detail in Section 4.4 in the DEIR.

Facts in Support of the Finding: Construction noise represents a short-term impact on the ambient noise levels. Noise generated by construction equipment, including trucks, power tools, concrete mixers and portable generators can reach high levels. Project construction is expected to occur in four stages:

- Site Preparation;
- Grading;
- Building; and
- Curb, gutter, flatwork and parking lot.

In January 2006, the Federal Highway Administration (FHWA) published the Roadway Construction Noise Model (RCNM) that includes a national database of construction equipment reference noise emission levels. The RCNM equipment database provides a comprehensive list of the noise generating characteristics for specific types of construction equipment. In addition, the database provides an acoustical usage factor to estimate the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation. The usage factor is a key input variable of the RCNM noise prediction model that is used to calculate the average Leq noise levels using the Lmax noise levels measured at a distance of 50 feet. (DEIR, pg. 4.4-22)

Noise levels generated by heavy construction equipment can range from approximately 70 dBA to in excess of 100 dBA when measured at 50 feet. However, these noise levels diminish with distance from the construction site at a rate of 6 dBA per doubling of distance. For example, a noise level of 78 dBA measured at 50 feet from the noise source to the receptor would be reduced to 72 dBA at 100 feet from the source

to the receptor, and would be further reduced to 66 dBA at 200 feet from the source to the receptor. (*Id.*, pg. 4.4-21)

Using the stationary-source RCNM noise prediction model, calculations of the Project construction noise level impacts at seven noise receiver locations in the immediate vicinity of the Project site were completed and are shown in Table 4.4-3 of the DEIR. Noise levels are expected to reach high levels when construction equipment operations near the perimeter of the Project Site. Unmitigated noise impacts are expected to range from 56.9 to 85.3 dBA L_{eq} , which exceed the standard of 55 dBA for this analysis. Even after the implementation of Mitigation Measures 4.4.1 to 4.4.4, noise levels are still expected to exceed the noise standard. This is considered a significant and unavoidable impact of the Project. It is noted that construction noise is temporary, intermittent and of short duration, and will not present any long-term impacts. (*Id.*, pg. 4.4-25)

C. ADDITIONAL TOPICS REQUIRED BY CEQA

1. Significant Irreversible Environmental Effects

CEQA mandates that any significant irreversible environmental changes that would be involved with the Project are addressed as part of the EIR process. Both construction and operation of the project would necessarily lead to the consumption of limited, slowly renewable, and non-renewable resources, committing such resources to uses that future generations would be unable to reverse. The new development would require the commitment of resources that include (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project site. The commitment of resources required for the construction and operation of the Project would limit the availability of such resources for future generations or for other uses during the life of the Project. However, continued use of such resources is consistent with the anticipated growth and planned changes on the

Project site and within the general vicinity. Furthermore, the Project includes design features and mitigation measures that demonstrate a commitment to reduce potential Project impacts. Accordingly, significant irreversible environmental effects are not anticipated. (DEIR, pg. 5-94 to 5-96)

2. Growth Inducing Impacts

CEQA requires a discussion of ways in which a Project could be growth inducing. The CEQA Guidelines, specifically Section 15126.2 (d), identify a project as growth inducing if it fosters economic or population growth, or the construction of additional housing either directly (such as by proposing new homes and businesses) or indirectly (such as through extension of roads or other infrastructure) in the surrounding environment.

The Project consists of a new Walmart and one outparcel consisting of approximately 207,800 square feet of building of building space. Developments of its type are intended to satisfy an existing market demand created by a growing regional population and/or employment base. Thus, the Project is considered growth accommodating rather than growth inducing.

The Project could foster economic growth by increasing the number of long-term employment opportunities provided by the proposed on-site retail. In addition, short-term employment opportunities would be provided during the construction phases of the Project.

The Project site is located within the City along an Interstate freeway and major east-west roadway that includes existing utilities. Development of the Project would require connection to the existing infrastructure (e.g., electric, water and sewer facilities, etc.) to adequately serve the entire project site. The Project will also improve drainage with detention basins.

As a whole, the Project would not remove obstacles to population growth nor would it foster economic or population growth beyond the levels analyzed in this EIR. Accordingly, it is not expected that this project would induce growth that would result in a significant impact. (Id., pg. 5-90 to 5-92)

D. PROJECT ALTERNATIVES

The EIR analyzed the following two alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. CEQA also requires evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the Project." Thus, in order to develop a range of reasonable alternatives, the Project objectives must be considered when this Council is evaluating the alternatives.

1. No Project/No Build

Given the subject site's "Commercial Retail/Community Center Overlay" designation and underlying "Commercial Retail" General Plan Land Use designation; availability of infrastructure/services, lack of environmental or physical constraints; and proximity of other urban development, it is considered unlikely that the subject site would remain vacant or in a "No Build" condition, and evaluation of a No Build condition would "analyze a set of artificial assumptions that would be required to preserve the existing physical environment." This is inconsistent with direction provided at CEQA Guidelines Section 15126.6 (B)(3).

It is also noted that a development similar to the Project was previously proposed for the subject site. In this context, failure to proceed with the Project would likely not result in preservation of existing environmental conditions, and the practical

result of the Project's non-approval would be the development of some other variety or configuration of urban uses within the subject site. Accordingly, it is presumed that if the Project were not constructed, the No Project Alternative would comprise another development proposal representing the highest and best use of the subject site.

If however, a No Project/No Build scenario were maintained, its comparative environmental impacts would replicate the existing conditions discussions for each of the environmental topics evaluated in this EIR; and comparative impacts of the Project would be as presented under each of the EIR environmental topics. In all instances, a hypothetical No Build scenario would result in reduced environmental impacts when compared to the Project. A No Build condition would achieve none of the basic Project Objectives. (DEIR, pg. 5-55)

In light of the preceding discussions, for the purposes of this Alternatives Analysis, and to provide for analysis differentiated from the Project, the No Project Alternative considered herein assumes mixed-use development of the subject site integrating multi-family residences with supporting amenities. This development mix is allowed under the site's General Plan Commercial/Retail-Community Center Overlay land use designation. Location of residential uses and related amenities proximate to a major transportation corridor (Interstate 15) also supports Southern California Association of Governments (SCAG) 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) promoting reduced commute distances and travel times within the region.

The predominance of significant or potentially significant environmental impacts resulting from the Project or any development of the subject site are sourced back to trip generation and related traffic and air quality impacts. In this regard, a rough approximation of comparative environmental impacts of alternative development scenarios can be ascertained by reviewing comparative trip generation attributes of

these scenarios. Table 5.2-2 in the DEIR summarizes and compares land uses and potential trip generation under the Project and No Project Alternative. Trip generation for the No Project Alternative assumes that the subject site is developed with a total of 428 multi-family residential units. Residential amenities provided under the No Project Alternative are assumed to be utilized primarily by tenants of the property, with no substantive external trip generation. Trip generation under the No Project Alternative would be reduced by approximately 76 percent when compared to the Project.

The No Project Alternative's traffic impacts at Study Area facilities would likely be incrementally reduced when compared to the Project, as would the extent of required mitigation and associated share fee payments. As with the Project, payment of fees for necessary traffic improvements at Study Area locations would not ensure timely construction of those improvements. As such, under the No Project Alternative, absent physical construction of required circulation system improvements, potentially significant cumulative traffic impacts at Study Area locations would remain significant even after payment of mitigation fees. Cumulatively significant traffic impacts occurring under the Project would therefore likely persist under the No Project Alternative.

Reduction in vehicular trips under the No Project Alternative would also reduce operational mobile-source air pollutant emissions. For purposes of comparison, the resulting decrease in mobile-source emissions is estimated to be roughly proportional to the reduction in trip generation (approximately 76 percent) indicated above. Table 5.2-3 in the DEIR provides a comparison of operational-source air pollutant emissions under the Project and No Project Alternative. Reduced trip generation under the No Project Alternative would translate to aggregate reductions in all operational-source air pollutant emissions otherwise occurring under the Project. (Id., pg. 5-58) Additionally, operational-source VOC and NO_x emissions thresholds exceedances occurring under

the Project would be avoided under the No Project Alternative. Reduced trip generation under the No Project Alternative would also tend to further decrease already less-than-significant mobile-source noise impacts otherwise resulting from the Project.

Finding: Based on the entire record, this Council finds that the No Build Alternative would reduce the environmental impacts associated with the Project. However, The No Project Alternative would therefore realize none of the basic Project Objectives related to the provision and enhancement commercial/retail development within the City. Objectives related to taking advantage of proximate available access and serving infrastructure would be realized, though in a manner different than the Project. Similarly, residential development of the site would support objectives to increase the City tax base, though in a manner different than the Project.

2. Reduced Intensity Alternative

The Project would result in certain significant traffic, air quality and construction-source noise impacts. Feasible reduced intensity alternatives would not substantively reduce the Project's significant traffic and/or construction-source noise impacts and were therefore not further considered. More specifically, the Project's significant traffic impacts are cumulative in nature and are a byproduct of the urbanization of the City (including development of the Project site) as envisioned under the City General Plan. That is, development of the City consistent with the General Plan would generate additional traffic, the effects of which would result in interim areawide deficient operating conditions within what is now, a characteristically rural circulation system. Development and impact fees paid by new development proposals (including the proposed Wildomar Walmart Project) provide the means to resolve these deficiencies. Notwithstanding, interim deficient conditions affecting the existing

roadway system are projected to occur pending completion of circulation system improvements commensurate with the development it is intended to support. In this regard, any development of the Project site consistent with the General Plan would generate additional traffic affecting the area roadway system, the effects of which would be cumulatively significant, and similar to those of the Project. A Reduced Intensity Alternative specifically directed toward substantively reducing or eliminating the Project's significant traffic impacts was therefore not considered further. (DEIR, pg. 5-59)

Construction-source noise is a byproduct of any development project, and is not materially affected by reductions in development scope. That is, the types of construction equipment and their operation would result in the same peak noise levels, irrespective of the overall scope of development. A Reduced Intensity Alternative specifically directed toward substantively reducing or eliminating the Project's significant construction-source noise impacts was therefore not considered further. In light of the preceding considerations, the Reduced Intensity Alternative considered herein focuses on alternatives to the Project which would reduce or avoid certain significant air quality impacts.

As detailed in the DEIR Section 4.3, "Air Quality," operational-source air pollutants generated by the Project (due primarily to Project traffic and related mobile-source emissions) would exceed SCAQMD regional thresholds for VOC and NO_x. The Project's threshold exceedances of these pollutants constitute violations of existing SCAQMD air quality standards. These are individually and cumulatively significant air quality impacts. Further, the Project lies within a region that has been designated "non-attainment" for ozone. As such, the above-noted operational exceedances of VOC and NO_x (both of which are ozone precursors), in combination with emissions generated by other sources affecting the non-attainment area, would result in a cumulatively

considerable net increase in ozone emissions within the region. This is a cumulatively significant air quality impact. (Id., pg. 5-60)

To achieve the least restrictive SCAQMD operational threshold (VOC), operational-source VOC emissions under the Reduced Intensity Alternative would need to be approximately 93.3 percent of VOC emissions otherwise generated by the Project (a 6.7 percent net reduction in Project operational-source VOC emissions). Similarly, NO_x thresholds could be achieved under the Reduced Intensity Alternative provided that operational-source NO_x emissions did not exceed 55.8 percent of NO_x emissions otherwise generated by the Project (an approximate 44.2 percent reduction in Project operational-source emissions.)

Of the total operational VOC and NO_x emissions generated by the Project, approximately 91.5 percent (by weight) are due to Project-related traffic. As such, in order to achieve meaningful reductions in Project operational emissions, correlating reductions in Project traffic generation would be required. The Project's operational-source air pollutant emissions could therefore likely be reduced to levels that are less-than-significant through a reduction in the Project scope that would sufficiently reduce Average Daily Trips (ADT) and associated vehicular emissions. Such a reduction in vehicular-source emissions would also decrease the Project's contributions to cumulative air quality impacts to levels that are less-than-significant.

In general terms then, the Project's operational-source VOC emissions could be reduced by 6.7 percent through an approximate correlating reduction in total ADT thereby achieving applicable SCAQMD VOC thresholds. Similarly, the Project's operational-source NO_x emissions could be reduced by 44.2 percent through an approximate correlating reduction in total ADT, thereby achieving applicable SCAQMD NO_x thresholds.

As presented in the Draft EIR, Table 5.2-1, the Project's greatest per square foot trip generator would be the proposed Fast-Food with Drive-Through Restaurant use

(3,900 square feet; 496.12 trips per day/TSF; 1,935 total ADT). This single use would generate approximately ten times as many trips per day/TSF than would the other Project uses and would account for approximately 15.8 percent of the Project's total 12,258 ADT. The proposed Walmart (200,000 square feet; 50.75 trips per day/TSF; 10,150 total ADT) would account for approximately 82.8 percent of the Project's total ADT. The proposed Specialty Retail Use (3,900 square feet; 44.42 trips per day/TSF) would generate approximately 173 ADT, or approximately 1.4 percent of the Project total ADT. (Id., pg. 5-61)

As indicated in the preceding discussion, measurable reductions in total Project ADT (and related reductions in operational-source emissions) could likely be achieved by reducing the scope of the proposed fast-food use alone. For example, the reduction in ADT necessary to achieve applicable SCAQMD VOC thresholds could likely be achieved by reducing the scope of the proposed fast-food restaurant use (which accounts for 15.8 percent of the Project total ADT) by approximately 50 to 60 percent, while leaving all the remaining Project elements intact. This 50 to 60 percent reduction in scope of the proposed fast-food restaurant would yield an estimated 7.9 to 9.5 percent reduction in total Project ADT, with comparable reductions in mobile-source VOC emissions. Under this scenario, applicable SCAQMD VOC thresholds for the development in total would not be exceeded, and significant VOC emissions impacts otherwise occurring under the project would be avoided.

The reduction in ADT and associated reductions in Project scope necessary to achieve applicable SCAQMD NO_x thresholds would, however, be more substantive, and ultimately prohibitive. That is, the approximate 44.2 percent reduction in Project ADT necessary to achieve applicable SCAQMD NO_x thresholds would establish a total "trip budget" for the entire development at 6,840 ADT (0.558 x 12,258 Project ADT). To remain within this trip budget would, at a minimum, require elimination of the Project's currently proposed fast food and specialty retail uses in total (yielding a net

2,108 ADT reduction); plus an estimated 84,880-square-foot reduction in the scope of the proposed Walmart (yielding a net 4,732 ADT reduction). In brief, the estimated 44.2 percent reduction in Project ADT and associated Project scope reduction necessary to achieve SCAQMD NO_x thresholds is dismissed outright. That is, as noted above, a 44.2 percent reduction in Project ADT would translate to elimination of all the Project's outparcel uses, plus an estimated 84,880-square-foot reduction in the scope of the proposed Walmart, yielding a commercial/retail development of approximately 122,700 square feet.

At this reduction in scope, and with elimination of synergistic outparcel uses, the Project's primary goal: "development of the subject site with a productive mix of commercial/retail uses" would not be realized. Moreover, the 122,700-square-foot scope limitation would effectively preclude development of the proposed Walmart (200,000 square feet); and the Project site in total (21.96 net acres) would be developed at a FAR of approximately 0.13, substantially less than the FAR of 0.20–0.35 intended for the site under the City General Plan. Moreover, at 122,700 square feet, and with preclusion of the Project Walmart use, there would be no defined anchor for the site, nor would there be a Project Applicant, or for that matter, a "Project." As indicated above, a reduced intensity alternative that would avoid the Project's significant NO_x operational-source air quality impacts is not considered feasible. However, a feasible incremental reduction of the Project's scope (specifically, reduced scope of the Project's proposed fast-food use) could likely achieve applicable SCAQMD VOC operational emissions thresholds; and would thereby avoid significant operational-source VOC emissions exceedances otherwise occurring under the Project.

On this basis, and for the purposes of this Alternatives Analysis, a Reduced Intensity Alternative has been specifically developed to avoid the significant operational-source VOC emissions impacts that would otherwise occur under the Project. The reduced Intensity Alternative evaluated here reflects an approximate 50 to

60 percent reduction in the scope of the Project's proposed fast-food with drive-through restaurant. It is also noted that configurations other than the described Reduced Intensity Alternative could likely achieve ADT reductions and associated VOC emissions reductions sufficient to achieve applicable SCAQMD VOC thresholds. (Id., pg. 5-63)

Finding: Based on the entire record before us, this Council finds that although the Reduced Intensity Alternative would reduce the environmental impacts associated with the Project, a smaller project would result in the reduction in retail space available. As such, the maximum potential in retail space would not be provided, general merchandising and grocery shopping would be reduced and result in a smaller sales tax base. Thus, economic growth and additional employment opportunities would be reduced. Accordingly, this Council finds the Reduced Intensity Alternative less desirable than the Project and rejects this Alternative.

3. Alternative Sites

As stated in the CEQA Guidelines Section 15126.6 (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." CEQA Guidelines Section 15126.6 (f) (1) also provides that when considering the feasibility of potential alternative sites, the factors that may be taken into account are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context) and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is

already owned by the proponent). None of these factors establishes a fixed limit on the scope of reasonable alternatives.”

As stated in the CEQA Guidelines Section 15126.6 (f)(1)(2)(A), the “key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location.” Only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR.

Three possible alternative sites for the Project were preliminarily identified. Alternative Site #1 comprises approximately 35 acres, located northwesterly of the Baxter Road–Interstate 15 interchange. The site conforms to basic selection criteria noted above. Alternative Site #2 comprises approximately 24 acres, located southeasterly of the Baxter Road–Interstate 15 interchange. Alternative Site #3 comprises approximately 35 acres, located southwesterly of the Clinton Keith Road–Interstate 15 interchange. Initial evaluation of the considered sites indicated that they would be unsuitable or infeasible based on basic screening criteria deficiencies including, but not limited to: a) existing impediments or encumbrances; b) no demonstrable reduction in environmental impacts when compared to the current Project site; or c) potential increased environmental impacts when compared to the current Project site. On this basis, potential alternative locations for the Project were considered but ultimately rejected. (DEIR, pgs. 5-66 to 5-72)

E. PROJECT BENEFITS

1. Introduction

This Council finds that the Project will provide several benefits to the public and the City in general. These benefits include:

- The Project will achieve several benefits with regard to the goals and objectives of the City General Plan.
- The Project will contribute to City and regional economic growth by providing employment opportunities and one-stop shopping opportunities to local residents.
- The Project will provide a new state-of-the-art Walmart which will result in increased sales tax revenue for the City.

As stated in Section I.B., the purpose of the Project is to provide a new shopping center, including a Walmart that would offer groceries and general retail merchandise, which would act as a one-stop shopping center for local residents. Implementation of the Project would accomplish the following project objectives:

- To capitalize on the site's location proximate to the I-15/Bundy Canyon Road interchange;
- To create a complementary mix of commercial/retail uses;
- To take advantage of available infrastructure; enhance and improve local infrastructure systems to the benefit of the Project and surrounding areas; and to maximize access opportunities for the convenience of patrons;
- To provide a commercial/retail development that meets the current unmet demand for goods and services from consumers residing in the trade area and future residential developments;
- To provide a commercial/retail shopping center that serves the local market area and beyond, and to attract new customers and retailers into the City;

- To provide goods and services at a local site, thereby reducing the number of trips currently being made to shop for these same goods and services outside the City;
- To provide a convenient source of grocery and food items to serve the local community;
- To provide convenience-oriented retail sale of food, beverage, and related products and convenience-oriented services to the currently underserved area;
- Improve and maximize economic viability of the currently vacant and underutilized Project site and area through the establishment of a new commercial center;
- Maximize and broaden the City's sales tax base by providing local and regional tax-generating uses and by increasing property tax revenues;
- Expand and provide new retail options, with updated, modern and energy efficient buildings, proximate to local consumers by providing daytime and nighttime shopping opportunities in a safe and secure environment; and,
- Create additional employment-generating opportunities for the citizens of Wildomar and surrounding communities.

2. Discussion of Economic, Social, Environmental and Other Benefits

This Council finds that the Project will achieve several objectives that are considered benefits in light of the City General Plan and that it will contribute substantially to the City economy. Specifically, the Project will:

- Create a productive retail use capitalizing on the Project's proximity to major roadways population centers.
- The Project will provide employment opportunities to the residents of the City and the surrounding community through the creation of approximately 300 new jobs, not including temporary construction jobs related to the Project.
- The Project will provide development of additional high-quality retail uses which will provide for increased economic benefit to the City, including increased revenues to the City from property tax and benefits to local residents, including employment opportunities.
- The Project will provide the development of much-needed retail space in the City and expand the existing retail uses.
- The Project will generate an increase in sales tax that will go to City General Fund revenues. Conservatively, the Project will generate a minimum of \$400,000 annually in sales tax revenue that would go into the General Fund ($\$250/\text{square foot} \times 159,800 \text{ square feet of taxable floor area} \times 1\%$ [City share of sales tax], DEIR, pg. 4.1-24).
- The Project will be an asset to the local economy, providing job opportunities to Wildomar residents.

F. STATEMENT OF OVERRIDING CONSIDERATIONS

This Council of the City adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Traffic (Operations and Cumulative)

2. Air Quality (Operations and Cumulative)
3. Noise (Construction)

This Section of the findings specifically addresses the requirement of Section 15093 of the CEQA Guidelines, which requires the lead agency to balance the benefits of a Project against its unavoidable significant impacts and to determine whether the impacts are acceptably overridden by the Project benefits. If the Council finds that the previously stated major project benefits outweigh the unavoidable significant adverse environment impacts noted above, then the Council may, nonetheless, approve the Project. Each of the separate benefits are hereby determined to be, in itself, and independent of other Project benefits, basis for overriding all unavoidable environmental impacts identified in the EIR and these findings.

The Council's findings set forth in the preceding Sections identified all of the adverse environmental impacts and feasible mitigation measures which can reduce impacts to less than significant levels where feasible, or to the lowest feasible levels where significant impacts remain. The findings have also analyzed five alternatives to determine whether there are reasonable or feasible alternatives to the proposed action, or whether they might reduce or eliminate the significant adverse impacts of the Project. The EIR presents evidence that implementing the development of the Project will cause significant adverse impacts which cannot be substantially mitigated to non-significant levels. These significant impacts have been outlined above and this Council makes the following finding:

Finding: Having considered the unavoidable adverse impacts of the Project, this Council hereby determines that all feasible mitigation has been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, this Council finds that economic, social and

other considerations of the Project outweigh the unavoidable adverse impacts described above. The reason for accepting these remaining unmitigated impacts are described below. In making this finding, this Council has balanced the benefits of the Project against its unavoidable environmental impacts and has indicated its willingness to accept those effects.

The Council further finds that the Project's benefits are substantial and override each unavoidable impact of the Project as follows:

1. Findings Related to Traffic and Circulation Impacts

a. Operations and Cumulative

The Project would result in unavoidable impacts to several intersections identified in Section V.B.1 above. Based on the entire record before us, this Council finds that this impact is potentially significant but can be reduced through mitigation. The Council finds that the payment of all requisite fees (Riverside County Transportation Uniform Mitigation Fee (TUMF), Riverside County Road and Bridge Benefit District (RBBD), Wildomar Development Impact Fee (DIF) or fair share) towards improvements as required by Mitigation Measure 4.2.1 to 4.2.38 would reduce impacts once the Project is completed. However, notwithstanding the Project's full compliance with fee payments, the payment of these fees would not ensure timely completion of the required improvements and is beyond the control of the Project applicant and, in some instances, also beyond the control of the City. Accordingly, the Council finds that the Project's potentially significant traffic impacts may remain significant. However, benefits obtained from the Project are sufficient to justify approval of the Project. These impacts are overridden by Project benefits described in Section V.G. of this document.

2. Findings Related to Air Quality Impacts

a. Operations and Cumulative

The Project would result in unavoidable air quality impacts during operations for both the Project and cumulatively for VOC and NO_x. Although there are proposed mitigation measures, the net increase in emissions would still exceed the SCAQMD's recommended threshold for these two pollutants. However, benefits obtained from the Project are sufficient to justify approval of the Project. These impacts are overridden by Project benefits described in Section V.G of this document.

3. Findings Related to Noise Impacts

a. Construction

Noise generated by the Project will result in an unavoidable impact to the sensitive receptors. Even with mitigation measures, the impact from construction noise will not be reduced below a level of significance. Accordingly, it remains significant and unavoidable. However, benefits obtained from the Project are sufficient to justify approval of the Project. In addition, construction noise is temporary, intermittent and of short duration and will not present any long-term impacts. These impacts are overridden by Project benefits described in Section V.G of this document.

As the CEQA Lead Agency for the proposed action, the City has reviewed the Project description and the alternatives presented in the EIR, and fully understand the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V.F above, and finds that approval of the Project is appropriate.

This Council has identified economic and social benefits and important policy objectives, Section V.G above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

Public Resource Code Section 21002 provides: “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” *Section 21002.1(c)* provides: “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency...” *CEQA Guidelines Section 15093 (a)* states: “If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

VI. ADOPTION OF A MONITORING PROGRAM FOR THE CEQA
MITIGATION MEASURES

Public Resources Code Section 21081.6 requires this Council to adopt a mitigation monitoring program (MMP) regarding the changes in the Project. The MMP is adopted because it fulfills the CEQA mitigation monitoring requirements:

- a) The MMP is designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during Project implementation; and

- b) Measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures.

