ATTACHMENT A - EXHIBIT 3

Villa Siena Project
Findings of Fact / Statement of Overriding Considerations

Findings of Fact
Villa Siena Residential Project
City of Wildomar, County of Riverside, California

State Clearinghouse Number 2014041075

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SECTION 1: INTRODUCTION

1.1 - Background

In compliance with the requirements of the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et seq. and the CEQA Guidelines, the City of Wildomar (City) has conducted an environmental review of the proposed Villa Siena Residential Project. A Notice of Preparation (NOP) was released for public review in April 21, 2014. On April 27, 2015, the Draft Environmental Impact Report (EIR) was released. After receiving public comments on the Draft EIR, the City of Wildomar prepared a document entitled Response to Comments on the Draft EIR (RTC). The RTC document includes the verbatim comments received on the Draft EIR, a list of persons, entities, and agencies providing comments, the City of Wildomar's responses to the significant environmental points raised in the comment, review and consultation process, and the various written responses to the comments prepared by the City of Wildomar's technical consultants and City staff. These Findings are based upon the information contained in the record of proceedings, including the Final EIR, which includes the Draft EIR and technical appendices, the RTC, the staff report, and the Mitigation Monitoring and Reporting Program.

CEQA provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Public Resources Code Section 21002 [emphasis added].) The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed project and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects" (Public Resources Code Section 21002).

CEQA's mandates and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three conclusions:

1. "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR,"
2. "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding [and] [s]uch changes have been adopted by such other agency or can and should be adopted by such other agency," or
3. "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR" (Public Resources Code Section 21081; CEQA Guidelines, 14 California Code of Regulations Section 15091).

CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, environmental, social and technological factors" (Public Resources Code Section 21061.1; CEQA Guidelines, 14 California Code of Regulations Section 15364).

Because the Villa Siena Residential Project Final EIR identified significant effects that may occur as a result of the project, and in accordance with the provisions of CEQA and the CEQA Guidelines, the City of Wildomar hereby adopts these Findings of Fact. For each of the significant effects identified in Section 2, as set forth in greater detail in these Findings below, the City of Wildomar makes the finding under Public Resources Code Section 21081(a)(1). For each of the significant effects identified in Section 2, as set forth in greater detail in these Findings below, the City of Wildomar makes the finding under Public Resources Code Section 21081(a)(3).

In accordance with the provisions of CEQA and the CEQA Guidelines, the City Council of the City of Wildomar has independently reviewed the Record of Proceedings (see list of contents in this section) and based on the evidence in the Record of Proceedings adopts these Findings of Fact.

1.2 - Project Location

The project site is located in the City of Wildomar, Riverside County, California. Specifically, the project site is located within the Murrieta, California, United States Geologic Survey 7.5-minute topographic quadrangle map, (Range 3 West, Township 7 South, Section 6 (Latitude 33° 35' 29" North; Longitude 117° 13' 37" West). The project Assessor's Parcel Number is 380-290-029.

The project site consists of one parcel totaling 10.02 acres, located on the northeast corner of Elizabeth Lane and Prielipp Road, between Jana and Elizabeth Lanes. The existing residence address located within the project site is 36485 Jana Lane, Wildomar, California 92595.

1.3 - Project Characteristics

The project proposes to develop 170 units of apartments contained within nine separate buildings. Existing structures on site, including the residential structure, would be demolished and the debris would be disposed of in accordance with local solid waste standards. Eight buildings will total 235,904 square feet, and one building will amount to 14,553 square feet (for a total of 250,457 square feet). Eight of the nine buildings would utilize a similar design scheme (20 units per building) and would generally contain the same number of dwelling units per floor. The ninth building would utilize a similar design scheme and would contain half the number of dwelling units per floor (10 units).

The project site consists of 10.02 acres, indicating that development of 170 units would yield a gross density of approximately 17 units per acre, which is consistent with the Very High Density Residential (VHDR) land use classification for 14-20 units per acre. Primary access to the project site would be from Prielipp Road near the center of the project site. Elizabeth Lane would also provide access to the project site from an entrance located in the northwestern corner of the site.
A total of 368 parking spaces would be provided for the project in accordance with the City's parking requirements, of which 306 would be assigned parking spaces, and 62 spaces would be unassigned

guest parking spaces. Additionally, the project proposes 11,781 square feet of detached garages. The parking spaces alone which will be provided will meet the City's parking requirement and the garages provide additional parking to meet resident's needs.

1.4 - Project Objectives

The following are the objectives of the proposed project.

- **OBJ-1:** Provide housing for a growing population in a portion of the City of Wildomar where existing infrastructure is already in place.
- **OBJ-2:** Create an aesthetically pleasing living environment on the Project site.
- **OBJ-3:** Establish a viable, long-term and economically feasible use of the Project site.
- **OBJ-4:** Develop a very high-density residential development that is in keeping with the character of adjacent residences the south and east of the project site.
- **OBJ-5:** Provide a range of housing options to residents within the City of Wildomar by offering one, two, and three-bedroom units to accommodate a variety of family sizes and budgets.

1.5 - Record of Proceedings

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

- The Notice of Preparation (NOP) and all other public notices issued by the City of Wildomar in conjunction with the proposed project.
- The Draft Environmental Impact Report (Draft EIR) and the technical appendices for the proposed project.
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR.
- The Final Environmental Impact Report (Final EIR) for the proposed project, which consists of the Draft EIR, the technical appendices, and the Response to Comments.
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken.
- The Mitigation Monitoring and Reporting Program (MMRP).
- The documents, reports, and technical memoranda included or referenced in the technical appendices of the Draft EIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Response to Comments.

- The City of Wildomar Staff Report.
- The Resolution adopted by the City of Wildomar in connection with the proposed project, and all documents incorporated by reference therein.
- Any documents expressly cited in these Findings or in the resolution adopting these Findings.
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e) (excluding privileged materials).

1.6 - Custodian and Location of Records

The documents and other materials that constitute the administrative record for the City of Wildomar's actions related to the project are located at the City of Wildomar City Clerk Office at 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595. Copies of these documents, which constitute the record of proceedings, are, and at all relevant times, have been and will be available upon request at the City of Wildomar City Clerk Office. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guideline Section 15091(e).

SECTION 2: ADVERSE PROJECT-SPECIFIC AND CUMULATIVE IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

The Final Environmental Impact Report (Final EIR) for the Villa Siena Residential Project identifies significant project-level and cumulative adverse impacts of the proposed project and proposed mitigation measures to avoid or lessen impacts to less than significant. Those impacts and mitigation measures are identified in the following sections. The Wildomar City Council finds, based on the facts set forth in the record, which include but are not limited to the facts as set forth below, that the incorporation of the identified mitigation measures will mitigate the identified significant project-level and cumulative adverse impacts to a level that is considered less than significant. These findings have been prepared and considered in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(1).

2.1 - Agricultural Resources and Forest Resources

2.1.1 - Non-Agricultural Uses

Potentially Significant Impact

The Final EIR identified project-specific impacts that could have a substantial adverse effect from development of non-agricultural uses within 300 feet of agriculturally zoned property.

Rural Residential zoning is adjacent to the project site to the north, east, west, and southwest, and allows for light agricultural use and animal keeping. None of the adjacent lands are in active agricultural use, though they have surplus land with the potential to be developed in agricultural activities. The nearest active agricultural use is associated with a large lot residential property approximately 330 feet north of the project site. Future agricultural activities may expose residents to dust, noise, and odors associated with light agricultural use or animal keeping. Given the residential nature of the project, the project would cause development of non-agricultural uses within 300 feet of agriculturally zoned property.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM AG-1 Prospective residential tenants will be informed of the presence of adjacent and nearby lands with the potential for light agriculture and animal keeping, and that they may be exposed to conditions associated with these uses, including but not

limited to dust, noise, odors, and pests, and that these property owners have the right to farm consistent with the zoning for their property, and further indicates that these activities would generally not be considered a legal nuisance.

Without proper mitigation to regulate sensitive receptors from dust, noise, and odors associated with light agricultural use or animal keeping, impacts to sensitive receptors would remain potentially significant. The implementation of mitigation measure MM AG-1 will reduce the impact to sensitive receptors to less than significant.

2.2 - Biological Resources

2.2.1 - Effect on Species

Potentially Significant Impact

The Final EIR identified project-specific impacts that could have a substantial adverse effect, either directly or indirectly or through habitat modifications, urbanization, and water pollution on common avian species and burrowing owls.

The project site does not contain any vernal pools and is not within the watershed of any adjacent vernal pools. Therefore, development of the project will not impact vernal pools. No sensitive plant species occur on the project site, therefore development will not impact sensitive plants. In addition, there are no burrowing owls present on the project site, but suitable habitat for this species does occur within the project site. Therefore, there is potential for project-related direct or indirect impacts to burrowing owl.

The project site contains several stands of large trees and therefore project development may potentially cause direct and or indirect impacts to nesting migratory birds protected under the Migratory Bird Treaty Act. No other sensitive plant or wildlife species are present or supported by the site based on the data reviewed in the CNDDB and CNPSEI as well as information collected during the reconnaissance-level surveys. Therefore, there will not be a substantial adverse effect, either directly, or indirectly through habitat modifications, on candidate, sensitive or special status species.

All Best Management Practices (BMP), as well as measures required by the NPDES requirements, will be implemented to ensure that the quantity and quality of runoff from the site is not a significant impact when compared to existing conditions. Stormwater systems for the project will be designed to prevent toxins, chemicals, petroleum products, and other toxic substances from entering any adjacent drainage channels, and will not impact downstream riparian/riverine areas, which are key habitat for numerous species.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM BIO-1 Pre-construction surveys shall be performed for the burrowing owl as per CDFW survey protocols no more than 3 days prior to the start of site grading/clearing to verify the presence or absence of the species. A survey report will be prepared within seven days following completion of the survey and will be submitted to the City for review. If the species is observed during the pre-construction surveys, consultation with the CDFW shall be conducted for any relocation (passive or active) of burrowing owls. Notification to the CDFW shall occur if owls are found to be present onsite and the development of a conservation strategy in cooperation with the U. S. Fish and Service, the CDFW, and the Western Riverside County Regional Conservation Authority (RCA) shall be conducted.

MM BIO-2 If ground or vegetation disturbance occurs between February and August, a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than three (3) days prior to construction, ground disturbance, or vegetation removal. The survey area shall include the project site and a 250-foot buffer around the site. Any active nests identified shall have a buffer area established within a 100-foot radius (200 foot for birds of prey) of the active nest. Construction activities shall not occur within the buffer area until the biologist determines that the young have fledged.

The implementation of Mitigation Measure BIO-2 either would avoid potential impacts to nesting birds by avoiding construction activities during the avian nesting season of February through August, or if construction activities must occur during the avian nesting season, a qualified biologist would ensure a suitable construction-free buffer area around any active nests are established. In addition, The implementation of Mitigation Measure BIO-1 would avoid potential impacts to burrowing owl by performing pre-construction surveys for the burrowing owl as per CDFW survey protocols no more than 3 days prior to the start of site grading/clearing to verify the presence or absence of the species. Therefore, the potential significant project impacts on avian nests and burrowing owl would be reduced to less than significant.

2.2.2 - Riparian Habitat

Potentially Significant Impact

The Final EIR identified project-specific impacts that could have an effect on a small drainage swale that occupies approximately 0.1 acres, located on the eastern side of the project site.

Development of the project site will impact a small drainage swale that occupies approximately 0.1 acres, located on the eastern side of the project site. The swale supports riparian/ riverine habitat as described under the MSHCP (RCA Associates 2013). Under the MSCHP, any project-related impact to riparian/riverine habitat is considered significant and requires mitigation.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM BIO-3 Prior to issuance of a grading permit, the applicant shall file a Notification of Lake or Streambed Alteration to the CDFW's Lake and Streambed Alteration Program at the Ontario office for work undertaken in or near any river, stream, or lake that flows at least episodically, including ephemeral streams, desert washes, and watercourses with a subsurface flow. The applicant shall coordinate with CDFW in order to provide off-site mitigation for the on-site impacts. Mitigation shall be located off-site because of the limitations on the project site. Specifically, the applicant shall coordinate with the Elsinore Murrieta-Anza Resources Conservation District (EMARCD) to restore and enhance riparian/riverine habitat along existing drainages on a mitigation site owned by EMARCD. Mitigation shall be at a rate of 2:1 and approximately 10,000 square feet of riparian/riverine habitat shall be restored and enhanced. A detailed restoration plan shall be prepared for approval by the City and the resources agencies. The plan shall provide a schedule for site preparation and planting, and shall include a set of performance criteria for percent cover, density, and seed production within the mitigation area. This mitigation measure will ensure a no net loss of riparian/riverine habitat as required under the Multiple Species Habitat Conservation Plan.

MM BIO-4 The applicant shall implement the MSHCP Urban/Wildlife Interface Guidelines to ensure all indirect impacts to drainage features will be minimized. The guidelines are described in Section 6.1.4 of the MSHCP and include guidelines addressing drainage features, toxics, lighting, noise, invasive species, barriers, access, grading/land development, and fuels management.

The implementation of Mitigation Measure BIO-3 and MM BIO-4 would avoid potential impacts the small drainage swale by restoring and enhancing riparian/riverine habitat along existing drainages on a mitigation site owned by Elsinore Murrieta-Anza Resources Conservation District (EMARCD). Therefore, the potential significant project impacts to the small drainage swale would be reduced to less than significant.

2.2.3 - Conservation Plans

Potentially Significant Impact

The Final EIR identified the project as being located within the MSHCP and SKR-HCP.

Based on the General Biological Resources Assessment prepared for the project, the project site is located within the MSHCP and SKR-HCP. Development of the project site is subject to fees associated with both the MSHCP and SKR-HCP.

The project site is not located within any designated cell critical area and is not subject to a HANS process review under the MSHCP. The site does not contain any suitable habitat for riparian species and does not contain any vernal pools. The project site does not contain any narrow endemic plants or burrowing owl. The proposed development will potentially impact a small upland swale determine to be a riparian/riverine area by USFWS and CDFW representatives. A DBESP document was prepared to address the potentially significant impacts. The DBESP includes all project-related impacts and appropriate avoidance, minimization, and mitigation measures to offset those impacts.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM BIO-5 Prior to issuance of a grading permit for the proposed project, the project applicant shall pay all applicable MSHCP fees in full.

MM BIO-6 Prior to issuance of a grading permit for the proposed project, the project applicant shall pay all applicable SKR-HCP fees in full.

With payment of applicable fees, the proposed project would have a less than significant impact regarding conflict with an adopted HCP and the MSCHP. Therefore, the potential significant project impacts to the adopted HCP and the MSCHP would be reduced to less than significant.

2.2.4 - Biological Resources – Cumulative

Potentially Significant Impact

The Final EIR identified cumulative biological impacts that could have a substantial adverse effect, either directly or indirectly or through habitat modifications, on common avian species and burrowing owls. In addition, a drainage swale occupies approximately 0.1 acre, located on the eastern site of the project site supports riparian/riverine habitat as described under the MSHCP.

The cumulative setting includes the project site as well as the undeveloped areas surrounding the proposed project site where the impacts of urbanization and threats to biological diversity and sensitive biological resources are considered most serious. The impacts on biological resources are primarily the result of urbanization of the area, habitat fragmentation, water pollution, and conversion of natural land to residential, commercial, and recreational use. Although the

development of the proposed project will continue the urbanization of the area that began long before incorporation of the City, the project's contribution to cumulative Biological Resources impacts will not be cumulatively considerable with implementation of mitigation.

The geographic scope of the cumulative biological resources analysis is the Wildomar area. The City, along with other jurisdictions in western Riverside County, participates in the Multi-Species Habitat Conservation Plan (MSHCP). The MSHCP is designed to protect over 150 species and conserve over 500,000 acres in western Riverside County. In part, the MSHCP was enacted to offset and control cumulative impacts to biological resources within western Riverside County. Project compliance with the MSHCP and the Stephens' Kangaroo Rat Habitat Conservation Plan (HCP) is deemed to fully mitigate direct and cumulative impacts to covered species, and ensures that large segments of natural communities in western Riverside County will be preserved. The project would pay the applicable mitigation fees in accordance with the Stephen's Kangaroo Rat HCP and the MSHCP.

Additionally, the site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Burrowing Owl Survey Area. Mitigation Measure BIO-1 is proposed to reduce potential impacts on burrowing owl to a less than significant level. Because of the presence of several stands of large trees on-site, the proposed project shall also implement Mitigation Measure BIO-2 to mitigate any potential impacts to nesting birds.

The General Biological Resources Assessment for the project indicates that the project would not conflict with or have any adverse impact on any local policies or ordinances. The project would be developed in accordance with the Western Riverside MSHCP requirements. Therefore, the project is not considered cumulatively considerable.

In addition, the project would not have any significant impacts on fish or wildlife movement and would not conflict with locally adopted biological policies and ordinances. A drainage swale that occupies approximately 0.1 acre, located on the eastern site of the project site supports riparian/riverine habitat as described under the MSHCP (RCA Associates 2015). Therefore, the project is required to implement Mitigation Measures BIO-3 through BIO-6, which would reduce impacts to less than significant levels.

In summary, the project's impacts to Biological Resources can all be mitigated to less than significant. It is reasonable to assume that other future development projects would be required to mitigate for impacts to Biological Resources in a manner similar to the project. Therefore, the project, in conjunction with other projects, would not result in a cumulatively considerable impact to Biological Resources.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

Mitigation Measures MM BIO-1 through MM BIO-6 is required (see Section 2.2.1 through 2.2.3, above)

The implementation of Mitigation Measure BIO-2 either would avoid potential impacts to nesting birds by avoiding construction activities during the avian nesting season of February through August, or if construction activities must occur during the avian nesting season, a qualified biologist would ensure a suitable construction-free buffer area around any active nests are established. In addition, The implementation of Mitigation Measure BIO-1 would avoid potential impacts to burrowing owl by performing pre-construction surveys for the burrowing owl as per CDFW survey protocols within 30 days prior to the start of site grading/clearing to verify the presence or absence of the species. In addition, Mitigation Measure BIO-3 through BIO-6 will provide appropriate avoidance, minimization, and mitigation measures to offset impacts to a small upland swale as well as payment of all applicable development impact fees. Therefore, the project, in conjunction with other projects, would not result in a cumulatively considerable impact to Biological Resources.

2.3 - Cultural Resources

2.3.1 - Archaeological Resources

Potentially Significant Impact

The Final EIR identified project-specific impacts that could have a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

No previously recorded archaeological sites are located within the project boundaries. Additionally, no archaeological resources were encountered during the archaeological field survey. The previous archaeological studies of the project site indicate the project would have no impact regarding substantial adverse changes in the significance of an archaeological resource. However, to ensure that the project has a less than significant impact on archaeological sites, mitigation is proposed in the event that any unknown resources are found onsite.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM CUL-1 If during grading or construction activities, archaeological 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 archaeologist and the Pechanga Tribe. Any unanticipated archaeological resources that are discovered shall be evaluated and a final report prepared by the qualified archaeologist. 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. If the qualified archaeologist and the Pechanga Tribe determine the resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Section 15064.5(c) and Public Resources Code Section 21083.2 and the Archaeological Resources Treatment and Monitoring Agreement required by Mitigation Measure CUL-2. This mitigation measure shall be incorporated into all construction contract documentation.

MM CUL-2 At least 30 days prior to seeking a grading permit, the project applicants shall contact the Pechanga Tribe to notify them of the proposed grading and shall coordinate with the City of Wildomar and the Pechanga Tribe to develop an Archaeological Resources Treatment and Monitoring Agreement. The agreement shall include but not be limited to outlining provisions and requirements for addressing the treatment of archaeological resources; project grading and development scheduling; terms of compensation for the monitors; treatment and final disposition of any archaeological resources, sacred sites, burial goods, 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.

MM CUL-3 All archaeological resources, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Archaeological Resources Treatment and Monitoring Agreement required by Mitigation Measure CUL-2, that are collected during the grading monitoring program and from any previous archaeological 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.

MM CUL-4 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 Section 15064.5.

MM CUL-5 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 archaeologist, and the Pechanga Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the developer and the Pechanga Tribe cannot agree on the significance of or the mitigation for such resources, these issues will be presented to the City of Wildomar 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 of Wildomar. 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. This mitigation measure shall be incorporated into all construction contract documentation.

MM CUL-6 To address the possibility that archaeological resources may be encountered during grading or construction, a qualified professional archaeologist 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 resources.

The monitoring identified in Mitigation Measure MM CUL-1 through MM CUL-6 would reduce potential impacts from Project construction to buried unknown archaeological resources to less than significant because the monitoring plan would provide provisions for examination and curation of significant resources if they are found. In addition, if significant resources are found, the curation of the resources would recover the scientifically consequential information from and about the resource.

2.3.2 - Paleontological Resource or Geologic Feature

Potential Significant Impact

The Final EIR identified project-specific impacts that could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The project site is located within an area with high paleontological sensitivity. Implementation of the proposed project could potentially directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Excavations associated with the development of the proposed project could affect paleontological resources buried within the project site. Therefore, it is possible that project-related ground-disturbing activities in undisturbed soils could uncover previously unknown paleontological resources within project boundaries. Unanticipated and accidental paleontological discoveries during project implementation have the potential to affect

significant paleontological resources. Implementation of Mitigation Measure MM CUL-7 will ensure less than significant impacts.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM CUL-7 Construction personnel involved in excavation and grading activities shall be informed of the possibility of discovering fossils at any location and the protocol to be followed if fossils are found. A professional meeting the Society of Vertebrate Paleontology standards shall provide the preconstruction training. The City shall ensure the grading plan notes include specific reference to the potential discovery of fossils.

If potentially unique paleontological resources (fossils) are inadvertently discovered during project construction, work shall be halted immediately within 50 feet of the discovery, the City shall be notified, and a professional paleontologist shall be retained to determine the significance of the discovery. The paleontologist shall establish procedures for paleontological resource surveillance throughout project construction and shall establish, in cooperation with the project applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. Excavated finds shall be offered to a State-designated repository.

The implementation of Mitigation Measure MM CUL-7 would reduce the project's contribution to potential impacts to buried unknown paleontological resources. The monitoring will allow examination and curation of significant resources if they are found. The above measure will reduce the project's contribution to potential cumulative impact to buried unknown paleontological resources to less than cumulatively considerable, thus less than cumulatively significant. Thus, the project's impact would be less than significant with the implementation of the above-mentioned measure.

2.3.3 - Human Remains

Potential Significant Impact

The Final EIR identified project-specific impacts that could disturb human remains, including those interred outside of formal cemeteries.

No human remains are known to exist within the project area. However, there is always the possibility that subsurface construction activities associated with the proposed project, such as

trenching and grading, could potentially damage or destroy previously undiscovered human remains. Accordingly, this is a potentially significant impact. However, if human remains are discovered, implementation of mitigation measure (MM CUL-8) would reduce this potential impact to a less than significant level.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM CUL-8 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. This mitigation measure shall be incorporated into all construction contract documentation.

The implementation of Mitigation Measure MM CUL-8 would reduce the project's contribution to potential impacts on human remains to less than cumulatively considerable. The project measure would suspend all ground-disturbing activities, and the County Coroner as well as a Native American descendent, if applicable, would be notified to investigate and provide appropriate treatment of the remains. Thus, the project's impact would be less than significant after the implementation of the above mitigation measure.

2.3.4 - Cultural Resources – Cumulative

Potentially Significant Impact

The Final EIR identified cumulative impacts that could have a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5, 2.3.5, paleontological resource or geologic feature, and human remains.

The geographic scope of the cumulative cultural resources analysis is the City of Wildomar. A modern ranch complex, reportedly postdating 1979 (Keller 2005), was noted in the southeastern corner of the project area during the pedestrian survey; however, no buildings, structures, objects, sites, features, or artifacts more than 50 years old were encountered throughout the course of the fieldwork. Therefore, no significant historical resources are located on the project site. No previously recorded archaeological sites are located within the project boundaries. Additionally, no archaeological resources were encountered during the archaeological field survey. The previous archaeological studies of the project site indicate that the project would have no impact regarding substantial adverse changes in the significance of an archaeological resource. However, it is always possible that unknown archaeological resources, paleontological resources, or human remains could be uncovered during grading.

No resources have been found near the project site, and there is a low probability that such resources will be encountered in the surrounding area. In addition, other future development projects would be required to evaluate potential impacts to cultural resources and comply with state law and incorporate mitigation where necessary. Therefore, the project, in conjunction with other projects, would not result in a cumulatively considerable impact to cultural resources.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

Mitigation Measures MM CUL-1 through MM CUL-8 is required (see Section 2.3.1 through 2.3.3, above)

To ensure that the project has a less than significant impact on previously undiscovered archaeological resources, mitigation is proposed to address the inadvertent discovery of such resources. Together, Mitigation Measures MM CR-1 through MM CR-8 would reduce any potential impacts to unknown historic, archaeological, and paleontological resources, and human remains to less than significant. Therefore, the project, in conjunction with other projects, would not result in a cumulatively considerable impact to cultural resources.

2.4 - Hazards and Hazardous Materials

2.4.1 - Routine Use

Potential Significant Impact

The Final EIR identified project-specific impacts that could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The construction of the proposed residential apartments would not result in the routine use, storage, transport, or disposal of large quantities of hazardous substances. The project could involve the use of some hazardous and flammable substances that would be used during the construction phase. These substances could include vehicle fuels and oils in the operation of heavy equipment for site grading and roadway construction. Construction vehicles onsite may require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. However, the materials used would not be in quantities or stored in a manner that pose a significant hazard to the public. Based on the date of construction of the residential structure onsite (post-1980) and the apparent age of at least some of the construction materials (post-1985), the likelihood of possible asbestos-containing materials (ACMs) used in construction of the structure and/or added later is low. However, while no impacts are anticipated from demolition of the existing residential structure, an inspection should be performed by an accredited building inspector for ACMs prior to any demolition activities. In California, asbestos and lead abatement must be performed and monitored by contractors with appropriate certifications from the State Department of Health Services. In addition, the California Occupational Safety and Health Administration (Cal/OSHA) has regulations concerning the use of hazardous materials, including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA enforces the hazard communication program regulations, which include provisions for identifying and labeling hazardous materials, describing the hazards of chemicals, and documenting employee-training programs. All demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards. Implementation of Mitigation Measure HAZ-1 would reduce potential short-term construction impacts to less than significant.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM HAZ-1 Prior to demolition, an inspection shall be performed by an accredited building inspector for asbestos-containing materials (ACMs). All demolition that could result in the release of lead and/or asbestos must be conducted according to the California Occupational Safety and Health Administration (Cal/OSHA) standards.

The implementation of the above measure would provide a process to reduce the potential hazardous materials impacts from accident conditions to be less than significant through onsite characterization, and if warranted, site remediation.

2.4.2 - Routine Use - Cumulative

Potential Significant Impact

The Final EIR identified cumulative impacts that could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The geographic scope for evaluation of cumulative hazards and hazardous materials impacts is the City of Wildomar. The project area is mostly undeveloped, with the exception of the existing on-site residential structure and garage, with rural land uses in the vicinity. All demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards. Implementation of Mitigation Measure HAZ-1 would reduce potential short-term construction impacts to less than significant. Additionally, implementation of Mitigation Measure HAZ-2 would reduce potential operational impacts to less than significant levels.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

Mitigation Measure MM HAZ-1 is required (see Section 2.4.1, above)

The implementation of the above measure would provide a process to reduce the potential hazardous materials impacts from accident conditions to be less than significant through onsite characterization, and if warranted, site remediation. The project, as well as future development projects, would be required to comply with all applicable federal, state, and local hazardous materials handling and storage requirements. Therefore, the project, in conjunction with other future development projects, would not have a cumulatively considerable impact to hazards and hazardous materials.

2.5 - Hydrology and Water Quality

2.5.1 - Water Quality Standards and Requirements

Potentially Significant Impact

The Final EIR identified project-specific impacts that could violate water quality standards or waste discharge requirements.

Implementation of the project would result in construction activities that could have the potential to contribute to pollutants in off-site surface waters, potentially impacting the water quality of water

within the San Diego RWQCB's jurisdiction. Generally, construction-phase activities could generate pollutants such as increased silts, debris, chemicals, and dissolved solids related to the activities described below:

- Grading – Disruption of surface soils and increased susceptibility to erosion
- Building construction – Use of sealants, glues, wood preservatives, oils, concrete, and the generation of debris related to construction activities
- Painting – Paint fragments and stucco flakes
- Construction equipment and vehicle maintenance – Washing, chemical degreasing

Water quality in jurisdictional areas can be negatively affected by potential surface runoff and sedimentation during construction. The use of petroleum products (e.g., fuels, oils, and lubricants) and erosion of cleared land during construction could potentially contaminate surface water. Decreased water quality may adversely affect vegetation, aquatic animals, and terrestrial wildlife that depend upon these resources. Impacts to water quality would be significant unless mitigated.

Indirect impacts associated with water quality shall be mitigated to below a level of significance through compliance with NPDES requirements, identified in the mitigation below.

Because construction activities could result in increased pollutants to surface water, construction of the project could potentially result in a short-term degradation to surface water quality. Accordingly, prior to the issuance of grading or construction permits, the project applicant will prepare a SWPPP that conforms to the SWRCB NPDES permit. The SWPPP shall identify BMPs to prevent construction related pollutants from reaching stormwater and all products of erosion from moving off-site. Therefore, temporary construction impacts would be considered less than significant.

Long-Term Operational Impacts

Long-term operations of the project would increase the potential of stormwater runoff transporting contaminants from roadway surfaces, parking lots, roofs and other exposed structural and landscape surfaces into the storm drain system. Typical industrial runoff contaminants (e.g., oil, grease, surfactant, heavy metals, trash, solvents, pesticides, nutrients, or fecal coliform bacteria) can be expected within runoff.

According to the WQMP for the project, impacts to the hydrologic regime resulting from the project may include increased runoff volume and velocity; reduced infiltration; increased flow frequency, duration, and peaks; faster time to reach peak flow; and water quality degradation. Under certain circumstances, changes could also result in the reduction in the amount of available sediment for transport; storm flows could fill this sediment-carrying capacity by eroding the downstream channel. These changes have the potential to permanently impact downstream channels and habitat integrity. A change to the hydrologic regime of a project's site would be considered a hydrologic condition of concern if the change would have a significant impact on downstream erosion compared to the predevelopment condition or have significant impacts on stream habitat, alone or as part of a cumulative impact from development in the watershed. However, the project would

meet Condition C of the Riverside County Water Quality Management Plan for urban runoff. Under this condition, the project's runoff flow rate, volume, velocity, and duration for the post-development condition would not exceed the pre-development condition for the 2-year, 24-hour and 10-year 24-hour rainfall events. This condition would be achieved by minimizing impervious area on the site and incorporating other site design features that mimic pre-development conditions.

A series of onsite storm drain systems will be constructed. Catch basins will be fitted with inserts designed to capture larger floatables and debris, as well as providing some filtration of hydrocarbons. Downstream manholes will be fitted with restrictor plates to limit outlet flows to no more than the pre-development condition. Underground storage chambers will be installed to provide additional filtration treatment. The soil characteristics are such that infiltration is too low to be utilized for infiltration so the structures will be founded on porous material containing under drains to direct filtered water to the storm drain system

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM HWQ-1 Prior to the issuance of grading permits for any portion or phase of the project, the developer shall prepare and submit a Preliminary Water Quality Management Plan and a Storm Water Pollution Prevention Plan (SWPPP) to the City of Wildomar for review and approval. (Note: a Draft WQMP, contained in Appendix F, has been submitted to the City for review and will be implemented in its final form once approved.) The WQMP and SWPPP shall contain specific Best Management Practices (BMPs) to limit stormwater pollution from construction and operational sources. These BMPs shall identify a practical sequence for site restoration, implementation, contingency measures, responsible parties, and agency contacts. The developer shall include conditions in construction contracts requiring the plans to be implemented and shall have the ability to enforce the requirement through fines and other penalties. The plans shall incorporate control measures in the following categories:

- Soil stabilization practices
- Dewatering practices (if necessary)
- Sediment and runoff control practices
- Monitoring protocols
- Waste management and disposal control practices

Once approved by the City of Wildomar, contractors working on the site shall be responsible throughout the duration of the project for installing, constructing, inspecting, and maintaining the control measures included in the WQMP and SWPPP.

The WQMP and SWPPP shall identify pollutant sources that could affect the quality of stormwater discharges from the project site. Control practices shall include those that effectively treat target pollutants in stormwater discharges anticipated from project construction sites. To protect receiving water quality, the WQMP and SWPPP shall include but is not limited to the following elements:

- Temporary erosion control measures (such as fiber rolls, staked straw bales, detention basins, temporary inlet protection, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) shall be employed for disturbed areas.
- No disturbed surfaces will be left without erosion control measures in place during the winter and spring months (September 30–March 30).
- Sediment shall be retained onsite by one or more basins, traps, or other appropriate improvements. Of critical importance is the protection of existing catch basins that eventually drain to the Santa Margarita River.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- BMP performance and effectiveness shall be determined either by visual means where applicable (such as observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required to determine adequacy of the measure.
- Native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance.

Implementation of Mitigation Measures HWQ-1 would ensure adequate locations of relocated storm drain inlets and provide a response plan to remediate accidental spills of hazardous materials. Therefore, any potential impact from construction activities to water quality standards would be less than significant.

2.5.2 - Drainage Pattern: Erosion or Siltation

Potential Significant Impact

The Final EIR identified project-specific drainage pattern impacts that could be significant.

Potential impacts resulting from construction, including erosion, are discussed under Impact HWQ-1, and were identified as potentially significant. Implementation of Mitigation Measure HWQ-1 would reduce those impacts to less than significant.

Development of the project would increase runoff from the site by increasing the amount of impervious surfaces and decreasing the pervious surfaces that could allow infiltration of precipitation. Impervious and paved areas for the site include project streets, curbs, sidewalks and gutters, parking areas, driveways and the impervious roofs of each building.

The Hydrology Report for the project demonstrates the project's compliance with Water Quality Management Plan requirements that limit post-development condition flow rates for the 2-year, 24-hour and 10-year, 24-hour development condition. The project meets Condition C of the Riverside County Water Quality Management Plan for urban runoff, as the greater of 2-year, 24-hour or 10-year, 24-hour storm event flows are mitigated on-site and reduced to below or near existing condition prior to release in the or storm drain system. A series of onsite storm drain systems would be constructed.

Catch basins would be fitted with inserts designed to capture larger floatables and debris, as well as providing some filtration of hydrocarbons. Downstream manholes would be fitted with restrictor plates to limit outlet flows to no more than the pre-development condition. Underground storage chambers would be installed to provide additional filtration treatment. The soil characteristics are such that existing infiltration is too low to be utilized for filtration so the structures would be founded on porous material containing under drains to direct filtered water to the storm drain system.

Based on the Preliminary Water Quality Management Plan for the project, there is a large area north of the project that drains into a valley area that carries collected runoff across the northeast corner of the site onto adjacent property to the east. Additionally, there is a natural drainage course in the southeast corner of the site that receives water from the adjacent property to the east, and terminates on the project site in a hydraulic jump. This portion of the site would receive as much as 20 feet of fill and the off-site drainage would require interception and transmission to the natural off-site drainage course that currently accepts these flows. The onsite runoff would be collected in a series of catch basins and transmitted to underground storage facilities on the northwest and southwest ends of the site. Treatment through infiltration would occur in the storage facilities, and then flows would be released to adjacent properties at their pre-developed rates and along the same drainage course as they currently follow (Pacific Coast Land Consultants 2014a). Thus, the project would not result in substantial erosion or siltation on- or off-site.

The project would not result in an increase in water erosion either onsite or off-site. The drainage system includes a number of drainage features, including:

- The site would incorporate a landscaping percentage greater than the minimum required by the City Guidelines.
- All parking spaces would incorporate a two-foot overhang to reduce paving area and increase landscape area. Minimum width meandering walkways would be used to increase the pervious landscape areas.

- BMP Treatment would consist of retention facilities with underdrains. The retention facilities would also be underlain by a rock reservoir to retain double the BMP Design Volume to promote infiltration, since the site is not feasible solely for an infiltration BMP.
- All storm flows would be directed to the retention facilities. First flush flows would be treated in the retention facilities and larger storm events would be intercepted by raised inlets and conveyed in a separate by-pass storm drain. The retention underdrain would connect to the storm drain prior to leaving the site.
- The system would retain the incremental increase of a 2-year storm event, a 10-year storm event, or the BMP design volume, whichever is greater.

As provided in the Water Quality Management Plan, the project would meet Condition C by minimizing impervious area on a site and incorporating other site design features that mimic pre-development conditions. As designed, the project would limit storm event flows, which are mitigated on-site and reduced to below or near existing condition prior to release in the storm drain system. Therefore, the project would have a less than significant impact on the existing drainage pattern.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project:

Mitigation Measure MM HWQ-1 is required (see Section 2.5.1, above)

Implementation of Mitigation Measure HWQ-1 would ensure impacts resulting from construction, including erosion and siltation would be reduced to a level of less than significant.

2.5.3 - Water Quality

Potential Significant Impact

The Final EIR identified project-specific water quality impacts that could be significant.

The project has the potential to degrade local water quality. Development of the project site could introduce a number of urban pollutants into the area, most notably nutrients, oxygen demanding substances, bacteria and viruses, pesticides and metals; also see discussion in HWQ-1. However, Mitigation Measure HWQ-1 requires the applicant to prepare a SWPPP and WQMP that conforms to the SWRCB NPDES permit. The SWPPP shall identify best management practices (BMPs) to prevent construction related pollutants from reaching storm water and all products of erosion from moving

off-site. With implementation of Mitigation Measure HWQ-1, which requires the preparation of the SWPPP and WQMP, impacts to water quality would be less than significant.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project:

Mitigation Measure MM HWQ-1 is required (see Section 2.5.1, above)

Implementation of Mitigation Measures HWQ-1 would ensure adequate locations of relocated storm drain inlets and provide a response plan to remediate accidental spills of hazardous materials. Therefore, with implementation of MM HWQ-1, the potential impact to water quality from accidental spills during construction would be less than significant.

2.5.4 - Hydrology and Water Quality – Cumulative

Potential Significant Impact

The Final EIR identified cumulative hydrology and water quality impacts that could be significant.

The analysis area for evaluation of cumulative impacts to hydrology and water quality includes the Santa Margarita River Watershed. The on-site runoff would be collected in a series of catch basins and transmitted to underground storage facilities on the northwest and southwest ends of the site. Treatment through infiltration would occur in the storage facilities, and flows would be released to adjacent properties at their pre-developed rates and along the same drainage course as they currently follow (Pacific Coast Land Consultants 2014a). Thus, the project would not result in substantial erosion or siltation on- or off-site.

The project meets Condition C of the Riverside County Water Quality Management Plan for urban runoff, as the greater of 2-year, 24-hour or 10-year, 24-hour storm event flows would be mitigated on-site and reduced to below or near existing condition prior to release in the storm drain system. The project would have a less than significant impact to runoff water because post-development conditions would not result in a significant increase in runoff from the project site.

The cumulative effect of runoff from land uses in a region can have significant impacts on surface water quality, with both point- and non-point-source discharges contributing contaminants to surface waters. Development activities associated with the project may impact water quality. Because construction activities could result in increased pollutants to surface water, construction of the project could potentially result in a short-term degradation to surface water quality. Accordingly, prior to the issuance of grading or construction permits, the project applicant will prepare a

Stormwater Pollution Prevention Plan that conforms to the State Water Resources Control Board National Pollutant Discharge Elimination System permit, to ensure that the project will result in a less than significant impact to water quality.

Long-term operations of the project would increase the potential for stormwater runoff to transport contaminants from roadway surfaces, parking lots, roofs and other exposed structural and landscape surfaces into the storm drain system. The project's runoff flow rate, volume, velocity, and duration for the post-development condition would not exceed the pre-development condition for the 2-year, 24-hour and 10-year, 24-hour rainfall events. This condition would be achieved by minimizing impervious area on the site and incorporating other site design features that mimic pre-development conditions. With implementation of Mitigation Measure HWQ-1, water quality impacts from long-term operations of the project would be reduced to a less than significant level.

Other future development projects in the project area would be required to comply with similar permitting requirements and/or implement similar mitigation. Therefore, the project, in conjunction with other future development projects, would not have cumulatively considerable impacts to hydrology and water quality.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project:

Mitigation Measure MM HWQ-1 is required (see Section 2.5.1, above)

Implementation of Mitigation Measures HWQ-1 would ensure impacts resulting from construction, including erosion and siltation, as well as adequacy of locations of relocated storm drain inlets and provide a response plan to remediate accidental spills of hazardous materials. With the implementation of the above mitigation measures, the contribution of project impacts would be reduced to less than cumulatively considerable, thus less than cumulatively significant.

2.6 - Land Use and Planning

2.6.1 - Conflict with Applicable Plans, Policies or Regulations

Potential Significant Impact

The Final EIR identified that Project specific development would conflict with the Elsinore Area Plan of the MSHCP.

The project site is located within the Elsinore Area Plan of the MSHCP, and is subject to the appropriate fees and other provisions of the MSHCP. The project site is not located within any designated cell critical area and is not subject to a HANS process review. The property was reviewed for consistency with the MSHCP by analyzing requirements such as habitat for burrowing owl; protected species associated with riparian/riverine areas; protected species associated with vernal pools and vernal pool guidelines; and protected narrow endemic plant species occurring in the region.

According to the General Biological Resources Assessment, the project site does not contain vernal pools or narrow endemic plant species. Initial surveys for burrowing owl in April of 2013 determined that suitable habitat was present on site and numerous burrows were also located throughout the property. A breeding season survey was conducted to determine the presence/absence of the species and the presence/absence of any owl sign (whitewash, castings, etc.). Surveys were conducted on May 1, June 14, and July 5, 2013, and no owls or owl signs were observed. However, in the event that burrowing owls are later determined to be present on the site, mitigation (see MM BIO-1 and MM BIO-2 in Section 3.4) will be incorporated to ensure that impacts are less than significant.

Based on the General Biological Resources Assessment prepared for the project, the project site is located within the Riverside County Habitat Conservation Plan (HCP) fee area for the Stephen's kangaroo Rat. Development of the project site is subject to a per-acre fee (see MM BIO-6 in Section 3.4). Additionally, the proposed project is subject to payment of MSHCP fees (see MM BIO-5).

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM BIO-1 through MM BIO-6 is required (see Section 2.2.1 through 2.2.3, above)

The implementation of Mitigation Measure BIO-2 either would avoid potential impacts to nesting birds by avoiding construction activities during the avian nesting season of February through August, or if construction activities must occur during the avian nesting season, a qualified biologist would ensure a suitable construction-free buffer area around any active nests are established. In addition, The implementation of Mitigation Measure BIO-1 would avoid potential impacts to burrowing owl by performing pre-construction surveys for the burrowing owl as per CDFW survey protocols no more than 3 days prior to the start of site grading/clearing to verify the presence or absence of the species. In addition, Mitigation Measure BIO-3 through BIO-6 will provide appropriate avoidance, minimization, and mitigation measures to offset impacts to a small upland swale, as well as payment of all applicable development impact fees. Therefore, the project, in conjunction with other projects,

would not result in a cumulatively considerable impact to Biological Resources, resulting in a less than significant impact regarding conflict with an adopted HCP and the County of Riverside MSCHP.

2.7 - Noise

2.7.1 - Noise Levels in Excess of Standards

Potential Significant Impact

The Final EIR identified Project-specific conflict with an applicable standard established in the local general plan and noise ordinance.

Construction Noise Impacts

Noise levels were calculated utilizing the Road Construction Noise Model (RCNM) provided by the FHWA. Unmitigated noise levels could reach a maximum noise level of up to 81.0 L_{eq} and 85.0 dBA L_{max} at 50 feet, which is the closest to the nearest sensitive receptor the loudest piece of equipment (a grader) is likely to be working for any length of time. Noise levels will lower substantially as construction moves away from the property line. For example, a noise level that is 85 dBA at the source can be expected to drop to 79 dBA at a distance of 100 feet from the source and to 73 dBA at a distance of 200 feet from the source. These noise levels could result in annoyance or sleep disturbance of nearby residential receptors unless mitigation is incorporated into the project. According to the Wildomar Municipal Code section 9.48.040, construction is exempt from the requirements of Chapter 9.48 as long as it does not occur between the hours of 6:00 p.m. and 6:00 a.m. during the months of June through September, or between the hours of 6:00 p.m. and 7:00 a.m. during the months of October through May.

On-Site Operational Impacts

Future exterior noise levels at the façade of the first floor of the proposed units located nearest to Prielipp Road would range between 60.3 and 63.8 dBA CNEL and future noise levels at the façade of second story units would range between 63.0 and 66.2 dBA CNEL. Exterior noise levels at units not adjacent to Prielipp Road would not exceed 65 dBA CNEL. Future noise levels at proposed outdoor recreational areas not adjacent to Prielipp Road will also not exceed 65 dBA CNEL.

Precautions for operational noise reduction can be achieved through architectural treatments, and can typically provide a reduction of 15 to 20 dB of exterior to interior noise. Therefore, in order to achieve an exterior and interior reduction of on-site operational noise, architectural treatments would be required to ensure that noise levels do not exceed the state standard for multi-family attached residential units (45 dBA CNEL). Exterior noise levels at the proposed passive and active outdoor use areas will not exceed the standard of 65 dBA CNEL. No mitigation to attenuate outdoor use areas on the project site is required.

The construction of new development should be undertaken only after a detailed analysis of the noise reduction requirements is made, and noise analysis was conducted for the project. The General Plan includes a Noise and Land Use Compatibility Matrix, which is used for planning purposes. This matrix identifies 60 dBA CNEL as acceptable for residential land uses and up to 65 dBA CNEL as conditionally acceptable for residential land uses. The Kunzman noise study suffices to

meet the criteria of preparing a detailed analysis of the noise reduction requirements needed to achieve and interior noise level of 45 dBA CNEL. However, project buildout traffic noise levels would exceed the City's 65 dBA CNEL threshold for exterior noise at the façade of the proposed units located adjacent to Prielipp Road. Without mitigation, interior noise levels are likely to exceed the State of California 45 dBA CNEL interior noise criteria. Enhanced building construction methods and materials to reduce on-site operational noise for this development must be employed to achieve acceptable interior noise levels. Mitigation Measure (MM) NOI-1 for on-site operational noise reduction, below, is required.

Off-site Operational Noise Impacts

Implementation of the project would introduce new stationary noise sources that could impact noise sensitive receptors in the project vicinity.

The Noise Ordinance included in the City of Wildomar Municipal Code provides performance standards and noise control guidelines for determining and mitigating non-transportation or stationary noise source impacts from operations at private properties. Section 9.48.040 of the Municipal Code establishes the exterior noise level criteria for residential properties affected by stationary noise sources. For residential properties, the exterior noise level shall not exceed 55 dBA L_{eq} during daytime hours (7:00 a.m. to 10:00 p.m.) and 45 dBA L_{eq} during the nighttime hours (10:00 p.m. to 7:00 a.m.).

The proposed project will bring new noise sources associated with residential land uses into the area. These sources may include cooling and heating units (HVAC), property maintenance equipment, safety and alarm devices, and motor vehicles. All of these noise sources are exempt from complying with the above noise ordinance between the hours of 7:00 a.m. and 10:00 p.m. The following discussion is intended to explore the potential for these noise sources to violate the part of the ordinance for which they are not exempt.

HVAC noise may impact sensitive receptors located approximately 135 feet east of the property line of the nearest proposed residential building. HVAC units that may affect sensitive receptors are expected to be installed anywhere from 150 feet to 275 feet from the nearest sensitive receptor. Home alarms may be installed as close as 135 feet from the nearest sensitive receptor. A parking area is proposed along the eastern project boundary, approximately 60 feet west of the property line of the nearest sensitive receptor.

Based on research document prepared for Congress (Bearden 2000) an average HVAC unit can be expected to be approximately 60 dBA L_{eq}[1] at a distance of 20 feet. However, noise associated with new residential HVAC have improved over the years as they become more and more efficient. Even assuming an average noise level rating of 60 dBA L_{eq}, as measured at 20 feet would result in maximum noise levels of up to 42.5 dBA L_{eq} as measured at the nearest off-site sensitive receptor. This would be a worst-case scenario that assumes a direct line of sight to the HVAC unit. This is below the City's daytime and nighttime thresholds for stationary operational noise.

[1] David M. Bearden, Environmental Information Analyst, Resources, Science, and Industry Division. 2000. Congressional Research Service, Report for Congress, RS20531, Noise Abatement and Control: An Overview of Federal Standards and Regulations. April 7.

Safety and alarm devices associated with homes and vehicles are not expected to exceed 90 dBA L_{max} at a distance of 50 or 88 dBA L_{max} at the nearest sensitive receptor located along the eastern property boundary. Alarm/security noise events are regulated by OSHA and the National Fire Alarm Association and are exempt from local regulatory agency requirements. In addition, periodic testing of such devised would not be expected to exceed the hourly average L_{eq} daytime or nighttime noise standards presented above as measured at the nearest off-site sensitive land uses.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM NOI-1 The developer shall implement all of the following mitigation measures as needed to achieve on-site operational interior noise levels of 45 dBA CNEL at 1st and 2nd story units proposed adjacent to Prielipp Road:

a. Air conditioning or mechanical ventilation.
b. Double-paned glass.
c. Solid core doors with weather stripping and seals.
d. Stucco or brick veneer exterior walls or wood siding w/one-half inch thick fiberboard under-layer.
e. Glass portions of windows/doors not to exceed 20 percent.
f. Exterior vents facing noise source shall be baffled.

MM NOI-2 The project applicant shall utilize noise attenuating shielding on all sides of the HVAC units in the three easternmost clusters of residential buildings and shall utilize HVAC units that are manufacture rated to not exceed 55 dBA L_{eq} at 50 feet.

Without proper mitigation to regulate operational noise, impacts to sensitive receptors would remain potentially significant. The implementation of mitigation measures MM NOI-1 and MM NOI-2 will reduce the impact of operational noise to these sensitive receptors to less than significant.

2.7.2 - Excessive Groundborne Vibration

Potential Significant Impact

The Final EIR identified Project-specific impacts to sensitive receptors in excess of applicable groundborn vibration standard established in the local general plan and noise ordinance.

The project does not contain any components, such as use of heavy-duty vehicles, that could result in the exposure of people or generation of excessive ground borne vibration or noise levels during project operation.

Construction

During construction, the project would utilize equipment that will create ground borne vibration.

The PPV, which is defined as the maximum instantaneous positive or negative peak of the vibration signal, is the descriptor most utilized in the analysis of vibratory impacts to buildings.

The most vibration-causing piece of equipment that will likely be used on-site is the vibratory roller which would generate 0.21 PPV at a distance of 25 feet (see Table 3.11-3 within the Draft EIR). Because of the proximity of adjacent single-family detached residential dwelling units, project construction activities may result in groundborne vibration that is annoying but would only occur during site grading and preparation activities. Structural damage is not expected to occur at vibration levels that do not exceed 0.2 in/sec PPV (Kunzman, 2014). The nearest existing structure is located approximately 40 feet east of the project site. Use of vibratory roller along the project's eastern boundary may result in vibration levels of up to 0.09 in/sec PPV at this structure. No structural damage is anticipated.

Due to the proximity of adjacent single-family detached residential dwelling units, project construction activities may result in ground borne vibration that is annoying but would only occur during site grading and preparation activities. According to the Noise Impact Assessment prepared for the project (see Appendix G, page 23), structural damage is not expected to occur at vibration levels that do not exceed 0.2 in/sec PPV. The nearest existing structure is located approximately 40 feet east of the project site. Use of a vibratory roller along the project's eastern boundary may result in vibration levels of up to 0.09 in/sec PPV at this structure. No structural damage is anticipated. However, these potential vibration impacts will be reduced through implementation of construction mitigation measures contained in Mitigation Measures NOI-3 through NOI-8, which limit the permissible hours of construction activity to daytime hours. Project construction will not result in any structure damage and impacts are less than significant.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

MM NOI-3 During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and

maintained mufflers, consistent with manufacturer standards. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

MM NOI-4 The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.

MM NOI-5 The use of music or sound amplification on the project site during construction shall be prohibited.

MM NOI-6 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.

MM NOI-7 Avoid the use of pavement breakers and vibratory rollers and packers near sensitive receptors.

MM NOI-8 The construction contractor shall ensure that all on-site noise producing construction activities shall be limited to between the hours of 6:00 a.m. and 6:00 p.m. during the months of June through September or between the hours of 7:00 a.m. and 6:00 p.m. during the months of October through May.

Without proper mitigation to regulate groundborn vibration, impacts to sensitive receptors would remain potentially significant. The implementation of mitigation measures MM NOI-3 through MM NOI-8 will reduce the impact to these sensitive receptors to less than significant.

2.7.3 - Temporary or Periodic Increase in Ambient Noise Levels

Potential Significant Impact

The Final EIR identified Project-specific temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

The noise impact analysis prepared for the proposed project analyzes potential noise impacts from project construction and operations. Project construction activities have the potential to cause short-term noise impacts to the residential uses in the project vicinity. For purposes of this analysis, construction noise impacts shall be considered significant if project-related construction activities would occur anytime other than between the permitted hours of 6:00 a.m. and 6:00 p.m. during the months of June through September, and between the hours of 7:00 a.m. and 6:00 p.m. during the months of October through May.

Construction noise will vary depending on the construction process, type of equipment involved, location of the construction site with respect to sensitive receptors, the schedule proposed to carry out each task (e.g., hours and days of the week), and the duration of the construction work.

As part of project construction, mass grading of the site will be required as well as other site development activities. Construction of internal roadways will require fine grading, trenching, and

paving activities. After site preparation, the project would require the construction of buildings that would require the following phases: site development, building construction, architectural coatings application, and paving associated with the buildings. The first phase of development, site grading, will produce the highest construction noise levels. Several graders, dozers, excavators, scrapers, and pickup trucks will be required for grading.

A drop-off rate of 6 dBA per doubling of distance from the construction noise sources was utilized to calculate noise levels at nearby sensitive receptors associated with a worst-case construction scenario. Noise levels were calculated utilizing the RCNM provided by the FHWA. Unmitigated noise levels could reach a maximum noise level of up to 81.0 L_{eq} and 85.0 dBA L_{max} at 50 feet, which is closest to the nearest sensitive receptor using the loudest piece of equipment (a grader), is likely to be working for any length of time. Therefore, this is a conservative, worst-case scenario estimate.

However, noise levels will lower substantially as construction moves away from the property line. For example, a noise level that is 85 dBA L_{max} at the source can be expected to drop to 79 dBA L_{max} at a distance of 100 feet from the source and to 73 dBA L_{max} at a distance of 200 feet from the source. These intermittent noise levels could result in temporary or periodic increases of more than 5 dBA over existing background ambient noise levels which could also result in annoyance or sleep disturbance of nearby residential receptors unless mitigation is incorporated into the project.

According to the thresholds of significance, substantial permanent increase in ambient noise levels for stationary noise sources is defined as an increase of 5 dBA or greater. Specifically, the City of Wildomar General Plan does not set standards for temporary noise impacts like construction. Chapter 9.48 of the Wildomar Municipal Code includes noise standards in addition to the standards contained in the General Plan, but Municipal Code Section 9.48.010 specifically states that the noise standards contained in that chapter are not thresholds of significance for the purposes of CEQA review. In addition, Wildomar Municipal Code Section 9.48.020(I) states that noise emanating from private construction projects located within one-quarter of a mile from an inhabited dwelling is exempt from the noise ordinance, provided that construction does not occur between the hours of 6:00 p.m. and 6:00 a.m. during the months of June through September and between the hours of 6:00 p.m. and 7:00 a.m. during the months of October through May.

To determine a threshold for construction noise, worker noise safety standards of other agencies were reviewed. The rationale is that if a maximum construction noise level is generally safe for construction workers who are exposed to the noise all day, then the noise level should be also be safe for adjacent residents who are typically farther from the noise source and exposed only briefly during the day. Noise standards from the California Department of Transportation (Caltrans), the American National Standards Institute (ANSI), the American Conference of Governmental Industrial Hygienists (ACGIH), the Federal Railroad Administration (FRA), and the California Department of Industrial Relations (DIR) were reviewed. Their limits are as follows:

Caltrans Standard Specifications Section 14-8

Do not exceed 86 dBA LMax at 50 feet from the job site activities from 9 p.m. to 6 a.m.

The American National Standards Institute

A10.46-2007, Hearing Loss Prevention in Construction and Demolition Workers. Applies to all construction and demolition workers with potential noise exposures (continuous, intermittent, and impulse) of 85 dBA and above.

The American Conference of Governmental Industrial Hygienists

The ACGIH has established exposure guidelines for occupational exposure to noise in its Threshold Limit Values (TLVs) (85 dBA PEL with a 3 dBA exchange rate).

Federal Railroad Administration

49 CFR 227, Occupational Noise Exposure for Railroad Operating Employees. Requires railroads to conduct noise monitoring and implement a hearing conservation program for employees whose exposure to cab noise equals or exceeds an 8-hour time-weighted-average of 85 dBA. This final rule became effective February 26, 2007.

California Department of Industrial Relations

Employers shall make hearing protectors available to all employees exposed to an 8-hour time-weighted average of 85 decibels or greater at no cost to the employees. Hearing protectors shall be replaced as necessary. The DIR also establishes time-based exposure limits to different noise levels; however, their table starts at the 90 dBA level.

The policies and guidelines above suggest 85 dBA is a reasonable threshold of noise exposure for construction workers. It should be noted that this threshold is based on worker protection, which assumes continuous exposure for the worker. Construction activities would be intermittent and temporary, and it is unlikely that a noise-sensitive receptor would be exposed to construction-related noise levels above 85 dBA continuously for the length of the project's construction. For purposes of this EIR, the City has determined that exposure of noise-sensitive receptors to construction noise levels above 85 dBA would result in a potentially significant impact.

As outlined within the Noise Impact Analysis (Page 21), construction noise is exempt from the Noise Ordinance 9.48.040 as long as it does not occur between the hours of 6:00 PM and 6:00 AM during the months of June through September or between the hours of 6:00 PM and 7:00 AM during the months of October through May. Project construction will adhere to these hours of operation as outlined within mitigation measure NOI-8. Project construction noise would further reduced with implementation of construction with the incorporation of mitigation measures NOI-3 through NIO-8. Therefore, adherence to City standards for hours of construction would be required and would reduce construction related impacts. Mitigation Measures NOI-3 through NOI-8 (see Impact NOI-2) will require compliance with restrictions on permissible hours of noise producing construction activity, as well as implementation of construction noise reducing best management practices would reduce construction noise impacts to levels of less than significant.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potential significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final EIR and incorporated into the project:

Mitigation Measure MM NOI-3 and MM NOI-8 is required (see Section 2.7.2, above).

Without proper mitigation to regulate operational noise, impacts to sensitive receptors would remain potentially significant. The implementation of mitigation measures MM NOI-3 and MM NOI-8 will reduce the impact to these sensitive receptors to less than significant.

SECTION 3: SIGNIFICANT AND UNAVOIDABLE EFFECTS

The Final EIR identified project-specific and cumulative impacts to transportation/traffic that cannot be mitigated to less than significant. The City of Wildomar finds, based on the facts set forth in the record, which include but are not limited to the facts as set forth below, those facts contained in the Draft EIR and the Response to Comments, and any other facts set forth in materials prepared by the City of Wildomar and/or City consultants, that there are no feasible mitigation measures, changes, or alterations available to reduce the impacts.

3.1 - Transportation/Traffic

3.1.1 - Transportation Increase

Potentially Significant Impact

The Final EIR identified project-specific significant impacts due to the City not being able to guarantee that proposed improvements to Elizabeth Lane/Clinton Keith Road will be constructed prior to project opening (2015). Because the City cannot be certain that the improvements will occur, the EIR must assume that the improvement may not occur and that the project impacts would remain significant and unavoidable.

Project Trip Distribution and Generation

The project's trip distribution patterns are based on the proximity of the residential units to the proposed driveway locations, the surrounding trip attractors (employment bases, commercial opportunities, schools, recreation centers, etc.), and the regional freeway interchanges. Elizabeth Lane is anticipated to be extended from its current terminus, south of Clinton Keith Road, to Prielipp Road by 2015. Therefore, two distribution patterns for the project have been prepared—one with, and one without—the Elizabeth Lane extension.

Trip generation represents the amount of traffic that is attracted and produced by a development. The trip generation for the project is based upon the specific land use that has been planned for this development, in this case, apartment units. The Traffic Impact Analysis evaluated 180 units, though only 170 units are proposed. Thus, the Traffic Impact Analysis results in a more conservative analysis of the traffic impact of the project, because fewer than 180 units will be constructed with the project. The proposed development is projected to generate a total of approximately 1,197 trip-ends per day with 92 vehicles per hour during the AM peak-hour and 112 vehicles per hour during the PM peak-hour.

Existing plus Project Conditions

For existing plus project traffic conditions, the study area intersections are projected to continue to operate at an acceptable LOS during the peak-hours with existing geometry. The study area intersections are projected to operate at an acceptable LOS (LOS D or better) during the peak-hours.

Cumulative Conditions

Cumulative development projects in the project vicinity are projected to generate a total of approximately 30,845 trip-ends per day with 1,360 vehicles per hour during the AM peak hour and 2,698 vehicles per hour during the PM peak hour.

Cumulative (2015) without Project Conditions

Intersection LOS for the existing and ambient 2015, without the project traffic conditions are projected to operate at acceptable levels of service during the peak-hours in 2015, except at the following location: Elizabeth Lane/Clinton Keith Road without planned improvements.

Cumulative (2015) with Project Conditions

To assess cumulative project traffic conditions, project traffic is combined with existing traffic, area-wide growth and other future developments that are approved or being processed concurrently in the study area. Developments which are being processed concurrently in the study area have been provided by the City staff.

For intersection LOS for the existing and ambient 2015, with the project, traffic conditions, the only deficient intersection is Elizabeth Lane and Clinton Keith Road. However, this condition would persist with, or without the project. Nonetheless, without mitigation, this is a potentially significant impact.

Traffic Signal Warrants

A traffic signal warrant analysis was conducted for the project, using the signal warrant criteria presented in the Federal Highway Administration's Manual on Uniform Traffic Control Devices. Based on the results of the analysis, new traffic signals are not warranted for the existing traffic conditions (Trames Solutions, Inc. 2015). For existing (2013), with project conditions, no traffic signals are warranted. For cumulative (2015) without project conditions, the following unsignalized intersection warrants the installation of a traffic signal: Elizabeth Lane/Clinton Keith Road. For cumulative (2015) with project conditions, there are no new unsignalized intersections that are anticipated to be warranted in addition to the intersection of Elizabeth Lane/Clinton Keith Road.

The traffic analysis for the project contains recommended on-site and off-site improvements that have been incorporated as mitigation measures. Traffic resulting from regional growth will also impact the study area intersections and will cause the intersection of Elizabeth Lane/Clinton Keith Road to operate at an unacceptable level of service without the proposed improvements. The traffic signal improvement is designed to address the proposed project's impacts and consequently reduces delay at the intersection of Elizabeth Lane/Clinton Keith Road caused by the project. Implementation of the proposed improvement reduces the delay at the Elizabeth Lane/Clinton Keith Road intersection to an acceptable LOS C (AM peak period), and LOS D (PM peak period). With implementation of the intersection improvement discussed above, Cumulative 2015 with Project impacts to study area intersections would be less than significant.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(3), "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR."

Specifically, as noted above and explained in greater detail below, the City cannot guarantee the economic feasibility of the improvements due to the fact that substantial portions of funding are the responsibility of other agencies.

Facts in Support of Finding

The short-term significant impact to transportation increase will be reduced by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project. Mitigation Measures MM TRANS-1 and MM TRANS -2 for the Project are proposed:

Off-Site Mitigation

Based on the Traffic Impact Analysis for the project a traffic signal is warranted at the intersection of Elizabeth Lane/Clinton Keith Road prior to project opening (2015). Since the traffic signal is required for cumulative conditions without the project, the project shall be responsible for installing the improvement or contributing a pro-rata share.

MM TRANS-1 Prior to the issuance of a certificate of occupancy for the project, the project applicant shall install or contribute toward the pro-rata share for the installation of a traffic signal at the intersection of Elizabeth Lane and Clinton Keith Road.

On-site Mitigation

MM TRANS-2 Construction of on-site improvements shall occur in conjunction with adjacent project development activity or as needed for project access purposes. Prior to issuance of a certificate of occupancy, the project applicant shall do the following, consistent with Figure 6-1, Circulation Recommendations, in the project Traffic Impact Analysis by Trames Solutions, Inc. (2015) for the project:

- Provide stop sign at the project driveways to control traffic leaving the project site.
- Provide a dedicated eastbound left turn lane at the project's main driveway along Prielipp Road.
- Construct the extension of Elizabeth Lane to its ultimate half-section width as a collector roadway from Prielipp Road to the project's northerly boundary.
- Construct Jana Lane to its ultimate half-section width as a collector roadway from Prielipp Road to the Project's northerly boundary.
- Construct Prielipp Road to its ultimate half-section width as a secondary roadway from Elizabeth Lane to the project's easterly boundary.
- On-site traffic signing and striping shall be incorporated into construction plans for the project.
- Verify that minimum sight distance is provided at the project driveways.

Implementation of mitigation measures MM TRANS-1 and MM TRANS-2 will ensure that the intersection of Elizabeth Lane and Clinton Keith Road continues to operate at an acceptable level of service. However, because the impact to this intersection is cumulative and would exist even without the Project, the City cannot legally require the applicant to bear the full costs of the intersection improvements. Furthermore, the City cannot be certain if and when the other projects contributing to the cumulative impact will be built, which means that the City cannot say with

certainty when the improvements at the intersection of Elizabeth Lane/Clinton Keith Road will be fully funded and built. Without certain funding, the City cannot guarantee that the proposed improvement will be constructed as proposed by MM TRANS-1. Because the City cannot be certain that the improvements will occur, the EIR must assume that the improvement may not occur and that the project impacts would remain. Consequently, the intersection analysis for Cumulative 2015 with Project would result in a significant impact to the intersection of Elizabeth Lane/Clinton Keith Road. While the City will collect fees representing the proportionate share of the proposed project's impact at the intersection identified in MM TRANS-1, for the reasons explained in this section, this impact remains significant and unavoidable.

3.1.2 - Transportation Increase - Cumulative

Potential Significant Impact

The Final EIR identified the Project in conjunction with cumulative development will have a significant impact due to the City not being able to guarantee that proposed improvements to Elizabeth Lane/Clinton Keith Road will be constructed prior to project opening (2015). Because the City cannot be certain that the improvements will occur, the EIR must assume that the improvement may not occur and that the Project, in conjunction with cumulative development, impacts would remain significant and unavoidable.

The geographic scope of the cumulative transportation analysis is the Wildomar area. Cumulative developments are projected to generate a total of approximately 30,845 trip-ends per day with 1,360 vehicles per hour during the AM peak hour, and 2,698 vehicles per hour during the PM peak hour. For Cumulative (2015) without Project conditions, the following unsignalized intersection warrants the installation of a traffic signal: Elizabeth Lane/Clinton Keith Road. For Cumulative (2015) with Project Conditions, there are no new unsignalized intersections that are anticipated to be warranted in addition to the intersection of Elizabeth Lane/Clinton Keith Road.

The traffic analysis for the project contains recommended on-site and off-site improvements that have been incorporated as Mitigation Measures MM TRANS-1 and MM TRANS-2. Traffic resulting from regional growth will also impact the study area intersections and will cause the intersection of Elizabeth Lane/Clinton Keith Road to operate at an unacceptable level of service (LOS) without the proposed improvements. The required improvement is designed to address the proposed project's impacts and consequently reduces delay at the intersection of Elizabeth Lane/Clinton Keith Road caused by the project. Implementation of the proposed improvement reduces the delay at the Elizabeth Lane/Clinton Keith Road intersection to an acceptable LOS C (AM peak period), and LOS D (PM peak period). With implementation of the intersection improvement discussed above, Cumulative 2015 with Project impacts to study area intersections would be less than significant.

However, the City cannot be certain that the other projects will be built, and that others will pay to address their impacts at the intersection of Elizabeth Lane/Clinton Keith Road. Without certain funding, the City cannot guarantee that the proposed improvement will be constructed as proposed by MM TRANS-1. Because the City cannot be certain that the improvements will occur, the EIR must assume that the improvement may not occur and that the project impacts would remain, that is, the intersection analysis for Cumulative 2015 with Project would result in a significant impact to the

intersection of Elizabeth Lane/Clinton Keith Road. While the City will collect fees representing the proportionate share of the proposed project's impact at the intersection identified in MM TRANS-1, for the reasons explained in this section, this impact remains cumulatively significant and unavoidable to transportation and traffic.

Pursuant to CEQA Guidelines Section 15091 (a)(3), "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR."

Facts in Support of Finding

The short-term significant impact to transportation increase will be reduced by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project. Mitigation Measures MM TRANS-1 and MM TRANS -2 for the Project are proposed:

MM TRANS-1 and MM TRANS-2 are required (see Section 3.1.1, above)

The City cannot be certain that the other projects will be built, and that others will pay to address their impacts at the intersection of Elizabeth Lane/Clinton Keith Road. Without certain funding, the City cannot guarantee that the proposed improvement will be constructed as proposed by MM TRANS-1. Because the City cannot be certain that the improvements will occur, the EIR must assume that the improvement may not occur and that the project impacts would remain, that is, the intersection analysis for Cumulative 2015 with Project would result in a significant impact to the intersection of Elizabeth Lane/Clinton Keith Road. While the City will collect fees representing the proportionate share of the proposed project's impact at the intersection identified in MM TRANS-1, for the reasons explained in this section, this impact remains cumulatively significant and unavoidable to transportation and traffic.

SECTION 4: FEASIBILITY OF PROJECT ALTERNATIVES

CEQA requires that an EIR include an analysis of a reasonable range of feasible alternatives to a proposed project capable of avoiding or substantially lessening any significant adverse environmental impact associated with the project. The discussion of alternatives is required to include the "No Project" Alternative. CEQA requires further that the City of Wildomar identify an environmentally superior alternative. If the "No Project" alternative is the environmentally superior alternative, an environmentally superior alternative must be identified from among the other alternatives. (CEQA Guidelines, section 15126.6.)

As set forth in these Findings, implementation of the Project will result in significant impact to the intersection of Elizabeth Lane/Clinton Keith Road that is considered unavoidable.

The following Alternative was considered but rejected from further analysis in the EIR for failing to meet most of the basic project objectives and/or avoiding significant impacts or causing new significant impacts (Draft EIR pp. 6-3 to 6-9). The City Council finds the alternative was properly rejected from further analysis in the EIR and rejects the alternative for failing to meet any or all of the project objectives as provided below:

Alternative Project Site: The use of an alternative project site was not considered feasible, because no other sites are owned or controlled by the project proponent. No other sites were identified that would support the project and meet the project objectives based on size, configuration, location, and proximity to existing infrastructure. Furthermore, the use of an alternative site would be expected to result in the same or similar environmental impacts as the project, which can all be reduced to less than significant with mitigation. Accordingly, an alternative site alternative was rejected from further consideration.

Following are the alternatives to the project that were considered and evaluated.

4.1 - Alternative 1: No Project Alternative

CEQA Guidelines Section 15126.6(e) requires the discussion and evaluation of a No Project Alternative. The No Project Alternative provides a comparison between the environmental impacts of the project in contrast to the environmental impacts that could result from not approving, or denying, the project. Under the No Project Alternative, the site would remain in its existing condition, and no development would occur.

4.1.1 - Aesthetics, Light, and Glare

The EIR concluded that aesthetics and light and glare impacts would be less than significant. The No Project Alternative would allow the site to remain in its current condition. Therefore, the No Project Alternative would have reduced impacts on aesthetics, light, and glare compared with the project, although impacts under the project would also be less than significant.

4.1.2 - Agricultural Resources and Forestry Resources

Under the No Project Alternative, the site would remain in its present condition, and there would be no impacts related to agricultural or forestry resources. The Draft EIR determined that the project would have a potentially significant impact on agricultural resources, and no impacts to forestry resources. Therefore, impacts in these areas under the No Project Alternative would have reduced impacts on agricultural resources compared with the proposed project, and the same impacts to forestry resources as would occur under the proposed project.

4.1.3 - Air Quality

The No Project Alternative would result in no development on the site, so there would be no air quality impacts from construction or operational emissions. The project would result in a less than significant air quality impact, as discussed in Section 3.3, Air Quality. These less than significant project impacts would be further reduced and avoided under the No Project Alternative.

4.1.4 - Biological Resources

The No Project Alternative would leave the site in its present condition and no development would occur. Impacts from the project to biological resources were found to be less than significant with mitigation, and the Draft EIR concluded that the project would not have significant impacts on biological resources. Therefore, the No Project Alternative would have reduced impacts on biological resources compared with the project, although impacts under the project would also be less than significant with mitigation.

4.1.5 - Cultural Resources

The No Project Alternative would leave the site in its present condition, and no grading or ground disturbance would occur. The Draft EIR concluded that the project would not have significant impacts to cultural resources, with incorporation of mitigation. Therefore, the No Project Alternative would have reduced impacts on cultural resources compared with the project, although impacts under the project would also be less than significant with mitigation.

4.1.6 - Geology Soils, and Seismicity

Under the No Project Alternative, the site would remain in its present condition, and there would be no potential impacts to future structures from geotechnical hazards. The Draft EIR determined that all potential impacts related to geology soil caused by implementation of the project would be reduced to less than significant levels through the implementation of mitigation. Therefore, the No Project Alternative would have reduced impacts related to geology and soils compared with the project, although impacts under the project would also be less than significant with mitigation.

4.1.7 - Hazards and Hazardous Materials

Under the No Project Alternative, the site would remain in its present condition, and there would be no increased impacts from hazards or hazardous materials associated with construction or new land uses. Implementation of the project would have potential impacts related to lead/asbestos remediation and discovery of soil contamination. However, these potential impacts will be reduced

to less than significant levels through implementation of the recommended mitigation measures. Therefore, the No Project Alternative would have reduced impacts related to hazards and hazardous materials compared with the project, although impacts under the project would be less than significant with mitigation.

4.1.8 - Hydrology and Water Quality

Under the No Project Alternative, the site would remain in its present condition, and there would be no potential impacts to existing drainages or water quality. Therefore, the No Project Alternative would have reduced impacts related to hydrology and water quality compared with the project, although impacts under the project would be less than significant with mitigation.

4.1.9 - Land Use and Planning

The site would remain in its present condition under the No Project Alternative, and there would be no need for a General Plan Amendment from Medium High Density Residential (MHDR) to Very High Density Residential (VHDR), or a change of zone from Industrial Park (IP) to General Residential (VHDR) to accommodate the proposed project. The Draft EIR concluded that the project would not result in significant land use and planning impacts, and no mitigation is required.

Therefore, the No Project Alternative would have reduced impacts related to land use and planning compared with the project, although impacts under the project would be less than significant without mitigation.

4.1.10 - Mineral Resources

Mineral resources impacts relate to loss of mineral resources, incompatible land uses and hazards related to quarries/mines. The site would remain undisturbed and in its present condition under the No Project Alternative, so no impacts to mineral resources would occur. The City of Wildomar General Plan shows the project site as being located within an area designated by the State as MRZ-3 (areas containing mineral deposits, the significance of which cannot be evaluated from available data). The project site would not be a feasible candidate for mining operations because of the incompatible land uses in the vicinity. Therefore, although the project site is designated by the State as an area containing mineral deposits, the significance of these resources is unknown at this time and the site is considered unsuitable for mining. Thus, impacts from the proposed project to known mineral resources of value to the region or State would be less than significant. The No Project Alternative would have less than significant impacts on mineral resources similar to the project.

4.1.11 - Noise

The site would remain in its present condition under the No Project Alternative, and no construction noise or operational noise would occur. The Draft EIR concluded that with implementation of mitigation measures, the project would have less than significant impacts regarding noise. Therefore, the No Project Alternative would have reduced impacts related to noise compared with the project, although impacts under the project would be less than significant without mitigation.

4.1.12 - Population and Housing

The No Project Alternative would leave the site in its present condition and therefore would not result in increased population, housing, or employment. The Draft EIR concluded that the project would have a less than significant impact regarding population and housing. The No Project Alternative would have a lesser impact than the proposed project because no additional housing units or persons would be added to the site, as would occur under the proposed project.

4.1.13 - Public Services

The No Project Alternative would not involve any new development, and would therefore not result in an increased need for police, fire, schools, or public services. Therefore, this alternative would have fewer impacts than the project, which will necessarily result in the need for certain public services. However, the Draft EIR determined that with the required payment of development impact fees for public services, the project would not result in significant impacts to public services. Therefore, the No Project Alternative would have reduced impacts on public services compared with the project, although impacts under the project would also be less than significant.

4.1.14 - Recreation

The No Project Alternative would not involve any new residential development, and would therefore not result in an increased need for recreation/park services. Therefore, this alternative would have fewer impacts compared with the project. However, the Draft EIR determined that the project would also not produce significant impacts to recreation facilities, without the need for mitigation. Therefore, the No Project Alternative would have similar, although slightly reduced, impacts on recreation facilities compared with the project, which would also be less than significant.

4.1.15 - Transportation and Traffic

The No Project Alternative would allow the site to remain in its present condition, resulting in no added traffic impacts on local roads and the I-15 Freeway. The Draft EIR determined that the transportation impacts of the project could be reduced to less than significant levels with implementation of recommended mitigation measures. In addition, there would be a less than significant cumulative traffic impact from the proposed project, because under the Existing + Ambient + Cumulative + Project (2015) traffic conditions, there are no new intersections anticipated to operate at an unacceptable levels of service in addition to the deficient location (Elizabeth Lane (NS)/Clinton Keith Road (EW)) identified under Existing + Ambient + Cumulative (2015) traffic conditions. However, the City cannot be certain that the other projects shown in Table 3.15-6 will be built and that others will pay to address their impacts at the intersection of Elizabeth Lane/Clinton Keith Road. Without certain funding, the City cannot guarantee that the proposed improvement will be constructed as proposed by MM TRANS-1. Because the City cannot be certain that the improvements will occur, the EIR must assume that the improvement may not occur and that the project impacts would remain as shown in Table 3.15-8. As shown in Table 3.15-8, the intersection analysis for Cumulative 2015 with Project would result in a significant impact to the intersection of Elizabeth Lane/Clinton Keith Road. While the City will collect fees representing the proportionate share of the proposed project's impact at the intersection identified in MM TRANS-1, for the reasons explained in this section, this impact remains significant and unavoidable. The No Project

Alternative would avoid the significant traffic impacts that would occur under the proposed project. Therefore, this alternative would not have significate traffic impacts.

4.1.16 - Utilities and Service Systems

Under the No Project Alternative, the site would remain in its present condition and there would be no potential impacts to existing or planned utility systems (i.e., no increase in the consumption of water or energy resources, or the additional production of wastewater or solid waste). With construction of planned improvements and payment of established development impact fees, the project is also not expected to produce any significant impacts on these systems. Therefore, the No Project Alternative would have reduced impacts on utilities and service systems compared with the project, although impacts under the project would also be less than significant.

4.1.17 - Greenhouse Gases

Under the No Project Alternative, no new development on the site would occur, and there would be no greenhouse gas impacts from construction or operations on the site. The project would result in a less than significant greenhouse gas emissions impact, as discussed in Section 3.17, Greenhouse Gases. The less than significant project impacts would be further reduced or avoided under the No Project Alternative.

4.1.18 - Conclusion for No Project Alternative

The No Project Alternative would further reduce and/or avoid all of the potential impacts that would occur under the proposed project, which are all less than significant or can be mitigated to less than significant. In addition, without any development on the site, while a cumulative impact to the intersection of Elizabeth Lane/Clinton Keith Road would remain, the No Project alternative would not represent a considerable contribution to that cumulative impact. However, the No Project Alternative would not achieve any of the project objectives.

4.2 - Alternative 2: Reduced Density Alternative

Impacts from the project are compared with the Reduced Density Alternative for each of the 17 topical issue areas discussed in the EIR in the sections that follow.

4.2.1 - Aesthetics, Light, and Glare

The EIR concluded that the proposed project's aesthetics and light and glare impacts would be less than significant. Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as the proposed project. The Reduced Density Alternative would require less parking than the proposed project, and some of the parking area would instead be dedicated to additional landscaped/open space area. Therefore, the Reduced Density Alternative would have roughly equal impacts on aesthetics, light, and glare compared with the project, which would be less than significant.

4.2.2 - Agricultural Resources and Forestry Resources

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. Under this alternative, there would be potentially significant impacts related to agricultural resources and no impact to forestry resources. Likewise, the Draft EIR determined that the project would have potentially significant impacts related to agricultural resources, and potentially significant impacts related to forestry resources. Therefore, impacts in these areas under the Reduced Density Alternative would be the same as what would occur under the proposed project.

4.2.3 - Air Quality

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. Construction emissions would be similar to the proposed project, as the grading, earthwork, and construction activities would be roughly the same. However, the Reduced Density Alternative would have reduced air quality emissions compared with the proposed project, due to fewer daily vehicle trips associated with the reduced number of dwelling units. Therefore, the Reduced Density Alternative would have a slightly lesser impact on air quality compared with the project, due to the anticipated reduced operational emissions. The project would result in a less than significant air quality impact, as discussed in Section 3.3, Air Quality.

4.2.4 - Biological Resources

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. Grading, earthwork, and construction activities would also be similar to the proposed project. The Reduced Density Alternative would require less parking than the proposed project, and some of the parking area would instead be dedicated to additional landscaped/open space area. However, no sensitive habitat was found to exist on the project site. Impacts from the project to biological resources were found to be less than significant with mitigation, and the Draft EIR concluded that the project would not have significant impacts on biological resources. Therefore, the Reduced Density Alternative would have roughly equal impacts on biological resources compared with the project, which are less than significant with mitigation.

4.2.5 - Cultural Resources

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. The Reduced Density Alternative would result in an amount of grading and ground disturbance similar would occur under the project. The Draft EIR concluded that the project would not have significant impacts to cultural resources, with mitigation. Similar mitigation measures would likely be incorporated under the Reduced Density Alternative; therefore, this alternative would result in roughly equal impacts to cultural resources.

4.2.6 - Geology, Soils, and Seismicity

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. Similar grading, earthwork, and construction activities would occur under the Reduced Density Alternative. While the Draft EIR determined that implementation of the project would have various geotechnical impacts, they would be reduced to less than significant levels through compliance with the California Building Code and the implementation of recommended mitigation measures. Therefore, impacts related to geology and soils under both the Reduced Density Alternative and the project would be roughly equal and less than significant.

4.2.7 - Hazards and Hazardous Materials

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. Implementation of the project would have potential impacts related to lead/asbestos remediation and potential discovery of soil contamination. However, these potential impacts will be reduced to less than significant levels through implementation of the recommended mitigation measures, and similar mitigation would be implemented for the Reduced Density Alternative. Therefore, the Reduced Density Alternative would have impacts related to hazards and hazardous materials similar to the project.

4.2.8 - Hydrology and Water Quality

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as the proposed project. The Reduced Density Alternative is anticipated to have reduced hydrology and water quality impacts compared with the project, because this alternative would reduce the size of the impervious parking area on-site, due to the reduced number of dwelling units. As such, storm drainage runoff would be reduced compared with the proposed project, due to a greater percentage of landscaped area that would be provided under this alternative. The project was found to result in less than significant impacts to hydrology and water quality, with mitigation. These impacts would be further reduced under the Reduced Density Alternative, due to the reduced amount of impervious parking surfaces and greater amount of landscaped/open space areas.

4.2.9 - Land Use and Planning

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain the same as under the proposed project. A General Plan Amendment and change of zone would still be required to develop the Reduced Density Alternative, similar to the proposed project. The proposed project was found to have a less than significant impact to land use and planning, with no mitigation required. Therefore, impacts under this alternative would be roughly equal to the proposed project.

4.2.10 - Mineral Resources

Mineral resources impacts relate to loss of mineral resources, incompatible land uses and hazards related to quarries/mines. Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as the proposed project. Mineral resources impacts relate to loss of mineral resources, incompatible land uses and hazards related to quarries/mines. The City of Wildomar General Plan shows the project site as being located within an area designated by the State as MRZ-3 (areas containing mineral deposits, the significance of which cannot be evaluated from available data). The project site would not be a feasible candidate for mining operations because of the incompatible land uses in the vicinity. Therefore, although the project site is designated by the State as an area containing mineral deposits, the significance of these resources is unknown at this time and the site is considered unsuitable for mining. Thus, the Reduced Density Alternative would have roughly equal impacts to known mineral resources of value to the region or state compared with the proposed project, which would be less than significant.

4.2.11 - Noise

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. The Reduced Density Alternative would involve similar construction and earthwork requirements, and would result in the same levels of temporary construction noise as would occur under the project, which was determined to be less than significant with mitigation. This alternative would result in less operational and traffic noise, due to fewer daily vehicle trips associated with the reduced number of dwelling units. All noise impacts under the project were found to be less than significant with mitigation, and the project was not found to contribute to long-term traffic noise increases. However, traffic noise and operational noise impacts under the Reduced Density Alternative would be slightly reduced compared with the proposed project.

4.2.12 - Population and Housing

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. The Reduced Density Alternative would result in a reduced population compared with the proposed project, due to the reduced number of dwelling units under this alternative. The Draft EIR concluded that the project would have a less than significant impact regarding population and housing. The Reduced Density Alternative would have a similar but slightly reduced impact to population and housing in the City of Wildomar than would occur under the proposed project.

4.2.13 - Public Services

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain the same as under the proposed project. This alternative would have reduced impacts regarding public services compared with the proposed project, because the reduced number of dwelling units and persons under this alternative would have a reduced demand on police, fire, schools, and public services. However, the Draft EIR determined that with the required payment of development impact fees for public services, the

project would not result in significant impacts to public services. Therefore, the Reduced Density Alternative would have reduced impacts on public services compared with the project, although impacts under the project would also be less than significant.

4.2.14 - Recreation

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. The project was found to result in less than significant impacts to recreational facilities, without the need for mitigation. The Reduced Density Alternative would introduce fewer new residents to the project area than would occur under the proposed project, and may provide more open space than the proposed project, due to the reduced parking requirements. Therefore, this alternative would result in somewhat lesser impacts compared with the project, although impacts under the project would also be less than significant.

4.2.15 - Transportation and Traffic

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. The Reduced Density Alternative would result in fewer transportation and traffic impacts because it would result in 20% fewer dwelling units, and as such fewer daily vehicle trips would be generated by this alternative, compared with the proposed project. Therefore, the Reduced Density Alternative would have reduced impacts to transportation and traffic compared with the project. However, the Alternatives impacts to the intersection of Elizabeth Lane/Clinton Keith Road would remain significant and unavoidable for cumulative 2015 conditions, similar to the proposed project.

4.2.16 - Utilities and Service Systems

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations and lot coverage would remain roughly the same as under the proposed project. Because fewer dwelling units are proposed, it is anticipated that this alternative would have incrementally reduced impacts to existing or planned utility systems (i.e., a lesser increase in the consumption of water or energy resources, or the additional production of wastewater or solid waste, compared with the proposed project). With construction of planned improvements and payment of established development impact fees, the project is also not expected to produce any significant impacts on these systems. Therefore, the Reduced Density Alternative would have reduced impacts on utilities and service systems compared with the project, although impacts under the project would also be less than significant.

4.2.17 - Greenhouse Gases

Under the Reduced Density Alternative, fewer but larger dwelling units are proposed, and the building configurations, lot coverage, and construction emissions would remain roughly the same as the proposed project. The Reduced Density Alternative is anticipated to have reduced operational greenhouse gas emissions compared with the proposed project, due to fewer daily vehicle trips associated with the reduced number of dwelling units. The project would result in a less than significant greenhouse gas impact, as discussed in Section 3.17, Greenhouse Gases. The Reduced

Density Alternative would have a slightly lesser impact on greenhouse gases compared with the project, due to the anticipated reduced operational emissions.

4.2.18 - Conclusion for the Reduced Density Alternative

The Reduced Density Alternative would result in equal or slightly reduced impacts compared with the project in all areas. However, the Alternatives impacts to the intersection of Elizabeth Lane/Clinton Keith Road would remain significant and unavoidable for cumulative 2015 conditions, similar to the proposed project. The Reduced Density Alternative would meet the project objectives, but to a lesser degree than the project. Specifically, the Reduced Density Alternative would not fully meet Objective 4, which is to develop a very high-density residential development. In addition, Objectives 1, 3, and 5 would not be as fully met, thereby providing fewer housing opportunities to Wildomar residents, and a corresponding reduction in economic return on the investment in the project, due to the removal of 34 dwelling units.

4.3 - Alternative 3: Reduced Size Alternative

Impacts from the project are compared with the Reduced Size Alternative for each of the 17 topical issue areas discussed in the EIR in the sections that follow.

4.3.1 - Aesthetics, Light, and Glare

The EIR concluded that aesthetics and light and glare impacts would be less than significant under the proposed project. Under the Reduced Size Alternative, the same number of dwelling units would be contained in fewer buildings, resulting in less lot coverage compared with the proposed project. The Reduced Size Alternative would allow development on the project site, but in a design that would result in taller, buildings being developed than would occur under the proposed project. Greater aesthetic and view impacts would be anticipated under this scenario because of the increased building heights of 4 to 5 stories. Therefore, the Reduced Size Alternative would have greater aesthetic impacts compared with the project.

4.3.2 - Agricultural Resources and Forestry Resources

Under the Reduced Size Alternative, the same number of dwelling units would be contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. The Draft EIR determined that the project would have potentially significant impacts on agricultural resources, and no impacts to forestry resources. Therefore, impacts in these areas under the Reduced Size Alternative would be the same as what would occur under the proposed project.

4.3.3 - Air Quality

Under the Reduced Size Alternative, the same number of dwelling units would be constructed in fewer buildings, resulting in less lot coverage but taller buildings compared with the proposed project. The project would result in a less than significant air quality impact, as discussed in Section 3.3, Air Quality. The Reduced Size Alternative is anticipated to have similar construction and operational air quality emissions compared with the proposed project, because the same number of dwelling units would be developed.

4.3.4 - Biological Resources

Under the Reduced Size Alternative, the same number of dwelling units would be constructed in fewer, taller buildings, resulting in less lot coverage than would occur under the proposed project. Some of this lot area would instead be dedicated to additional landscaped/open space area. However, no sensitive habitat was found to exist on the project site. Impacts from the project to biological resources were found to be less than significant with mitigation, and the Draft EIR concluded that the project would not have significant impacts on biological resources. Therefore, the Reduced Size Alternative would have roughly equal impacts on biological resources compared with the project, which are less than significant with mitigation.

4.3.5 - Cultural Resources

Under the Reduced Size Alternative, the same number of dwelling units would be constructed in fewer, taller buildings, resulting in less lot coverage than would occur under the proposed project. Some of this lot area would instead be dedicated to additional landscaped/open space area. However, the Reduced Density Alternative would still result in a similar amount of grading and ground disturbance as would occur under the project. The Draft EIR concluded that the project would not have significant impacts to cultural resources, with mitigation. Similar mitigation measures would likely be incorporated under the Reduced Size Alternative; therefore, this alternative would result in roughly equal impacts to cultural resources as would occur under the proposed project.

4.3.6 - Geology, Soils, and Seismicity

Under the Reduced Size Alternative, the same number of dwelling units would be constructed in fewer, taller buildings, resulting in less lot coverage than would occur under the proposed project. Some of this lot area would instead be dedicated to additional landscaped/open space area. Similar grading, earthwork, and construction activities would occur under the Reduced Size Alternative. While the Draft EIR determined that implementation of the project would have various geotechnical impacts, they would be reduced to less than significant levels through compliance with the California Building Code and the implementation of recommended mitigation measures. Therefore, impacts related to geology and soils under both the Reduced Size Alternative and the project would be roughly equal and less than significant.

4.3.7 - Hazards and Hazardous Materials

Under the Reduced Size Alternative, the same number of dwelling units are contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. Implementation of the project would have potential impacts related to lead/asbestos remediation and potential discovery of soil contamination. However, these potential impacts will be reduced to less than significant levels through implementation of the recommended mitigation measures, and similar mitigation would be implemented for the Reduced Size Alternative. Therefore, the Reduced Size Alternative would have similar impacts related to hazards and hazardous materials compared with the project.

4.3.8 - Hydrology and Water Quality

Under the Reduced Size Alternative, the same number of dwelling units are contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. The Reduced Size Alternative is anticipated to have reduced hydrology and water quality impacts compared with the project, because this alternative would reduce the amount of impervious surfaces on the project site, due to the reduced lot coverage. As such, storm drainage runoff would be reduced compared with the proposed project, due to a greater percentage of landscaped area and open space areas that would be provided under this alternative. The project was found to result in less than significant impacts to hydrology and water quality, with mitigation. These impacts would be further reduced under the Reduced Size Alternative, due to the reduced amount of impervious parking surfaces and greater amount of landscaped/open space areas.

4.3.9 - Land Use and Planning

Under the Reduced Size Alternative, the same number of dwelling units are contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. A General Plan Amendment and change of zone would still be required to develop the Reduced Size Alternative, similar to the proposed project. The proposed project was found to have a less than significant impact to land use and planning, with no mitigation required. Therefore, impacts under this alternative would be roughly equal to the proposed project.

4.3.10 - Mineral Resources

Mineral resources impacts relate to loss of mineral resources, incompatible land uses and hazards related to quarries/mines. Under the Reduced Size Alternative, the same number of dwelling units would be contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. Mineral resources impacts relate to loss of mineral resources, incompatible land uses and hazards related to quarries/mines. The City of Wildomar General Plan shows the project site as being located within an area designated by the State as MRZ-3 (areas containing mineral deposits, the significance of which cannot be evaluated from available data). The project site would not be a feasible candidate for mining operations because of the incompatible land uses in the vicinity. Therefore, although the project site is designated by the State as an area containing mineral deposits, the significance of these resources are unknown at this time and the site is considered unsuitable for mining. Thus, impacts from the proposed project to known mineral resources of value to the region or state would be less than significant. The Reduced Size Alternative would have less than significant impacts on mineral resources similar to those of the project.

4.3.11 - Noise

The Reduced Size Alternative would involve similar construction and earthwork requirements, and would result in the same levels of temporary construction noise as would occur under the project, which was determined to be less than significant with mitigation. This alternative would also result in similar operational and traffic noise, because the number of dwelling units and corresponding vehicle trips would be the same as would occur under the project. All noise impacts under the project were found to be less than significant with mitigation, and the project was not found to

contribute to long-term traffic noise increases. The Reduced Size Alternative would result in roughly equal noise impacts compared with the proposed project.

4.3.12 - Population and Housing

Under the Reduced Size Alternative, the same number of dwelling units would be contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. The Reduced Size Alternative would result in the same anticipated number of new residents as the proposed project. The Draft EIR concluded that the project would have a less than significant impact regarding population and housing. As such, the Reduced Size Alternative would have a similar less than significant impact than the proposed project regarding impacts to population and housing in the City of Wildomar.

4.3.13 - Public Services

Under the Reduced Size Alternative, the same number of dwelling units would be contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. This alternative is anticipated to have the same impacts regarding public services because the number of dwelling units and persons under this alternative would be the same. As such, this alternative will have a similar demand on police, fire, schools, and public services as the proposed project, which were all found to be less than significant.

4.3.14 - Recreation

Under the Reduced Size Alternative the same number of dwelling units are contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. The project was found to result in less than significant impacts to recreational facilities, without the need for mitigation. The Reduced Size Alternative would introduce the same number of new residents to the project area as would occur under the proposed project, but may provide more open space than the proposed project, due to the reduced lot coverage. Therefore, this alternative may result in somewhat lesser impacts compared with the project, although impacts under the project would also be less than significant.

4.3.15 - Transportation and Traffic

Under the Reduced Size Alternative, the same number of dwelling units are contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. Therefore, the Reduced Size Alternative would have similar impacts to transportation and traffic compared with the project, which would also be significant and unavoidable.

4.3.16 - Utilities and Service Systems

Under the Reduced Size Alternative, the same number of dwelling units are contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. Thus, it is anticipated than this alternative would have the same potential impacts to existing or planned utility systems (i.e., increase in the consumption of water or energy resources or the additional production of wastewater or solid waste). With construction of planned improvements and payment of

established development impact fees, the project is not expected to produce any significant impacts on these systems. Therefore, the Reduced Size Alternative would have similar impacts on utilities and service systems compared with the project, which would also be less than significant.

4.3.17 - Greenhouse Gases

Under the Reduced Size Alternative, the same number of dwelling units are contained in fewer, taller buildings, resulting in less lot coverage compared with the proposed project. The project would result in a less than significant greenhouse gas impact, as discussed in Section 3.17, Greenhouse Gases. The Reduced Size Alternative is anticipated to have greenhouse gas emissions roughly equal to the proposed project, because the same number of dwelling units would be developed under this alternative.

4.3.18 - Conclusion for Reduced Size Alternative

The Reduced Size Alternative would result in equal or slightly reduced impacts compared with the project in all areas. However, the Alternatives impacts to the intersection of Elizabeth Lane/Clinton Keith Road would remain significant and unavoidable for cumulative 2015 conditions, similar to the proposed project. This alternative would meet the project objectives, but to a lesser degree than the proposed project. Specifically, because the same number of dwelling units would be contained in fewer, taller buildings, building heights of 4 to 5 stories under this Alternative would not meet Objective 4, which is to provide a residential development that is in keeping with the character of adjacent residences the south and east of the project site.

4.4 - Environmentally Superior Alternative

Section 15126(e)(2) of the CEQA Guidelines requires an EIR to identify an “environmentally superior alternative.” If the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. Based on the evaluation in Section 5 of the Draft EIR, the No Project Alternative would avoid all environmental impacts without the need for mitigation measures that would be required under the project. The No Project Alternative would also avoid impacts to the intersection of Elizabeth Lane/Clinton Keith Road, which is determined to be significant and unavoidable for Cumulative 2015 with Project. Of the remaining alternatives, Alternative 2, the Reduced Density Alternative, would be the Environmentally Superior Alternative. The Reduced Density Alternative would result in equal or slightly reduced impacts compared with the project in all areas. However, the Alternatives impacts to the intersection of Elizabeth Lane/Clinton Keith Road would remain significant and unavoidable for cumulative 2015 conditions, similar to the proposed project. The Reduced Density Alternative would meet the project objectives, but to a lesser degree than the project. Specifically, the Reduced Density Alternative would not fully meet Objective 4, which is to develop a very high-density residential development. In addition, Objectives 1, 3, and 5 would not be as fully met, thereby providing fewer housing opportunities to Wildomar residents, and a corresponding reduction in economic return on the investment in the project, due to the removal of 34 dwelling units.

SECTION 5: STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. The City of Wildomar proposes to approve the Villa Siena Residential Project, although significant and unavoidable adverse short-term traffic/transportation impacts have been identified in the Final EIR. Specifically, the significant and unavoidable project related impact is associated with intersection of Elizabeth Lane/Clinton Keith Road. As set forth above, the alternatives which were identified in the Final EIR would not meet either in part or in whole to the same extent as the proposed project, the project objectives, each and all of which are deemed and considered by the City of Wildomar City Council to be benefits of the project, as summarized below:

- **OBJ-1:** Provide housing for a growing population in a portion of the City of Wildomar where existing infrastructure is already in place.
- **OBJ-2:** Create an aesthetically pleasing living environment on the Project site.
- **OBJ-3:** Establish a viable, long-term and economically feasible use of the Project site.
- **OBJ-4:** Develop a very high-density residential development that is in keeping with the character of adjacent residences the south and east of the project site.
- **OBJ-5:** Provide a range of housing options to residents within the City of Wildomar by offering one, two, and three-bedroom units to accommodate a variety of family sizes and budgets.

5.1 - Considerations in Support of the Statement of Overriding Considerations

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the City of Wildomar has determined that the unavoidable adverse environmental traffic impact identified above may be considered “acceptable” due to the following specific considerations, which outweigh the unavoidable adverse environmental impacts of the proposed project. The City Council finds that any one of the following overriding considerations would have been sufficient to outweigh adverse impacts.

The project’s trip distribution patterns are based on the proximity of the residential units to the proposed driveway locations, the surrounding trip attractors (employment bases, commercial opportunities, schools, recreation centers, etc.), and the regional freeway interchanges. Elizabeth Lane is anticipated to be extended from its current terminus, south of Clinton Keith Road, to Prielipp Road by 2015. Therefore, two distribution patterns for the project have been prepared, one with, and one without the Elizabeth Lane extension.

1. Meeting Future Housing Needs. The Project will enhance the future economic vitality of the City of Wildomar by developing an unutilized and blighted property. Specifically, the Project will increase multifamily unit housing opportunities that meet projected needs in Wildomar by replacing the existing vacant and blighted project site with the proposed project, ultimately

meeting the needs of a range of lifestyles, physical abilities, and income levels. Such development is consistent with recent development, including apartments to the south and subdivisions to the east and west, as well as consistent with the emerging development pattern for the area – which is trending from rural to suburban overall. Development of the Project site would therefore alleviate development pressures elsewhere in the City where development is not as desirable and could have greater environmental impacts.

2. High-Quality and Sustainable Development. The Project would be developed with a high standard of design, planning and construction of new public and private facilities, infrastructure and services. By implementing several sustainable measures, the project will promote a planning approach that supports a sustainable and healthy community and reduces impacts on the natural environment. For instance, the Project would meet CalGreen Building Code energy efficiency requirements and implement the best practices in the "Build it Green" handbook for multifamily residential projects. The project also supports a walkable and vibrant community with streets that are safe for pedestrians, bicyclists and all modes of travel.

3. Sustainable Design and Maintenance. The Project would provide sustainable design and maintenance practices by developing a project that has a planting and landscaping plan that is consistent with the City of Wildomar General Plan Land Use Policy LU 22.10. The project site will incorporate a variety of trees, shrubs, and other vegetation throughout the project site. The project will also include several monumental structures, which includes an entry monument with distinguishing features such as tile roof, manufactured stone veneers, and wood corbels.

4. Provide an Improved Urban Environment. The Project would establish an improved urban environment by providing improvements that strengthen connections between neighborhoods and amenities such as retail, community facilities, parks and open space areas. The estimated 561 Project residents are anticipated to patronize the local neighborhood commercial uses within walking distance of the Project Site thereby providing economic stimulus to local businesses.

5. Exceedance of Open Space Requirements. The project proposes construction of a clubhouse with offices totaling 1,906 square feet, a pool and spa, as well as 99,913 square feet (approximately 25% of the site) of open space/common areas. The proposed recreational amenities as well as development of open space/common area throughout the site, would improve recreational opportunities in the area, and will be in accordance with the City of Wildomar's policies and goals. This amount exceeds the amount of open space required under the City's Zoning Ordinance. While leaving the Project site undeveloped would result in more open space when compared to buildout under the proposed Project, the City finds it is appropriate to compare the Project's open space component to open space requirements, since the General Plan specifically designates the Project site for development. Notwithstanding the above, the majority of the Project site currently is private property and closed to the public, and the Project contemplates more than 99,913 square feet of recreational amenities, as well as open space/common area being improved to facilitate recreational use by the public.

6. Restoration of Riparian/Riverine Habitat. The project would restore and enhance approximately 10,000 square feet of riparian/riverine habitat along existing drainages on a mitigation site owned by EMARCD. The project will ensure a no net loss of riparian/riverine habitat as required under the Multiple Species Habitat Conservation Plan

7. Class A Apartment Community. The development of a Class A apartment community at the Project Site with lush landscaping and high quality architectural features and finishes enhances the aesthetic appeal of the surrounding neighborhood, and enhancing the streetscape for pedestrians.

8. Construction and Operation Benefits. The project would result in job creation during construction phases, such as the construction of the 170 units of apartments. During construction, the Project is anticipated to create 60 to 90 jobs, at least a portion of which are expected to be filled by City residents. Permanent employment will also be created by the residential management uses. Specifically, during operation, the Project is anticipated to create approximately four (4) full time jobs to perform ongoing operational functions to keep the facility in good order.

9. Increase in Property Taxes. The project would result in an increase in property taxes through redevelopment of underutilized and vacant parcels and through lot consolidation that would allow for compact development.

The Wildomar City Council, acting as the Lead Agency and having reviewed the FEIR and public records, adopts this Statement of Overriding Considerations, which has balanced the benefits of the Project against it significant unavoidable adverse impacts in reaching a decision to approve the Project.