

**Facts, Findings and Statement of Overriding Considerations
Regarding the Environmental Effects and the Approval of the
Grove Park Mixed-Use Development
(State Clearinghouse No. 2014121064)**

I. INTRODUCTION

The City Council of the City of Wildomar (this “Council”), in certifying the EIR for the Grove Park Mixed-Use Development and approving a General Plan Amendment to change the General Plan land use designation from Business Park (BP) to Commercial Retail (CR) for the northern portion of the project site, a Zone Change from R-R (Rural Residential) to C-P-S (Scenic Highway Commercial) on the northern portion of the project site, Tentative Parcel Map 36673 to divide the 19.4-acre property into three lots, and authorizing the development of a mixed use (horizontal) development which includes approximately 55,000 square feet (sf) of commercial/retail and office uses and eight three-story multiple-family apartment buildings, containing 162 units (the “project”), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report (“EIR”) was prepared by the City of Wildomar (“City”) acting as lead agency pursuant to the California Environmental Quality Act (“CEQA”). Hereafter, unless specifically identified, the Notice of Preparation (“NOP”), Notice of Availability & Completion (“NOA/NOC”), Draft EIR (“DEIR”), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the DEIR (“FEIR”), and the Mitigation Monitoring and Reporting Program (“MMRP”) will be referred to collectively herein as the “EIR.” These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The project site is located in the southern portion of the City, within southwestern Riverside County. The rectangular-shaped parcel is located on the southwest corner of Clinton

Keith Road and Yamas Drive., Clinton Keith Road, a major east/west arterial roadway intersects Interstate 15 (I-15) and 215 (I-215) freeways approximately 0.85 mile west and 3.35 miles east of the site, respectively. There is undeveloped property located east and west of the site.

The approximately 19.4-acre project site currently consists of a single parcel (Assessor's Parcel Number [APN] 380-250-003) located in Section 31, Township 6 South, Range 3 West (San Bernardino Base and Meridian). The topography of the project site consists of gently rolling hills, sloping gently in a northeast to southwest direction. Elevations on site range from approximately 1,380 feet above mean sea level (amsl) along the northern boundary to approximately 1,330 feet amsl along the southwestern boundary.

2. Project Description

The proposed project envisions the construction of a mixed-use residential and commercial project. The approximately 19.4 acre property is divided into north (Lot 1) and south portions (Lot 2) of approximately 9.8 and 8.1 acres, respectively. A 1.4-acre detention basin will be located within Lot C at the southwestern corner of the site.

The project includes the 19.4 acres to be developed and approximately 2.0 acres along portions of the west and east property lines. These areas were included in the EIR to account for off-site disturbances from grading activities associated with the development of manufactured slopes and the Yamas Drive improvements.

Proposed on-site development includes:

North site (Lot 1): Approximately 55,000 square feet (sf) of commercial/retail and office uses will be developed on 4.8 acres adjacent to Clinton Keith Road. Commercial development will include a two-story approximately 35,000 sf office building, two single-story "pad" buildings of approximately 6,000 sf each, and an approximately 8,000 sf retail building.

An approximate 1.9-acre passive open space area and trailhead is proposed directly south of the commercial development. No play structures or active recreation features are planned for this area. The existing on-site grove of coastal live oaks will be preserved in place to the maximum extent feasible on approximately 1.3 acres south of the proposed open space area.

South site (Lot 2): Eight three-story multiple-family apartment buildings will be developed on the southerly 6.8 acres. The residential mix envisions 48 one-bedroom, 90 two-bedroom, and 24

three-bedroom units. The units will range in size from approximately 735 sf in the one-bedroom units to approximately 1,281 square feet in three-bedroom units. The residential area includes a clubhouse/leasing office and an adjacent pool area. Vehicular access to the residential portion of the site will be from the future extension of Yamas Drive. Figure 3.5B (DEIR, pg. 3-19) illustrates the building elevations for the multiple-family buildings.

Detention Site (Lot C): A 1.4-acre detention basin will be constructed at the southwestern corner of the project site. This basin will accept drainage flows from Drainage Areas C, D, and F. The basin, its bottom at 1,332 feet, slopes (4:1) upward to the top (1,338 feet) of the surrounding berm and has a projected volume (capacity) of 64,422 cubic feet.

4. Actions Covered by the EIR

The EIR will support the following discretionary and non-discretionary approvals:

- Approval of a General Plan Amendment from Business Park (BP) to Commercial Retail (CR) for the northern portion of the site;
- Approval of a Change of Zone from R-R (Rural Residential) to C-P-S (Scenic Highway Commercial) on the northern portion of the site;
- Approval of Tentative Parcel Map 36673 to divide the 19.4-acre property into three lots; and
- Plot Plan for development of the north and south portions of the site.

B. PROJECT OBJECTIVES

The City has outlined the following objectives for the proposed project relative to the planning and CEQA processes:

- Establish a mixed-use community for Wildomar with a balance of land uses including commercial, multifamily housing and recreation.
- Deliver an appropriately sized commercial center that provides a mix of retail and office uses with opportunities for employment growth and increased sales tax for Wildomar.

- Provide rental housing opportunities in a quality multifamily setting at a scale and character appropriate to the site and adjacent existing and future developments.
- Utilize architectural styles and design elements that reflect Wildomar’s heritage, namely through the use of ranch, farmhouse and craftsman styles.
- Incorporate a public park within the project site for the overall Wildomar community.
- Preserve the existing on-site oak grove to the maximum extent feasible.
- Create a walkable community that provides convenient non-vehicular access from the residential area to the public park and trailhead and commercial center.
- Implement a trail system for the project consistent with the Wildomar Multi-Use Trails Master Plan.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this project which included the DEIR, FEIR, and supporting technical studies, along with a public review and comment period first during the circulation of the Notice of Preparation/Initial Study and then through the circulation of the DEIR. The following is a summary of the environmental review of this project:

- On December 22, 2014, the City circulated a Notice of Preparation (“NOP”) that identified the environmental issues that the City anticipated would be analyzed in the project’s DEIR to the State Clearinghouse, responsible agencies, and other interested parties.
- On January 19, 2015, the City conducted the first public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP public review period ran for 35 days, from December 22, 2014 to January 26, 2015. Written comments on the NOP were received from (5) five different agencies, organizations, and individuals. The scope of the issues identified in the comments expressing concern included potential impacts associated with:
 - Potential discovery of buried cultural (archaeological) resources by grading and development of the site, and suggestions to consult with local Native

American tribes per SB 18. These issues are discussed in Section 4.5, Cultural Resources, of the EIR;

- Request for consultation by the Pechanga Band of Luiseño Indians. This issue is discussed in Section 4.5, Cultural Resources, of the EIR;
 - Potential water-related impacts (flooding, drainage, water quality of runoff from the project) are addressed in Section 4.9, Hydrology and Water Quality, in the EIR;
 - Potential biological resource impacts (habitat, species, and Multiple Species Habitat Conservation Plan (MSHCP) consistency) are addressed in Section 4.4, Biological Resources, in the EIR; and
 - Utility connections and fee requirements related to provision of water and wastewater conveyance are addressed in Section 4.17, Utilities, in the EIR.
- On June 11, 2015, the City circulated a second Notice of Preparation (“NOP”) that identified changes to the project area of the proposed General Plan Amendment and Change of Zone which was originally extended to the entire project site.
 - On June 29, 2015, the City conducted the second public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the revised project and DEIR.
 - The second NOP public review period ran for 30 days, from June 11 to July 13, 2015. Written comments on the NOP were received from (5) five agencies, organizations, and individuals. The scope of the issues identified in the comments expressing concern included potential impacts associated with:
 - Request for consultation by the Soboba Band of Luiseño Indians. This issue is discussed in Section 4.5, Cultural Resources, of the EIR;
 - Short-term and long-term air pollutant emissions including dust and diesel particulates as well as greenhouse gas emissions from project vehicle exhaust and other project-related activities that could negatively affect

nearby residential uses. This issue is discussed in Section 4.3, Air Quality, and Section 4.7, Greenhouse Gas Emissions, of the EIR;

- Potential biological resource impacts (habitat, species, and MSHCP consistency) are addressed in Section 4.4, Biological Resources, in the EIR;
 - Request for consultation by the Pechanga Band of Luiseño Indians. This issue is discussed in Section 4.5, Cultural Resources, of the EIR; and
 - Project-related traffic causing congestion on local roads and intersections, plus impacts to vehicular, horse, bicycle, and pedestrian safety. These issues are discussed in Section 4.15, Transportation and Traffic, of the EIR.
- As required by the California Environmental Quality Act (CEQA) Guidelines Section 15087, a Notice of Completion (NOC) of the DEIR State Clearinghouse No. 2014121064 for the Grove Park Mixed-Use Development project was filed with the State Clearinghouse on September 3, 2015, and the Notice of Availability (NOA) of the DEIR was filed with the Riverside County Clerk on September 3, 2015.
 - The DEIR was circulated for public review for a period of not less than 45 days from September 3, 2015 to October 19, 2015. Copies of the DEIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the DEIR were also made available for public review at the City Hall, and on the City's website (Environmental Documents Center). A total of five (5) comment letters were received on the DEIR. All five comment letters received were from federal, State, or Tribal entities. No comment letters were received from private organizations, conservation groups or individuals. The City has prepared specific responses to all public comments. The responses to comments are included in Section 2.0 of the FEIR.
 - On December 23, 2015 in accordance with *Public Resources Code* Section 21092.5, the City provided written responses to public agencies that commented on the DEIR 14 days prior to the public hearing for the proposed project.

- On December 26, 2015, the City published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the January 6, 2016 Planning Commission public hearing/meeting to consider the proposed Grove Park Mixed-Use project. In addition, on December 23, 2015, the City mailed a public hearing notice to all property owners within a 600-foot radius of the project site notifying them of the January 6, 2016 Planning Commission public hearing/meeting to consider the proposed Grove Park Mixed-Use project.
- On January 6, 2016 the Planning Commission held a public hearing to consider the proposed project, public comments and staff recommendations. The Planning Commission, after considering written comments and oral testimony on the project EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, the Planning Commission recommended City Council certification of the EIR, Facts, Findings and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program (MMRP).
- On January 29, 2016, the City published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the February 10, 2016 City Council public hearing/meeting to consider the recommendation from the Planning Commission on the proposed Grove Park Mixed-Use project. In addition, on January 27, 2016, the City mailed a public hearing notice to all property owners within a 600-foot radius of the project site notifying them of the February 10, 2016 City Council public hearing/meeting to consider the proposed Grove Park Mixed-Use project.
- On February 10, 2016 the City Council held a public hearing to consider the proposed project, public comments and staff recommendations. The City Council, upon recommendation from the Planning Commission, after considering written comments and oral testimony on the project EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, the City Council certified the EIR, Facts, Findings and

Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program (MMRP).

IV. INDEPENDENT JUDGMENT FINDING

The City retained the independent consulting firm of LSA Associates, Inc. (“LSA”) to prepare the EIR for the Grove Park project. LSA has prepared the EIR under the supervision, direction and review of the City. The City of Wildomar is the Lead Agency for the preparation of the EIR, as defined by CEQA California Public Resource Code (CPRC) Section 21067 as amended. The Planning Commission and City Council has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the project.

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

A. GENERAL FINDING ON MITIGATION MEASURES

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

Finding: Unless specifically stated to the contrary in these findings, it is this Council’s intent to adopt all mitigation measures recommended by the EIR which are applicable to the project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings, and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the project is presented in Section 4.0 of the DEIR and Sections 3.0 and 4.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 2.0 of the FEIR.

The EIR evaluated 17 major environmental categories for potential impacts including Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions and Climate Change, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Traffic and Circulation, and Utilities and Service Systems. Both project-specific and cumulative impacts were evaluated. Of these 17 major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Sections V.A and V.B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Wildomar City Council hereby finds that the following potential environmental impacts of the project are less-than-significant and therefore do not require the imposition of mitigation measures.

1. Aesthetics

a. Scenic Vistas

Potentially Significant Impact: Would the proposed project have a substantial adverse effect on a scenic vista?

Findings: Potential impacts of the project related to aesthetics are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to scenic vistas; therefore, no mitigation is required.

Facts in Support of the Findings: The project would replace undeveloped land with mixed-use development. Because the viewpoints that are obstructed by the project are not publicly accessible and are only available to a limited number of residents of the multifamily development, they do not constitute a scenic vista as described by the City's General Plan. Since the project would not create a substantial permanent obstruction to viewsheds of scenic hills and ridgelines that are generally accessible to the public, it would not have a significant impact to scenic vistas (DEIR pgs. 4.1-16 and 4.1-17).

b. Scenic Highways

Potentially Significant Impact: Would the proposed project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway and/or local scenic road?

Findings: Potential impacts of the project related to aesthetics are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to scenic highways; therefore, no mitigation is required.

Facts in Support of the Findings: The project site is located 0.85 mile east of I-15, which is eligible to be designated as a state scenic highway. Due to the presence of intervening buildings and mature trees, the site is not visible from I-15. The site contains no rock outcroppings or historic buildings. The oak tree grove on site would be preserved to the maximum extent feasible within the 1.3-acre natural open space area included in the site design. Therefore, there would be no impact to scenic resources within a state scenic highway (DEIR pg. 4.1-17).

c. Visual Character

Potentially Significant Impact: Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?

Findings: Potential impacts of the project related to aesthetics are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to visual character; therefore, no mitigation is required.

Facts in Support of the Findings: Under the project, the existing undeveloped land would be graded and developed for the proposed commercial/retail and residential uses. The project would preserve the existing oak grove as part of a 1.3-acre open space area that includes other examples of native California vegetation. The improvements proposed by the project would be required to adhere to the City's zoning and design standards, which would make them compatible with the surrounding visual character. Because the site is consistent with surrounding development patterns and would preserve existing scenic resources (the on-site oak grove), impacts to the visual character of the site and surroundings are considered less than significant (DEIR pgs. 4.1-17 through 4.1-19).

d. Light and Glare

Potentially Significant Impact: Would the proposed project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Findings: Potential impacts of the project related to aesthetics are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to light and glare; therefore, no mitigation is required.

Facts in Support of the Findings: The site is currently undeveloped and does not generate light or glare. Light sources adjacent to the project include streetlights, headlights of vehicles on Clinton Keith Road, and residential, vehicle, and parking lot lights in the multifamily housing to the south of the site. The development of commercial/retail, office, and residential uses would create new sources of light and glare. The City's building permit process ensures a project's compliance with City zoning and design standards, including the installation of lighting features. Compliance with the City's requirements, as established in Municipal Code would sufficiently

ensure no significant light or glare impact in the project would result from the development of the proposed on-site uses; therefore, no mitigation is warranted.

Additionally, development within the City is subject to Chapter 8.64 (Light Pollution) of the Municipal Code. As one of the stated purposes of Chapter 8.64 is to support astronomical activity at Palomar Observatory, project lighting would be designed, installed, and maintained in a manner sufficient to maintain the viability of Palomar Observatory. Adherence to the applicable light pollution control measures is a standard requirement for all development in the City and would ensure that lighting impacts to Palomar Observatory are less than significant. No mitigation is warranted. (DEIR pg. 4.1-19).

e. Cumulative Aesthetic Impacts

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would cumulatively increase impacts to aesthetics?

Findings: Potential impacts of the project related to cumulative aesthetic impacts are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant cumulative aesthetic impacts and, therefore, no mitigation is required.

Facts in Support of the Findings: Cumulative development would further alter the viewsheds and visual character in the project area. Although the development of the project would partially obstruct views of the Sedco Hills and Santa Ana Mountains from certain vantage points near the project structures, vistas would not be completely obstructed from other viewpoints in the project area. In addition, cumulative projects would contribute to development that is consistent with planned uses in the project area. Compliance with the City's General Plan standards, and the City's Municipal Code standards would ensure that the project in combination with other projects in the area would not result in significant impacts upon scenic vistas, scenic resources, and visual character. As a result, the project would create a less than significant cumulative impact on local scenic vistas, scenic resources, and visual character.

Cumulatively, more lighting would be introduced into the area by proposed, existing, and future development. As with past and proposed future development, cumulative lighting-related impacts would be reduced through adherence to applicable City lighting standards. No

cumulatively significant lighting impact would result from implementation of the proposed project (DEIR, pg. 4.1-20).

2. Agricultural Resources

a. Loss or Conversion of Forest Land

Potentially Significant Impact: Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

Would the project result in the loss of forest land or conversion of forest land to non-forest use?

Findings: Potential impacts of the project related to agricultural resources are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to loss or conversion of forest land; therefore, no mitigation is required.

Facts in Support of the Findings: The project does not propose a zone change that would convert existing forest or timberland to urban uses. Coast live oak woodland occupies 0.81 acre within the on-site portion of the project and 0.01 acre off site. The coast live oaks on site will be preserved to the maximum extent feasible. During development a limited number of oaks located outside the oak preserve will be removed to facilitate the construction of buildings or project features. The City does not have a tree-preservation ordinance or other requirement for the specific preservation of oak trees. The on-site trees do not constitute forest or timberland pursuant to Public Resource Code Section 1220(g)), nor is the site zoned for forest or timberland production; therefore, no significant impact to forest or timberland resources would occur. No mitigation is warranted (DEIR pg. 4.2-4).

b. Farmland Conversion

Potentially Significant Impact: Would the project result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural land use?

Findings: Potential impacts of the project related to agricultural resources are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to farmland conversion; therefore, no mitigation is required.

Facts in Support of the Findings: The California Resources Agency has mapped the entire project site as Other Land. Other Land is land that does not fall into any other Farmland Mapping and Monitoring Program (FMMP) category and therefore is not considered to be valuable for agricultural uses. Development of proposed on-site uses would not preclude agricultural use of adjacent Farmland of Local Importance. Therefore, the project would not result in the conversion of Farmland to non-agricultural uses and there would be no impact (DEIR pg. 4.2-5).

c. Existing Agricultural Zoning and Williamson Act Contract Land

Potentially Significant Impact: Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

Findings: Potential impacts of the project related to agricultural resources are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to existing agricultural zoning and Williamson Act contract land; therefore, no mitigation is required.

Facts in Support of the Findings: There is no land enrolled in Williamson Act contracts either on the project site or on any adjacent properties. Neither the project site nor any adjacent properties is zoned or General Plan designated for agricultural uses. Because the project would not conflict with any Williamson Act contracts or existing zoning designations, no impact related to this issue would occur; therefore, no mitigation is required (DEIR pg. 4.2-5).

d. Conversion of Farmland to Non-Agricultural Uses

Potential Significant Impact: Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use, or conversion of forest land to non-forest use?

Findings: Potential impacts of the project related to agricultural resources are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that

development of the project will not result in significant impacts related to conversion of farmland to non-agricultural uses; therefore, no mitigation is required.

Facts in Support of the Findings: Neither the project site nor adjacent land is considered farmland or forest land, as shown on maps prepared by the Department of Conservation (DOC). In addition, the project site and adjacent lands are not currently used for agriculture, nor is there evidence to suggest that they have been in the past. Therefore, the project would not result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. No impacts related to this issue would occur (DEIR pgs. 4.2-5 and 4.2-6).

e. Cumulative Agriculture and Forestry Impacts

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would cumulatively increase impacts to agricultural and forestry resources.

Findings: Potential impacts of the project related to cumulative agricultural and forestry impacts are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant cumulative agricultural and forestry impacts and, therefore, no mitigation is required.

Facts in Support of the Findings: The DOC Office of Land Conservation publishes a Farmland Conversion Report every two years as part of its FMMP. These reports document by acreage land use conversion for each California County. The loss of 19.4 acres of “Other” land that has not been and is not currently utilized for agriculture would not contribute to loss of agricultural land in the County or State; therefore, no significantly cumulative agricultural impact would occur.

There is no forest or timber land on or adjacent to the site. Implementation of the project would not result in any loss of forest resources. Therefore, the project could not contribute to cumulative impacts related to forest resources (DEIR, pg. 4.2-6).

2. Air Quality

a. Air Quality Management Plan Consistency

Potentially Significant Impact: Would the proposed project conflict with or obstruct implementation of the applicable air quality plan?

Findings: Potential impacts of the project related to air quality are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to air quality management plan consistency and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the proposed project would require a General Plan Amendment that would change the General Plan designations for a portion of the project site from Business Park (BP) to Commercial Retail (CR). The Business Park designation envisions the development of "... Employee intensive uses, including research & development, technology centers, corporate offices, 'clean' industry and supporting retail while the Commercial Retail (CR) designations allows the development of commercial retail uses at a neighborhood, community and regional level, as well as for professional office and tourist-oriented commercial uses." The project's proposed General Plan Amendment would not materially affect the uses allowed to be developed on the site; therefore, the proposed change is consistent with the Air Quality Management Plan (AQMP) and no significant impact would occur. The development proposed for the southern portion of the site is consistent with the existing General Plan designation. The project would not result in or cause National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS) violations. No mitigation is warranted (DEIR, pgs. 4.3-19 through 4.3-21).

b. Operational Regional Emissions

Potential Significant Impact: Would the proposed project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard?

For long-term operations, the applicable daily thresholds are:

- 55 pounds of ROC/VOC;
- 55 pounds of NO_x;
- 550 pounds of CO;
- 150 pounds of PM₁₀;
- 55 pounds per day of PM_{2.5}; and
- 150 pounds of SO_x.

Findings: Potential impacts of the project related to air quality are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the

project will not result in significant impacts related to operational regional emissions and, therefore, no mitigation is required.

Facts in Support of the Findings: Project-related operational criterial pollutant emissions are expected from area sources, energy sources, and mobile sources. Long-term operational emissions associated with the project during summer and winter are detailed in DEIR Tables 4.3.E and 4.3.F. As identified in these tables, the increase of criteria pollutants as a result of the project would not exceed established South Coast Air Quality Management District (SCAQMD) daily emission thresholds. Project-related long-term air quality impacts would be less than significant and no mitigation is required (DEIR, pgs. 4.3-21 through 4.3-23).

c. Operational Localized Emissions

Potential Significant Impact: Would the proposed project exceed the SCAQMD localized significance threshold of:

- 371.0 pounds per day of NO_x.
- 1,965.0 pounds per day of CO.
- 4.0 pounds per day of PM10.
- 2.0 pounds per day of PM2.5.

Findings: Potential impacts of the project related to air quality are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to operational localized emissions and, therefore, no mitigation is required.

Facts in Support of the Findings: Local Significance Thresholds (LST) represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable Federal or State ambient air quality standard at the nearest residence or sensitive receptor. The localized emissions presented in DEIR Table 4.3.G represent all on-site project-related area (stationary) sources and 5 percent of the project-related mobile sources. As detailed in DEIR Table 4.3.G, the modeling based on these assumptions demonstrates that the project's operational-source emissions would not exceed applicable LSTs. The project's operational localized air quality impacts would be less than significant; therefore, no mitigation is required (DEIR, pgs. 4.3-23 and 4.3-24).

d. Long-Term CO “Hotspot” Impacts

Potential Significant Impact: Would the proposed project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

For CO, the applicable thresholds are:

- California State one-hour CO standard of 20.0 ppm; and
- California State eight-hour CO standard of 9.0 ppm.

Findings: Potential impacts of the project related to air quality are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to long-term CO “hotspots” and, therefore, no mitigation is required.

Facts in Support of the Findings: The highest CO concentrations would normally occur during peak traffic hours; therefore, CO impacts calculated under peak traffic conditions represent a worst-case analysis. CO monitoring analyses have typically revealed that a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour in order to generate a significant CO impact. The project is estimated to generate a net total of approximately 2,691 net trip-ends per day on a typical weekday. Given the existing extremely low level of CO concentrations in the project area, anticipated project-related traffic is not expected to result in the CO concentrations exceeding the State or federal CO standards; therefore, CO hotspot impacts would not occur. Localized air quality impacts related to mobile-source emissions would be less than significant and no mitigation is required (DEIR, pgs. 4.3-24 and 4.3-25).

e. Odors

Potential Significant Impact: Would the proposed project create objectionable odors affecting a substantial number of people?

Findings: Potential impacts of the project related to air quality are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to odors and, therefore, no mitigation is required.

Facts in Support of the Findings: Various diesel-powered vehicles and other equipment used during on-site construction would create odors. While construction activities, application of architectural coatings and installation of asphalt may temporarily generate odors, these odors are not likely to be noticeable beyond the project boundaries.

Substantial odor-generating sources include land uses such as agricultural activities, feedlots, wastewater treatment facilities, landfills or various heavy industrial uses. The project does not propose any such uses or activities that would result in potentially significant operational source odor impacts. Potential sources of operational odors generated by the project would include disposal of miscellaneous residential, office, and commercial refuse. SCAQMD Rule 402 prohibits the discharge of air from any source that causes injury, nuisance, or annoyance to the health, safety, or comfort of the public. Additionally, consistent with City requirements, all project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations. Potential operational-source odor impacts are therefore considered less than significant and no mitigation is required (DEIR, pgs. 4.3-24 and 4.3-25).

f. Cumulative Impacts from Air Quality Emissions

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would cumulatively increase the risk of impacts related to air quality emissions.

Findings: Potential impacts of the project related to cumulative air quality impacts are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant cumulative air quality impacts and, therefore, no mitigation is required.

Facts in Support of the Findings: The project area is designated as an extreme non-attainment area for ozone and a non-attainment area for PM₁₀ and PM_{2.5}. The South Coast Air Quality Management District (SCAQMD) has published a report on how to address cumulative impacts from air pollution. This reports states, "... the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. ... Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely,

projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.”

After application of Best Available Control Measures (BACMs and implementation of required mitigation measures, project construction-source air pollutant emissions will not exceed established thresholds. Project operational source emissions will not exceed applicable SCAQMD regional thresholds. As established thresholds are not exceeded, the per SCAQMD significance guidance, project air pollutant emissions levels are also considered cumulatively less than significant over the life of the project. (DEIR, pg. 4.3-33).

4. **Biological Resources**

a. **Adopted Policies and/or Ordinances**

Potentially Significant Impact: Would the proposed project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Findings: Potential impacts of the project related to biological resources are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to adopted policies and/or ordinances related to biological resources and, therefore, no mitigation is required.

Facts in Support of the Findings: The City does not have a tree preservation ordinance or any other local ordinance that pertains to the protection of biological resources. Therefore, the project will have no impact related to adopted policies and/or ordinances and no mitigation is required. Regional policies (Western Riverside County Multiple Species Habitat Conservation Plan “MSHCP” and Stephens’ Kangaroo Rat Habitat Conservation Plan “SKR HCP”) are discussed in DEIR Section 4.4.6.5 (DEIR, pg. 4.4-15).

b. **Adopted Habitat Conservation Plans**

Potentially Significant Impact: Would the proposed project conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?

Findings: Potential impacts of the project related to biological resources are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that

development of the project will not result in significant impacts related to adopted habitat conservation plans.

Facts in Support of the Findings: The project site is located within the Elsinore Area Plan of the MSHCP. Implementation of the proposed project under the MSHCP requires compliance with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP), the Guidelines Pertaining to the Urban/Wildlands Interface (Section 6.1.4 of the MSHCP), and the Burrowing Owl Survey Area (Section 6.3.2 of the MSHCP).

The project site contains on-site ephemeral drainage features that meet the criteria of Riverine Areas under the MSHCP. However, Drainage A is unvegetated and does not support habitat for MSHCP-associated riparian/riverine species. Drainages B and B1 have limited function as a result of absence of a downstream connection and therefore cannot support the majority of MSHCP riparian/riverine species. The site does not currently support burrowing owls, however, there is potential for them to exist on the project site in the future. The burrowing owl is a species covered under the MSHCP and Mitigation Measure 4.4.6.1A is required to comply with the MSHCP. The separation of the project site from Criteria Cell 5558 by Clinton Keith Road would reduce impacts related to lighting, noise, and trespass and unauthorized usage.

The Biological Resources Assessment evaluated the project's indirect impact to the MSHCP Conservation Area resulting from changes in drainage, toxics, and invasive plants. For drainage and toxicity concerns, the Best Management Practices (BMPs) identified in the project-specific Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) are sufficient to reduce indirect water quality impacts to less than significant levels.

Finally, the project site is located within the MSHCP Mitigation Fee Area and SKR HCP Fee Area. The payment of required MSHCP and SKR HCP fees and the implementation of mitigation to address specific biological resource impacts will sufficiently ensure the project complies with adopted habitat conservation plans. No significant impact related to this issue would occur (DEIR, pgs. 4.4-16 and 4.4-17).

c. Candidate, Non-listed Sensitive, or Special-Status Plant Species

Potentially Significant Impact: Would the proposed project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate,

sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Findings: Potential impacts of the project related to biological resources are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to candidate, non-listed sensitive or special-status species and, therefore, no mitigation is required.

Facts in Support of the Findings: The project would result in the removal of one special-status plant species, the paniculate tarplant. The paniculate tarplant occupies approximately 2.28 acres of the site including two moderate density patches of the species (1.74 acres) and two low density patches (0.54 acre). The paniculate tarplant is classified by the CNPS as a “plant of limited distribution – a watch list.” However, according to documentation by Calflora and CNPS, the paniculate tarplant is widely distributed throughout Riverside County. Additionally, this species is not covered or being considered for coverage under the MSHCP. Based on the distribution of this species within Riverside County, the lack of consideration of this species for coverage under the MSHCP, and the California Native Plant Society (CNPS) listing, this species is not considered sensitive.

Riversidian Sage Scrub (RSS) is designated as a sensitive vegetation community and, as such, the function and value of the on-site RSS was analyzed as a potentially sensitive community pursuant to California Department of Fish and Wildlife (CDFW) guidelines¹, including consideration of the contiguity, extent, and quality of the vegetation and its ability to support sensitive plants and animal species. Based on the analysis in the DEIR, the on-site RSS did not demonstrate the functions and values of being “sensitive” that would warrant avoidance and/or conservation.

Therefore, impacts to paniculate tarplant would be considered a less than significant impact and no mitigation measures would be required (DEIR, pg. 4.4-18).

e. Cumulative Impacts to Biological Resources

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would cumulatively increase the risk of impacts related to biological resources.

¹ http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_background.asp#highpriority

Findings: Potential impacts of the project related to cumulative biological resources are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant cumulative biological resource impacts and, therefore, no mitigation is required.

Facts in Support of the Findings: Focused biological resource studies have been conducted to assess potential impacts associated with development of the proposed uses. The project would not have potentially significant impacts related to local ordinances or regulations protecting biological resources. Although the project could have significant impacts to plant communities, sensitive wildlife species, habitat fragmentation, wildlife movement, jurisdictional waters, and habitat conservation plans, the compliance with the mitigation measures identified in DEIR Section 4.4 and payment of development impact fees would reduce impacts to less than significant levels.

All projects within the cumulative impact area would be required to comply with applicable provisions of the MSHCP and SKR HCP. These HCPs were developed to consider a regional, programmatic approach to conservation planning. By complying with the provisions of the HCPs (e.g., the payment of fees, adherence to appropriate guidelines, and completion of additional required surveys), individual development projects participate in the conservation of critical biological resources in western Riverside County. With mitigation, the project-specific biological resource impacts have been effectively reduced to a less than significant level. Since all development within the MSHCP and SKR HCP area would be required to implement similar measures, development in compliance with the HCPs furthers the stated regional conservation goals. Accordingly, cumulatively significant biological resource impacts would not occur (DEIR, pg. 4.4-34).

5. Cultural Resources

a. Historic Resources

Potential Significant Impact: Would the proposed project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines?

Findings: Potential impacts of the project related to cultural and paleontological resources are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council

finds that development of the project will not result in significant impacts to historic resources and, therefore, no mitigation is required.

Facts in Support of the Findings: Based on a records search that was conducted at the Eastern Information Center no historic site has previously been documented on the project site. No historic structure or aboveground feature was identified on site during the field survey or archival records search. Therefore, there is no potential for historic resources on the project site eligible for listing in the California Register. No impact to any historic resource would result from development of the proposed on-site uses; therefore, no mitigation is required (DEIR, pg. 4.5-9).

b. Human Remains

Potential Significant Impact: Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?

Findings: Potential impacts of the project related to cultural and paleontological resources are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to human remains and, therefore, no mitigation is required.

Facts in Support of the Findings: While no evidence exists to suggest the project site has been utilized in the past for human burials, on-site construction could uncover previously unknown buried human remains. In the event of an accidental discovery or recognition of any suspected human remains, California State Health and Safety Code § 7050.5 dictates that no further excavation or disturbance of the site (or any nearby area reasonably suspected to overlie adjacent human remains) may occur until the Riverside County coroner determines that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. Upon notification of the coroner, the NAHC must identify the persons it believes to be the most likely descended from the deceased Native American. Adherence to the aforementioned provisions of existing State law is required of all development projects; therefore, potential impacts related to the discovery of buried human remains would be less than significant. No mitigation is required (DEIR, pg. 4.5-10).

c. Cumulative Impacts to Cultural and Paleontological Resources

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would cumulatively increase the risk of impacts related to cultural and paleontological resources.

Findings: Potential impacts of the project related to cumulative cultural and paleontological resources are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant cumulative cultural or paleontological resource impacts and, therefore, no mitigation is required.

Facts in Support of the Findings: Since the City of Wildomar contains archaeological, historical, and paleontological resources that have been found in the past, future development in the surrounding region may affect these resources as well. However, implementation of the mitigation measures outlined in the DEIR, and other CEQA documents for development projects in the area, will reduce potential impacts to cultural resources to less than significant levels. With implementation of the project-level mitigation for future development identified in DEIR Section 4.5.6, the proposed project will not have significant impacts related to cultural resources and will also not make any significant contributions to cumulatively considerable impacts relative to cultural resources. Therefore, no additional mitigation is required to reduce cumulative impacts on cultural and paleontological resources (DEIR, pgs. 4.5-14 and 4.5-15).

6. Geology and Soils

a. Fault Rupture

Potential Significant Impact: Would the proposed project expose persons or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo (A-P) Earthquake Fault Zone Maps issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Findings: Potential impacts of the project related to geology and soils are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to fault rupture and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site is not located within an Earthquake Fault Zone as defined by the State of California in the A-P Act or as defined by the City of Wildomar General Plan. In its Land Information System, Riverside County has depicted a fault crossing the site. Based on the on-site subsurface geotechnical investigation conducted for the project, faults present in the older Unnamed Sandstone unit (very early Pleistocene age) were capped by unbroken Pauba Sandstone (early Pleistocene age, approximately one million years old). Based on this investigation, it appears this fault is inactive and poses no threat of surface rupture. In the absence of any on-site active faults, no significant fault-rupture impact would occur on the project site and no mitigation is required (DEIR, pgs. 4.6-17 and 4.6-18).

b. Ground Shaking

Potential Significant Impact: Would the proposed project expose persons or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking?

Findings: Potential impacts of the project related to geology and soils are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts due to ground shaking and, therefore, no mitigation is required.

Facts in Support of the Findings: The site could be subjected to moderate to severe ground shaking from any of the active faults in the vicinity. Southern California is a seismically active area and, therefore, will continue to be subject to ground shaking resulting from seismic activity on regional faults. Ground shaking from earthquakes associated with nearby and more distant faults is expected to occur during the lifetime of the project. The design and construction of the proposed on-site structures would be accordance with the current California Building Code (CBC) requirements, which would address potential impacts resulting from ground shaking. Adherence to the CBC requirements is standard for all development in the City. No significant on-site ground shaking would occur; therefore, no mitigation is required (DEIR, pgs. 4.6-18 and 4.6-17).

c. Seismic-Related Ground Failure

Potential Significant Impact: Would the proposed project expose persons or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic ground failure?

Findings: Potential impacts of the project related to geology and soils are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to seismic-related ground failure and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site is located within Seismic Zone 4 as defined by the Uniform Building Code (UBC). The site has relatively low-lying hills with intervening drainages. No landslides or area of mass movement has been documented on the project site. The geotechnical investigation determined the potential for on-site slope instability is low. No significant landslide hazard impact is anticipated and no mitigation is required. The project does not propose any activity known to cause subsidence (e.g., oil, gas, or groundwater extraction). Based on the shallow depth to bedrock at the site, appreciable seismically-induced settlement is not anticipated. According to the 2003 Riverside County Land Information System, the project is located in an area of moderate liquefaction potential based on underlying soil deposits. The soils at the site are underlain by competent, shallow bedrock (12 to 18 inches below the surface), consisting of dense cemented sandstone and siltstone, which reduces potential for liquefaction. Remedial grading operations are expected to further reduce potential for liquefaction to a very low level. Due to the shallow nature of bedrock and remedial grading plans of the project, seismic-related ground failure impacts are considered less than significant and no mitigation is required (DEIR, pg. 4.6-19).

d. Landslides and Rockfalls

Potential Significant Impact: Would the proposed project expose persons or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Findings: Potential impacts of the project related to geology and soil are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that

development of the project will not result in significant impacts related to landslides, therefore, no mitigation is required.

Facts in Support of the Findings: The site's topography is characterized by low-lying hills with intervening drainages. The site-specific geotechnical investigation concluded the site has a low potential for landslides. No evidence of landslides or large-scale slope instability was observed during the geotechnical investigation. Therefore, no significant impacts relating to or from landslides are anticipated at the project site. No mitigation is required (DEIR, pg. 4.6-20).

e. Soil Erosion or Loss of Topsoil

Potential Significant Impact: Would the proposed project result in substantial soil erosion or the loss of topsoil?

Findings: Potential impacts of the project related to geology and soils are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to soil erosion or loss of topsoil and, therefore, no mitigation is required.

Facts in Support of the Findings: Development of the site will require the excavation (cut) and placement (fill) of approximately 67,200 cubic yards (cy) and 145,500 cy of material, respectively. These activities have the potential to cause erosion both on site and off site. Prior to the issuance of grading permits, the project proponent will be required to prepare and submit detailed grading plans that conform with applicable standards of the City of Wildomar. The project is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit. A Storm Water Pollution Prevention Plan (SWPPP) prepared for the NPDES permit will identify the Best Management Practices (BMPs) required to address the erosion and discharge impacts associated with the proposed on-site grading.

A preliminary Water Quality Management Plan (WQMP) was prepared for the project site. The preliminary WQMP contains post-construction measures, which will help reduce potential impacts to soil erosion to less than significant levels and identifies measures to treat and/or limit the entry of contaminants into the storm drain system.

Soils at the project site generally have a moderate erosion potential. As the project would be required to adhere to the conditions detailed in the NPDES Permit, the project-specific SWPPP

and a WQMP, soil-erosion impacts are considered to be less than significant. No mitigation is required (DEIR, pgs. 4.6-20 through 4.6-22).

f. Unstable Soils

Potential Significant Impact: Would the proposed project be located on expansive soil, creating substantial risks to life or property?

Findings: Potential impacts of the project related to geology and soils are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to unstable soils and, therefore, no mitigation is required.

Facts in Support of the Findings: Expansive soils generally have a substantial amount of clay particles, which can give up water (shrink) or absorb water (swell). One on-site soil (Boring 1 at 0'-5') is identified as having a low shrink-swell potential, with an Expansion Index (EI) of 21. A minimum EI of 21 is required to be considered expansive by the 2013 CBC. The geotechnical investigation concluded that most soils on site will have a very low to low expansion potential. In general, soils on site are dominated by sandy textures that lack the amount of clay needed to create substantial hazards related to expansion. Remedial excavation and grading under the project would address the potential for expansive soils on site. Therefore, impacts are less than significant and no mitigation is required. (DEIR, pgs. 4.6-22 and 4.6-23).

g. Septic Tanks

Potential Significant Impact: Would the proposed project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Findings: Potential impacts of the project related to geology and soils are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to septic tanks and, therefore, no mitigation is required.

Facts in Support of the Findings: The project does not include the installation or use of septic systems. On-site wastewater flows will be collected in and conveyed to new or existing

wastewater pipelines. In the absence of any on-site septic use, no impact will occur. No mitigation is required (DEIR, pg. 4.6-23).

h. Cumulative Impacts from Geology and Soils

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would cumulatively increase the risk of impacts related to geology and soils.

Findings: Potential impacts of the project related to cumulative geology and soils impacts are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant cumulative geology and soils impacts and, therefore, no mitigation is required.

Facts in Support of the Findings: The presence of regional faults creates the potential for damage to structures or injury to persons during seismic events. However, City, County, and State regulations provide guidelines for development in areas with geologic constraints and ensure that the design of buildings is in accordance with applicable CBC standards and other applicable standards, which reduces potential property damage and human safety risks to less than significant levels. Anticipated development in the City and surrounding area in general will not have a cumulatively considerable impact on earth resources, nor will regional geotechnical constraints have a cumulatively considerable impact on the proposed project or cumulative projects, as long as proper design and engineering are implemented based on available seismic and other geotechnical data. The proposed project represents only an incremental portion of this potential impact, so the project will not have cumulatively significant impacts in this regard. Because it is reasonable to conclude that all development within seismically active areas will be required to adhere to applicable State regulations, CBC standards, and the design and siting standards required by local agencies, a less than significant cumulative impact would occur with implementation of the proposed project (DEIR, pgs. 4.6-23 and 4.6-24).

7. Greenhouse Gas Emissions and Climate Change

a. Greenhouse Gas Plan, Policy, Regulation Consistency

Potential Significant Impact: Would the proposed project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Findings: Potential impacts of the project related to greenhouse gas plan, policy, and regulation consistency are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related greenhouse gas plan, policy, and regulation consistency and, therefore, no mitigation is required.

Facts in Support of the Findings: The California Climate Action Team (CAT) and the California Air Resources Board (CARB) have developed several reports to achieve the Governor's Greenhouse Gas (GHG) targets that rely on voluntary actions of California businesses, local government and community groups, and State incentive and regulatory programs. The reports identify strategies to reduce California's emissions to the levels proposed in Executive Order (EO) S-3-05 and Assembly Bill (AB) 32 that are applicable to the project. The project would be consistent with the goals of AB 32 by exceeding the 28.5 percent reduction below Business As Usual (BAU) standard. The project would comply with specific policies contained in the CARB Scoping Plan.

The project is also required to comply with SB 375, which requires local Metropolitan Planning Organizations (MPO) to prepare a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its GHG reduction targets through integrated land use, housing, and transportation planning. The project generally supports the provisions of the SCS because it would locate residential development next to commercial uses, reducing vehicle usage. Based on the preceding analysis, the project is consistent with State, regional, and local policies regarding climate change. Therefore, it would not conflict with any plans or policies created for the purpose of reducing greenhouse gas emissions. Impacts are less than significant and no mitigation is required (DEIR, pgs. 4.7-33 through 4.7-35).

b. Cumulative Impacts from Greenhouse Gas Emissions and Climate Change

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would cumulatively increase the risk of impacts related to greenhouse gas emissions and climate change.

Findings: Potential impacts of the project related to cumulative greenhouse gas emissions and climate change are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant

cumulative greenhouse gas emissions and climate change impacts and, therefore, no mitigation is required.

Facts in Support of the Findings: The project's greenhouse gas emissions would not exceed any established thresholds, nor would it conflict with any plan established for the purpose of reducing greenhouse gas emissions. The analysis above demonstrates that the project would achieve a 40.03 percent GHG emissions reduction from the BAU scenario with implementation of design features and mitigation measures, thereby exceeding reductions mandated by AB 32. As a result, the project's contribution to Global Climate Change (GCC) is not considered cumulatively significant (DEIR, pg. 4.7-39).

8. Hazards and Hazardous Materials

a. Routine Transport, Use, or Disposal of Hazardous Materials and Reasonable Foreseeable Upset and Accident Conditions

Potential Significant Impact: Would the proposed project create a significant hazard to the public through the routine transport, use, or disposal of hazardous materials? Would the proposed project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident?

Findings: Potential impacts of the project related to hazards and hazardous materials into the environment are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to routine transport, use or disposal of hazardous materials and, therefore, no mitigation is required.

Facts in Support of the Findings: The project does not include any uses that would generate, store, transport or dispose of hazardous material. Equipment and vehicles utilized during construction would be similar to those found on typical construction sites such as graders, dozers, water trucks, and pickup trucks. Hazardous materials associated with equipment and vehicles would consist of fluids used to operate/drive equipment and vehicles. During the operation of the proposed project, hazardous materials such as petroleum products, pesticides, fertilizer, and household hazardous products such as paint products, solvents, and cleaning products may be stored, used, or sold on-site. Due to the nature of the proposed on-site uses, it is anticipated that hazardous material usage would be minor and incidental.

Table 4.8.A in the DEIR shows that the project would be consistent with General Plan policies regarding hazards and hazardous materials. All activity involving hazardous substances during the construction and operation of the proposed project would be conducted in accordance with applicable local, State, and federal safety standards. Therefore, impacts associated with the use, transport, storage, and disposal of hazardous materials during the construction and operation of the project would be less than significant. No mitigation is required (DEIR, pgs. 4.8-7 and 4.8-8).

b. Located on a List Hazardous Material Sites

Potential Significant Impact: Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?

Findings: Potential impacts of the project related to hazards and hazardous materials are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts due to the project's location on a hazardous material site and, therefore, no mitigation is required.

Facts in Support of the Findings: No reported hazardous materials or evidence of any past hazardous materials spills were identified in the Phase I Environmental Site Assessment (ESA) prepared for the proposed project. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Since no hazardous materials were identified during the Phase I ESA, the project site has never been developed, and the visual inspection of immediate adjacent land uses did not reveal evidence of storage tanks or the storage of hazardous materials, the presence of hazardous materials on-site is considered unlikely; therefore, impacts associated with this issue are considered less than significant. No mitigation is required (DEIR, pg. 4.8-8).

c. Within Two Miles of a Private Airport or Within an Airport Land Use Plan or within Two Miles of a Public Airport

Potential Significant Impact: For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the proposed project area? Would the project be located within an airport land use plan or where such a plan has not been

adopted within two miles of a public airport or public use airport, resulting in a safety hazard for people residing or working in the project area?

Findings: Potential impacts of the project related to hazards and hazardous materials are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to proximity to airports and, therefore, no mitigation is required.

Facts in Support of the Findings: The project is not located within two miles of a public airport or within an airport land use plan. The nearest airport or airstrip is Skylark Airstrip, a private airstrip located approximately 4.5 miles northwest of the project. The project is located outside of any safety zones associated with the Skylark Airstrip. Because the site is outside the area of influence of any public or private airport, no impact related to this issue would occur. No mitigation is required (DEIR, pg. 4.8-9).

d. Existing or Proposed Schools

Potential Significant Impact: Would the proposed project emit hazardous emissions or handle acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Findings: Potential impacts of the project related to hazards and hazardous materials are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to existing or proposed schools and, therefore, no mitigation is required.

Facts in Support of the Findings: The nearest existing school is Ronald Reagan Elementary School, which is located approximately 0.8 mile northwest of the site. Due to the nature of the project, any hazardous material present on site during the construction or occupation of the proposed uses would be limited to vehicle fuels and fluids; paints, varnishes, and similar coatings; common household cleaning materials; fertilizers, insecticides, and other substances routinely used in landscaping activities; and hazardous materials that may be used or sold in office and/or retail outlets. The project does not involve any use that manufactures, transports, stores, processes, sells, or disposes of large amounts of hazardous materials. The handling of hazardous materials incidental to the routine operation of commercial uses would be governed by applicable City, State, and/or federal regulations. Compliance with these

regulations will ensure any impact associated with environmental and health hazards related to an accidental release of hazardous materials or emissions of hazardous substance near existing or proposed schools is less than significant and no mitigation is required (DEIR, pgs. 4.8-9 and 4.8-10).

e. Conflict with Emergency Response Plans

Potential Significant Impact: Would the project impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation?

Findings: Potential impacts of the project related to hazards and hazardous materials are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to emergency response plans and, therefore, no mitigation is required.

Facts in Support of the Findings: The developer of the project would be required to design, construct, and maintain structures, roadways, and facilities to maintain appropriate emergency/evacuation access. Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. The City General Plan Circulation Element and Municipal Code (Section 16.08.020, General Street Design) require the design of roadways to allow adequate evacuation times. The City of Wildomar Local Hazard Mitigation Plan specifies actions for the coordination of operations, management, and resources during emergencies. Compliance with existing regulations for emergency access and evacuation will ensure that impacts related to this issue are less than significant and no mitigation is required (DEIR, pgs. 4.8-9 and 4.8-10).

f. Wildland Fire Risks

Potential Significant Impact: Expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Findings: Potential impacts of the project related to hazards and hazardous materials are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to wildland fires and, therefore, no mitigation is required.

Facts in Support of the Findings: Wildland fire protection in California is the responsibility of either the State, local government, or the federal government. The project site is located within a Local Responsibility Area (LRA) and is classified as a Very High fire hazard severity zone. The project would be required to comply with CBC requirements for ignition-resistant construction. The project would also comply with the City General Plan Safety Element, as discussed in DEIR Table 4.8.C. The project area receives adequate service from the local fire station, as discussed in greater detail in DEIR Section 4.14, Public Services. In consideration of the site's adequate fire protection services and the project's compliance with wildland fire safety policies, it is not expected that the project would expose people or structures to significant loss or injury. Therefore, impacts are less than significant and no mitigation is required (DEIR, pgs. 4.8-10 and 4.8-11).

g. Cumulative Impacts from Hazards and Hazardous Materials

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would cumulatively increase the risk of hazardous materials and exposure to hazardous materials.

Findings: Potential impacts of the project related to cumulative hazardous materials impacts are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to cumulative hazardous materials and, therefore, no mitigation is required.

Facts in Support of the Findings: The project would not result in significant cumulative impacts associated with the routine transport, use, and disposal of hazardous materials; the emission or handling of hazardous substances. It is impossible to predict the occurrences of accidental spills and leaks and the likelihood of such events occurring in close proximity to each other at the same time is very small; therefore, such events cannot be considered cumulatively. The implementation of policies and adherence to standards mandated by the City, including the enforcement of existing local, State, and federal practices applicable to businesses that transport, sell, or use hazardous materials, would ensure that no cumulative impact would result from the construction and operation of the proposed project or other planned development within the City.

Moreover, the project would not result in any safety hazards related to nearby airports, airstrips, adopted emergency response plans, or wildland fire hazards. The project would not combine

with other projects to result in a cumulatively considerable impact with respect to these potential hazards. Therefore, the project will not make a significant contribution to any cumulatively considerable impacts related to hazardous materials, hazardous waste, or the creation of any health hazards (DEIR, pgs. 4.8-11 and 4.8-12).

9. Hydrology and Water Quality

a. Dam Inundation Impacts

Potential Significant Impact: Would the project expose people or structure to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

Findings: Potential impacts of the project related to hydrology and water quality are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to dam inundation and, therefore, no mitigation is required.

Facts in Support of the Findings: The project is not located in a dam inundation or dam hazard zone. The nearest dam to the project site is the Railroad Canyon Dam, located approximately 5.9 miles northwest of the project site. The project site is not located within the inundation area for this facility. Development and occupation of the site would not expose people or structures to risk of loss, injury, or death resulting from failure of a nearby dam or other water retention facility. No impact related to this issue would occur; therefore, no mitigation is necessary (DEIR, pg. 4.9-19).

b. Seismic-Related Impacts

Potential Significant Impact: Would the project expose people or structure to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow?

Findings: Potential impacts of the project related to hydrology and water quality are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to seiche, tsunami or mudflow and, therefore, no mitigation is required.

Facts in Support of the Findings: The project area is not at risk of inundation by a tsunami due to its distance from the Pacific Ocean and the presence of Santa Ana Mountains between it

and the ocean. No bodies of water or enclosed water storage features are located in the project area; therefore, there is no potential for flooding related to seiche events. The site has rolling hills topography and slopes from the north to the southwest. No steep slopes or rock outcrops exist on or near the site that could potentially become unstable or saturated. In addition, the developed site would be more level as a result of grading and fill operations during construction. In the absence of significant hillside features in the project area from which mudflows can originate, no significant impact from mudflows would occur. No mitigation is warranted (DEIR, pgs. 4.9-19 through 4.9-20).

c. Groundwater

Potential Significant Impact: Would the proposed project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?

Findings: Potential impacts of the project related to hydrology and water quality are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to groundwater and, therefore, no mitigation is required.

Facts in Support of the Findings: The Urban Water Management Plan “UWMP” anticipates demand based on SCAG population growth estimates. While the project would result in the development of a currently undeveloped parcel, relative to the total population and projected demand within the EVMWD service area, no substantial increase in the demand for groundwater would occur. As such, the project would not substantially deplete groundwater supplies. Impacts are less than significant.

The project would reduce infiltration of storm water on site through the addition of impervious cover. The project incorporates several design features that increase infiltration of storm water. The project would implement infiltration BMP to the extent feasible. Storm water that leaves the project will be conveyed in the existing storm water channels within the Elsinore Basin. The project would therefore not significantly affect groundwater recharge or the availability of groundwater. Impacts are less than significant and no mitigation is required (DEIR, pgs. 4.9-20 and 4.9-21).

d. Flood Hazard Areas

Potential Significant Impact: Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Findings: Potential impacts of the project related to hydrology and water quality are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts related to flood hazard areas and, therefore, no mitigation is required.

Facts in Support of the Findings: Development of the project site will result in the installation of impervious surfaces which will increase the rate and volume of storm water runoff. The on-site storm water management system has been designed to accommodate the anticipated volume of storm water runoff resulting from site development. The project site is not located within an identified 100-year flood hazard zone. As the project is not located within a 100-year flood zone, no 100-year flooding impact will result from development of the site as proposed. No mitigation is required (DEIR, pgs. 4.9-21 and 4.9-22).

e. Hydrology and Water Quality Cumulative Impacts

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would have significant cumulative impacts on hydrology and water quality.

Findings: Potential impacts of the project related to cumulative hydrology and water quality impacts are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant cumulative impacts to hydrology and water quality and, therefore, no mitigation is required.

Facts in Support of the Findings: All future development in the City and throughout the San Diego Regional Water Quality Control Board (RWQCB) will be required to comply with the applicable requirements of the NPDES permit program and water quality standards defined by local, regional, State and Federal agencies. Continued growth is anticipated to occur in the City and surrounding areas and all new development and significant redevelopment will be required to minimize its individual impacts to water quality and pollutant transport through implementation

of BMPs. Therefore, since all new developments will be required to mitigate for impacts to water quality, a less than significant cumulative impact to water quality will occur.

Cumulatively, continued development within the Elsinore Valley will put additional pressure on water supplies from the local groundwater basins, including the Elsinore and Temescal Valley Basins. The EVMD's ability to import water would prevent significant groundwater depletion with cumulative projects in its service area. The proposed project will make an incremental contribution to production of urban pollutants, but the site-specific water quality BMPs will help ensure that these contributions will not make a significant contribution to any cumulatively considerable regional water quality impacts.

The drainage system for the proposed project will be designed so that peak flows from post-development runoff are captured by landscape features and BMPs like infiltration basins, and treated prior to their discharge into storm drains and water bodies. Similar requirements will be placed on all other development in the vicinity of the project site by the City. Therefore, the project will not result in a local or regional cumulatively significant impact related to water quality or the capacity of drainage systems (DEIR, pg. 4.9-35).

10. Land Use and Planning

a. **Physically Divide an Established Community**

Potential Significant Impact: Would the proposed project physically divide an established community?

Findings: Potential impacts of the project related to land use and planning are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts due to a physical divide of an established community and, therefore, no mitigation is required.

Facts in Support of the Findings: The project does not include any physical structures that would divide the surrounding community. The placement of multifamily dwellings and commercial/retail and office buildings on the site would not physically affect connectivity in the surrounding area. The project will connect to existing roadway system, as well as to the future extension of Yamas Drive. Since the project does not include any physical structures that would affect connectivity in the surrounding area, it would not divide an established community and no significant impact would occur. No mitigation is required (DEIR, pgs. 4.10-11 and 4.10-12).

**b. Conflict with Applicable Land Use Plans, Policies, or Regulations
(Local)**

Potential Significant Impact: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the General Plan, Specific Plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Findings: Potential impacts of the project related to land use and planning are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts due to a conflict with any applicable land use plans, policies, or regulations and, therefore, no mitigation is required.

Facts in Support of the Findings: While the development of commercial uses would change the existing semi-rural character of the area, this pattern of development is generally consistent with recent and planned development along this portion of Clinton Keith Road, which includes a mix of residential and commercial uses. Clinton Keith Road is a major arterial road that connects to both I-15 and I-215. The corridor along Clinton Keith Road is also one of the larger commercial areas of the City. Therefore, it is reasonable that uses proposed by the project would occur in this area of the City. The types of uses proposed by the project are similar to what could be proposed under the current General Plan Land Use and Zoning of the site.

The project is generally consistent with the goals, objectives, and policies of the City of Wildomar General Plan. The proposed General Plan Amendment and Zone Change would not significantly affect the goals and objectives of the General Plan because they would result in uses that are similar to those envisioned in the General Plan. The overall pattern of development planned for the area along Clinton Keith Road would not change. Additionally, the proposed project is generally consistent with the goals of SCAG's Regional Comprehensive Plan, Compass Plan and Regional Transportation, and the Basin Plan and Drainage Area Management Plan (DAMP). Therefore, a less than significant impacts in relation to land use plans, policies, or regulations would occur and no mitigation is required (DEIR, pgs. 4.10-12 through 4.10-26).

c. Conflict with Any Applicable Habitat or Natural Community Conservation Plan

Potential Significant Impact: Would the proposed project conflict with any applicable habitat conservation plans (HCP) or natural community conservation plan (NCCP)?

Findings: Potential impacts of the project related to land use and planning are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant impacts due to a conflict with any applicable habitat or natural community conservation plan and, therefore, no mitigation is required.

Facts in Support of the Findings: While the project site is within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) area and the fee area for the Stephens' kangaroo rat, it is not within a Criteria Cell, designated cell group, or a subunit. Conservation of site not required pursuant to the MSHCP. Potential impacts related to riverine areas, burrowing owl, and urban/wildlands interface are discussed in greater detail in DEIR Section 4.4, Biological Resources of the DEIR. Mitigation measures have been identified in DEIR Section 4.4.6 to reduce potential biological resource impacts to less than significant levels. These measures, discussed in further detail below, would ensure the project remains consistent with applicable provisions of the MSHCP. No additional mitigation other than identified in DEIR Section 4.4 is required to reduce potential project impacts relative to the MSHCP (DEIR, pg. 4.10-26).

d. Land Use and Planning Cumulative Impacts

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would have significant cumulative impacts on land use and planning.

Findings: Potential impacts of the project related to cumulative land use and planning impacts are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that development of the project will not result in significant cumulative impacts to land use and planning and, therefore, no mitigation is required.

Facts in Support of the Findings: The project would not have significant project-related impacts related to dividing an existing community, conflicts with applicable land use plans, policies, or regulations with approval of the proposed General Plan Amendment (GPA) or zone

change, or conflict with an approved habitat conservation plan. While the project would represent a shift in land use designation for the project site, this shift does not significantly contribute to a cumulative land use impact; therefore, no mitigation is warranted (DEIR, pgs. 4.10-26 and 4.10-27).

11. Minerals

a. **Loss of Statewide, Regional, or Locally Important Mineral Resources**

Potential Significant Impacts: Would the proposed project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? Would the proposed project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plans?

Findings: Potential impacts of the project relating to loss of mineral resources are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related loss of mineral resources will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site and the property in the surrounding area are designated as Mineral Resource Zone (MRZ)-3a. Mineral resources in this category have undetermined value and are not considered locally important mineral resource recovery sites. Neither the City's General Plan nor the Zoning ordinance designate the site for mining or mineral extraction uses. While it is possible that the site could yield mineral resources, the physical characteristics of the site provide no indication of a unique or valuable mineral resource. No historic or current mining or mineral extraction is located within the proposed project limits. Therefore, the development of the project site would not result in a loss of statewide, regional, or locally important mineral resources. No significant impact associated with this issue, would occur and no mitigation is required (DEIR, pg. 4.11-3).

b. **Cumulative Mineral Resources Impacts**

Potential Significant Impacts: Whether the project in connection with past, current, and probable future project would cause cumulative mineral resources impacts within the City of Wildomar.

Findings: Potential impacts of the project relating to loss of mineral resources are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related cumulative loss of mineral resources will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: As population levels increase in the region, greater demand will be placed on mineral resources, including sand, gravel and aggregate. Development in the City where these resources are known or expected to occur would result in the loss of availability of these mineral resources. Because the project site is not identified as a significant mineral resource site or the site of an existing mining/mineral extraction operation, development of the site as proposed would not cumulatively decrease the local or regional availability of mineral resources. No cumulatively significant impact would occur; therefore, no mitigation is required (DEIR, pgs. 4.11-3 and 4.11-4).

12. Noise

a. Airport Noise Impacts

Potential Significant Impact: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, results in exposure of people residing or working in the project area to excessive noise levels.

For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.

Findings: Potential impacts of the project relating to noise impacts are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to airport noise will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The nearest airport to the project site is Skylark Field airport in the City of Lake Elsinore, located approximately 4.5 miles northwest of the project. The site is not located within any airport noise contour established for this facility; therefore, the proposed project would not have the potential to expose people to excessive noise levels from airport operations. In the absence of any such exposure, no airport-related noise impact would occur. No mitigation is warranted (DEIR, pg. 4.12-20).

b. Groundborne Vibration and Noise Impacts

Potential Significant Impact: Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Findings: Potential impacts of the project related to noise are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundborne vibration and noise that will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: It is expected that groundborne vibration from project construction activities would cause only intermittent, localized intrusion. Construction activities that would occur within the project site are expected to include excavation and grading, which would have the potential to generate low levels of groundborne vibration. As detailed in DEIR Table 4.12.D, construction activity is not expected to generate vibration levels that exceed the Federal Transit Administration (FTA) maximum acceptable vibration standard of 80 VdB. Further, activity at the receiver closest to the site is unlikely to be sustained during the entire construction period, but will occur rather only during the times that heavy construction equipment is operating near the project boundary. Moreover, construction at the project site will be restricted to daytime hours consistent with City requirements thereby eliminating potential vibration impacts during the sensitive nighttime hours. On this basis, no significant groundborne vibration impact would occur; therefore, no mitigation is warranted (DEIR, pgs. 4.12-21 and 4.12-25).

c. Operational Noise Impacts

Potential Significant Impact: Would the project result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Findings: Potential impacts of the project related to noise are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to operational noise that will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: Project-related operational noise sources are expected to include parking lot vehicle movements and rooftop air conditioning units. Based on noise conditions at representative uses, parking lot activity generates a reference noise level of 61.8 dBA Leq at a distance of 10 feet. For rooftop air conditioning equipment, reference noise levels at a distance of 5 feet were measured at 81.9 dBA L_{eq} . Based on the representative noise measurements and the distance from the noise sources to on-site sensitive receivers, combined operational noise levels are projected to range from 50.4 to 51.2 dBA Leq at the on-site sensitive receivers. While this level of operational noise would not exceed the City's daytime exterior standard of 55 dBA Leq at the on-site sensitive receivers, the stated project activities will exceed the City's nighttime exterior noise standards of 45 dBA Leq at the on-site receivers. However, it is reasonable to conclude that the nature of the adjacent office use would generally limit on-site vehicle movement and rooftop air conditioning unit activities to daytime hours (7:00 a.m. to 10:00 p.m.). The parking areas and air conditioning equipment associated with the proposed commercial uses are an additional 120 feet further north than the office uses; therefore, noise from these sources would be reduced from that associated with the office uses. Furthermore, because the commercial uses would generally be limited to daytime hours, the operational noise impacts from the commercial uses would not exceed the City's daytime or nighttime exterior standards. Therefore, while some parking lot vehicle movement may occur during nighttime hours, any such noise will likely be overshadowed by background traffic noise from Clinton Keith Road and will not result in a significant impact to night time noise levels.

As the project would not generate operational noise levels in excess of the City's 55 dBA Leq standard and would not operate during nighttime hours, the project would not generate noise in excess of standards established in the City's General Plan or noise ordinance. No significant operational noise impact would occur. In the absence of a significant impact, no mitigation is warranted (DEIR, pgs. 4.12-25 and 4.12-29).

d. Cumulative Noise Impacts

Potential Significant Impact: Whether the project in connection with past, current, and probable future project would cause cumulative noise impacts within the City of Wildomar.

Findings: Potential impacts of the project related to cumulative noise are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no

significant cumulative impacts related to noise will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The net increase in project site noise levels generated by project construction activities and other sources has been quantitatively estimated and compared to the applicable noise standards and thresholds of significance. Although it is not possible to predict if contiguous properties may be constructed at the same time, each project's adherence to applicable provisions of the City's Municipal Code regulating construction activities would render cumulative construction-related noise impacts less than significant.

On-site operational noises are individual occurrences and are not typically additive in nature. Noise sources would have to be adjacent to or in close proximity to one another in order for individual noise sources to intermingle. Similarly, noise receivers would also have to be adjacent to or in close proximity to the noise generators. It is reasonable to conclude the owner/operator/occupant of adjacent properties would adhere to applicable provisions of the City's Municipal Code related to operational and nuisance noise from their respective properties; therefore, the cumulative nature of operational noise from the project and other development would be less than significant. In the absence of a cumulatively significant noise impact, no mitigation is required (DEIR, pgs. 4.12-46 and 4.12-47).

13. Population and Housing

a. Population Growth

Potential Significant Impact: Would the proposed project induce substantial population growth in an area, either directly (e.g., new homes and businesses) or indirectly (e.g., extension of roads and infrastructure)?

Findings: Potential impacts of the project related to population, housing, and employment are discussed in detail in Section 4.13 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to population that will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: Although the project will require a General Plan amendment and a zone change, it is generally consistent with the General Plan. The project is placing multifamily units in an area designated for residential uses and is adjacent to other multifamily residential developments. Additionally, the on-site commercial and retail uses will provide

employment opportunities. Therefore, less than significant impacts would occur in relation to General Plan policies regarding population growth. The project will not induce a population increase above which has been planned for by the City or which would be expected to result in fiscal or economic impacts. Impacts related to this issue are less than significant and no mitigation is required (DEIR, pgs. 4.13-5 through 4.13-7).

b. Displace Substantial Housing/People

Potential Significant Impact: Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Findings: Potential impacts of the project related to population, housing, and employment are discussed in detail in Section 4.13 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to displacement of substantial number of housing or people that will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site is currently undeveloped; therefore, there is no potential for the displacement of persons or housing. The project would increase the availability of multifamily residential dwellings in the City, which satisfies the goals and objectives detailed in the recent update of the City's Housing Element. No impact related to this issue would occur; therefore, no mitigation is required (DEIR, pg. 4.13-8).

c. Cumulative Population and Housing Impacts

Potential Significant Impact: Whether the project in connection with past, current, and probable future project would cause cumulative population, housing, and employment impacts within the City of Wildomar.

Findings: Potential impacts of the project related to cumulative population, housing, and employment are discussed in detail in Section 4.13 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to population, housing, and employment will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative area for the discussion of population and housing impacts is the City of Wildomar. The proposed project would require a General Plan Amendment and Zone Change for the northern half of the site. While the project would generate approximately 157 jobs and 356 residents, this growth has been anticipated by the General Plan and therefore not considered substantial. The project would contribute to the City's "fair share" of housing required under the Regional Housing Needs Assessment (RHNA). Therefore, the project would not significantly contribute to a City or regional cumulative housing or population impact (DEIR, pg. 4.12-8).

14. Public Services and Facilities

a. Police Protection

Potential Significant Impact: Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered law enforcement facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police services?

Findings: Potential impacts of the project related to public service and facilities are discussed in detail in Section 4.14 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to law enforcement facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The development and operation of the project would increase demand for police protection services. During occupation of the project, potential impacts would be an increased need for police protection services routinely associated with residential and commercial growth, including routine patrols, responding to calls for service such as graffiti or vandalism, robbery, domestic violence, etc. The City collects fees from developers to offset police-related service impacts associated with new development, per City Municipal Code Chapter 3.44. The project would be designed and operated per applicable standards required by the City for new development in regard to public safety. In addition, development fees would be used to fund capital costs associated with constructing new public safety structures and purchasing equipment for new public safety structures. Therefore, impacts related to law enforcement facilities are less than significant (DEIR, pgs. 4.14-2 through 4.14-4).

b. Fire Protection

Potential Significant Impact: Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered fire-fighting facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire services?

Findings: Potential impacts of the project related to public services and facilities are discussed in detail in Section 4.14 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to fire-fighting facilities or incompatible uses will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The construction and occupation of the proposed uses would incrementally increase the demand for fire protection, prevention, and emergency medical services in the City. The project's incremental increase in the amount of fire protection-requiring responses within the City would not cause the nearest fire station to have unacceptable response times. As with all new development within the City, the project would be required to pay Development Impact Fees (DIFs) to the City. Such fees would be used to fund capital costs associated with land acquisition, construction, purchasing equipment, and providing for additional staff. With these provisions, the proposed project will not require the construction of new firefighting facilities and will have a less than significant impact on fire services and no mitigation is required (DEIR, pgs. 4.14-5 and 4.14-6).

c. Schools

Potential Significant Impact: Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Findings: Potential impacts of the project related to public services and facilities are discussed in detail in Section 4.14 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to school facilities or incompatible uses will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: As detailed in DEIR Table 4.14.E, the addition of 37 students would not cause project area schools to exceed capacity. Therefore, the construction of new or physically altered school facilities would not be required. In addition, the project would be required to pay development fees to the school district that would help fund school facilities and programs. Per California Government Code, “The payment or satisfaction of a fee, charge, or other requirement levied or imposed ... are hereby deemed to be full and complete mitigation of the impacts ... on the provision of adequate school facilities.” The project will be required to pay these development fees in accordance with Government Code 65995 and Education Code 17620 (DEIR, pgs. 4.14-8 through 4.14-10).

d. Other Public Facilities

Potential Significant Impact: Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Findings: Potential impacts of the project related to public services and facilities are discussed in detail in Section 4.14 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to other public facilities or incompatible uses will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: It is reasonable to conclude the payment of required fees, property taxes, and other payments by the owners/occupants of the proposed development would sufficiently offset any incremental increase in demand or use of these facilities. Due to the minor increase in population, use, or demand, the construction of new or expansion of existing library, medical, or governmental facilities is not required. No significant impact to these facilities would occur; therefore, no mitigation is required (DEIR, pg. 4.14-12).

e. Cumulative Public Services and Facilities Impacts

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would cause cumulative public services and facilities impacts within the City of Wildomar.

Findings: Potential impacts of the project related cumulative impacts to public services and facilities are discussed in detail in Section 4.14 of the DEIR. Based on the entire record before

us, this Council finds that no significant cumulative impacts related to public services and facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: As additional development occurs in the City, there may be an overall increase in the demand for law enforcement and fire protection services, including personnel, equipment, and/or facilities. Increases in demand are routinely assessed by these agencies as part of the annual monitoring and budgeting process. All development within the service areas of the Riverside County Sheriff's and Fire Departments would be required to adhere to conditions established by these agencies and would be subject to applicable fees that will contribute to the maintenance of their facilities. The project would result in the development of uses that are typical of those currently present in the service area for the Riverside County Sheriff's and Fire Departments, and does not include any use or structure anticipated to disproportionately increase service demand beyond that which currently exists. With adherence to standard conditions and payment of required fees, no significant cumulative impact on law enforcement and fire services in the City would occur.

The cumulative area for school-related services is the Lake Elsinore Unified School District (LEUSD). The LEUSD requires the payment of development fees to provide for maintenance of existing and the expansion or construction of new facilities. All new development is required to provide school impact fees at the level identified by the LEUSD, it is anticipated that no cumulatively significant impact to school services would occur with implementation of the proposed project (DEIR, pgs. 4.14-12 and 4.14-13).

15. Recreation and Parks

a. Existing Recreational Facilities

Potential Significant Impact: Would the project result in increased use of existing neighborhood and regional parks or other recreational facilities where substantial physical deterioration would occur or be accelerated?

Findings: Potential impacts of the project related to recreational facilities are discussed in detail in Section 4.15 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to existing recreational facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The project would result in an increase in population within the City of approximately 356 people. Based on this increase, the project would be required to provide approximately 1.07 acres of parkland. The project includes 3.2 total acres of open space: 1.9 acres of passive park and 1.3 acres of conserved oak grove area, both of which would be accessible for public use. Additionally, the residential component of the project includes a pool, trail, and clubhouse amenity for the use of residents.

The project proponent would be required to pay the Quimby Act fee and the City's park DIF. Payment of these fees and taxes will result in project impacts associated with this issue being less than significant. No mitigation is required. As the project will pay the required Quimby Act fee and park DIF, no significant impact would occur. No mitigation is required (DEIR, pgs. 4.15-8 and 4.15-9).

b. New or Physically Altered Recreational and Park Facilities

Potential Significant Impact: Would the project result in construction or expansion of recreational facilities that would have an adverse physical effect on the environment?

Findings: Potential impacts of the project related to recreational facilities are discussed in detail in Section 4.15 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to new or physically altered recreational and park facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The project's recreation facilities are included as part of proposed development. The environmental effects associated with the development of on-site recreation features have been considered through the analysis of the project as a whole. The construction of these features would not result in an adverse physical effect on the environment beyond those analyzed for the overall development of the project. It is not possible at this time to determine if or how frequently future project residents would utilize existing City parks or recreation facilities. As the project provides sufficient park/open space for the projected number of residents, and because the project will be required to pay applicable park and recreation fees that will be used in part to maintain existing park facilities, the project would not reasonably result in the construction of new or expansion of existing recreation facilities in the City; therefore, no significant impact would occur. No mitigation is warranted (DEIR, pgs. 4.15-9 and 4.15-10).

c. Cumulative Recreation and Parks Impacts

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would cause cumulative recreation and parks impacts within the City of Wildomar.

Findings: Potential cumulative impacts of the project related to recreational facilities are discussed in detail in Section 4.15 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to recreational facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the proposed project in combination with cumulative projects in the City would increase use of existing parks and recreation facilities. However, as future residential development is proposed, the City will require developers to provide the appropriate amount of parkland or pay the in-lieu fees, which will contribute to future recreational facilities. Payment of these fees and/or implementation of facilities on a project-by-project basis would offset cumulative parkland impacts by providing funding for new and/or renovated parks equipment and facilities. When considered with other projects in the City, the cumulative park impact of the proposed project is less than significant and no mitigation is required (DEIR, pgs. 4.15-10 and 4.15-11).

16. Transportation and Traffic

a. Air Traffic Patterns

Potential Significant Impact: Would the proposed project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Findings: Potential impacts of the project related to transportation and traffic are discussed in detail in Section 4.16 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to air traffic patterns will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The nearest air facility to the project site is Skylark Field airport in the City of Lake Elsinore, located approximately located 4.5 miles northwest of the site. The project does not include any use that would interfere with or alter air traffic volumes or

otherwise affect air traffic patterns, nor does the project include any visual, electronic, or physical feature that would present a flight hazard to aircraft using Skylark Field or any other air facility. As such, no impacts associated with this issue would occur and no mitigation is required (DEIR, pg. 4.16-27).

b. Design Features or Incompatible Uses

Potential Significant Impact: Would the proposed project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Findings: Potential impacts of the project related to transportation and traffic are discussed in detail in Section 4.16 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to design features or incompatible uses will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The design of project's circulation system does not include any sharp curves or dangerous intersections. Roadway improvements in and around the project site would be designed and constructed to satisfy all City requirements for street widths, corner radii, intersection control, site access requirements and internal circulation. As part of the City's standard plan check process, the final design of all roadways, intersections, and circulation within and adjacent to the project site would be reviewed by and subject to approval by City staff prior to issuance (as relevant) of any grading, construction, or occupancy permit. The review and approval by City staff sufficiently ensures the project will incorporate the necessary design features to ensure safe travel to, from, and within the project site. Adherence to applicable existing requirements of the City would reduce impacts associated with this issue to a less than significant level and no mitigation is required (DEIR, pgs. 4.16-27 and 4.16-28).

c. Inadequate Emergency Access

Potential Significant Impact: Would the proposed project result in inadequate emergency access?

Findings: Potential impacts of the project related to transportation and traffic are discussed in detail in Section 4.16 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to emergency access will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The project would be designed, constructed, and maintained to provide required emergency/evacuation access. As part of the development process, project plans will be submitted to law enforcement, fire protection, and/or other emergency service providers (as appropriate) for review. Adherence to applicable existing requirements of the City of Wildomar, emergency service providers, and other agencies would reduce impacts associated with this issue to a less than significant level and no further discussion is required.

The project is not expected to cause any significant impacts at study area intersections that may be used by emergency vehicles. With the installation of project improvements and full participation in the applicable fee programs, it is reasonable to conclude that the long-term emergency access features required for the project site and the City in general will be installed and appropriately maintained. Therefore, potential impacts are less than significant and no mitigation is required (DEIR, pg. 4.16-28).

d. Alternative Transportation

Potential Significant Impact: Would the proposed project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Findings: Potential impacts of the project related to transportation and traffic are discussed in detail in Section 4.16 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to alternative transportation will occur as a result of development of the and, therefore, no mitigation is required.

Facts in Support of the Findings: The project will not alter the location or frequency of bus transportation in the study area. The project will install sidewalk improvements along Clinton Keith Road and the future extension of Yamas Drive to facilitate pedestrian access. In addition, the commercial component will be required to provide bicycle parking facilities pursuant to Section 17.188.060 of the Municipal Code.

The project would be required to adhere to applicable City standards that support and/or facilitate alternative modes of transportation. Through the City's project review process, policies, plans, and/or programs, supporting alternative transportation would be reviewed and incorporated as applicable. Consequently, project impacts related to non-vehicular traffic or

alternative modes of transportation are less than significant and no mitigation is warranted (DEIR, pg. 4.16-28 and 4.16-29).

17. Utilities and Service Systems

a. Water Supply and Water Treatment Facilities

Potential Significant Impact: Would the proposed project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Would the proposed project require the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?

Findings: Potential impacts of the project related to utilities and service systems are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to water supply and water treatment facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: Based on its UWMP, the EVMWD's total potable water production capacity is currently 66,500 acre-feet per year (AFY), while the average production is 43,800 AFY. Since the project would use approximately 122.36 AFY, this would only incrementally increase demand and not require the construction of new water treatment facilities or expansion of existing facilities, which could cause significant environmental effects. The Elsinore Valley Municipal Water District (EVMWD) has commented that the project would be required to connect to the existing 16-inch water line in Clinton Keith Road, install a 12-inch water line in Yamas Drive and pay applicable fees to the EVMWD. Per the EVMWD's development review process, the project applicant will be required to submit plans or review and approval. No significant impacts associated with the delivery of water to the project site are anticipated; therefore, no mitigation is warranted (DEIR, pgs. 4.17-11 through 4.17-13).

b. Storm Water Drainage Requirements

Potential Significant Impact: Would the proposed project result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Findings: Potential impacts of the project related to utilities and service systems are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to storm water drainage requirements will occur as a result of development of the project and no new wastewater treatment facilities or expansion of existing facilities would be required, therefore, no mitigation is required.

Facts in Support of the Findings: Development of the project would result in the construction of impervious surfaces, increasing the amount of runoff on the site. Off-site flows will be collected and conveyed through the project site. Untreated on-site flows will not co-mingle with off-site flows. While the installation of impervious surfaces will increase the volume of storm water drainage, the on-site storm drain system has been designed to accommodate the post-development storm water flows.

The project hydrology study demonstrated that increases in storm water runoff would be captured and treated by on-site drainage features. Additionally, the site's design will maintain the general pattern of existing flow. With development of the facilities and implementation of the practices detailed in the Final Water Quality Management Plan (WQMP) prepared for the project, no significant drainage or drainage capacity impact would result from the development of the project. The construction of the drainage features detailed in the Final WQMP and Section 4.9 are considered part of the proposed project and the environmental effect of the installation of these features is addressed in previous sections of the DEIR. Therefore, development of the project would not result in a significant impact relative to the extension or expansion of storm water drainage facilities. No mitigation is required (DEIR, pgs. 4.17-13 and 4.17-14).

c. Cumulative Impacts to Water Supply and Storm Drain Facilities

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would result in cumulative impacts to water supply and storm drain facilities.

Findings: Potential impacts of the project related to cumulative water supply and storm drain facilities are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to water supply and storm drain facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: As development occurs, each project will be required to assess its separate and cumulative effect on water supply and water treatment/delivery systems. The existing and future land use patterns/designations and demographic projects for the EVMWD service area are taken into consideration during the development of local and regional water planning documents. As EVMWD and the MWD has established that current and future water supplies are sufficient to address normal, single dry year, and multiple dry year conditions, no cumulatively significant water supply or delivery impact would occur. No mitigation is warranted (DEIR, pg. 4.17-15).

d. Wastewater Treatment Requirements

Potential Significant Impact: Would the proposed project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Findings: Potential impacts of the project related to utilities and service systems are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to wastewater treatment requirements will occur as a result of development of the and, therefore, no mitigation is required.

Facts in Support of the Findings: It is anticipated that all wastewater generated by the proposed project would be routed to and treated by the Regional Water Reclamation Facility (WRF), which is considered to be a Publicly Owned Treatment Works (POTW), so operational discharge flows treated at the WRF would be required to comply with WDRs for that facility. Compliance with condition or permit requirements established by the City and WDRs at the WRF would ensure that discharges into the wastewater treatment facility system from the operation of the proposed project would not exceed applicable San Diego RWQCB wastewater treatment requirements. Expected wastewater flows from the proposed project will not exceed the capabilities of the serving treatment plant, therefore, no significant impact related to this issue would occur and no mitigation would be required (DEIR, pg. 4.17-19).

e. Wastewater Treatment Capacity and/or New and Expanded Wastewater Treatment Facilities

Potential Significant Impact: Would the proposed project result in a determination by the wastewater treatment provider, which serves or may serve the project, that it lacks adequate

capacity to serve the project's projected demand in addition to the wastewater provider's existing commitments?

Would the proposed project require the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Findings: Potential impacts of the project related to utilities and service systems are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to wastewater treatment capacity and/or new and expanded wastewater treatment facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The project would generate approximately 53,300 gallons of wastewater per day (0.053 mgd). This increase is well within the current treatment capacity of the Regional WRF, which is 8.0 mgd. The increase in wastewater flow associated with the project represents 1.97 percent of the WRF's existing surplus capacity, which is 2.7 mgd. Relative to the total surplus capacity, this increase is insignificant and would not require the construction of new or expansion of existing wastewater treatment facilities. Therefore, impacts to wastewater treatment capacity are less than significant and no mitigation is required.

No wastewater conveyance facilities that would serve the project currently operate near or over capacity. The northern portion of the site will be required to connect to the existing 18-inch sewer line within Clinton Keith Road. The applicant will be responsible for installing a new sewer line (10 to 12-inch diameter) from the middle property line on Yamas Drive to Prielipp Drive. Per the EVMWD's development review process, the project applicant will be required to submit plans for review and approval. No significant impacts associated with wastewater conveyance facilities are anticipated; therefore, no mitigation is warranted (DEIR, pgs. 4.17-19 and 4.17-20).

f. Cumulative Impacts to Wastewater Facilities

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would result in cumulative impacts to wastewater facilities.

Findings: Potential impacts of the project related to cumulative wastewater facilities are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this

Council finds that no significant cumulative impacts related to wastewater facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: Cumulative population increases and development within the service area would increase the overall regional demand for wastewater treatment service. On average, the Regional WRF is designed to treat 8.0 mgd of flow and has a peak capacity to treat 16 mgd. The WRF is expected to have adequate capacity to service the Regional Collection System's needs through 2030.

The project would not have a cumulatively significant impact on wastewater infrastructure because it would not require the expansion of existing infrastructure; only connections to existing infrastructure would be required by the project. By adhering to the wastewater treatment requirements, wastewater from the project site that is processed through the Regional Collection System would meet established standards. As the wastewater from all development within EMMWD's service area would be similarly treated, no cumulatively significant wastewater treatment impact would occur. (DEIR, pg. 4.17-15).

g. Solid Waste Facilities

Potential Significant Impact: Would the proposed project be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?

Findings: Potential impacts of the project related to utilities and services systems are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to solid waste facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: No structures are located on the project site; therefore no demolition activities (or resulting demolition waste) would occur during development. Site development would generate approximately 461.3 tons of solid waste during construction. On-site construction is anticipated to last approximately one year; therefore, on average, approximately 1.77 tons per day of construction waste may be generated during the course of construction.

Solid waste generated by the proposed on-site uses would be collected and transported to the Moreno Valley Transfer Station, after which non-recyclable material would be sent to El Sobrante Landfill. The project would generate approximately 213.09 tons of solid waste annually

(0.58 ton daily). The existing daily surplus capacity of El Sobrante Landfill is 9,663 tons. As adequate daily surplus capacity exists at the receiving landfill, development of the project would not significantly affect current operations or the expected lifetime of the landfill serving the project area. No significant solid waste disposal impact would occur and no mitigation is required (DEIR, pg. 4.17-24).

h. Solid Waste Reduction

Potential Significant Impact: Would the proposed project fail to comply with applicable federal, State, and local statutes and regulations related to solid waste?

Findings: Potential impacts of the project related to utilities and services systems are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to solid waste reduction will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City contracts with franchise solid waste haulers, who offer recycling services to meet the requirements of the City Source Reduction and Recycling Element (SRRE). The project would be required to coordinate with Waste Management to enact a program for the collection of recyclable materials as established by applicable local, regional, and State programs. The proposed project would be required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, State, and federal solid waste disposal standards, thereby ensuring that the solid waste stream to regional landfills are reduced in accordance with existing regulations. Impacts are considered less than significant and require no mitigation (DEIR, pg. 4.17-25).

i. Cumulative Impacts to Solid Waste Services

Potential Significant Impact: Whether the project in connection with past, current, and probable future projects would have an incremental impact on solid waste services.

Findings: Potential impacts of the project related to cumulative solid waste services are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to solid waste facilities will occur as a result of development of the project and, therefore, no mitigation is required.

Facts in Support of the Findings: The project and other projects within the City would increase demand for solid waste services. Cumulative projects would result in increased generation of solid waste that would need to be processed at the Moreno Valley Materials Recovery Facility and El Sobrante Landfill. The landfill has an anticipated closure date of January 2045. In addition to the El Sobrante Landfill, five additional regional landfills are available to supplement disposal capacity. With planned expansion activities of landfills in the project vicinity and projected growth rates contained in the City's General Plan EIR, sufficient landfill capacity exists to accommodate future disposal needs through 2030. Therefore, development according to the City General Plan would not create demands for solid waste services that would exceed the capabilities of the County's waste management system. Consequently, cumulative impacts associated with solid waste within the City would be considered less than significant (DEIR, pgs. 4.17-25 and 4.17-26).

B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

- (a)(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (a)(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (a)(3) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

Certain impacts to the environmental categories analyzed in the EIR, including air quality, biological resources, cultural resources, greenhouse gas emissions, hydrology, noise, and traffic were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR;

and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring and Reporting Program (MMRP) adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

1. Air Quality

a. Construction-Related Regional Emissions

Potentially Significant Impact: The EIR evaluated and concluded that the project has the potential to result in significant construction related regional emissions.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts of the construction-related regional emission impacts to less than significant:

4.3.6.1A *“Zero-Volatile Organic Compounds” paints (no more than 150 grams/liter of VOC) and/or High Pressure/Low Volume (HPLV) applications consistent with SCAQMD Rule 1113 shall be used during project construction.*

4.3.6.1B *All rubber tired dozers and scrapers used during grading operations shall be California Air Resources Board (CARB) Tier 3 certified or better.*

4.3.6.1C *Appropriate provisions detailed in SCAQMD Rule 403 shall be implemented for the duration of project construction. Fugitive dust suppression measures include but shall not be limited to the following:*

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

4.3.6.1D *On-site construction equipment shall be shut off at or prior to five minutes of idling.*

Facts in Support of the Finding: Construction emissions for construction worker vehicles

traveling to and from the project site, as well as vendor trips (construction materials delivered to the project site) were estimated based on CalEEMod defaults. Table 4.3.J in the DEIR, summarizes the construction-related emissions based on the previously stated activity and equipment assumptions. Under the assumed construction scenario, emissions will exceed the SCAQMD thresholds established for VOCs and NO_x. The exceedance of SCAQMD thresholds is a significant impact requiring mitigation. Best Available Control Measures (BACMs) refer to an approach to pollution control that is based on adopting the most effective methods of controlling emissions of pollutants from sources such as roadway dust, soot and ash from woodstoves, and open burning of timber, grasslands, or rubbish. Additionally, during construction activities, the proposed project would be subject to applicable rules established by the SCAQMD to reduce construction emissions. Upon incorporation of BACMs, adherence to standard SCAQMD regulations and implementation of **Mitigation Measures 4.3.6.1A** through **4.3.6.1D**, construction emissions would be reduced to below established SCAQMD thresholds.

Summary of Regional Construction-related Emissions (with Mitigation)

Year	Emissions (pounds per day without Mitigation)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
2017	5.68	78.31	61.45	0.15	8.61	4.77
2018	60.80	31.84	37.40	0.08	5.25	2.57
Maximum Daily Emissions	101.23	105.79	71.22	0.15	15.21	8.05
Mitigated Daily Emissions	60.80	78.31	61.45	0.15	8.61	4.77
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: Tables 4.3.J-K, *Grove Park Mixed Used Development Draft EIR*, LSA Associates, Inc., September 2015.
 Note: Includes incorporation of BACMs, standard regulatory requirements, and Mitigation Measures 4.3.6.1A-B.

Correspondingly, impacts would be reduced to a less than significant level (DEIR, pgs. 4.3-26 through 4.3-30).

b. Construction-Related Localized Emissions

Potentially Significant Impact: The EIR evaluated and concluded that the project has the potential to result in significant construction related localized emissions.

Finding: Implementation of **Mitigation Measures 4.3.6.1A** through **4.3.6.1D** will reduce the impact related to construction-related localized emissions to less than significant.

Facts in Support of the Finding: The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the Federal and/or State AAQS. As detailed in DEIR Table 4.3.M, localized emissions of PM₁₀ and PM_{2.5} at the nearest receptor would exceed the SCAQMD’s thresholds. The exceedance of SCAQMD thresholds is a significant impact requiring mitigation. Previously identified **Mitigation Measures 4.3.6.1A** through **4.3.6.1D** address the incorporation of BACMs and applicable SCAQMD Rules to reduce the level of pollutants emitted during on-site construction activities.

Summary of Localized Construction Emissions (with Mitigation)

On-Site Grading Emissions	Emissions (pounds per day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	76.87	49.73	12.44	6.96
Mitigated Daily Emissions	49.40	39.96	5.84	3.68
SCAQMD Localized Threshold	279.67	1,383.33	9.00	5.33
Threshold Exceeded?	NO	NO	NO	NO

Source: Tables 4.3.M-N, *Grove Park Mixed Used Development Draft EIR*, LSA Associates, Inc., September 2015.

Specifically, adherence to provisions of Rule 403 will reduce PM₁₀ emissions from on-site activities that have the potential to generate fugitive dust. With implementation of the above mitigation measures impacts would be less than significant (DEIR, pgs. 4.3-30 through 4.3-32).

2. Biological Resources

a. Candidate, Non-listed Sensitive, or Special-Status Animal Species

Potential Significant Impact: The EIR evaluated and concluded that the project has the potential to have a significant impact on special-status wildlife species. In response to agency comment, **Mitigation Measure 4.4.6.1B** was revised to clarify any burrowing owl relocation effort that may be required should the species be identified on-site.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts to special-status wildlife species to less than significant:

4.4.6.1A *A pre-construction burrowing owl survey shall be conducted by a qualified biologist prior to the start of ground-disturbing activities. The burrowing owl survey shall be conducted pursuant to the guidelines established by the California Department of Fish and Wildlife and shall require four (4) site visits (two in the morning and two in*

the evening) to determine the on-site presence/absence of the species. The final survey shall occur no more than three days prior to the start of ground-disturbing activities. In the event this species is not identified on site, no further mitigation is required. If during the pre-construction burrowing owl survey, this species is found to occupy the site, **Mitigation Measure 4.4.6.1B** shall be required.

4.4.6.1B *If burrowing owls are identified during the survey periods, the City or project applicant shall develop a burrowing owl conservation strategy that is acceptable to the California Department of Fish and Wildlife (CDFW), the Western Riverside County Regional Conservation Authority (RCA) and the United States Fish and Wildlife Service (USFWS). If passive or active relocation of owls is approved for the site by the CDFW, the City shall require the developer to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. The relocation plan shall include the following:*

- *The location of the nests and the owls proposed for relocation;*
- *The locations of the proposed relocation sites;*
- *The number of adult owls and juveniles proposed for relocation;*
- *The time of year when relocation is proposed to occur;*
- *The name of the biologist proposed to supervise the relocation and the details of his/her experience capturing, handling and relocating burrowing owls, including the outcomes of their previous relocation efforts (survival/mortality rates and site-fidelity rates of the relocated owls) and the relevant permits held;*
- *A detailed description of the proposed method of capture, transport, and acclimation of the current project's owls on the proposed relocation site;*
- *A detailed description of relocation site preparations (e.g., the design and dimensions of the artificial release burrows and hacking cage, duration of hacking activities, including the provision of food and water.*
- *A description of the monitoring methods and monitoring duration to be employed to verify survival of the relocate owls and their long-term retention on the relocation site.*

Facts in Support of the Finding: Two special-status species, the coastal California gnatcatcher and San Diego black-tailed jackrabbit were observed on the project site. The San Diego black-tailed jackrabbit has no Federal designation but is a California “species of special concern.” Both of these species are MSHCP Covered Species. One (1) special-status species (burrowing owl) was determined absent following on-site focused surveys. The burrowing owl is also an MSHCP Covered Species.

Implementation of appropriate MSHCP measures, including the payment of appropriate fees, is required of all development within the MSHCP area. With the exception of the burrowing owl, no further survey or mitigation is required under the MSHCP for these Covered Species. Through the payment of the MSHCP development fee and implementation of MSHCP measures such as the Standard Best Management Practices outlined in Appendix C of the MSHCP, no significant impacts to MSHCP covered species would occur.

While payment of MSHCP fees and adherence to MSHCP guidelines is typically sufficient to offset impacts to Covered Species, under Section 6.3.2 of the MSHCP additional surveys may be needed for certain species to achieve coverage. The burrowing owl has been identified as species requiring additional surveys. Due to the presence of suitable habitat and the mobile nature of the species, there is potential for the species to occupy the site prior to development. The potential on-site presence of burrowing owls is a potentially significant impact requiring **Mitigation Measures 4.4.6.1A** and **4.4.6.1B** (DEIR, pgs. 4.4-18 through 4.4-21). The mitigation recommended by the USFWS and CDFW (agencies) mandates a preconstruction burrowing owl survey and, in the event the species is identified on-site, the development of burrowing owl conservation and relocation strategy identifying specific parameters and the retention of qualified biologist to prepare the relocation plan. Any such plan would be developed in consultation with the CDFW, the Western Riverside County Regional Conservation Authority (RCA), and the United States Fish and Wildlife Service (USFWS). The conducting of the preconstruction survey, and adherence to the provisions of the burrowing owl conservation and relocation strategies (as applicable), would ensure impacts to the species remain less than significant.

b. Riparian Habitat or Other Sensitive Natural Communities

Potential Significant Impact: The EIR evaluated and concluded that the project has the potential to affect riparian habitat or other sensitive natural communities.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts to riparian habitat or other sensitive natural communities to less than significant:

4.4.6.2A *Prior to the issuance of any grading permit for permanent impacts in jurisdictional features, the project applicant shall obtain a Federal Clean Water Act Section 404 permit and/or an Approved Jurisdictional Determination from the United States Army Corps of Engineers (USACE), a Federal Clean Water Act Section 401 permit from the Regional Water Quality Control Board (RWQCB), and a Streambed Alteration Agreement permit under Section 1602 of the California Fish and Game Code from the California Department of Fish and Wildlife (CDFW). The following shall be incorporated into the permitting, subject to approval by the regulatory agencies:*

- 1. Off-site replacement and/or restoration of USACE/RWQCB jurisdictional “waters of the U.S.”/“waters of the State” within the Santa Margarita Watershed at a ratio no less than 1:1 or within an adjacent watershed within Riverside County at a ratio no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank.*
- 2. Off-site replacement and/or restoration of CDFW jurisdictional streambed and associated riparian habitat within the Santa Margarita Watershed at a ratio no less than 1:1 or within an adjacent watershed at a ratio no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank.*

4.4.6.2B *Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime), an Oak Tree Mitigation Plan prepared by a certified arborist,*

registered professional forester, botanist, or landscape architect shall be submitted for review and approval by the City that includes:

- 1. A survey showing the location of oak trees 5 inches or more in diameter at breast height (DBH), as defined by Public Resources Code Section 21083.4(a).*
- 2. The removal of all oak trees 5 inches or more DBH height shall be mitigated. Removal shall be mitigated by planting (or replanting) and maintaining oak trees. A minimum of three native oak trees of 5 gallons or larger size shall be planted for each oak tree removed that is greater than or equal to 5 inches DBH. The trees shall be planted in areas deemed appropriate by the Oak Tree Mitigation Plan, considering future lot development and interference with foundations, fencing, roadways, driveways, and utilities. Replanted oak trees shall be maintained for a period of seven years after they are planted. If any of the replanted oak trees die or become diseased, they shall be replaced and maintained for seven years after the new oak trees are planted.*
- 3. A replanting schedule and diagram for trees removed or encroached upon by the project shall be submitted to and approved by the City. Replanted trees shall be planted in areas deemed appropriate by the Oak Tree Mitigation Plan, considering future lot development and interference with foundations, fencing, roadways, driveways, and utilities. Trees planted shall be protected from livestock and other animals.*
- 4. Oak tree protection measures for trees to be retained within the project site shall be included in construction specifications. Each oak tree to be preserved shall be surrounded by a tree zone identified by the drip-line of the tree. An orange plastic fence or other suitable type of fence shall be used to identify the tree zone during construction activities. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and minimize compaction of the soil, unless authorized by the Oak Tree Mitigation Plan.*
- 5. Conservation easements or funds for off-site oak woodlands conservation shall be proposed to and approved by the City.*

Facts in Support of the Findings: Of the existing native plant communities on the project site, the southern willow scrub is considered a sensitive, high priority community for inventory in the California Natural Diversity Database (CNDDDB). The 0.06 acre of on-site southern willow scrub is of low habitat quality due to limited native components. The community is isolated from other similar habitats in the project vicinity, and does not support or have the potential to support any protected plant or animal species. Therefore, loss of southern willow scrub on site is not considered a significant impact.

The project site includes three MSHCP Riverine Areas associated with Drainages A, B, and B1. Based on the presence of coast oak trees that grow close to the drainages, Drainages B and B1 are considered to meet the MSHCP definition of a Riverine Area. These drainages support limited function and value as Riverine Areas due to the absence of a downstream connection. The hydrology of these drainages has been altered as a result of disking activities and construction of a berm around an earthen basin in the southwest corner of the site. As such, the drainages do not support the vegetation or hydrology suitable for supporting the majority of the MSHCP list of associated riparian/riverine species.

The DBESP proposed off-site mitigation for permanent impacts to MSHCP Riverine Areas (equivalent to CDFW jurisdictional areas) on the project site to demonstrate biologically equivalent or superior preservation. On-site mitigation was determined infeasible since the proposed development cannot increase the hydrological input into the drainages within the oak grove that will be preserved on-site. Off-site mitigation provides wide-reaching watershed benefits since it is typically part of a larger effort and/or within an area of greater habitat diversity. As demonstrated in the DBESP, the on-site drainages are of low value and limited function. The loss of these drainages would be compensated with off-site mitigation within a larger drainage system in the watershed and pre-secured for in-perpetuity preservation and management by an agency-approved entity. While the loss of MSHCP Riverine Areas constitutes a significant impact and must be mitigated; The project specific Determination of Biologically Equivalent or Superior Preservation (DBESP) concluded that the loss of 0.54 acre of riverine areas could be mitigated through off-site replacement, as described in **Mitigation Measure 4.4.6.2A**.

On-site, coast live oak trees in this community grow close together along the east-central portion of the site with their canopies occasionally touching. The project retains existing on-site oak trees in a 1.3-acre oak preserve. During development, a limited number of oaks located

outside the oak preserve will be removed to facilitate the construction of buildings or project features. While the City does not have a tree-preservation ordinance or other requirement for the specific preservation of oak trees, due to the trees' contribution to the on-site MSHCP "riverine" areas, **Mitigation Measure 4.4.6.2B** has been identified to reduce potential impacts associated with the removal of any on-site oak trees (DEIR, pgs. 4.4-21 through 4.4-25). This measure requires the preparation of an Oak Tree Mitigation Plan that requires identification of trees to be removed, a minimum 3:1 replacement in appropriate on-site areas, and provisions for a long-term maintenance of replacement oak trees. Additionally, preservation measures are required for any existing oak tree that is retained on-site. It is reasonable to conclude, with implementation of the stated measure, impacts resulting from the removal of any on-site oak trees will be offset.

c. Jurisdictional Water/Wetlands

Potential Significant Impact: The EIR evaluated and concluded that the project has the potential to affect jurisdictional drainages.

Findings: Implementation of **Mitigation Measure 4.4.6.2A** is required to mitigate impacts to jurisdictional waters to less than significant levels.

Facts in Support of the Findings: The project site does not include any federally protected wetlands, but does contain four ephemeral drainage features, identified as Drainages A, B, B1, and C. Drainage A is both a USACE and RWQCB Jurisdictional Feature. Drainages B, B1, and C are considered isolated ephemeral drainages and do not support indicators of a surface connection to downstream "waters of the U.S." As detailed in DEIR Table 4.4.C, impacts to USACE/RWQCB Jurisdictional Drainages would total approximately 0.07 acre and a length of 2,241 feet. As the drainages on the project are considered jurisdictional features, this is potentially significant impact and mitigation is required.

Impacts to these jurisdictional areas would be required to comply with Sections 404 and 401 of the Clean Water Act (CWA), including applying for a permit and mitigation subject to approval by USACE and RWQCB, respectively. The off-site mitigation would include creation, restoration and/or enhancement of habitat associated with existing drainages within the Santa Margarita Watershed or possibly within an adjacent watershed. The offsite mitigation would be proposed at a minimum 1:1 ratio for impacts to acreage. As stated in the DBESP, mitigation in areas outside the local watershed, if approved by the resource agencies, will require a higher

mitigation ratio. **Mitigation Measure 4.4.6.2A** describes this requirement (DEIR, pgs. 4.4-25 through 4.4-29). As stated in this measure, the amount, location and manner of off-site mitigation required for on-site impacts to riparian/riverine areas would be incorporated into the project permitting, "... subject to approval by the regulatory agencies." Subject to this approval, it is reasonable to conclude that the required that impacts to the on-site riparian/riverine areas will be sufficiently mitigated prior to any on-site disturbance.

d. Wildlife Movement and Nesting/Migratory Birds

Potential Significant Impact: The EIR evaluated and concluded that the project has the potential to have significant impacts nesting bird species.

Findings: Implementation of the following mitigation measures will reduce the potential adverse impacts to nesting birds to less than significant:

4.4.6.4A *A pre-construction survey for nesting birds and migratory birds shall be conducted by a qualified biologist, no more than three (3) days prior to the initiation of construction activities. A qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether these activities have the potential to disturb or otherwise harm nesting birds.*

If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet for raptors, around the nest). Alternative exclusion zones may be established through consultation with the CDFW and the United States Fish and Wildlife Service (USFWS). The exclusion zones shall remain in force until all young have fledged.

Facts in Support of the Findings: While the project may provide some local scale movement habitat, it has little to no function to facilitate movement for wildlife species on a regional scale and is not identified as a regionally important dispersal or seasonal migration corridor. The project site is not identified as being in any core or linkage areas identified by the MSHCP or South Coast Missing Linkages, nor is it identified as supporting habitat that connects two or more habitat patches that would otherwise be fragmented or isolated from one another if the proposed development occurred. The project would not significantly affect a native or migratory

wildlife corridor or cause habitat fragmentation; therefore, no significant impact on wildlife movement would occur and no mitigation is required.

The project site and surrounding area contain suitable nesting habitat for several tree-, shrub-, and ground-nesting avian species, including the coastal California gnatcatcher. While impacts to these species are addressed through the MSHCP, impacts to individual nests or nesting activity may occur during development of the site. This is a significant impact requiring **Mitigation Measure 4.4.6.4A** (DEIR, pgs. 4.4-29 through 4.4-34). This measure requires a pre-construction nesting bird survey and identifies the establishment of avoidance/exclusion zone(s) in any area where active nesting is discovered. This measure also requires the maintenance of any such avoidance/exclusion zone(s) until nesting activity has been completed; therefore, it is reasonable to conclude impacts to on-site nesting activity would be reduced to a less than significant level through the implementation of this measure.

3. Cultural Resources

a. Archaeological Resources

Potential Significant Impact: The EIR evaluated and concluded that the project has the potential to affect undetected subsurface archaeological resources.

Finding: Implementation of the following mitigation measures will reduce the impact to archaeological resources to less than significant:

4.5.6.1A *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 and Soboba Bands (Tribes). 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. In the event the significant resources are recovered and if the qualified archaeologist and the Tribe(s) determine the resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and*

15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required by **Mitigation Measure 4.5.6.1B**.

This mitigation measure shall be incorporated in all construction contract documentation.

4.5.6.1B *At least 30 days prior to seeking a grading permit, the project applicant(s) shall contact the Pechanga and Soboba Bands (Tribes) to notify the Tribes of grading, excavation, and the monitoring program and to coordinate with the City of Wildomar and the Tribes to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but shall not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; project grading and development scheduling; terms of compensation for the monitors; treatment and location of final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.*

4.5.6.1C *In the event agreement on the significance and/or mitigation of archaeological resources cannot be reached, 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 both the Pechanga and the Soboba Bands (Tribes). Notwithstanding any other rights available under the law, the Planning Director's decision shall be appealable to the City Council 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 laws, avoidance and mitigation would be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.*

4.5.6.1D *All cultural materials, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by **Mitigation Measure 4.5.6.1B**, that are collected*

during the grading monitoring program and from any previous archeological studies or excavations on the project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to a curation facility, which meets the standards set forth in 36 CRF Part 79 for federal repositories.

4.5.6.1E *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 archaeologist in consultation with the Tribe(s). To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.*

4.5.6.1F *To address the possibility that cultural resources may be encountered during grading or construction, a qualified professional archeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural resources.*

Facts in Support of the Finding: While no archaeological resources have been identified or previously recorded within the project site, 12 archaeological sites have been identified within one mile of the proposed development. The project site is within the Pechanga Band's aboriginal territory and within bounds of the Soboba Band's "Traditional Use Areas." The project area is considered sensitive for Native American cultural resources, which include pictographs, petroglyphs, cupules, and artifacts. The project location is in proximity to known sites and is a shared use area that was used in ongoing trade between tribes. Therefore, a potential exists that development activities may result in the anticipated discovery of buried resources on site. This is a potentially significant impact and requires implementation of **Mitigation Measures 4.5.6.1A** through **4.5.6.1F** (DEIR, pgs. 4.5-10 through 4.5-12). Working with affected Tribal governments and the City, the applicant will be required to prepare a Cultural Resources Treatment and Monitoring Agreement prior to any on-site ground disturbance. This agreement will address issues related to: the treatment of cultural resources; project grading and development scheduling; terms of compensation for the construction monitors; the treatment and location of final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for

professional Tribal monitors during all ground-disturbing activities. The mitigation measures further identify the procedures to be followed if archaeological resources, including Native American cultural items, sacred sites, human remains, burial goods or other material is inadvertently discovered on-site, as well as the appropriate evaluation, reporting, preservation, recovery, and/or curation of any such resources. The mitigation measures provide a sufficient mechanism to address the Tribes' concerns, ensuring the appropriate protection of any on-site cultural resource and the reduction of impacts to a less than significant level.

b. Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the project could have the potential to affect known or previously undetected subsurface paleontological resources.

Finding: Implementation of the following mitigation measures will reduce the impact to paleontological resources to less than significant:

4.5.6.2A *Prior to the issuance of a grading permit, the project applicant(s) shall identify the qualified paleontologist to the City of Wildomar who has been retained to evaluate the significance of any inadvertently discovery paleontological resources. If paleontological resources are encountered during grading or project construction, all work in the area of the find shall cease. The project applicant shall notify the City of Wildomar and retain a qualified paleontologist to investigate the find. The qualified paleontologist shall make recommendations as to the paleontological resource's disposition to the City of Wildomar Planning Director. The recommendations shall follow procedures established by the Society of Vertebrate Paleontology (SVP) for assessment and mitigation of impacts to paleontological resources, which the Planning Director shall follow. The developer shall pay for all required treatment and storage of the discovered resources.*

4.5.6.2B *A qualified paleontologist or paleontological monitor shall monitor all mass grading and excavation activities. Monitoring will be conducted in areas of grading or excavation in undisturbed formational sediments of the Pauba Formation. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant*

or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined on exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.

4.5.6.2C *Any recovered paleontological specimens shall be identified to the lowest taxonomic level possible and prepared for permanent preservation, including screen-washing of sediments to recover small invertebrates and vertebrates shall occur if necessary.*

4.5.6.2D *Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage shall occur at an institutional repository approved by the City of Wildomar. The paleontological program shall include a written repository agreement prior to the initiation of mitigation activities.*

4.5.6.2E *A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location. The report, when submitted to and accepted by the City of Wildomar, shall signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.*

Facts in Support of the Finding: While no known fossil beds exist on the site, the Pauba Formation, which underlies the western portion of the site, has produced fossils near the project site. Southeast of the project site several vertebrate fossil localities have been identified on the Pauba Formation. These have uncovered specimens such as the fossil horse (*Equidae*), fossil rabbit (*Leporidae*), and fossil pocket gopher (*Thomomys*). If paleontological resources are inadvertently discovered on-site, the mitigation identified defines the actions that must be followed to appropriately evaluate, report, preserve, recover and/or curate such resources. Any such action would conform to guidelines established in *The Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources* (Society for Vertebrate Paleontology). Implementation of the stated measures would reduce impacts to any on-site paleontological resources to a less than significant level.

Therefore, the project site is considered paleontologically sensitive. Impacts are potentially significant and **Mitigation Measures 4.5.6.2A** through **4.5.6.2E** are required (DEIR, pgs. 4.5-12 through 4.5-14).

4. Greenhouse Gas Emissions and Climate Change

a. Greenhouse Gas Emissions

Potential Significant Impact: The EIR evaluated and concluded that the project has the potential to result in significant greenhouse gas emissions.

Findings: Implementation of **Mitigation Measures 4.3.6.1A** through **4.3.6.1D** will reduce the impact related to greenhouse gas emissions to less than significant.

Facts in Support of the Findings: Construction and operation of the project would generate GHG emissions, with the majority of energy consumption (and associated generation of GHG emissions) occurring during the project's operation. GHG emissions associated with the project would occur over the short term from construction activities and would consist primarily of emissions from equipment exhaust. There would also be long-term regional emissions associated with project-related new vehicular trips and stationary-source emissions, such as natural gas used for heating and electricity usage for lighting.

The GHG emission estimates presented in DEIR Table 4.7.D show the total emissions associated with the full buildout in a BAU scenario. The BAU project would generate up to 4,900.10 metric ton (MT) of CO₂e/yr of new emissions. By applying regulatory changes from the baseline as well as **Mitigation Measures 4.3.6.1A** through **4.3.6.1D**, the 2020 model achieves a 40.03 percent reduction in GHG emissions from the BAU model. Regulatory requirements, such as those limiting vehicle emissions, would over time decrease project GHG emissions. Thus, with mitigation and regulatory developments, the project's GHG reduction would exceed the AB 32 reduction target of 28.5 percent. With mitigation incorporated, the operation of the project would not create significant impact related to GCC (DEIR, pgs. 4.7-35 through 4.7-39).

5. Hydrology and Water Quality

a. Construction-Related Water Quality Impacts

Potential Significant Impact: The EIR evaluated and concluded that the project could cause surface water pollution during construction.

Findings: Implementation of the following mitigation measures will reduce the impact to water quality from project construction to less than significant:

4.9.6.1A *Prior to the issuance of grading permits, the project applicant shall submit evidence to the City that coverage under the State Water Resources Control Board (SWRCB) General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ) has been obtained. As required by the General Permit, project applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City of Wildomar, Riverside County Flood Control and Water Conservation District, and San Diego Regional Water Quality Control Board for review and approval. The SWPPP shall identify pre- and post-construction Best Management Practices (BMPs) intended to prevent the release of sediment and pollutants into downstream waterways and comply with all other requirements of the General Permit. BMPs to be implemented may include (but shall not be limited to) the following:*

- *Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs are to be periodically inspected by the RWQCB during construction, and repairs would be made as required.*
- *Materials that have the potential to contribute non-visible pollutants to storm water must not be placed in drainage ways and must be placed in temporary storage containment areas.*
- *All loose soil, silt, clay, sand, debris, and other earthen material shall be controlled to eliminate discharge from the site. Temporary soil stabilization measures to be considered include covering disturbed areas with mulch, temporary seeding, soil stabilizing binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Stockpiles shall be surrounded by silt fences and covered with plastic tarps.*
- *The SWPPP shall include inspection forms for routine monitoring of the site during the construction phase.*

- *Additional required BMPs and erosion control measures shall be documented in the SWPPP.*
- *The SWPPP would be kept on site for the duration of project construction and shall be available to the local Regional Water Quality Control Board for inspection at any time.*

Facts in Support of the Findings: The grading phase of the project will require the disturbance of surface soils and removal of vegetative cover, which could potentially result in erosion and sedimentation, which could affect water quality. Short-term storm water pollutant discharges from the project development site will be mitigated through compliance with the required NPDES permits, resulting in a less than significant impact. The implementation of NPDES permits, including the General Construction permit, ensures that the federal and State standards for clean water are met. A SWPPP is a written document that describes the construction operator's activities to comply with the requirements in the NPDES General Construction permit. The SWPPP establishes a plan whereby the operator evaluates potential pollutant sources at the site and selects and implements BMPs designed specifically to prevent or control the discharge of the identified pollutants into storm water runoff.

Although adherence to NPDES requirements is required of all development within the City, the incorporation of these requirements as **Mitigation Measure 4.9.6.1A** is designed to ensure that any future development on the project site obtains coverage under the NPDES General Construction permit, and to track compliance with these requirements as part of the Mitigation Monitoring and Reporting Plan or Program (MMRP) (DEIR, pgs. 4.9-22 through 4.9-24). This measure requires that a SWPPP be prepared and reviewed and approved by the City, the Riverside County Flood Control and Water Conservation District, and San Diego Regional Water Quality Control Board prior to the issuance of grading permits. The project will be required to implement BMPs identified in SWPPP to prevent the release of sediment and pollutants into downstream waterways. It is reasonable to conclude that implementation of the BMPs and compliance with other requirements of the *General Permit for Discharges of Storm Water Associated with Construction Activity* would ensure construction-related water quality impacts are reduced to a less than significant level.

b. Operational-Related Water Quality Impacts

Potential Significant Impacts: The EIR evaluated and concluded that the project could result in surface water pollution during occupancy.

Findings: Implementation of the following mitigation measures will reduce the impact to water quality from project operation to less than significant:

4.9.6.2A *Prior to the issuance of grading permits, the Project Applicant shall submit a final Water Quality Management Plan (WQMP) to the City of Wildomar, for review and approval, as required by SDRWQCB Order No. R9-2004-001 (MS4 Permit) and the current Riverside County Water Quality Management Plan for Urban Runoff. The project shall implement site design BMPs, source control BMPs, and treatment control BMPs as identified in the Water Quality Management Plan. This measure shall be implemented to the satisfaction of the City Public Works Department and Planning Division as appropriate.*

Facts in Support of the Findings: During the operational phase of any urban use, the major source of pollution in storm water runoff will be contaminants that have accumulated on the land surface over which runoff passes. The pollutants associated with the operations of the proposed land uses include bacterial indicators, metals, nutrients, pesticides, toxic organic compounds, sediments, trash and debris, and oil and grease. The project-specific WQMP identified downstream receiving waters and their impairments. The WQMP prepared for the project identifies the BMPs that will minimize the project's effects on site hydrology, urban runoff flow rates, and pollutant loads. This comprehensive water quality approach will be implemented throughout development and operation of the project and will establish a program for achieving water quality goals through the enforcement of site design, source control, and treatment control BMPs. To ensure compliance with the project specific WQMP **Mitigation Measure 4.9.6.2A** is required (DEIR, pgs. 4.9-24 through 4.9-33). This measure requires that the WQMP be reviewed and approved by the City prior to the issuance of grading permits. The project will be required to install and/or maintain the design, source control and treatment BMPs identified in the WQMP (as approved by the City.) It is reasonable to conclude that the installation and maintenance of these features would ensure operational water quality impacts are reduced to a less than significant level.

c. Drainage Pattern and Capacity-Related Impacts

Potential Significant Impacts: The EIR evaluated and concluded that the project could result in drainage pattern and capacity-related impacts.

Findings: Implementation of **Mitigation Measure 4.9.6.2A** will reduce the impact related to drainage pattern and capacity to less than significant.

Facts in Support of the Findings: Off-site flows will be collected and conveyed through the project site. Untreated on-site flows will not co-mingle with off-site flows. Development of the project would result in the construction of impervious surfaces, increasing the amount of runoff at the site. The increase in runoff from the pre-project condition would be captured via treatment control BMPs.

In order to be conservative during the preliminary analysis, the increase flows from the pre- to post-project condition for both storm durations were added, rather than utilizing only the larger volume. The Project Hydrology study demonstrated that increases in storm water runoff would be captured and treated by the previously described features. In addition, the site's design would retain the existing flow patterns. With development of the facilities and implementation of the practices detailed in the Final WQMP prepared for the project (as established in **Mitigation Measure 4.9.6.2A**). This measure requires that the WQMP be reviewed and approved by the City prior to the issuance of grading permits. The project will be required to install and/or maintain the drainage features identified in the WQMP (as approved by the City.) It is reasonable to conclude that the installation and maintenance of these features would ensure any drainage-related impacts are reduced to a less than significant level.

6. Noise

a. Construction Noise Impacts

Potential Significant Impact: The EIR evaluated and concluded that noise levels from grading and other construction activities would be potentially significant due to the proximity of adjacent residential land uses.

Finding: Implementation of the following mitigation measures will reduce the impact from construction noise to less than significant:

4.12.6.1A *A noise mitigation plan shall be prepared and submitted to the City for review and approval prior to start of construction. The plan shall identify the location of construction equipment and how the noise from this equipment will be mitigated during construction of the project. Methods to mitigate construction noise shall include:*

- *Install temporary noise control barriers, or equally effective noise protection measures, that provide a minimum noise level attenuation of 10 dBA when project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made. The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.*
- *The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.*
- *During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise-sensitive receivers nearest the project site.*
- *The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the project site during all project construction.*
- *The construction contractor shall limit haul truck deliveries to the same hours specified in the Clinton Keith Road (APN: 380-250-003) Traffic Impact Analysis with no more than 16 (two-way) haul trips per hour between 7:00 a.m. and 10:00 a.m., up to 30 (two-way) haul trips per hour between 10:00 a.m. and 2:00 p.m., and no more than 16 (two-way) haul trips per hour between 2:00 p.m. and 4:00 p.m. To the extent feasible, the plan shall denote haul routes that do not pass sensitive land uses or residential dwellings.*

4.12.6.1B *Prior to approval of grading plans and/or issuance of building permits, plans shall include a requirement that noise-generating project construction activities shall occur 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 (Section 9.48.020). The project construction supervisor shall ensure compliance with the requirement and the City shall conduct periodic inspection at its discretion.*

4.12.6.1C *The construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding noise complaints. The construction manager, within 72 hours of receipt of a noise complaint, shall either take corrective actions or, if immediate action is not feasible, provide a plan or corrective action to address the source of the noise complaint.*

Facts in Support of the Finding: The project's unmitigated noise levels at the nearest noise receiver locations for each phase of construction are identified in DEIR Table 4.12.G. The unmitigated peak construction noise levels are expected to range from 37.6 to 85.2 dBA Leq. As detailed in DEIR Table 4.12.G, grading operations will generate the highest noise levels during construction; therefore, this level of noise is identified as the "peak" noise used to identify construction-related noise impacts.

Construction noise experienced by the closest sensitive receiver could reach up to 85.2 Leq dBA. An attainable attenuation of 10 dBA is achievable through the use of temporary construction noise barriers. With the use of construction barriers, construction noise would be attenuated to levels below the City's identified construction noise threshold.

Even with attenuated noise levels, the multiple-family residences south of the project site could experience noise in excess of the construction noise standard identified by the City. The City's Municipal Code (Section 9.48.020(I)) exempts noise from construction within 0.25 mile from an inhabited dwelling if 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 if construction does not occur between the house of 6:00 p.m. and 7:00 a.m. during the months of October through May. Because construction noise may create a temporary increase in noise, **Mitigation Measures 4.12.6.1A through 4.12.6.1C** are required (DEIR, pgs. 4.12-30 through 4.12-34). Construction activity at the receiver, closest to the site, is unlikely to be sustained during the entire construction period,

but will occur rather only during the times that heavy construction equipment is operating near the project boundary. The mitigation measures require preparation of a Noise Monitoring Plan that identifies options for limiting construction noise at off-site locations. Additionally, the project will be required to adhere to restrictions on the times and days construction may occur. Implementation of applicable noise control options, in tandem with restrictions on construction timing will ensure short-term construction-related noise impacts are reduced to a less than significant level.

b. Traffic Noise Impacts

Potential Significant Impact: The EIR evaluated and concluded that project may result in a substantial increase in interior ambient noise levels under “Year 2035” conditions from project-generated traffic.

Finding: The following measures are recommended to reduce potential interior ambient noise impacts to less than significant:

4.12.6.2A *Buildings adjacent to Clinton Keith Road and Yamas Drive will require a Noise Level Reduction (NLR) of up to 24.3 dBA and a windows closed condition requiring a means of mechanical ventilation (e.g., air conditioning). In order to meet the City of Wildomar 45 dBA CNEL interior noise standards, the project plans shall include measures to achieve the following:*

- *Windows: All windows and sliding glass doors shall be well fitted, with well weather-stripped assemblies and shall have a minimum sound transmission class (STC) rating of 27. Air gaps and rattling shall not be permitted.*
- *Doors: All exterior doors shall be well weather-stripped solid core assemblies at least 1.25 inches thick.*
- *Roof: Roof sheathing of wood construction shall be well fitted or caulked plywood of at least 0.5 inch thick. Ceilings shall be well fitted, well-sealed gypsum board of at least 0.5 inch thick. Insulation with at least a rating of R-19 shall be used in the attic space.*
- *Ventilation: Arrangements for any habitable room shall be such that any exterior door or window can be kept closed when the room is in use. A forced air*

circulation system (e.g., air conditioning) shall be provided which satisfy the requirements of the Uniform Mechanical Code.

Facts in Support of the Finding: Under “Existing With Project” conditions, exterior noise levels will increase of up to 12.3 decibel on the A-weighted scale Community Noise Equivalent Level (dBA CNEL) at Yamas Drive south of Clinton Keith Road and 10.0 dBA CNEL on Yamas Drive, south of Driveways 2 and 3. The expected noise level of 53.0 dBA CNEL at Yamas Drive does not exceed the noise level criteria and there are no sensitive receptors that would be affected by this increase in long-term noise; therefore, no significant project-related impact would occur under the “Existing With Project” condition. No mitigation is required.

The “Year 2018 With Project” exterior noise levels will increase of up to 12.3 dBA CNEL and 10.0 dBA CNEL would occur at the same locations as the “Existing With Project” condition. While the project will create a potentially significant off-site traffic noise level impact on roadway segments under the “Year 2018” condition based on the cumulative noise impact significance criteria, the expected noise level of 53.0 dBA CNEL on Yamas Drive does not exceed the noise level criteria and no off-site noise-sensitive residential receivers are located near the affected roadway segment for Year 2018 conditions. Therefore, the project will have a less than significant off-site traffic noise impact under this “Year 2018” condition.

The project is expected to generate an exterior noise level increase of up to 20.1 dBA CNEL under “Year 2035 With Project” conditions. Even though the expected unmitigated exterior noise level of 60.8 dBA CNEL does not exceed the noise level criteria, based on the cumulative noise impact significance criteria, the project will create a potentially significant off-site traffic noise level impact on the study area roadway segments for Year 2035 conditions. However, there are no off-site noise-sensitive residential land uses that would be affected by the exterior noise level increase. Therefore, the project will create a less than significant off-site traffic noise level impact on the study area roadway segments for Year 2035 conditions.

No exceedance of exterior noise level standards would occur. With “windows open,” typical building construction will reduce noise by approximately 12 dBA. A noise reduction of at least 25 dBA is typically achieved under a “windows closed” condition. However, sound leaks, cracks, and openings within the window assembly can greatly diminish its effectiveness in reducing noise. Therefore, the project’s traffic-related noise interior impact is potentially significant and **Mitigation Measure 4.12.6.2A** is required (DEIR, pgs. 4.12-35 through 4.12-46). This measure

identifies construction requirements related to the installation of doors, windows, roofs and ventilation features that provide a minimum 24.3 dBA exterior-to-interior noise reduction. With the incorporation of these features, interior noise levels at the proposed structures would be reduced to below the City's 45 dBA interior noise standard, reducing potential impacts to a less than significant level.

7. Traffic

a. **Conflict with Applicable Circulation Plan and Traffic and Level of Service Impacts – Existing plus Project**

Potential Significant Impacts: The EIR evaluated and concluded that the project could exceed City standards at intersections under the Existing plus Project condition.

Findings: Implementation of the following mitigation measures will reduce impacts related to existing plus project traffic impacts to less than significant:

4.16.6.1A *Salida del Sol/Yamas Drive/Clinton Keith Road:*

Install a traffic signal with protected left-turn phasing on the eastbound and westbound approaches of Clinton Keith Road and construct the intersection with the following geometrics:

- *Northbound Approach: One left-turn lane, one shared through/right-turn lane.*
- *Southbound Approach: One left-turn lane, one shared through/right-turn lane.*
- *Eastbound Approach: One left-turn lane, one shared through/right-turn lane.*
- *Westbound Approach: One left-turn lane, one shared through/right-turn lane.*

The scope of required improvements at this location shall be reviewed and approved by the City Engineer and be consistent with all applicable City standards.

4.16.6.1B *Prior to the issuance of building permits, the project applicant shall submit evidence to the City that the Transportation Uniform Mitigation Fee (TUMF), Development Impact Fee (DIF), and/or fair-share contribution for the required improvements has been paid. As permitted by the City, payment of required fees may be offset by in-lieu fee credit derived by the applicant's installation of the improvement identified in **Mitigation Measure 4.16.6.1A.***

Facts in Support of the Findings: DEIR Table 4.16.I summarizes the level of service (LOS) for the study area intersections under the “Existing plus Project” condition and shows that Salida Del Sol/Yamas Drive/Clinton Keith Road (a.m. and p.m.) is forecast to operate at an unsatisfactory level of service. Under existing conditions, this intersection is operating at an acceptable LOS during the p.m. peak hour. The addition of project traffic would increase peak hour trips such that the intersection would operate at an unacceptable LOS during both a.m. and p.m. peak hours. Consistent with City significant criteria, this is a potentially significant impact and **Mitigation Measures 4.16.6.1A and 4.16.6.1B** are required (DEIR, pgs. 4.16-29 through 4.16-36). Improvements in the operation of Study Area intersections are achieved through the implementation of the stated mitigation detailed below:

“Existing plus Project” Condition LOS with Mitigation

Intersection ID ¹	Traffic Control	Intersection Location	Level of Service	
			A.M.	P.M.
6	Cross-Street Stop	Salida Del Sol/Yamas Drive/Clinton Keith Road	D	E
	Traffic Signal	With Mitigation Measure 4.16.6.1A	B	C

Source: Table 4.16.J, Grove Park Mixed-Use Development Draft EIR, LSA Associates, Inc., September 2015.

The improvements at the intersection of Clinton Keith Road and Salida del Sol are included in the City’s DIF program (e.g., install new 4-way signal), and mitigation has been identified to ensure the required improvement is in place to accommodate “Existing plus Project” impacts. Adherence to the stated mitigation will ensure that any impact under this condition is reduced to a less than significant level.

b. Conflict with Applicable Circulation Plan and Traffic and Level of Service Impacts – Construction Traffic

Potential Significant Impacts: The EIR evaluated and concluded that the project could affect study area intersections during site preparation, grading, or building phase of development.

Findings: Implementation of the following mitigation measures will reduce impacts related to existing plus project traffic impacts to less than significant:

4.16.6.2A *Construction activity associated with soil import activities shall occur outside of the typical morning and evening peak commute hours (i.e., 7:00–9:00 a.m. and 4:00–6:00 p.m.).*

Prior to the issuance of grading permits, the project applicant shall submit to the City for review and approval, a Construction Traffic Management plan. Construction-related traffic (including soil import activity) shall operate on the routes and/or during the hours of operation defined in the Construction Traffic Management Plan.

Facts in Support of the Findings: Traffic operations during the proposed construction phase of the project may potentially result in traffic impacts related to construction-related activities. To minimize the impact of construction truck traffic to the surrounding roadway network, trucks will utilize a direct route from I-15 to the site. The delivery and removal of heavy equipment will occur outside of the morning and evening peak hours in order to have nominal impacts to traffic and circulation near the vicinity of the project. Soil import hauling activities would occur during off-peak hours in order to have minimal impact to the surrounding roadway network. Other construction traffic (e.g., equipment and building material delivery) may occur subject to the provisions of the Construction Management Plan (**Mitigation Measure 4.16.2.2A**) prepared for the project (DEIR, pgs. 4.16-36 through 4.16-38).

c. Conflict with Applicable Circulation Plan and Traffic and Level of Service Impacts –Opening Year (2018)

Potential Significant Impacts: The EIR evaluated and concluded that the project would exceed City standards at intersections under the Opening Year (2018) condition.

Findings: Implementation of the following mitigation measures will reduce impacts related to existing plus project traffic impacts to less than significant:

4.16.6.3A *Prior to the issuance of first occupancy permit, the project applicant shall submit evidence to the City that the Transportation Uniform Mitigation Fee (TUMF), and Development Impact Fee (DIF) payment for the following improvements have been made:*

- *George Avenue/Clinton Keith Road:*
 - *Restripe the eastbound right-turn lane as a shared through/right-turn lane (TUMF/DIF); and*
 - *Construct a westbound shared through/right-turn lane (DIF).*
- *Inland Valley Drive/Clinton Keith Road:*

- Construct an eastbound through lane (TUMF); and
- Construct a westbound through lane (TUMF).
- As required by the City’s Public Works Director:
 - Provide traffic signal interconnection.

Facts in Support of the Findings: As detailed in DEIR Table 4.16.K, the following intersections would operate at unsatisfactory LOS under the “Opening Year (2018)” condition: George Avenue/Clinton Keith Road (LOS F during a.m. and p.m. peak hours); Inland Valley Drive/Clinton Keith Road (LOS F during p.m. peak hour); and Salida Del Sol/Yamas Drive/Clinton Keith Road (LOS F during a.m. and p.m. peak hours).

The stated intersections operate at a deficient level both with and without the project. While the project would not result in an increase in the number of LOS-affected intersections, it will increase delay at these intersections by more than 5.0 seconds; therefore, the impacts at these intersections are significant. Impacts to the Salida Del Sol/Yamas Drive/Clinton Keith Road intersection are addressed by previously discussed **Mitigation Measure 4.16.6.1A**, which includes installation of a traffic signal by the project. Impacts to the other two intersections are reduced through implementation of **Mitigation Measure 4.16.6.3A**, in which the project participates in the funding of intersection improvements (DEIR, pgs. 4.16-38 through 4.16-41). Improvements in the operation of Study Area intersections are achieved through the implementation of the stated mitigation detailed below:

“Opening Year (2018)” with Project Condition LOS with Improvements

Intersection ID/Intersection		Traffic Control	Delay (secs)		Level of Service	
			A.M.	P.M.	A.M.	P.M.
3 George Avenue/ Clinton Keith Road	Without Improvements	Traffic Signal	>80.00	>80.00	F	F
	With Improvements	Traffic Signal	29.3	31.5	C	C
4 Inland Valley Drive/ Clinton Keith Road	Without Improvements	Traffic Signal	44.8	65.0	F	F
	With Improvements	Traffic Signal	23.4	26.8	C	C
6 Salida del Sol/ Yamas Drive/Clinton Keith Road	Without Improvements	Cross-Street Stop	>55.0	>50.0	F	F
	With Improvements	Traffic Signal	23.7	34.2	C	C

Source: Table 4.16.L, Grove Park Mixed-Use Development Draft EIR, LSA Associates, Inc., September 2015. .

Table 4.16.H of the DEIR identifies improvements funded through the City's DIF program or TUMF. The improvements identified in this mitigation are either included in the TUMF and DIF programs or will be installed as part of the project. As the project is conditioned to install improvements and because other improvements are included in the approved TUMF program, it is reasonably certain the required improvements will be in place to offset any identified LOS impact at the stated intersections. Therefore, impacts related to LOS impacts under the "Opening Year (2018)" condition are reduced to a less than significant level.

d. Conflict with Applicable Circulation Plan and Traffic and Level of Service Impacts – General Plan Buildout (post-2035)

Potential Significant Impacts: The EIR evaluated and concluded that the project would exceed City standards at intersections under the General Plan Buildout (post-2035).

Findings: Implementation of the following mitigation measures will reduce impacts related to existing plus project traffic impacts to less than significant:

4.16.6.4A *Prior to the issuance of first occupancy permit, the project applicant shall submit evidence to the City that required Transportation Uniform Mitigation Fee (TUMF), Development Impact Fee (DIF), and/or fair-share contribution for cumulative project impacts have been made.*

Facts in Support of the Findings: The following intersections would operate at unsatisfactory LOS under the "General Plan Buildout (post-2035)" condition: I-15 Northbound Ramps/Clinton Keith Road (LOS F during p.m. peak hours); Salida del Sol/Yamas Drive/Clinton Keith Road (LOS F during a.m. and p.m. peak hours); Yamas Drive/Prielipp Road (LOS E a.m. peak hour and LOS F p.m. peak hour); and Elizabeth Lane/Prielipp Road (LOS F a.m. and p.m. peak hour).

Compared to the "Without Project" condition, the project is not anticipated to cause any additional study area intersections to operate at an unacceptable LOS. Improvements have been required at intersections that have been identified as cumulatively affected to reduce each location's peak hour delay and improve the associated LOS to D or better. These improvements are consistent with or less than the geometrics noted in the City's General Plan Circulation Element.

The funding of off-site improvements to serve cumulative traffic conditions is collected through the payment of a Transportation Uniform Mitigation Fee (TUMF), DIF, and required fair-share payments. These fees are collected as part of a funding mechanism aimed at ensuring that regional highways and arterial expansions keep pace with the projected population increases. However, **Mitigation Measure 4.16.6.4A** is required to address the project's cumulative traffic impact (DEIR, pgs. 4.16-41 through 4.16-44). Improvements in the operation of Study Area intersections are achieved through the participation in the TUMF and DIF programs detailed below:

“General Plan Buildout (post-2035)” with Project Condition LOS, with Improvements

Intersection ID/Intersection		Traffic Control	Delay (secs)		Level of Service	
			A.M.	P.M.	A.M.	P.M.
1 I-15 Southbound Ramps/ Clinton Keith Road	Without Improvements	Traffic Signal	29.0	35.2	C	D
	With Improvements	Traffic Signal	28.7	34.5	C	C
2 I-15 Northbound Ramps/ Clinton Keith Road	Without Improvements	Traffic Signal	24.0	57.0	C	F
	With Improvements	Traffic Signal	26.8	42.0	C	D
6 Salida del Sol/Clinton Keith Road	Without Improvements	Cross-Street Stop	>50.0	>50.0	F	F
	With Improvements	Traffic Signal	31.3	27.8	C	C
10 Yamas Drive/Prielipp Road	Without Improvements	Cross-Street Stop	46.2	>50.0	E	F
	With Improvements	Traffic Signal	17.7	16.2	B	B
11 Elizabeth Lane/Prielipp Road	Without Improvements	Cross-Street Stop	>50.0	>50.0	F	F
	With Improvements	Traffic Signal	2039	22.2	C	C

Source: Table 4.16.N, Grove Park Mixed-Use Development Draft EIR, LSA Associates, Inc., September 2015. .

Table 4.16.H of the DEIR identifies improvements funded through the City's DIF program or TUMF. While the project's Traffic Impact Assessment (March 2015) identified a required fair-share contribution of 2.7 and 2.2 percent for improvements at the intersection of Yamas Drive (Salida del Sol)/Prielipp Drive and Elizabeth Lane/Prielipp Drive (respectively); the City's *2015 Impact Fee Study Report*, prepared subsequent to completion of the TIA, includes the installation of traffic signals at these locations. The funding of off-site improvements to serve cumulative traffic conditions is collected through the payment of TUMF, DIF, and required fair-share payments. These fees are collected as part of a funding mechanism aimed at ensuring that regional highways and arterial expansions keep pace with the projected population increases. Each of the required improvements has been identified as being included as part of

the TUMF funding program or City DIF funding program. As the project is conditioned to install improvements and because other improvements are included in the approved TUMF and DIF programs, it is reasonably certain the required improvements will be in place to offset any identified LOS impact at the stated intersections. Therefore, impacts occurring under the “General Plan Buildout (post-2035)” condition are reduced to a less than significant level.

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

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

- (a)(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (a)(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (a)(3) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

Individual and cumulative traffic impacts to Caltrans facilities were found to be significant. This Council hereby finds pursuant to Public Resources Code Section 21081(a)(3) that specific economic and legal considerations make mitigation of these impacts infeasible. Specific findings of this Council for each category of such impacts are set forth in detail below.

1. Transportation and Traffic

a. Conflict with Applicable Circulation Plan and Traffic and Level of Service Impacts – Freeway Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the project would exceed Caltrans standards on freeway mainline segments or at freeway ramps.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant and no feasible mitigation measures are available as impacts are outside the jurisdiction of the City of Wildomar and Caltrans has not adopted, and to the City's knowledge is not considering adopting, any program that would require new development to contribute its fair share toward freeway improvements necessary to accommodate increased traffic. Therefore, cumulative transportation impacts are considered significant and unavoidable.

Facts in Support of the Finding: An analysis of I-15 was conducted pursuant to discussions with the City. As provided in DEIR Table 4.16.O, the freeway segments analyzed operate at an acceptable LOS (i.e., D or better) during the peak hours for Existing (2013) and Existing Plus Project" conditions.

Under the Opening Year Cumulative (without and with the Project) condition, southbound I-15 segments, north and south of Clinton Keith Road, would operate at unacceptable LOS during the a.m. and p.m. peak hours. Under the "General Plan Buildout (post-2035) condition (without and with the project), all freeway segments would operate at an unacceptable LOS during peak hours.

With the exception of the I-15 southbound off-ramp at Clinton Keith Road during the p.m. peak hour, the freeway ramp merge/diverge junctions in the study area operate at an acceptable LOS under the "Existing plus Project" condition.

As identified in DEIR Tables 4.16.T and 4.16.U, all I-15 merge/diverge junctions are projected to operate at unacceptable LOS during peak hours under the "Opening Year (2018)" and "General Plan Buildout (post-2035)" conditions, without or with the project.

State highway facilities are anticipated to operate at unacceptable LOS without the project. Caltrans has exclusive control over State highway improvements and State highway improvements are, by and large, a matter of State-wide control. Although the project is not anticipated to directly result in an impact on the State facilities and these facilities would not meet Caltrans LOS standards even without development of the project, the addition of project traffic would constitute a considerable contribution to this cumulative impact (DEIR, pgs. 4.16-44 through 4.16-49). Mitigation of the project's cumulative impacts to Caltrans facilities is infeasible because the City cannot require Caltrans to construct, or authorize the construction of, improvements to Caltrans facilities that would remedy the impacts. Furthermore, no one project can be held financially responsible for the construction of improvements that are required to

address cumulative increases in traffic. Thus, the only feasible method of mitigating cumulative traffic impacts is through the creation of an impact fee program where each project pays its fair share toward the necessary improvements. However, the City cannot create such a program for Caltrans or require Caltrans to establish an impact fee program. Therefore, mitigation of the project's cumulative impact to Caltrans facilities is infeasible.

b. Cumulative Transportation Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the project would have a cumulative significant impact to transportation.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant and no feasible mitigation measures are available as impacts are outside the jurisdiction of the City of Wildomar and Caltrans has not adopted, and to the City's knowledge is not considering adopting, any program that would require new development to contribute its fair share toward freeway improvements necessary to accommodate increased traffic. Therefore, cumulative transportation impacts are considered significant and unavoidable.

Facts in Support of the Finding: Cumulative impacts refer to incremental effects of an individual project when viewed in connection with the effects of past projects, current projects, and probable future projects. Cumulative projects are identified in the DEIR Table 2.A and DEIR Figure 2.1. Cumulative impacts associated with traffic volumes are determined based on the addition of traffic volumes from approved and pending projects in the area and projected traffic growth to existing traffic volumes. With the project-specific mitigation previously identified, project-related short-term and long-term impacts to intersections will be reduced to less than significant levels for "Existing With Project," "Opening Year (2018)," and "General Plan Buildout (post-2035)" conditions. As stated in DEIR Section 4.16.6.5, cumulative impacts related to State highway facilities are cumulatively significant (DEIR, pg. 4.16-49) and unavoidable. Mitigation of the project's cumulative impacts to Caltrans facilities is infeasible because the City cannot require Caltrans to construct, or authorize the construction of, improvements to Caltrans facilities that would remedy the impacts. Furthermore, no one project can be held financially responsible for the construction of improvements that are required to address cumulative increases in traffic. Thus, the only feasible method of mitigating cumulative traffic impacts is through the creation of an impact fee program where each project pays its fair share toward the necessary improvements. However, the City cannot create such a program for Caltrans or

require Caltrans to establish an impact fee program. Therefore, mitigation of the project's cumulative impact to Caltrans facilities is infeasible.

D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed four alternatives to the project as proposed, and evaluated these alternatives for their ability to meet the project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the project. The No Project Alternative assumes no General Plan Amendment or zone change would occur. No development would occur on site. A Multifamily Alternative, Reduced Density Residential, and Reduced Density Office/Commercial alternatives were also selected for analysis. CEQA requires the evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the project." Thus, in order to develop a range of reasonable alternatives, the project objectives must be considered when this Council is evaluating the alternatives.

1. Alternative 1 – No Project (No Build) Alternative

Description: 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. Under this alternative, the project site would retain its existing General Plan and zoning designation and would remain undeveloped (DEIR, pg. 6-6).

Impacts: The No Build Alternative would not result in any of the impacts associated with the proposed project (e.g., traffic, noise, short-term and long-term air pollution, etc.). Additionally, under this alternative, the project site would retain its existing General Plan and zoning designations and would remain undeveloped (DEIR pgs. 6-27 and 6-28).

Objectives: Aside from preserving the existing on-site oak grove, no objectives of the proposed project would be met under this Alternative (DEIR pgs. 6-29 and 6-30).

Finding: Under the No Project – No Build Alternative, no new development would take place within the project limits. No ground-disturbing activities would take place, and no new structures would be built. None of the impacts associated with the proposed project would occur (e.g.,

traffic, noise, short-term and long-term air pollution, etc.), so this alternative would be considered the environmentally superior alternative. However, the CEQA Guidelines indicate that, if the No project Alternative is determined to be the environmentally superior alternative, another alternative must also be identified. While the No Project Alternative (No Build) would avoid all environmental impacts without any requirement for mitigation, it would not meet any of the stated project objectives. Alternative 4, the Reduced Density Office/Commercial Alternative, (as detailed below) has been identified as the Environmentally Superior Alternative.

In addition, CEQA requires an evaluation of a reasonable range of alternatives that will reduce or eliminate at least one of the significant impacts identified for the proposed project. Because the No Build Alternative does not meet project objectives, the City Council hereby rejects the No Build Alternative.

2. Alternative 2 – Multifamily Residential Alternative

Description: Under this alternative, the northern portion of the site's General Plan designation would be changed from Business Park (BP) to Highest Density Residential (HHDR.) This area's zoning would be changed from R-R (Rural Residential) to R-4 (Planned Residential). This alternative would allow the development of up to 96 multiple-family units on 4.8 acres along Clinton Keith Road. The proposed 162 multiple-family residential units on the southern portion of the site, retention basin, passive park, oak grove, manufactured slopes, and related features would be retained. Overall site development would total 258 multifamily dwellings, ancillary features, and site improvements (DEIR, pg. 6-6).

Impacts: Under Alternative 2, impacts to aesthetics, agriculture, biological resources, cultural resources, geology, hazards, hydrology, land use, mineral resources, and recreation would be the same as the proposed project. Impacts to air quality, greenhouse gas, and traffic would be reduced. However, impacts to noise, population and housing, public services, and utilities would be increased compared to the proposed project. Also while traffic impact would be reduced, they would still be significant and unavoidable. All mitigation recommended for the proposed project would also be applicable to this alternative. Although the Multifamily Residential Alternative does reduce a number of impacts, it also increases impacts from several topics (DEIR pgs. 6-27 and 6-28).

Objectives: The Multifamily Residential Alternative would meet most of the project objectives except for establishing a mixed-use community, delivering an appropriate sized commercial center, and creating a walkable community (DEIR pgs. 6-29 and 6-30).

Finding: The City Council hereby finds that although this alternative would reduce impacts to air quality, greenhouse gas, and traffic, impacts to noise, population and housing, public services, and utilities would be increased. Also, this alternative does not reduce the one significant and unavoidable impact to less than significant levels. This Alternative would meet most of the project's objectives. The City Council rejects the Multifamily Alternative on the basis that it fails to avoid the significant and unavoidable impacts of the project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

3. Alternative 3 – Reduced Density Residential Alternative

Description: The development plan for the northern portion of the site including a proposed General Plan Amendment and Zone Change would remain in effect under this alternative. The development of 55,000 square feet of office and commercial use would still take place. On the southern portion of the site, this alternative envisions a General Plan Amendment from Highest Density Residential (HHDR) to High Density Residential (HDR). This designation allows detached, small lot single-family and attached single-family homes, patio homes, zero lot line homes, multifamily apartments, duplexes, and townhouses and would reduce the overall residential density of the site. The potential for clustered development is provided for in this land use category. The density range is 8.0 to 14.0 dwelling units per acre. The retention basin, passive park, oak grove, manufactured slopes, and related features would be retained. Under this alternative, 90 single-family residences (3,500-square foot minimum lots, 12.5 dwelling units per acre) and 55,000 square feet of commercial/office uses would be developed on site (DEIR pgs. 6-6 and 6-7).

Impacts: Under Alternative 3, impacts to aesthetics, agriculture, biological resources, cultural resources, geology, hazards, hydrology, mineral resources, public services, and recreation would be the same as the proposed project. Impacts to air quality, greenhouse gas, noise, traffic, and utilities would be reduced. However, impacts related to land uses, population, and housing would be increased compared to the proposed project. Also while traffic impact would be reduced, they would still be significant and unavoidable. All mitigation recommended for the

proposed project would also be applicable to this alternative. Although the Reduced Density Residential Alternative does reduce a number of impacts, it also increases impacts from several topics (DEIR pgs. 6-27 and 6-28).

Objectives: Under this alternative, all of the project's objectives are met except for providing rental house opportunities (DEIR pgs. 6-29 and 6-30).

Findings: The City Council hereby finds that although this alternative would reduce impacts related to air quality, greenhouse gas, noise, traffic, and utilities, impacts to land uses, population, and housing would be increased. Also, this alternative does not reduce the one significant and unavoidable impact to less than significant levels. This Alternative would meet most of the project's objectives. The City Council rejects the Reduced Density Residential Alternative on the basis that it fails to avoid the significant and unavoidable impacts of the project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

4. Alternative 4 – Reduced Density Office/Commercial Alternative

Description: The southern portion of the project site would be retained as proposed by the project. A General Plan Amendment and Zone Change on the northern portion of the site similar to the proposed project would occur. Using a minimal Floor Area Ratio (FAR) of 0.2, the amount of development on the northern portion of the site would be approximately 41,000 square feet. For this alternative, this development potential is divided into 25,000 square feet of office space and 16,000 square feet commercial uses. This alternative would retain the on-site oak grove, passive public park and trailhead, and retention basin (DEIR pg. 6-7).

Impacts: Under Alternative 4, impacts to aesthetics, agriculture, biological resources, cultural resources, geology, hazards, hydrology, land use, mineral resources, noise, population and housing, and recreation would be the same as the proposed project. Impacts to air quality, greenhouse gas, public services, traffic, and utilities would be reduced. This impact would not increase the severity of any impacts. However, while traffic impacts would be reduced, they would still be significant and unavoidable. All mitigation recommended for the proposed project would also be applicable to this alternative. Although the Reduced Density Office/Commercial Alternative does reduce a number of impacts, it does not avoid the proposed project's one significant and unavoidable impact (DEIR pgs. 6-27 and 6-28).

Objectives: This alternative meets the proposed project’s objectives (DEIR pgs. 6-29 and 6-30).

Finding: While this alternative reduces the amount of office and commercial uses, it maintains the mixed-use concept for the site, and retains the passive public park and trailhead, oak grove, and other amenities and has been identified as the Environmentally Superior Alternative. The City Council hereby finds that although this alternative would reduce impacts related to air quality, greenhouse gas, public services, traffic, and utilities, impacts to traffic would still be significant and unavoidable. This Alternative would meet the project’s objectives but provides less retail and office uses and the associated employment and sales tax benefits than the project. The City Council rejects the Reduced Density Office/Commercial Alternative on the basis that it still fails to avoid the significant and unavoidable impacts of the project and reduces the employment opportunities provided by the project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council’s rejection of this alternative.

E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the project could be growth inducing. Specifically, CEQA Guidelines Section 1512602(d) states that an EIR must describe the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Section 5.0 of the DEIR identifies that the proposed project would incrementally induce direct growth in the City by providing new housing and economic opportunities. As identified in DEIR Section 4.13 (Population and Housing), the 162 multifamily apartment units proposed could directly increase the City’s population by approximately 356 people. The proposed office and commercial/retail space could contribute to economic growth in the City by increasing the “value” of the site through the creation of jobs and increased tax revenues. Although the northern portion of the project site requires a General Plan Amendment and a Zone Change, both the existing and proposed land uses would induce growth in the City. Therefore, the proposed growth from the project is anticipated in City and regional plans.

As described in DEIR Sections 4.14 and 4.17 (Public Services and Utilities and Service Systems, respectively,) the project will not significantly increase the need for public services such as police, fire, and schools or require new or expanded water, wastewater, or

solid waste facilities. The payment of required development impact fees, assessments, taxes, and other fees will appropriately fund required public services and contribute to the maintenance of public infrastructure serving the project.

The impact analyses included in Section 4.0 of the DEIR include discussions of the project's potential cumulative environmental impacts. These analyses have determined that the project would not encourage or facilitate any activities that would result in significant cumulative impacts to the environment. The proposed project causes economic or population growth by the construction new housing and the change in General Plan land use designation and zoning in the northern portion of the site will remove obstacles to growth by allowing commercial development. However, this growth is planned for in City and in regional planning documents because the southern portion of the project site is currently zoned for the proposed multifamily apartments. The change to the General Plan designation and zoning of the northern portion would not result in development substantially different from what would be built under the existing General Plan designation and zoning (DEIR pgs. 5-3 and 5-4).

F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126(c) of the CEQA Guidelines mandates that the EIR must address any significant irreversible environmental changes that would be involved in the proposed action should it be implemented. An impact would fall into this category if it resulted in any of the following:

- The project would involve a large commitment of non-renewable resources;
- The primary and secondary impacts of the project would generally commit future generations of people to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; and/or
- The proposed consumption of resources is not justified (e.g., the project could waste energy).

Project construction and operation would utilize non-renewable resources. Construction of the project would include the use of non-renewable fossil fuels, mineral aggregates, and other construction materials. Project operation would include the use of non-renewable resources such as natural gas and electricity.

Per the City's General Plan, the project site is designated for the development of urban uses. Whether the project is developed or not, it is likely the project site would be developed sometime in the future with a mix of uses similar to those proposed. For this reason, the project does not rely on adjacent or off-site improvements that would be required in the future. Therefore, approval of this project would not require that any other properties be developed.

As described in DEIR Section 4.8, Hazards, the project does not propose any hazardous use that could cause irreversible damage to the environment. In addition, the proposed General Plan Amendment and Zone Change are a response to the City's desire to establish a pattern of development and provide additional employment opportunities. The redesignation of the southern portion of the project site to multiple-family residential was a result of the City's Housing Element update, which in turn responded to the Regional Housing Needs Assessment (RHNA) that required the City have a greater number of multifamily units than were currently zoned for. Resources used and consumed by this project are appropriate and justified because the project accommodates the growth planned for in the City as described in the City General Plan and Housing Element (DEIR pg. 5-2).

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

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

1. Transportation Impact - Level of Service Impacts (I-15 Freeway Ramps), and
2. Transportation Impact – Cumulative.

The Wildomar City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the project against any significant and unavoidable environmental impacts in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(C) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives or the other alternatives do not substantively reduce the severity of unavoidable and significant impacts.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the project and having weighed the benefits of the project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The project will provide development consistent with municipal standards, codes and policies;
- The project provides development that improves and maximizes economic viability of a vacant site by transitioning the project site into a productive office and residential use;
- The project creates additional employment-generating opportunities for the City of Wildomar; and
- The project provides additional rental housing opportunities in a quality multifamily setting.

As the CEQA Lead Agency for the proposed action, the City of Wildomar has reviewed the project description and the alternatives presented in the EIR, and fully understand the

project and project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the DEIR, the FEIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V(E) above, and finds that approval of the project is appropriate.

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

California Public Resource Code 21002 provides: “In the event specific economic, social and other conditions make infeasible such project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” Section 21002.1(c) provides: “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency...” Finally, California Administrative Code, Title 4, 15093 (a) states: “If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable.”

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the project outweighs the identified significant adverse environmental impacts of the project that cannot be mitigated. The City Council finds that each of the project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

Facts in Support of the Finding (Overriding Considerations). The Grove Park project has four overriding considerations: (1) development consistent with City standards; (2) economic viability; (3) employment generation; and (4) additional housing.

(1) Consistency with City Goals. The City’s Development Review process will assure the proposed development is consistent with the City’s General Plan, zoning, and Municipal Code upon approval of the requested General Plan Amendment, Zone Change, and other

development applications. The analysis in the DEIR indicates the Grove Park project is generally consistent with the following development goals of the City's General Plan and the requirements of the City zoning code and municipal code for the traffic issue that was determined to be significant even after implementation of proposed mitigation:

- **DEIR Section 4.11 Transportation – Consistency with General Plan Policies** – The project is consistent with planned Circulation System Policy C 1.7., because the project provides commercial and office uses in proximity to residential development, will install sidewalks along the project frontage, and includes connection to the local trail system. The project is consistent with Functional Classification and Standards Policies C 3.9, C 3.13, C 3.14, C 3.15, and C 3.24 because the commercial and office component of the project has been sited to provide area(s) adequate for on-site loading and vehicle maneuvering that do not face adjacent roadways or residential areas. Also, all roadway improvements, intersections, and site access features will be designed to address the applicable safety and emergency access requirements of the City. The design of all such improvements will be reviewed and approved by the City prior to the issuance of applicable permits. The project is consistent with Level of Service Policies C 2.1, C 2.2, C 2.3, C 2.4, and C 2.5 because the Traffic Impact Assessment (TIA) prepared for the project addressed potential traffic impacts resulting from site development under the Existing plus Project, Opening Year (2018) and General Plan Buildout (2035) condition. The project includes roadway and intersection improvements that will be installed as part of the project. Additionally, for affected intersections, mitigation has been identified that will reduce LOS impact to acceptable levels. The project is consistent with Circulation Policies C 4.1, C 4.2, C 4.3, C 4.4, and C 21.5 because the provision and design of pedestrian access features will meet applicable City and Americans with Disabilities Act (ADA) requirements. The design of all such improvements will be reviewed and approved by the City prior to the issuance of applicable permits. Also, all street, intersection, and access improvements will be designed and constructed per the applicable standard of the City or other relevant agency, be reviewed, and approved by the City prior to the issuance of applicable permits. The project is consistent with Land Use Policies LU 12.1 and LU 12.4 because the project will install sidewalks along street frontages and include a connection to the local trail system. Pedestrian Facilities Policies - the project is consistent with Circulation Policies C 4.5, C 4.6, C 4.7, C4.9, and C 4.10. The project will install sidewalks along street frontages and will include a

connection to the local trail system. The project is consistent with System Access Policy C 6.7 because the noise impact analysis prepared for the project concluded that no noise impact would be generated by on-site stationary noise sources during project operation. Off-site mobile noise impacts were determined to not exceed City standards, while on-site mobile noise impacts were reduced to below the City interior standard with the application of appropriate mitigation.

(2) Employment Generation. Based on employment factors in the City of Wildomar's General Plan Update EIR, the project would generate a need for approximately 157 permanent full-time employee positions at buildout of the proposed business buildings.

(3) Additional Housing. The project site will contain 162 housing units, envisioned as follows: 48 one-bedroom, 90 two-bedroom, and 24 three-bedroom units. The project will develop high density housing within the City, which will contribute to the "fair share" of housing required under the RHNA. Since this housing will be used to satisfy the requirements of the RHNA, and the placement of housing is consistent with the General Plan.

VII. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Wildomar City Council finds that it has reviewed and considered the FEIR in evaluating the project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies, amplifies or makes insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. Findings

1. CEQA Compliance

As the decision-making body for the project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the project as well as complete and accurate reporting of the unavoidable impacts and benefits of the project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations

The project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(C) of these Findings:

- *Transportation Impacts (Traffic level of service impacts; and Cumulative Traffic Impacts.)* increase in traffic causing an exceedance of LOS standards, and cumulative traffic-related impacts cannot be reduced to less than significant levels because the City does not have authority or control over the I-15 Freeway ramps for Clinton Keith Road.

The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

3. Conclusions

- a. All potentially significant environmental impacts from implementation of the project have been identified in the EIR and, with the implementation of the mitigation measures defined herein and set

forth in the MMRP, will be mitigated to a less-than-significant level, except for the impacts identified in Section V(C) above.

- b. Other reasonable alternatives to the project that could feasibly achieve the basic objectives of the project have been considered and rejected in favor of the project.
- c. Environmental, economic, social and other considerations and benefits derived from the development of the project override and make infeasible any alternatives to the project or further mitigation measures beyond those incorporated into the project.

VII. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the City Council hereby adopts, as conditions of approval of the project, the Mitigation Monitoring and Reporting Plan (MMRP) set forth in Section 4.0 of the FEIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.