Memorandum

Date: March 8, 2016

To: Planning Commission

From: Matt Straite, Planning Staff

RE: Revised Recommendations and a Resolution to Adopt the EIR for Agenda Item 3.1

1) Resolution No. 2016-004 is attached for your review and consideration. All EIR’s are adopted at the County by Resolution. At the time the staff report was distributed we did not yet have this resolution completed.

2) Because the Resolution is completed, staff is no longer proposing Tentative recommendations as shown in the staff report. We are now proposing final recommendations. The revised recommendations are shown below:

TENTATIVELY CERTIFY EIR No. 537, based on the findings incorporated in the initial study and the conclusion that the project will have a significant effect on the environment, pending adoption of the EIR resolution; and,

ADOPT PLANNING COMMISSION RESOLUTION NO. 2016-004 Certifying Environmental Impact Report No. 531 based on the findings and conclusions set forth in the resolution and EIR No. 531; and,

TENTATIVELY APPROVE Plot Plan No. 25422, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.
RESOLUTION NO. 2016-004
CERTIFYING ENVIRONMENTAL IMPACT REPORT
NO. 537 (ALESSANDRO COMMERCE CENTRE)

WHEREAS, in April 2010, the County of Riverside (County) certified Environmental Impact Report 510 (Original EIR) for the development of the Alessandro Commerce Centre Project and approved Tentative Parcel Map No. 35365 and Plot Plan No. 22925 (Original Project). The Original EIR was subsequently successfully challenged by the Center for Biological Diversity (CBD) in the case Center for Biological Diversity v. County of Riverside. The court directed the County, as the Lead Agency, to vacate the Original EIR certification, and include data and analyses that require revisions and recirculation of selected portions of the Original EIR. A settlement agreement was entered into to settle this lawsuit.

WHEREAS, subsequent to the court decision, a Revised Project was submitted to the County to be incorporated into a Revised Focused Draft Environmental Impact Report (Revised Focused EIR) that would address both the direction from the court on the Original EIR and impacts of the new Revised Project. This Revised Focused EIR for the Revised Project accomplishes the following: (1) incorporates changes made to the Original Project to respond to market demand; (2) addresses the court’s direction in its Statement of Decision; and (3) satisfies certain terms of the Settlement Agreement.

WHEREAS, pursuant to the provisions of Government Code Section 65450 et seq., public hearings were held before Riverside County Planning Commission in Riverside, California on March 16, 2016 to consider Revised Focused EIR; Plot Plan No. 25422; Environmental Assessment No. 42616; and a blasting permit, if necessary, that includes neighbor notification (collectively referred to herein as Revised Project); and

WHEREAS, all provisions of the California Environmental Quality Act (CEQA) and Riverside County CEQA implementing procedures have been met, and Revised Focused EIR, prepared in connection with the Revised Project, is sufficiently detailed so that all of the potentially significant effects of the Revised Project on the environment and measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with the above referenced Act and Rules; and

///
WHEREAS, pursuant to California Code of Regulations, title 14 (State CEQA Guidelines), section 15151, the evaluation of environmental effects is to be completed in light of what is reasonably feasible; and,

WHEREAS, on June 26, 2008, Riverside County Planning Department (County) circulated a Notice of Preparation (NOP) of an EIR for the Original Project to the State Clearinghouse and interested agencies and persons for a 30-day review period; and

WHEREAS, on July 26, 2008, the County held an appropriately noticed scoping meeting; and

WHEREAS, the Revised Focused Draft EIR was circulated for a 45-day public review period beginning August 15, 2015, and ending September 30, 2015 (SCH # 2008061136); and

WHEREAS, pursuant to Public Resources Code section 2191(d)(2)(A) and State CEQA Guidelines sections 15088 and 15089, the County responded to all environmental comments that were submitted to the Original Draft EIR during the public review period and a Final EIR was completed; and

WHEREAS, cumulative impacts were analyzed for the Project through a combination of a “list” and “summary of projections” approach, based on information available from the Riverside County Planning Department for recently approved or proposed development projects within the vicinity of the proposed Project, as well as information contained in long-range planning documents (see Original Draft EIR Section 5); and

WHEREAS, on August 15, 2015, a Notice of Availability for the Final EIR was mailed to interested persons and written responses were provided to agencies who commented on the Original Draft EIR; and

WHEREAS, the staff report for the February 17, 2016, Planning Commission meeting, incorporated herein by reference, described and analyzed the Project, including the Original EIR, and recommended that the Planning Commission tentatively approve the Project; and

WHEREAS, the matter was discussed fully with testimony and documentation presented by the public and affected government agencies;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Planning Commission of the County of Riverside, in regular session assembled on March 16, 2016, that:
A. The Original Project proposed industrial and commercial development containing eight buildings, associated parking, and three detention basins. The Project included a Tentative Parcel Map No. 35365, which was a Schedule E subdivision of 54.4 gross (51.21 net) acres into six (6) industrial/commercial parcels. Plot Plan No. 22925 proposed eight (8) buildings of approximately 258,100 square feet of office; 42,300 square feet of light industrial/multi-tenant; 409,400 square feet of industrial warehouse/distribution; 10,000 square feet of retail on a 54.4 gross (51.21 net) acre site with a total building area of approximately 720,000 square feet (floor area ratio [FAR] of 0.32) including 1,784 parking spaces and 974,727 square feet of landscaping area (approximately 40 percent).

BE IT FURTHER RESOLVED by the Planning Commission that:

A. The Original Project was modified to include up to 814,630 square feet of the following industrial warehouse uses:
   - Building 1: 598,190 square feet (logistics warehousing)
   - Building 2: 216,440 (general or multi-tenant warehousing)

B. The Revised Project occupies 54.53 acres, same as the Original Project, and is built out to a FAR of 0.43, which is within County standards. The Revised Project involves a lot line adjustment to rearrange the existing 4 lots with Lot 2 proposed for truck parking (i.e., no new warehouse building). The revised site plan shows 581 parking spaces and includes two detention basins occupying 4.16 acres associated with Buildings 1 and 2. The Revised Project is expected to generate 534 new employees.

C. The Revised Project would construct Brown Street to its full width south of Alessandro Boulevard. The Revised Project will construct a 6-foot block wall at the top of slope along the western project boundary to provide an additional visual and noise buffer between the Revised Project and the existing residences.

D. The proposed industrial buildings of the Revised Project will be consistent with the development standards of the County’s “Light Industrial” zoning classification. The
building height will be a maximum height of 45 feet at the corners for architectural
treatments.

E. The Revised Project will have a 200-foot wide open space/conservation easement
established along the western portion of the site. The purpose of this easement or corridor
is to help establish a connection between the March Joint Powers Authority (MJPA)
Stephens’ kangaroo rat (SKR) habitat conservation lands south of Alessandro Boulevard
and the SKR habitat land in the Sycamore Canyon Nature Park north of Alessandro
Boulevard. The proposed easement is consistent with the Settlement Agreement, which is a
result of the Superior Court Statement of Decision requiring revisions to the environmental
baseline. In addition, the developer will provide an endowment to maintain and monitor
conditions in the easement in perpetuity.

F. During the public review process of the Original DEIR, the MJPA requested more detailed
information on potential impacts to MJPA property that might result from construction of
the Revised Project and Brown Street. Based on the revised land plan, approximately 2.4
acres of land under MJPA authority may be impacted on either temporary or permanent
basis by the construction of Brown Street. To provide the additional information requested
by MJPA, LSA Associates, Inc. (LSA) assessed biological and cultural resources on the
adjacent MJPA property with the approval of MJPA. These studies were used to complete
the appropriate sections of the Revised Focused DEIR. In addition, LSA also updated the
Jurisdictional Delineation for the Revised Project, highlighting any potential impacts on
the adjacent MJPA property as a result of constructing Brown Street.

G. It is possible that a temporary rock crushing facility will be needed during grading of the
site for the Revised Project. If needed, this facility would be located on Lot 3 in the
southern end of the site, approximately 880 feet from the closest residence (to the
northwest). If this option was utilized at some point in the future, it would be limited to
construction activities only and would cease once the site becomes operational. A
supplemental noise assessment was prepared for this facility and is included in Appendix
D of the Revised Focused DEIR.
BE IT FURTHER RESOLVED by the Planning Commission that, based on analysis contained in the Revised Focused DEIR, the County determined that a number of potential environmental effects of the Revised Project would be insignificant, less than significant, or would be adequately addressed through the County review process. The basis for these conclusions is provided in Revised Focused DEIR, Section 4. For these topics, no further environmental assessment was required for preparation of the EIR, in accordance with State CEQA Guidelines section 15128.

BE IT FURTHER RESOLVED by the Planning Commission that the following environmental impacts associated with the project are potentially significant unless otherwise indicated, but each of these impacts will be avoided or substantially reduced to a level that is less than significant by the identified existing regulations, Project Design Features or mitigation measures specified in the attached Mitigation Monitoring and Reporting Program which is incorporated herein by this reference. Accordingly, the County makes the following finding as to each of the following impacts pursuant to State CEQA Guidelines section 15091(a): “Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.”

A. Aesthetics

Impact AES-1. Scenic Vistas

Threshold: Project construction and implementation would not result in impacts to scenic vistas

The Revised Project’s potential to damage scenic vistas is discussed in Revised Focused Draft EIR page 4-4. The primary scenic vistas visible from the Revised Project site and surrounding land uses are Sycamore Canyon and Box Springs Mountain. However, as was determined in the Original EIR for the Original Project, the Revised Project is consistent with surrounding development, and the overall views of Sycamore Canyon and Box Springs Mountain from the surrounding area would not be marred, and therefore would not result in a significant impact. This is a similar level of impact compared to the Original Project.
Impact AES-2. State Scenic Highways

Threshold: Construction and implementation of the Project would not result in impacts to a scenic highway corridor or scenic resources.

The Revised Project’s potential to substantially damage scenic resources within a State scenic highway is discussed on Revised Focused DEIR page 4-7. Development of the Revised Project will change the current landscape and natural vistas of the site. It should be noted there are no trees or historical buildings on site, and the I-215 Freeway to the east is not a designated scenic highway. There would only be limited views of the Revised Project from the I-215 Freeway a half mile to the east due to distance, intervening topography, and buildings. The Revised Project is not expected to create significant aesthetic impacts that are detrimental to the site or the surrounding community and environment. This is a similar level of impact compared to the Original Project, which was determined to be less than significant and did not require mitigation.

Impact AES-3. Visual Character

Threshold: Construction and implementation of the Project would not result in impacts to the existing visual character or quality of the site and its surroundings.

The Revised Project’s potential to substantially affect the visual character of the site is discussed in Revised Focused DEIR page 4-7. The Original Project proposed many smaller buildings with hundreds of parking spaces closer to the existing residential uses, while the Revised Project would have two warehouse buildings farther from the existing residences. Lot 2 will be used for trailer parking or storage and will comply with the County’s standard site screening requirements, which will provide a sufficient visual buffer for residences to the west. The Revised Project incorporates terms in the Settlement Agreement addressing aesthetic impacts, and the County’s recently passed nighttime lighting ordinance must be followed. Due to the design of the Revised Project requiring compliance with the foregoing, the Revised Project would not substantially degrade the existing visual character of the
site or surrounding residential property. Thus, as was determined in the Original EIR for the Original Project, the Revised Project will not significantly impact surrounding residential property.

Impact AES-4. Light and Glare

Threshold: Construction and implementation of the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Impact AES-4 is discussed on page 4-8 in the Revised Focused Draft EIR. Development of the Revised Project will include the installation and operation of new lighting features that will increase light levels upon and in proximity to the Project site. These new sources of light are not expected to generate excessive or inordinate light spill or glare that could adversely affect daytime and/or nighttime views in the area. The Revised Project will be required to comply with the County lighting ordinance, which will further mitigate potential light impacts. Accordingly, as was determined in the Original EIR for the Original Project, development of the Revised Project is not expected to produce significant lighting impacts that would adversely affect views.

The Revised Project has the potential to impact the residential neighborhood to the west, by introducing light incursion and glare from the Revised Project's building and street/parking lights. As mentioned above, the Revised Project will be required to comply with County lighting ordinance, which will direct potential light and glare away from existing uses to the extent feasible. The requirements of the private conservation easement will restrict on-site lighting especially for the larger warehouse building on Lot 1, so lighting impacts will likely be reduced from those identified in the Original EIR.

Therefore, development of the Revised Project is not expected to expose residential property to unacceptable light levels. Therefore, construction and operation of
Brown Street and related drainage improvements will not create any significant aesthetic impacts that were not identified in the Original EIR.

Cumulative Impacts.

The Original EIR concluded that development of the Project and continued development of other properties in the surrounding area would incrementally increase ambient light and glare, and incrementally degrade “dark skies” conditions assuming that future development is consistent with applicable zoning. As long as new development, including the Revised Project, is similar in appearance and scale to existing development, and meets local planning and design guidelines, it will not induce/produce cumulatively considerable aesthetic impacts. Although the Revised Project has a different mix of land uses, the site will be essentially developed under either project scenario, so the cumulative aesthetic (views) and lighting impacts would be similar to those of the Original Project. Project-level impacts were determined to be less than significant, so the Revised Project will not make a significant contribution to a cumulatively considerable impact relative to aesthetics, and no mitigation is required.

1. Mitigation.

   No mitigation is required.

2. Findings.

   All impacts are less than significant.

B. Agricultural and Forestry\(^1\) Resources

   Impact AG-1. Convert Farmland to Non-Agricultural Use

   **Threshold:** Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

   Impact AG-2. Agricultural Zoning

   **Threshold:** Conflict with existing zoning for agricultural use or a Williamson Act contract or conflict with existing zoning for, or cause rezoning of forest land.

---

\(^1\) For the purposes of this analysis, the term agricultural resources includes forest resources as neither exists on the project site.
Impact AG-3. Other Agricultural/Impacts

Threshold: Involve other changes in the existing environment which could result in conversion of Farmland to non-agricultural use or loss of or conversion of forest land to non-forest use.

Impacts AG-1 through AG-2 are discussed on page 4-9 in the Revised Focused Draft EIR. The Revised Project proposes full development of the project site, similar to the Original Project, including construction of Brown Street and related drainage improvements. Impacts to agricultural uses (including forest resources) are therefore expected to be equivalent to those outlined in the Original EIR (i.e., less than significant and no mitigation recommended). As discussed in the Original EIR, the Revised Project will not impact any ongoing agricultural uses or operations, and the site contains no trees so it is not considered a forest resource. The project site is not currently being utilized for agricultural uses and has not been utilized in the past for such use. The 2.53 acres only represent a very small and isolated portion of farmland of local importance in the east-central portion of the site adjacent to Brown Street. Therefore, Project impacts related to this issue would be less than significant.

Cumulative Impacts.

The Revised Focused Draft EIR determined that cumulative impacts associated with agricultural resources and forestry resources were the same as those identified in the Original EIR (i.e., less than significant and no mitigation required). For this reason, cumulative impacts would be less than significant.

1. Mitigation.

No mitigation is required.

2. Findings.

All impacts are less than significant.

C. Air Quality

1. Impacts.
Impact AQ-4: Sensitive Receptors

Threshold: Project construction and implementation would not create expose sensitive receptors to substantial pollutant concentrations.

The closest residence to a truck loading dock is located 450 feet away. Table 4.3.H of the Revised Focused DEIR shows that the peak carcinogenic risk is 0.235 in a million or less even at a 435-foot distance, with the threshold of significance set at 10 in a million. The peak chronic risk is well under the threshold of 1.0. This shows that even using the very conservative modeling techniques of assuming all 779 daily trucks are the largest T7 diesel-type, all spend 10 minutes idling per trip, all are co-located at the closest loading area, and the wind constantly blows directly from the loading area to the residences, the health risks are still well below the thresholds of significance. The Project would also not generate localized emissions in excess of the South Coast Air Quality Management District’s (SCAQMD’s) significance thresholds. Thus, the Revised Project would not expose sensitive receptors to substantial pollutant concentrations. Therefore, Revised Project impacts related to this issue would be less than significant. Impacts to sensitive receptors under the Revised Project would be less than those estimated for the Original Project.

Impact AQ-5. Odors

Threshold: Project construction and implementation would not create objectionable odors affecting a substantial number of people.

Land uses typically considered to be associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations. The Revised Project does not contain land uses typically associated with emitting objectionable odors. Diesel exhaust and volatile organic compounds (VOCs) will be emitted during construction of the Revised Project, which are objectionable to some; however, emissions will disperse rapidly from the Revised Project site and therefore should not reach a level to induce a negative response. Therefore, as was
determined in the Original EIR for the Original Project, the Revised Project will
not have significant impacts in regard to odors and no mitigation is necessary.

2. Mitigation.

No mitigation is required.

3. Finding.

Impacts AQ-4 and AQ-5 are less than significant.

D. Biological Resources

1. Impacts.

Impact BR-1. Candidate, Sensitive, or Special Status Species

**Threshold:** Project construction and implementation would not have a substantial adverse
effect, either directly or through habitat modifications, on any species identified as a
candidate, sensitive, or special status.

The Revised Project’s potential to have a substantial adverse effect on any species
identified as a candidate, sensitive, or special status species is discussed on Revised
Focused Draft EIR pages 4-25 through 4-26. There is Stephens’ kangaroo rat
(*Dipodomys stephensi*) (SKR) habitat on the Private Conservation Area property
east and south of the Revised Project site. Therefore, SKR was considered to be
present on the Revised Project site. The site is located within the boundaries of the
County’s Habitat Conservation Plan (HCP) Fee Area for SKR and thus must pay
the appropriate mitigation fee.

The Original DEIR indicated protocol surveys were conducted on site for
burrowing owl (*Athene cunicularia*) and least Bell’s vireo (*Vireo bellii pusillus*); neither species was observed on site but suitable habitat was present. In June 2013,
a new burrowing owl survey was conducted for the project site and the MJPA
Brown Street property at the request of MJPA to determine if either of these areas
was occupied by burrowing owl. Again, the species was not found on site. Because
the burrowing owl is a highly mobile species, it has a potential to subsequently
occupy any suitable burrows within the site. Per the Western Riverside County
Multiple Species Habitat Conservation Plan (MSHCP) 30-day Pre-Construction
Burrowing Owl Survey Guidelines (revised August 17, 2006) a pre-construction
survey is required for the burrowing owl within 30 days prior to start of
grading/construction activities.

The site contains only a few large isolated shrubs and small trees, but there is at
least some potential for project development to impact nesting birds and species
covered by the Migratory Bird Treaty Act (MBTA). The Revised Project will have
the potential for a significant impact to migratory birds, burrowing owl, and least
Bell's vireo habitat, as was the case for the Original Project, and mitigation is
required.

Impact BR-2. Riparian Habitat or Other Sensitive Natural Community

**Threshold:** The Project would not have a substantial adverse effect on any riparian
habitat or other sensitive natural community identified in local or regional plans, policies,
regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife
Service.

There is a total of 0.89 acre of MSHCP-Defined Riparian/Riverine areas within the
Revised Project survey area. A total of 0.21 acre of MSHCP-Defined
Riparian/Riverine areas will be permanently impacted by Revised Project activities
(i.e., State jurisdiction areas).

The 2008 Jurisdictional Delineation Report concluded that that Area 4 of the
Revised Project was potentially jurisdictional with a downstream connection to
Ditch 1, which may connect to Sycamore Canyon, a Relatively Permanent Water
(RPW). Based on this potential connectivity to an RPW, the U.S. Army Corps of
Engineers (USACE) may exert jurisdiction over Area 4. The total potential USACE
jurisdictional area within the study area associated with Area 4 is 0.44 acre,
although only 0.04 acre is expected to be permanently impacted by the Revised
Project development. Since this feature historically conveyed flows and may
provide wildlife habitat associated with a streambed, the California Department of
Fish and Wildlife (CDFW) may assert jurisdiction over Area 4. It is unlikely that any of the other riparian/riverine areas would fall under the jurisdiction of federal or State agencies relative to water resources. Impacts to drainage features are potentially significant and mitigation is required. This is the same level of impact as the Original Project.

**Impact BR-3. Wetlands**

*Threshold*: Project construction and implementation would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

A total of 0.44 acre of potential USACE and Regional Water Quality Control Board (RWQCB) jurisdictional areas and 0.89 acre of potential CDFW jurisdictional areas were identified within the study area. A total of 0.04 acre of potential USACE jurisdictional areas and 0.21 acre of CDFW jurisdictional areas will be permanently impacted by the Revised Project activities. It is possible that all or some of the jurisdictional land impacted by the Revised Project can be mitigated on site, which typically results in a 1:1 compensation rate in subsequent permitting through the resource agencies. In contrast, any amount of jurisdictional land that must be compensated for with off-site property is typically mitigated at 3:1 compensation ratios. However, impacts to jurisdictional areas are addressed under BR-2, and there are no federally protected wetlands on the project site. This is the same level of impact as the Original Project (i.e., less than significant and no mitigation necessary).

**Impact BR-4. Wildlife Movement and Nursery Sites**

*Threshold*: Project construction and implementation would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
The Revised Project site does not contain flowing water or standing pools, nor does the site support any vegetation or resources that serve as a habitat for the migratory fish or wildlife. The site does not lie within any known wildlife corridors. Although the site contains a small isolated drainage, it does not contain any nursery areas or resources. Therefore, as was the case for the Original Project as discussed in the Original EIR, implementation of the Revised Project will not have a significant impact on wildlife corridors.

**Impact BR-5. Local Policies or Ordinances**

**Threshold:** Project construction and implementation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The Revised Project site is within the bounds of the MSHCP. As was the case for the Original Project, with compliance and adherence with the guidelines of the MSHCP, (see Impact BR-6 below for details), the Revised Project will be consistent with and not conflict with any local policies and ordinances protecting biological resources. Impacts would remain less than significant with implementation of Mitigation Measure BR-2.

**Impact BR-6. Habitat Conservation Plans**

**Threshold:** The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.

The Revised Project site is not located within an MSHCP Criteria Area; therefore, no analysis of the Revised Project’s relationship to MSHCP Reserve Assembly is required. However, the Revised Project site is adjacent to Existing Core D, which consists of two non-contiguous habitat blocks of Public/Quasi-Public (PQP) lands associated with Sycamore Canyon Park. According to the MSHCP, “the Core provides live-in habitat for the granite spiny lizard, a species requiring rock outcrops, and likely provides movement habitat for bobcat.” MSHCP requirements,
including species surveys, are applicable for this site. The Revised Project DEIR (pages 4-29 through 4-31) analyzes the Revised Project's consistency with the MSHCP. With payment of MSHCP and SKR HCP mitigation fees, impacts related to MSHCP consistency would be less than significant. This is the same level of impact as the Original Project.

Cumulative Impacts.

Based on the various technical studies, both the Original and Revised Projects are consistent with the MSHCP and no significant biological resources will be impacted by project development with implementation of the recommended mitigation. Therefore, the Revised Project will not contribute to cumulatively considerable impacts to biological resources, and no additional mitigation is required.

2. Mitigation.

BR-1a (Original EIR): Burrowing owl (*Athene cunicularia*) (BUOW) Pursuant to Objective 6 of the Species Account for the BUOW included in the MSHCP, within 30 days prior to the issuance of a grading permit, a pre-construction presence/absence survey for the burrowing owl shall be conducted. A qualified biologist shall conduct the survey and the results of this presence/absence survey shall be provided in writing to the Environmental Programs Department (EPD) at Riverside County. If it is determined that the Project Site is occupied by burrowing owl, take of "active" nests shall be avoided pursuant to the MSHCP and the Migratory Bird Treaty Act (MBTA). However, when the burrowing owl is present, relocation outside of nesting season (March 1 through August 21) by a qualified biologist shall be required. The EPD shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites.

BR-1a: (Revised EIR): Burrowing owl (*Athene cunicularia*) - Pursuant to Objective 6 of the Species Account for the burrowing owl included in the MSHCP, within 30 days prior to the issuance of a grading permit, a pre-construction
presence/absence survey for the burrowing owl shall be conducted. A qualified biologist, who has a Memorandum of Understanding (MOU) on record with the County of Riverside, shall conduct the survey. A report documenting results of this presence/absence survey shall be provided in writing to the Riverside County Planning Department, Environmental Programs Division (EPD) for review and approval. If burrowing owl is present on the project site or within a 150-meter buffer zone, take of “active” nests shall be avoided pursuant to the MSHCP and the Migratory Bird Treaty Act. However, when the burrowing owl is present, relocation outside of nesting season (February 1 through August 31) by a qualified biologist shall be required. The EPD shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites.

The County shall consult and coordinate with the Western Riverside County Regional Conservation Authority (RCA) prior to any relocation (passive or active) of burrowing owls from the project site. The County may also consult with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS). Mitigation for impacts will be consistent with the 2012 “Staff Report on Burrowing Owl Mitigation” published by the Department.

**BR-1b (Original EIR): Nesting Birds – The removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season wherever practicable. The avian nesting season, extends from February 15 through August 30. If ground-disturbing activities are scheduled during the nesting season, a survey for nesting birds shall be conducted by a qualified biologist prior to any ground disturbing activities. If active nests are found within 500 feet of the planned impact area, the area of the nest shall be flagged, including an adequate buffer as determined by a qualified biologist, and the flagged area shall be avoided until a qualified biologist has determined that the nest is no longer active. This measure shall be implemented to the satisfaction of the County requirements until said nesting activity has concluded.**
BR-1b: (Revised EIR): Nesting Birds - The removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season wherever practicable. The avian nesting season extends from February 15 through August 30. If ground-disturbing activities are scheduled during the nesting season, a survey for nesting birds shall be conducted by a qualified biologist prior to any ground-disturbing activities. If active nests are found within 500 feet of the planned impact area, the area of the nest shall be flagged, including an adequate buffer as determined by a qualified biologist, and the flagged area shall be avoided until a qualified biologist has determined that the nest is no longer active. This measure shall be implemented to the satisfaction of the County requirements until said nesting activity has concluded.

Prior to issuance of a grading permit, the developer shall demonstrate to the MJPA and the County Planning Department that potential impacts regarding loss of Stephens’s kangaroo rat (SKR) habitat within the adjacent MJPA property have effectively mitigated by payment of an established development impact fee established for such purpose, or by the provision of an appropriate amount of suitable SKR habitat in the surrounding region. Potential fee programs include but are not limited to the County’s established MSHCP or the SKR Habitat Conservation Plan (HCP).

BR-2a: (Original EIR): The Project applicant shall mitigate on-site impacts to riparian/riverine habitat by funding off-site restoration activities at a ratio of 3:1. The restoration will be done through the Santa Ana Watershed Association to ensure high quality habitat is preserved/restored within the same watershed as the impact area.

BR-2a: (Revised EIR): To the greatest extent feasible, the project applicant will mitigate the riparian/riverine habitat on site through either avoidance or on-site creation of biologically equivalent or superior habitat to ensure replacement of any lost function or value of the riparian/riverine habitat. To the greatest extent feasible,
the project applicant will mitigate loss of riparian/riverine habitat on-site through either avoidance or on-site creation of biologically equivalent or superior habitat to ensure replacement of any lost function or value of the riparian/riverine habitat. The applicant shall provide on-site habitat at a ratio of 1:1. If on-site mitigation is determined to be insufficient by the resource agencies, the Project applicant shall mitigate any residual on-site impacts to riparian/riverine habitat by funding off-site restoration activities at a ratio of 3:1. The restoration will be done through the Santa Ana Watershed Association or other conservation organization acceptable to the California Department of Fish and Wildlife, including but not limited to the Department itself, to ensure high quality habitat is preserved/restored within the same watershed as the impact area.

**BR-2b: (Revised EIR):** Prior to the issuance of an occupancy permit, the developer shall legally establish a conservation easement along the western boundary of the project property, as shown in the approved site plan and as described in the project Settlement Agreement. The developer shall work with an established conservation organization acceptable to the County Resource Conservation Authority (RCA) to establish the easement. The easement shall meet the requirements of the Settlement Agreement and applicable guidelines in the MSHCP. The selected conservation group will maintain and monitor the easement on a permanent basis.

In compliance with the Settlement Agreement resolving *Center for Biological Diversity, et al. v. County of Riverside, et al.* Riverside County Superior Court Case no. RIC10009105, the permanent Conservation Easement (CE) shall be established and recorded by the developer and shall name an appropriate designee as the holder/grantee as designated in the Settlement Agreement. The terms, standards, and goals of the CE shall conform to those outlined in the MSHCP. The CE holder/grantee shall have the necessary organizational and fiscal capability to ensure enforcement of the easement in perpetuity. Alternatively, the CE may be
transferred in fee title to the RCA as long as the obligations regarding the CE are simultaneously transferred.

The developer shall also provide a monetary endowment to the conservation group sufficient for it to maintain and monitor conditions in the easement in perpetuity. The developer shall demonstrate to the CBD and the County Planning Department it has met the requirements of this measure, and applicable portions of the Settlement Agreement in this regard, prior to receiving a certificate of occupancy for the project.

Once the easement is established, discing as a means of fire clearance will only be permitted if all other fire clearance methods or mechanisms are prohibited. Weed abatement/fire prevention techniques that shall be employed to the greatest degree feasible include mowing, hand clearance, or grazing. Discing is only permitted upon written demonstration from an appropriate regulatory authority stating that other weed abatement/fire prevent techniques are not permitted.

**BR-2c:** (Revised EIR): The developer shall minimize grading within the conservation area to the greatest degree practical. Should any grading within the conservation area occur, the developer shall pay for and complete a one-time restoration of any graded portions of the conservation area with native plants generally supportive of Stephens’ kangaroo rat (SKR) habitat including, but not limited to, the plants listed in Exhibit B of the Settlement Agreement. Initial grading of the conservation area shall be completed within six (6) months of the commencement of grading in the conservation area. Restoration of any areas graded in the conservation area shall begin as soon as practical after completion of the initial grading so as to coincide with the fall and winter rainy season, and reach completion by January 20th of the following year. Restoration shall be completed within one year and may include a grow-kill cycle to reduce weeds during the first rainy season if so included in the restoration plan as required by Exhibit B of the Settlement Agreement. The developer shall make an adequate one-time restoration
effort to achieve a 70 percent native plant cover (bird’s eye view) with the
recommended plant palette and a maximum of 10 percent cover by non-native plant
species five (5) years after planting. Exhibit B of the Settlement Agreement
contains a list of restoration experts and minimum contract requirements of
restoration of the conservation area. The one-time restoration shall be based on a
site-specific scientifically based revegetation plan from local native plant sources
developed by a restoration expert chosen by the developer from the list in Exhibit B
of the Settlement Agreement with proven experience in successful revegetation of
western Riverside County and coastal sage scrub and native grasslands. The
developer shall provide a report demonstrating that the restoration activities meet
the terms of the Settlement Agreement prior to any use or occupancy of the
buildings or structures.

**BR-2d**: (Revised EIR): Prior to establishment of the conservation easement
identified in Mitigation Measure BR-2b, discing within the conservation area as a
means of fire clearance will only be permitted if all other fire clearance methods or
mechanisms are formally prohibited. Weed abatement/fire prevention techniques
that shall be employed to the greatest degree feasible including mowing, hand
clearance, or grazing. Discing is only permitted upon written demonstration from
an appropriate regulatory authority stating that other weed abatement/fire prevent
techniques are not permitted.

**BR-2e**: (Revised EIR): Prior to issuance of an occupancy permit, the developer
shall demonstrate that all project lighting minimizes lighting impacts on neighbors
to the west and adjacent conservation areas to the east and west of the site, in
compliance with the project Settlement Agreement. Night lighting shall be directed
away from adjacent conservation areas, and those areas shall be treated as separate
parcels for the purposes of compliance with Riverside County Ordinance 915.
Shielding shall be incorporated to ensure ambient lighting in the adjacent
conservation areas does not increase beyond 0.5 foot-candles adjacent to developed
lots. Devices that may be employed to control light include lenses, louvers, barn doors, and snoots. A photometric study and engineering plan shall be submitted to the County demonstrating consistency with these lighting provisions prior to any use or occupancy of the site.

Prior to review and approval by the County, the developer shall submit the photometric and engineering plans for lighting along Brown Street and the eastern side of the project to MJPA for review and comment.

3. Findings.

Impacts BR-3 [Federal Wetlands], BR-4 [Wildlife Movement and Nursery Sites], and BR-6 [Habitat Conservation Plans] were determined to be less than significant and did not require mitigation, similar to the findings of the Original DEIR. With implementation of Mitigation Measures BR-1a through BR-2e, Impacts BR-1 [Candidate, Sensitive, or Special Status Species], BR-2 [Riparian Habitat or Other Sensitive Natural Community], and BR-5 [Local Policies or Ordinances] would be mitigated to less than significant levels.

E. Cultural Resources

1. Impacts.

Impact CR-1. Historic Resources

Threshold: Construction of the Project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

The original and updated cultural resource assessments indicate the Original Project site and adjacent MJPA Property upon which the Brown Street improvements are proposed (LSA May 2014) do not contain any historical resources as outlined in the State CEQA Guidelines. Therefore, the conclusion is the same as the Original EIR with impacts being less than significant.
Impact CR-2. Archaeological Resources

**Threshold:** Construction of the Project would not cause a substantial adverse change in the significance of an archaeological resource with the implementation of mitigation measures (refer to Attachment “B,” Mitigation Monitoring and Reporting Program).

The cultural resources assessment identified one potential cultural resource area within the MJPA property adjacent to Brown Street, which was designated P-33-022246. This new area was examined in detail during a Phase III assessment by LSA in May 2014 and no significant resources or artifacts were found. Representatives of the Pechanga Tribe were notified of the planned Phase III work and declined to monitor. While this area was determined to not contain potentially significant cultural resources, there remains potential to uncover buried archaeological resources. This impact is potentially significant and mitigation is required. This is the same level of impact as the Original Project.

Impact CR-3. Paleontological Resources

**Threshold:** Construction of the Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The geotechnical report and cultural resources report for the project site indicate the area is underlain by shallow bedrock with numerous rock outcroppings of exposed granite. Fossils and other paleontological resources are typically not found under these surface and subsurface conditions, so the potential impacts to paleontological resources is considered to be less than significant, and no mitigation is required. This is the same level of impact as the Original Project.

Impact CR-4. Human Remains

**Threshold:** Construction of the Project would not disturb any human remains; including those interned outside of formal cemeteries with the implementation of mitigation measures (refer to Project Resolution Attachment “B,” Mitigation Monitoring and Reporting Program).
The Original EIR also concluded that impacts to human remains could be potentially significant if unknown remains existed on the Project site and was mitigated to less than significant level by implementation of Mitigation Measure CR-4a. This conclusion also applies to the Revised Project including implementation of CR-4a.

Cumulative Impacts.

The “universe” for cultural resources is the regional extent of the historical, paleontological, and archaeological resources within the County. The Original EIR concluded that cumulative impacts to cultural resources may be potentially significant from development of projects on culturally sensitive areas within the County. If cumulative development conforms to County and local policy and mitigate potential impacts to cultural resources, impacts would be reduced to less than significant levels. The Revised Project involves the same impacts as was the case for the Original Project. Therefore, with mitigation measures imposed, the Revised Project will not have a cumulatively significant impact associated with cultural resources. This conclusion applies to both the Original and the Revised Projects.


CR-2a: (Original EIR): Phase III data recovery must be completed for Feature 2 (CA-RIV-5457) prior to final approval of grading plans if this area is to be graded. The recovery fieldwork must be completed in its entirety before grading begins, and a Phase III excavation report must be finalized and approved before final inspection. The Phase III excavation must be designed and written to Archaeological Resource Management Reports standards and County of Riverside standards.

CR-2a: (Revised EIR): Phase III data recovery must be completed for Feature 2 (CA-RIV-5457) prior to final approval of grading within the Private Conservation Area. Any recovery fieldwork must be completed in its entirety before grading
begins, and a Phase III excavation report must be finalized and approved before final inspection. The Phase III excavation must be designed and written to Archaeological Resource Management Reports standards and County of Riverside standards. The Pechanga Band of Luiseño Indians, The Pechanga and Soboba Tribes will be contacted at least 30 days prior to beginning the data recovery to develop a Cultural Resources Treatment and Monitoring Agreement for participation in the Phase III program. Final copies of the report will be distributed to the landowner/developer, the County, the Eastern Information Center, and the Pechanga Tribe and Soboba Tribes.

**CR-2b (Original EIR):** The Project Archaeologist must create a mitigation-monitoring program plan prior to earthmoving the Project area, and a pre-grade meeting associated with the details of that plan must occur between the monitoring archaeologist(s) and the grading contractor before grading begins. The abatement plan document must contain a description of how and where artifacts will be curated if found during monitoring, and contingency plans associated with Native American tribal representation if the recovered artifacts are considered sacred items by one or more Native American tribes.

**CR-2b: (Revised EIR):** The Project Archaeologist must create a mitigation-monitoring plan prior to earthmoving or blasting in the Project area, and a pre-grade meeting associated with the details of that plan must occur between the monitoring archaeologist(s), Pechanga and Soboba Tribal monitoring representatives, and the grading contractor before grading begins. The plan shall address inadvertent treatment and disposition of the resources. The plan shall be prepared in consultation with the Pechanga Tribe and Soboba Tribes and shall be consistent with the agreement referenced in Mitigation Measure CR-2e.

**CR-2c (Original EIR):** Monitoring of development-related excavation is required during all construction-related earthmoving. The Project Archaeologist may, at his or her discretion, terminate archaeological monitoring in any one location on the
Project Site if and only if bedrock or sterile soils are encountered during earthmoving at that location.

**CR-2c (Revised EIR)** Monitoring of development-related excavation is required during all construction-related earthmoving or blasting activities by a Riverside County certified professional archaeologist (County Condition of Approval 60 Planning 016). The Project Archaeologist may, in consultation with the Pechanga Tribe monitor and Soboba tribal monitors, terminate monitoring in any one location on the Project Site if and only if bedrock or sterile soils are encountered during earthmoving at that location.

**CR-2d (Original EIR):** Should previously unidentified cultural resource sites by encountered during monitoring, they must be evaluated, and tested if necessary, for significance following the State CEQA Guidelines prior to allowing a continuance of grading in the area. County Condition of Approval 10 Planning 002 addressing inadvertent archaeological finds shall also be implemented.

**CR-2d: (Revised EIR):** Should previously unidentified cultural resource sites be encountered during monitoring, they must be evaluated, and tested if necessary, for significance following the State CEQA Guidelines prior to allowing a continuance of grading in the area. County Condition of Approval 10 (Planning 002 and 038) addressing inadvertent archaeological finds shall also be implemented.

Consistent with County Condition of Approval 60 (Planning 017), the developer/holder shall prompt the project archaeologist to submit one wet-signed paper copy and one CD of Phase IV Cultural Resources Monitoring Report that complies with the Riverside County Planning Department’s requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scope of Work posted in the TLMA website. The County Archaeologist shall review the report to determine adequate compliance with the approved conditions of approval. Upon determining
the report is adequate, a final copy of the report shall be provided to the developer/holder, the Eastern Information Center, and the Pechanga Tribe and Soboba Tribes.

**CR-2c** (Original EIR): Native American monitors shall be allowed to monitor all grading, excavation and groundbreaking activities.

**CR-2e**: (Revised EIR): Native American monitors from the Pechanga Tribe shall also be allowed to monitor all grading, excavation and groundbreaking activities. Permission is required from March Joint Powers Authority if activities and monitoring occurs on their property. At least 30 days prior to seeking a grading permit, the project applicant shall contact the Pechanga Tribe and Soboba Tribes to notify the tribes of grading, excavation, and the monitoring program, and to coordinate with the County and the Tribes to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall address: the treatment of known cultural resources; the designation, responsibilities, and participation of Native American Tribal monitors during grading, excavation, and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposal of any cultural resources, sacred sites, and human remains discovered on the site. This is consistent with County Condition of Approval 60 (Planning 018).

**CR-2f**: (Revised EIR): All cultural materials that are collected during grading monitoring program and from any previous archaeological studies or excavations on the project site, with the exception of sacred items, burial goods and human remains which will be addressed in the Treatment Agreement outlined in Mitigation Measure CR-2e, shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga or Soboba Tribe’s curation facility, which meets the standards set forth in 36 CRF Part 79 for federal repositories. All sacred sites,
should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

**CR-2g:** (Revised EIR): Prior to issuance of grading permits, the project applicant and the Pechanga Tribe and Soboba Tribes shall prepare a Preservation and Maintenance Plan for the long-term care and maintenance of CA-RIV-5457 and any associated cultural features. The plan shall indicate, at a minimum, the specific areas to be included in and excluded from long-term maintenance; prohibited activities; methods of preservation to be employed (fencing, vegetative deterrence, etc); the entity(s) responsible for the long-term maintenance; maintenance scheduling and notification; appropriate avoidance protocols; monitoring by the Tribes and compensation for services; and necessary emergency protocols. The project manager/landowner shall submit a fully executed copy of the plan to the County to ensure compliance with this mitigation measure.

**CR-4a:** (Original and Revised EIR): If human remains are encountered during earth-disturbing activities, all work within 100 feet of the find shall stop immediately and the Riverside County Coroner’s office shall be notified. If the Coroner determines the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified and, in turn, will notify the person determined to be the Most Likely Descendant (MLD) who will provide recommendations for treatment of the remains (State CEQA Guidelines, § 15064.5; Health and Safety Code, § 7050.5; Public Resources Code, §§ 5097.94 and 5097.98) (Condition of Approval 10 Planning 037).

3. **Findings.**

With implementation of Mitigation Measures CR-2a through CR-4a, Impacts CR-2 [Archaeological Resources] and CR-4 [Human Remains] would be less than significant. All other impacts are less than significant.

///

///
F. Geology and Soils

1. Impacts.

Impact GS-1. Substantial Adverse Effects from Fault Rupture, Ground Shaking, Ground Failure, Landslides

Threshold: Project construction and implementation would not expose people or structures to potential adverse effects from strong seismic ground shaking and seismic related ground failure, including liquefaction and landslides.

Under both the Original Project and the Revised Project, essentially all of the project site will be graded except under the Revised Project, the far western portion of the site (Lot 4) will include a 6.69-acre, minimum 200-foot wide conservation easement. The buildings and uses are similar in scope and scale and would not represent an increase in the intensity of the site; impacts in that respect would be the same for the Revised Project. The geologic and soil conditions in the adjacent MJPA Brown Street area are equivalent to those of the Original Project site. Therefore, geotechnical and soils impacts of the Revised Project, including the MJPA Brown Street area, are equivalent to those of the Original Project (i.e., less than significant with no mitigation).

Impact GS-2. Soil Erosion

Threshold: Project construction and implementation would not result in substantial soil erosion or loss of topsoil.

During grading and excavation there would be potential for surface water to carry sediment from on-site erosion into the storm water system and local waterways. In both project scenarios, this is a potentially significant impact that requires mitigation. Mitigation Measures HWQ-1a and HWQ-1b addressed impacts to loss of topsoil, and the same measures, with minor wording changes, will be implemented as part of the Revised Project, as documented in Section 4.8 of the Revised Focused DEIR.
With implementation of the proposed mitigation measures, potential erosion impacts of the Revised Project, including to the adjacent MJPA Brown Street area, are reduced to less than significant levels.

*Impact GS-3. Unstable Geologic Unit or Soil*

**Threshold:** Project construction and implementation would result in a geologic unit or soil to become unstable as a result of the project, resulting in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse with implementation of mitigation measures (refer to Project Attachment “B,” Mitigation Monitoring and Reporting Program).

The various geotechnical reports for the Revised Project site indicate that the underlying bedrock is capable of supporting the proposed development. Liquefaction risk is also considered low. However, the Preliminary Geotechnical Investigation by Leighton Consulting, Inc. in 2007 concluded that the topsoil, alluvium/colluvium soil and highly weathered bedrock that exist on site are considered potentially compressible and this material should be removed and recompacted. Therefore mitigation is required. This is the same level of impact as the Original Project (i.e., less than significant with implementation of the recommended mitigation measures).

*Impact GS-4. Expansive Soils*

**Threshold:** Project construction and implementation would not potentially expose people and/or structures to potential impacts associated with expansive soils.

Under both the Original Project and the Revised Project, essentially all of the project site will be graded except the far western portion of the site (Lot 4) under the Revised Project, which will be the conservation easement. The geologic and soil conditions in the adjacent MJPA Brown Street area are equivalent to those of the Original Project site, as described in Section GS-2, above. Therefore, expansive soils impacts of the Revised Project, including the adjacent MJPA Brown Street area, are equivalent to those of the Original Project. Thus, as was the case for the
Original Project, the Revised Project impacts are less than significant and do not require mitigation.

*Impact GS-5. Septic Tanks*

**Threshold:** The project would not result in adverse impacts as a result of 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.

Under both the Original Project and the Revised Project, the project will connect to the City of Riverside sewer system.

The Revised Project will not create any impacts related to soil constraints of using septic or alternative wastewater disposal systems since the project will connect to an existing piped sewer collection system; therefore, there will be no significant impacts in this regard. Similar to in the Original Project, this is a less than significant impact.

*Cumulative Impacts.*

The Revised Focused Draft EIR determined that cumulative impacts associated with geological resources were the same as those identified in the Original EIR. Each development project is required to mitigate its own potential project-level geotechnical impacts, including the Original and Revised Projects, therefore, cumulative impacts would be less than significant.

2. **Mitigation Measures.**

**GS-2a:** (Original and Revised EIR): Refer to the mitigation measures MM HWQ 1a- and HWQ 1-b (See DEIR section 4.8 Hydrology and Water Quality), and all other applicable water quality standards and requirements.

**GS-3a:** (Original EIR): The developer shall implement the grading recommendations identified in the Preliminary Geotechnical Report (2007). Prior to the commencement of building construction, the applicant shall retain a qualified engineer to design foundations adequate to support the project structures where necessary, based on the recommendations of the Preliminary Geotechnical Report
(2007). Settlement analysis shall be performed once the structural design loads and foundation system geometry have been defined for each building.

**GS-3a:** (Revised EIR): The developer shall implement the grading recommendations identified in the Preliminary Geotechnical Report (2007). Prior to the commencement of building construction, the applicant shall retain a qualified engineer to design foundations adequate to support the Proposed Project’s structures where necessary, based on the recommendations of the Preliminary Geotechnical Report (2007). Settlement analysis shall be performed once the structural design loads and foundation system geometry have been defined for each building.

Any additional geotechnical evaluation that covers or applies to the Brown Street improvements, or that affects the adjacent MJPA land, shall be submitted to MJPA and their Civil Engineer for review and comment prior to submitting grading plans to the County. Final engineering and grading plans shall be modified if necessary to reflect comments by MJPA to the greatest degree practical. Brown Street will be a County road so it must meet County geotechnical, engineering plan, and grading plan requirements.

3. **Findings.**

With implementation of Mitigation Measures GS-3a, Impact GS-3 [Unstable Geologic Unit or Soil] would be less than significant. Mitigation Measures HWQ-1a and HWQ-1b from the Hydrology and Water Quality section of the DEIR would address Impact GS-2 [Soil Erosion]. All other impacts are less than significant.

G. **Greenhouse Gas Emissions**

1. **Impacts.**


   **Thresholds:** Project implementation would result in an increase in greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the
environment and would conflict with an applicable plan, policy, or regulation adopted for
the purpose of reducing the emissions of greenhouse gases.

A supplemental air quality assessment was prepared for the Revised Project that
indicates the Revised Project would generate 11,000 metric tons of CO₂ equivalents
(CO₂e) without the mitigation outlined in the air quality section of the Original EIR
and 10,000 metric tons with the mitigation (see Revised Focused DEIR Tables
4.16.A and 4.16.B). This amount of greenhouse gas emissions is substantially
lower than those estimated for the Original Project (i.e., 51 percent less or
approximately half), due mainly to the use of the newer CalEEMod computer
program which generally results in higher amounts of greenhouse gas emissions
when compared to URBEMIS, and the nature of the Revised Project and its land
uses (i.e., warehousing vs. mixed uses under the Original Project such as office,
retail, and warehousing). Implementation of the proposed mitigation measures
would reduce greenhouse gas emissions from the Revised Project by approximately
9 percent. Using Lot 2 for parking and/or storage would incrementally reduce the
estimated greenhouse gas emissions of the Project by reducing the amount of
warehouse building on the site. The Revised Project’s greenhouse gas emissions
will be over the 10,000-ton threshold suggested by the SCAQMD. This is a
potentially significant impact and mitigation is required.


Measures AQ-1i and AQ-1j from the air quality section of the Revised Focused
DEIR would slightly reduce GHG emissions. It would be infeasible to try to control
vehicular emissions from the two warehouses because it is unlikely the users will
have their own truck fleets. No additional mitigation is required for the Revised
Project due to the similar or reduced level of greenhouse gas emissions estimated
compared to the Original Project, and as explained due to operational limits on the
type of land use proposed (warehousing produces substantially less traffic
compared to mixed use retail and office uses).
3. Findings.

The Revised Focused DEIR concludes that direct project impacts related to greenhouse gas emissions would be significant even with implementation of Mitigation Measures AQ-1i (meet LEED building requirements) and AQ-1j (install solar hot water heating and recycle construction materials) as recommended in the air quality section and the Revised Project requirements outlined in the Settlement Agreement (see Section 2.8 and Appendix G) because they exceed the SCAQMD’s suggested threshold. This is the same conclusion the Original EIR came to regarding greenhouse gas impacts for the Original Project and includes the proposed MJPA Brown Street improvements. In addition, the project will also have a cumulative impact related to greenhouse gas emissions, which is different than was concluded in the Original Draft EIR for the reasons stated above.

H. Hazards and Hazardous Materials

1. Impacts.

Impact HHM-1. Transport, Use, or Disposal of Hazardous Materials

**Thresholds:** Project construction and implementation would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Impact HHM-1 is discussed on page 4-50 of the Revised DEIR. Similar to the Original Project, the Revised Project will utilize light industrial type chemicals and materials, which are regulated by State and federal laws. The addition of Brown Street would not increase the amount of chemicals or materials used by the Revised Project compared to the Original Project. The small areas of dark stained soil were reexamined by LSA on June 22, 2015 and no visible signs of contamination were present. While no impacts are anticipated from contaminated soils based upon the small amount of dark oil stains, if soils are later determined to be contaminated during the course of construction for the Revised Project, all standard hazardous remediation, removal, and disposal procedures will be adhered to. Therefore, the
potential impacts of the Revised Project relative to hazards and hazardous materials
will be similar for those identified for the Original Project (i.e., less than significant
with compliance with existing laws and regulations regarding hazardous materials,
including the County Fire and Health Departments).


**Threshold:** Project construction and implementation would create a significant hazard to
the public or the environment through reasonably foreseeable upset and accident
conditions involving the release of hazardous materials in the environment.

The Revised Project’s potential to create a hazard through the release of hazardous
materials is discussed on pages 4-50 through 4-51 of the Revised DEIR. The
adjacent MJPA Brown Street property shows no sign of contamination by
hazardous materials, and no buildings that could use hazardous materials will be
located in this area (i.e., only the street and related drainage improvements).
Therefore, the potential impacts of the Revised Project relative to hazards and
hazardous materials will be similar for those identified for the Original Project (i.e.,
less than significant).

**Impact HHM-3. Existing or Proposed Schools**

**Threshold:** Project construction and implementation would emit hazardous emissions or
handle hazardous or acutely hazardous materials, substances, or waste within one-quarter
mile of an existing or proposed school.

The Revised Project’s potential to emit hazardous emissions or handle hazardous or
acutely hazardous materials, substances, or waste within one-quarter mile of an
existing or proposed school is discussed on page 4-51 of the Revised Focused
DEIR. The Project site is not within one-quarter mile of any existing or proposed
schools. The nearest school, Benjamin Franklin Elementary School, is located 1.4
miles southwest of the Revised Project site. In addition, implementation of the
Revised Project will not produce hazardous emissions or otherwise cause
hazardous materials impacts upon school facilities located within the target study
radius, and no mitigation is required. This is the same level of impact as the
Original Project.

Impact HHM-4. Hazardous Materials Sites

Threshold: Project construction and implementation would not create a significant hazard
to the public or the environment with the implementation of mitigation as a result of being
included on a list of hazardous materials sites.

The Revised Project’s potential to create a significant hazard to the public or the
environment as a result of being on a site that is included on a list of hazardous
materials sites compiled pursuant to Government Code Section 65962.51 is
discussed on page 4-51 of the Revised DEIR. The Revised Project site, including
the MJPA Brown Street property, similar to the Original Project site, is not listed
on the Cortese List per Government Code Section 65962.5 and therefore there will
be no significant impacts in this regard, and no mitigation is necessary.

Impact HHM-5. Airport Land Use Plans

Threshold: 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, would the
project result in a safety hazard for people residing or working in the project area?

The Revised Project’s potential to create a safety hazard for people residing or
working in the Revised Project area as a result of being 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 is discussed on pages 4-51 through 4-53 of the
Revised Focused DEIR. The site, located approximately two miles northwest of the
March Air Reserve Base (ARB), is within the Airport Influence Policy Area II.

Because the March ARB does not have an Airport Master Plan, the Riverside
County Airport Land Use Commission utilizes compatibility guidelines set forth in
the current Riverside County Airport Land Use Plan. The Revised Project site is
located within Area II of the Riverside County Airport Land Use Plan. According
to the Riverside County Airport Land Use Plan, Area II guidelines allow for
commercial development as proposed by the Revised Project and therefore the
development is consistent with the Riverside County Airport land Use Plan. The
potential impacts of the Revised Project relative to an airport land use plan would
be similar to or less than those identified for the Original Project (i.e., less than
significant) including the adjacent MJPA Brown Street property.

Impact HHM-6. Private Air Strips

Threshold: 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 Project area?

The Revised Project’s potential to create a hazard due to its proximity to private air
strips is discussed on page 4-53 of the Revised Focused DEIR. There are no private
airstrips or helipads within the immediate vicinity of the Revised Project site, and
the there is no plan to develop any such facilities in proximity to the Revised
Project site. Accordingly, implementation of the Revised Project, similar to the
Original Project, will not result in a safety hazard for people residing or working in
the Revised Project site, including the adjacent MJPA Brown Street property, and
no mitigation is required.


Threshold: Project construction and implementation would not impair implementation of,
or physically interfere with an adopted emergency response plan or evacuation plan.

The Revised Project’s potential to impair implementation of or physically interfere
with an adopted emergency response plan or emergency evacuation plan is
discussed on page 4-53 of the Revised Focused DEIR. The Revised Project’s site
plan meets the County Fire Department’s emergency access requirements regarding
the length of a cul-de-sac street for emergency vehicles. In addition, construction of
project-related improvements along the south side of Alessandro Boulevard will be
short-term and is not expected to significantly impact traffic or safety along
Alessandro Boulevard. As discussed in the Traffic section, the Revised Project
would not create a substantial number of truck trips that would interfere with any
key emergency evacuation plans or routes. Therefore, the Revised Project will have
less than significant impacts regarding emergency access, response, or evacuation
and no mitigation is required. This is the same level of impact as the Original
Project.

*Impact HHM-8. Wildland Fires*

The Revised Project’s potential to expose people or structures to a significant risk
of loss, injury, or death involving wildland fires is discussed on page 4-53 of the
Revised Focused DEIR. The Project site is not located within or adjacent to the
“Wildfire Susceptible Area” as depicted in the Riverside County Integrated Project,
Figure S-11. Therefore, the Revised Project site, including the MJPA Brown Street
property, similar to the Original Project, will not create significant impacts related
to wildland fire hazards and no mitigation is required.

*Cumulative Impacts.*

The Revised Focused Draft EIR determined that cumulative impacts associated
with impacts from hazards and hazardous materials were the same as those
identified in the Original EIR. Each development project is required to mitigate its
own potential project-level impacts related to hazards and hazardous materials,
including the Original and Revised Projects, therefore, cumulative impacts would
be less than significant.


**HHM-1a:** (Original and Revised EIR): Stained soils, as identified in Phase 1
Environmental Site Assessment (ESA), shall be removed to prior to any ground-
disturbing activities. The removal process shall be in compliance with the County
hazardous materials removal/handling regulatory guidelines and work will be
performed to the satisfaction of the County Environmental Health staff.

**HHM-5a** (Original EIR): Prior to issuance of occupancy permits, information on
users, uses, and use of hazardous materials within the Project Site will be
transmitted to the MJPA for review. The County Planning, Environmental Health,
and/or Fire Departments shall have authority to modify any use or occupancy permits to restrict or preclude uses that involve materials that could cause a demonstrable hazard to March ARB flight activities.

**HHM-5a**: (Revised EIR): Prior to the issuance of occupancy permits, information on users, uses, and use of hazardous materials within the Project site will be transmitted to the MJPA for review and comment. The County Planning, Environmental Health, and/or Fire Departments shall have authority to modify any use or occupancy permits to restrict or preclude uses that involve materials that could cause a demonstrable hazard to March ARB flight activities. The applicant shall comply with and certify to the County and MJPA the following:

a. No project facilities located within one-quarter miles of the existing school shall store, handle or use toxic or highly toxic gases as defined in the most currently adopted County fire code at quantities that exceed exempt amount as defined in the most currently adopted fire code.

b. Facilities that store, handle or use regulated substances as defined in the California Health and Safety Code 25532 (g) in excess of threshold quantities shall prepare risk management plans (RMP) for determination of risks to the community. The RMP shall be submitted to the March Air Reserve Base Civil Engineering Unit, and the March Joint Powers Authority Planning Department, for review and comment prior to the Issuance of a Certificate of Occupancy by the County for future tenants of the project.

3. **Findings.**

With implementation of Mitigation Measure HHM-1a, Impact HHM-1 [Routine Transport, Use, or Disposal of Hazardous Waste] would be less than significant. With implementation of Mitigation Measure HHM-5a, Impact HHM-5 [Located Within an Airport Land use Plan] would be less than significant. All other impacts are less than significant.
I. Hydrology and Water Quality

1. Impacts.

Impact HWQ-1. Violate Water Quality Standards

**Threshold:** Project construction and implementation would not violate any water quality standards or waste discharge requirements with the implementation of mitigation nor would the Project otherwise substantially degrade water quality (refer to Project Resolution Attachment “B,” Mitigation Monitoring and Reporting Program).

Impact HWQ-1 is discussed on Revised Focused DEIR pages 4-56 and 4-57. Mitigation Measures HWQ-1a and HWQ-1b require compliance with the County’s Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) requirements and would result in less than significant impacts to short-term and long-term water quality. Therefore, Revised Project impacts related to water quality standards would be less than significant, same as the Original Project.

Impacts HWQ-2. Deplete Groundwater Supplies

**Threshold:** Project implementation would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

Impact HWQ-2 is discussed on Revised Focused DEIR page 4-58. The Revised Project site has shallow bedrock and exposed granitic rock outcroppings, so infiltration in this area is relatively low. Therefore, potential impacts to groundwater supplies or recharge are considered to be less than significant and no mitigation is required. This is the same level of impact as the Original Project.

Impact HWQ-3. Substantial Erosion or Siltation

**Threshold:** Project implementation would not result in substantial erosion or siltation on- or off-site.

Impact HWQ-3 is discussed on page 4-58 in the Revised Focused DEIR. The Revised Project will result in an increase in surface runoff by increasing the amount of impervious surfaces and decreasing the amount of permeable surfaces. This
lowers the infiltration rate through the Revised Project site, resulting in the necessity for an on-site drainage system that is proposed as part of the Revised Project. Therefore, potential impacts of the Revised Project on drainage patterns are considered to be less than significant and no mitigation is required.

**Impact HWQ-4. Existing Drainage Pattern**

**Threshold:** Project implementation would not substantially alter the existing drainage pattern of the site or area.

Impact HWQ-4 is discussed on Revised Focused DEIR pages 4-58 and 4-59. The Revised Project does not involve any alterations to any streams or rivers. The drainage report for the Revised Project includes the portion of the adjacent MJPA property that will be needed for proposed Brown Street and related drainage improvements and concludes that existing runoff from the Revised Project site will be maintained at or below existing levels. Therefore, potential impacts of the Project on drainage patterns are considered to be less than significant and no mitigation is required. This is the same level of impact as the Original Project.

**Impact HWQ-5. Contribute to Runoff Water**

**Threshold:** Project implementation would not substantially increase the rate or amount or surface runoff in a manner that would result in flooding onsite or offsite; or create or contribute runoff water; which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Impact HWQ-5 is discussed on page 4-59 of the Revised Focused DEIR. The Revised Project would increase the runoff flow due to the creation of additional impervious surfaces on the Revised Project site. The Revised Project will be required to maintain existing runoff from the Revised Project site at or below existing levels through the construction and maintenance of two on-site detention basins. The design of the drainage plan for the Revised Project keeps runoff from the MJPA site on MJPA property so there will be no increase in runoff volume or velocity on the Revised Project site. The Revised Project will be required to
complete an NPDES permit, which will require the preparation of an SWPPP for construction activities and a WQMP for ongoing activities. Therefore, the potential impacts of the Revised Project relative to runoff water will be less than significant and no mitigation is required. This is the same level of impact as the Original Project.

**Impact HWQ-6. Place Housing Within a 100-Year Flood Zone**

**Threshold:** Project implementation would not 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.

Impact HWQ-6 is discussed on Revised Focused DEIR page 4-59. The Revised Project does not include the construction of residential uses within the Revised Project site. The Revised Project site is not located within a 100-year floodplain or other flood hazard delineation area. Similar to the Original Project, no impact will occur and no mitigation is required.

**Impact HWQ-7. Structures Within a 100-Year Flood Zone**

**Threshold:** Project implementation would not place structures 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.

Impact HWQ-7 is discussed on Revised Focused DEIR page 4-59. The Revised Project site is not within a 100-year flood hazard area according to the Federal Emergency Management Agency (FEMA). Therefore, implementation of the Revised Project would not result in the construction of improvements within a flood hazard area that would impede or redirect flood flows and, similar to the Original Project, impact will be less than significant.

**Impact HWQ-8. Dam or Levee Failure**

**Threshold:** Project implementation would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
Impact HWQ-8 is discussed on Revised Focused DEIR page 4-60. The Revised Project site is within 10 miles of approximately 10 dams in the region. The two closest dams with similar or higher elevations than the site are Perris Dam, 1,560 ft., and Box Springs Dam, 1,680 ft. According to Figure 5-10, Dam Failure Inundation Zones (RivCo 2003a), the Revised Project site is located in an area classified as having zero risk of being inundated from floodwaters from a dam failure. Therefore, potential dam failure impacts upon individuals/property or the Revised Project site will be less than significant. This is the same level of impact as the Original Project.

**Impact HWQ-9. Inundation by seiche, tsunami, or mudflow**

**Threshold:** Project implementation would not be subject to inundation by seiche, tsunami, or mudflow.

Impact HWQ-9 is discussed on Revised Focused DEIR page 4-50. The Revised Project site is not located near the coastline of the Pacific Ocean, or near any large continental bodies of water. Therefore, implementation of the Revised Project will not result in impacts related to a tsunami. Due to the Project site’s distance from Lake Matthews and Lake Perris, the Revised Project will not be subject to impacts associated with a seiche. The Revised Project site and its surroundings vicinity is relatively flat. The nearest topographic relief to the Project site is approximately 10 miles north of the Project site. Therefore, the potential for mudflow affecting the Project site is not substantial, and the impact will be less than significant and no mitigation is required.

**Cumulative Impacts.**

New development is required to have grassy swales, detention basins, or other improvements to treat “first flush” urban pollutants. As growth continues, there may be cumulatively considerable impacts to water resources, mainly flood control and water quality. The Original EIR determined that implementation of the proposed mitigation measures would reduce water quality impacts to less than
significant levels. In many ways, the Revised Project is similar to the Original Project and will have two detention basins that will help control not only runoff but water quality. Furthermore, compliance with the Santa Ana MS4 NPDES requirements will help ensure cumulative impacts related to water quality remain less than significant. Therefore, with mitigation measures imposed, the Revised Project would not cause cumulative watershed and water quality impacts for the region and its proportion of potential impacts is not cumulatively considerable.


HWQ-1a: (Original and Revised EIR): Prior to the issuance of grading permits for any portion or phase of the Proposed Project, the Project applicant shall submit to and receive County approval of a Storm Water Pollution Prevention Plan (SWPPP) and Grading Plan that identify specific actions and Best Management Practices (BMPs) to prevent storm water pollution from construction sources. The plans shall identify a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The applicant shall include conditions in construction contracts requiring the plans to be implemented and shall have the ability to enforce the requirement through fines and other penalties. The plans shall incorporate control measures in the following categories:

- Soil stabilization practices;
- Sediment and runoff control practices;
- Monitoring protocols; and
- Waste management and disposal control practices.

Once approved by the County, the applicant’s contractor shall be responsible, throughout the duration of the Project for installing, constructing, inspecting, and maintaining the control measures included in the Storm Water Pollution Prevention Plan and Grading Plan.

HWQ-1b: (Original and Revised EIR): Prior to final building inspection for any portion or phase of the Project, the applicant shall receive County approval of a
Water Quality Management Plan (WQMP) that identifies specific long-term actions and Best Management Practices to prevent storm water pollution from ongoing site operations. The Water Quality Management Plan shall identify a practical sequence for BMP implementation, contingency measures, responsible parties, and agency contacts. The County and the applicant shall enforce the requirement through fines and other penalties, as necessary.

Once approved by the County, the applicant shall be responsible throughout the duration of the Project for installing, constructing, inspecting, and maintaining the control measures included in the Water Quality Management Plan. The Water Quality Management Plan shall identify potential pollutant sources that could affect the quality of storm water discharges from the Project site. Control practices shall include those that effectively treat target pollutants in stormwater discharges anticipated from the Project site. To protect receiving water quality, the Water Quality Management Plan shall include, but is not limited to, the following elements:

- Permanent erosion control measures such as detention basins, inlet protection, and temporary revegetation or other groundcover that shall be employed for disturbed areas after initial construction is finished.

- No disturbed surfaces will be left without erosion control measures in place during the winter and spring months (September 30 – March 30).

- Sediment shall be retained on site by a system of sediment basins, traps, or other appropriate measures. Of critical importance is the protection of existing catch basins that eventually drain to Sycamore Canyon.

- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the Project site to prevent, eliminate, or reduce discharge of materials to storm drains.

- Best Management Practices performance and effectiveness shall be determined either by visual means where applicable (i.e., observation of
above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination, (inadvertent petroleum release) is required to determine adequacy of the measure.

3. Findings.

With implementation of Mitigation Measures HWQ-1a and HWQ-1b, Impact HWQ-1 [Violate Water Quality Standards] would be less than significant. All other impacts are less than significant.

J. Land Use and Planning

1. Impacts.

Impact LUP-1. Divide Established Community

**Threshold:** The Project would not divide any established communities.

Impact LUP-1 is discussed on Revised Focused DEIR page 4-64. The Revised Project will be constructed on vacant, undeveloped land. The Revised Project site does not consist of any established communities. A residential neighborhood exists along Gem Lane, the western boundary of the Revised Project site. However, the remaining land adjacent to the Revised Project site is either undeveloped (south and east) or developed as a roadway. Therefore the Revised Project does not have the potential to divide an established community, so this impact, similar to the Original Project, is less than significant and no mitigation is required.

Impact LUP-2. Conflict With Applicable Land Use Policies

**Threshold:** The Project would not 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.

Impact LUP-2 is discussed on Revised Focused DEIR page 4-64. The Revised Project site is within an unincorporated area in the County of Riverside, and therefore, it is subject to the County’s General Plan goals and policies. The site is designated as Light Industrial (LI) under the foundation component of Community
Development in the General Plan. This designation allows for a variety of uses including industrial, manufacturing, service, and commercial. The Revised Project is consistent with the existing General Plan (Light Industrial or LI) and zoning classifications of the site (Industrial Park or IP). Therefore, similar to the Original Project, no significant land use or planning impacts are expected from implementation of the Revised Project and no mitigation is required.

*Impact LUP-3. Consistency with Applicable Habitat Conservation Plan*

**Threshold:** The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

Impact LUP-3 is discussed on Revised Focused DEIR page 4-64. The planned construction of Brown Street and related drainage improvements will create a permanent boundary between project development and the Private Conservation Land immediately east of the Revised Project site. No significant land use impacts to either MJPA or the Center for Natural Lands Management, the organization that manages the Private Conservation Area, are expected to result from these improvements. The Private Conservation Easement will incrementally increase SKR habitat around the Revised Project site and provide a connection between the SKR inhabiting Sycamore Canyon and those inhabiting the MJPA preserve lands. Therefore, similar to the Original Project, no significant land use or planning impacts related to conservation plans are expected from implementation of the Revised Project.

*Cumulative Impacts.*

The Revised Focused Draft EIR determined that cumulative impacts associated with land use and planning were the same as those identified in the Original EIR. Each development project is required to mitigate its own potential project-level planning and land use impacts, and the Original and Revised Projects were found to have less than significant land use and planning impacts. For this reason, cumulative impacts would be less than significant.