



RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss AICP
Planning Director*

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.~~

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3 **RESOLUTION NO. 2016-004**
4 **CERTIFYING ENVIRONMENTAL IMPACT REPORT**
5 **NO. 537 (ALESSANDRO COMMERCE CENTRE)**

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

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

19 **WHEREAS**, pursuant to the provisions of Government Code Section 65450 et seq., public
20 hearings were held before Riverside County Planning Commission in Riverside, California on March 16,
21 2016 to consider Revised Focused EIR; Plot Plan No. 25422; Environmental Assessment No. 42616; and
22 a blasting permit, if necessary, that includes neighbor notification (collectively referred to herein as
23 Revised Project); and

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

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FORM APPROVED COUNTY COUNSEL
BY: MELISSA R. CUSHMAN
DATE: 3/18/16

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

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

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

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

10 **WHEREAS**, pursuant to Public Resources Code section 20191(d)(2)(A) and State CEQA
11 Guidelines sections 15088 and 15089, the County responded to all environmental comments that were
12 submitted to the Original Draft EIR during the public review period and a Final EIR was completed; and

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

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

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

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

26 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by
27 the Planning Commission of the County of Riverside, in regular session assembled on March 16, 2016,
28 that:

1 A. The Original Project proposed industrial and commercial development containing eight
2 buildings, associated parking, and three detention basins. The Project included a
3 Tentative Parcel Map No. 35365, which was a Schedule E subdivision of 54.4 gross
4 (51.21 net) acres into six (6) industrial/commercial parcels. Plot Plan No. 22925
5 proposed eight (8) buildings of approximately 258,100 square feet of office; 42,300
6 square feet of light industrial/multi-tenant; 409,400 square feet of industrial
7 warehouse/distribution; 10,000 square feet of retail on a 54.4 gross (51.21 net) acre site
8 with a total building area of approximately 720,000 square feet (floor area ratio [FAR] of
9 0.32) including 1,784 parking spaces and 974,727 square feet of landscaping area
10 (approximately 40 percent).

11 **BE IT FURTHER RESOLVED** by the Planning Commission that:

12 A. The Original Project was modified to include up to 814,630 square feet of the following
13 industrial warehouse uses:

- 14 • Building 1: 598,190 square feet (logistics warehousing)
- 15 • Building 2: 216,440 (general or multi-tenant warehousing)

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

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

26 D. The proposed industrial buildings of the Revised Project will be consistent with the
27 development standards of the County's "Light Industrial" zoning classification. The
28

1 building height will be a maximum height of 45 feet at the corners for architectural
2 treatments.

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

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

22 G. It is possible that a temporary rock crushing facility will be needed during grading of the
23 site for the Revised Project. If needed, this facility would be located on Lot 3 in the
24 southern end of the site, approximately 880 feet from the closest residence (to the
25 northwest). If this option was utilized at some point in the future, it would be limited to
26 construction activities only and would cease once the site becomes operational. A
27 supplemental noise assessment was prepared for this facility and is included in Appendix
28 D of the Revised Focused DEIR.

1 **BE IT FURTHER RESOLVED** by the Planning Commission that, based on analysis contained
2 in the Revised Focused DEIR, the County determined that a number of potential environmental effects of
3 the Revised Project would be insignificant, less than significant, or would be adequately addressed
4 through the County review process. The basis for these conclusions is provided in Revised Focused
5 DEIR, Section 4. For these topics, no further environmental assessment was required for preparation of
6 the EIR, in accordance with State CEQA Guidelines section 15128.

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

16 A. Aesthetics

17 *Impact AES-1. Scenic Vistas*

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

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

1 *Impact AES-2. State Scenic Highways*

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

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

15 *Impact AES-3. Visual Character*

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

18 The Revised Project's potential to substantially affect the visual character of the
19 site is discussed in Revised Focused DEIR page 4-7. The Original Project proposed
20 many smaller buildings with hundreds of parking spaces closer to the existing
21 residential uses, while the Revised Project would have two warehouse buildings
22 farther from the existing residences. Lot 2 will be used for trailer parking or storage
23 and will comply with the County's standard site screening requirements, which will
24 provide a sufficient visual buffer for residences to the west. The Revised Project
25 incorporates terms in the Settlement Agreement addressing aesthetic impacts, and
26 the County's recently passed nighttime lighting ordinance must be followed. Due to
27 the design of the Revised Project requiring compliance with the foregoing, the
28 Revised Project would not substantially degrade the existing visual character of the

1 site or surrounding residential property. Thus, as was determined in the Original
2 EIR for the Original Project, the Revised Project will not significantly impact
3 surrounding residential property.

4 *Impact AES-4. Light and Glare*

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

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

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

26 Therefore, development of the Revised Project is not expected to expose residential
27 property to unacceptable light levels. Therefore, construction and operation of
28

1 Brown Street and related drainage improvements will not create any significant
2 aesthetic impacts that were not identified in the Original EIR.

3 *Cumulative Impacts.*

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

16 1. Mitigation.

17 No mitigation is required.

18 2. Findings.

19 All impacts are less than significant.

20 B. Agricultural and Forestry¹ Resources

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

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

24 *Impact AG-2. Agricultural Zoning*

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

27
28

¹ For the purposes of this analysis, the term agricultural resources includes forest resources as neither exists on the project site.

1 *Impact AG-3. Other Agricultural¹ Impacts*

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

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

18 *Cumulative Impacts.*

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

23 1. Mitigation.

24 No mitigation is required.

25 2. Findings.

26 All impacts are less than significant.

27 C. Air Quality

28 1. Impacts.

1 *Impact AQ-4: Sensitive Receptors*

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

4 The closest residence to a truck loading dock is located 450 feet away. Table 4.3.H
5 of the Revised Focused DEIR shows that the peak carcinogenic risk is 0.235 in a
6 million or less even at a 435-foot distance, with the threshold of significance set at
7 10 in a million. The peak chronic risk is well under the threshold of 1.0. This shows
8 that even using the very conservative modeling techniques of assuming all 779
9 daily trucks are the largest T7 diesel-type, all spend 10 minutes idling per trip, all
10 are co-located at the closest loading area, and the wind constantly blows directly
11 from the loading area to the residences, the health risks are still well below the
12 thresholds of significance. The Project would also not generate localized emissions
13 in excess of the South Coast Air Quality Management District's (SCAQMD's)
14 significance thresholds. Thus, the Revised Project would not expose sensitive
15 receptors to substantial pollutant concentrations. Therefore, Revised Project
16 impacts related to this issue would be less than significant. Impacts to sensitive
17 receptors under the Revised Project would be less than those estimated for the
18 Original Project.

19 *Impact AQ-5. Odors*

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

22 Land uses typically considered to be associated with odors include wastewater
23 treatment facilities, waste-disposal facilities, or agricultural operations. The
24 Revised Project does not contain land uses typically associated with emitting
25 objectionable odors. Diesel exhaust and volatile organic compounds (VOCs) will
26 be emitted during construction of the Revised Project, which are objectionable to
27 some; however, emissions will disperse rapidly from the Revised Project site and
28 therefore should not reach a level to induce a negative response. Therefore, as was

1 determined in the Original EIR for the Original Project, the Revised Project will
2 not have significant impacts in regard to odors and no mitigation is necessary.

3 2. Mitigation.

4 No mitigation is required.

5 3. Finding.

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

7 D. Biological Resources

8 1. Impacts.

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

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

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

21 The Original DEIR indicated protocol surveys were conducted on site for
22 burrowing owl (*Athene cunicularia*) and least Bell's vireo (*Vireo bellii pusillus*);
23 neither species was observed on site but suitable habitat was present. In June 2013,
24 a new burrowing owl survey was conducted for the project site and the MJPA
25 Brown Street property at the request of MJPA to determine if either of these areas
26 was occupied by burrowing owl. Again, the species was not found on site. Because
27 the burrowing owl is a highly mobile species, it has a potential to subsequently
28 occupy any suitable burrows within the site. Per the Western Riverside County

1 Multiple Species Habitat Conservation Plan (MSHCP) 30-day Pre-Construction
2 Burrowing Owl Survey Guidelines (revised August 17, 2006) a pre-construction
3 survey is required for the burrowing owl within 30 days prior to start of
4 grading/construction activities.

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

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

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

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

20 The 2008 Jurisdictional Delineation Report concluded that that Area 4 of the
21 Revised Project was potentially jurisdictional with a downstream connection to
22 Ditch 1, which may connect to Sycamore Canyon, a Relatively Permanent Water
23 (RPW). Based on this potential connectivity to an RPW, the U.S. Army Corps of
24 Engineers (USACE) may exert jurisdiction over Area 4. The total potential USACE
25 jurisdictional area within the study area associated with Area 4 is 0.44 acre,
26 although only 0.04 acre is expected to be permanently impacted by the Revised
27 Project development. Since this feature historically conveyed flows and may
28 provide wildlife habitat associated with a streambed, the California Department of

1 Fish and Wildlife (CDFW) may assert jurisdiction over Area 4. It is unlikely that
2 any of the other riparian/riverine areas would fall under the jurisdiction of federal
3 or State agencies relative to water resources. Impacts to drainage features are
4 potentially significant and mitigation is required. This is the same level of impact
5 as the Original Project.

6 *Impact BR-3. Wetlands*

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

11 A total of 0.44 acre of potential USACE and Regional Water Quality Control
12 Board (RWQCB) jurisdictional areas and 0.89 acre of potential CDFW
13 jurisdictional areas were identified within the study area. A total of 0.04 acre of
14 potential USACE jurisdictional areas and 0.21 acre of CDFW jurisdictional areas
15 will be permanently impacted by the Revised Project activities. It is possible that
16 all or some of the jurisdictional land impacted by the Revised Project can be
17 mitigated on site, which typically results in a 1:1 compensation rate in subsequent
18 permitting through the resource agencies. In contrast, any amount of jurisdictional
19 land that must be compensated for with off-site property is typically mitigated at
20 3:1 compensation ratios. However, impacts to jurisdictional areas are addressed
21 under BR-2, and there are no federally protected wetlands on the project site. This
22 is the same level of impact as the Original Project (i.e., less than significant and no
23 mitigation necessary).

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

25 **Threshold:** *Project construction and implementation would not interfere substantially with*
26 *the movement of any native resident or migratory fish or wildlife species or with*
27 *established native resident or migratory wildlife corridors, or impede the use of native*
28 *wildlife nursery sites.*

1 The Revised Project site does not contain flowing water or standing pools, nor does
2 the site support any vegetation or resources that serve as a habitat for the migratory
3 fish or wildlife. The site does not lie within any known wildlife corridors. Although
4 the site contains a small isolated drainage, it does not contain any nursery areas or
5 resources. Therefore, as was the case for the Original Project as discussed in the
6 Original EIR, implementation of the Revised Project will not have a significant
7 impact on wildlife corridors.

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

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

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

18 *Impact BR-6. Habitat Conservation Plans*

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

22 The Revised Project site is not located within an MSHCP Criteria Area; therefore,
23 no analysis of the Revised Project's relationship to MSHCP Reserve Assembly is
24 required. However, the Revised Project site is adjacent to Existing Core D, which
25 consists of two non-contiguous habitat blocks of Public/Quasi-Public (PQP) lands
26 associated with Sycamore Canyon Park. According to the MSHCP, "the Core
27 provides live-in habitat for the granite spiny lizard, a species requiring rock
28 outcrops, and likely provides movement habitat for bobcat." MSHCP requirements,

1 including species surveys, are applicable for this site. The Revised Project DEIR
2 (pages 4-29 through 4-31) analyzes the Revised Project's consistency with the
3 MSHCP. With payment of MSHCP and SKR HCP mitigation fees,, impacts related
4 to MSHCP consistency would be less than significant. This is the same level of
5 impact as the Original Project.

6 *Cumulative Impacts.*

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

13 2. Mitigation.

14 **BR-1a** (Original EIR): Burrowing owl (*Athene cunicularia*) (BUOW) Pursuant to
15 Objective 6 of the Species Account for the BUOW included in the MSHCP, within
16 30 days prior to the issuance of a grading permit, a pre-construction
17 presence/absence survey for the burrowing owl shall be conducted. A qualified
18 biologist shall conduct the survey and the results of this presence/absence survey
19 shall be provided in writing to the Environmental Programs Department (EPD) at
20 Riverside County. If it is determined that the Project Site is occupied by burrowing
21 owl, take of "active" nests shall be avoided pursuant to the MSHCP and the
22 Migratory Bird Treaty Act (MBTA). However, when the burrowing owl is present,
23 relocation outside of nesting season (March 1 through August 21) by a qualified
24 biologist shall be required. The EPD shall be consulted to determine appropriate
25 type of relocation (active or passive) and translocation sites.

26 **BR-1a:** (Revised EIR): Burrowing owl (*Athene cunicularia*) - Pursuant to
27 Objective 6 of the Species Account for the burrowing owl included in the MSHCP,
28 within 30 days prior to the issuance of a grading permit, a pre-construction

1 presence/absence survey for the burrowing owl shall be conducted. A qualified
2 biologist, who has a Memorandum of Understanding (MOU) on record with the
3 County of Riverside, shall conduct the survey. A report documenting results of this
4 presence/absence survey shall be provided in writing to the Riverside County
5 Planning Department, Environmental Programs Division (EPD) for review and
6 approval. If burrowing owl is present on the project site or within a 150-meter
7 buffer zone, take of "active" nests shall be avoided pursuant to the MSHCP and the
8 Migratory Bird Treaty Act. However, when the burrowing owl is present,
9 relocation outside of nesting season (February 1 through August 31) by a qualified
10 biologist shall be required. The EPD shall be consulted to determine appropriate
11 type of relocation (active or passive) and translocation sites.

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

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

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

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

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

25 **BR-2a:** (Revised EIR): To the greatest extent feasible, the project applicant will
26 mitigate the riparian/riverine habitat on site through either avoidance or on-site
27 creation of biologically equivalent or superior habitat to ensure replacement of any
28 lost function or value of the riparian/riverine habitat. To the greatest extent feasible,

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

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

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

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

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

15 **BR-2c:** (Revised EIR): The developer shall minimize grading within the
16 conservation area to the greatest degree practical. Should any grading within the
17 conservation area occur, the developer shall pay for and complete a one-time
18 restoration of any graded portions of the conservation area with native plants
19 generally supportive of Stephens' kangaroo rat (SKR) habitat including, but not
20 limited to, the plants listed in Exhibit B of the Settlement Agreement. Initial
21 grading of the conservation area shall be completed within six (6) months of the
22 commencement of grading in the conservation area. Restoration of any areas
23 graded in the conservation area shall begin as soon as practical after completion of
24 the initial grading so as to coincide with the fall and winter rainy season, and reach
25 completion by January 20th of the following year. Restoration shall be completed
26 within one year and may include a grow-kill cycle to reduce weeds during the first
27 rainy season if so included in the restoration plan as required by Exhibit B of the
28 Settlement Agreement. The developer shall make an adequate one-time restoration

1 effort to achieve a 70 percent native plant cover (bird's eye view) with the
2 recommended plant palette and a maximum of 10 percent cover by non-native plant
3 species five (5) years after planting. Exhibit B of the Settlement Agreement
4 contains a list of restoration experts and minimum contract requirements of
5 restoration of the conservation area. The one time restoration shall be based on a
6 site specific scientifically based revegetation plan from local native plant sources
7 developed by a restoration expert chosen by the developer from the list in Exhibit B
8 of the Settlement Agreement with proven experience in successful revegetation of
9 western Riverside County and coastal sage scrub and native grasslands. The
10 developer shall provide a report demonstrating that the restoration activities meet
11 the terms of the Settlement Agreement prior to any use or occupancy of the
12 buildings or structures.

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

21 **BR-2e:** (Revised EIR): Prior to issuance of an occupancy permit, the developer
22 shall demonstrate that all project lighting minimizes lighting impacts on neighbors
23 to the west and adjacent conservation areas to the east and west of the site, in
24 compliance with the project Settlement Agreement. Night lighting shall be directed
25 away from adjacent conservation areas, and those areas shall be treated as separate
26 parcels for the purposes of compliance with Riverside County Ordinance 915.
27 Shielding shall be incorporated to ensure ambient lighting in the adjacent
28 conservation areas does not increase beyond 0.5 foot-candles adjacent to developed

1 lots. Devices that may be employed to control light include lenses, louvers, barn
2 doors, and snoots. A photometric study and engineering plan shall be submitted to
3 the County demonstrating consistency with these lighting provisions prior to any
4 use or occupancy of the site.

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

8 3. Findings.

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

16 E. Cultural Resources

17 1. Impacts.

18 *Impact CR-1. Historic Resources*

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

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

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1 *Impact CR-2. Archaeological Resources*

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

5 The cultural resources assessment identified one potential cultural resource area
6 within the MIPA property adjacent to Brown Street, which was designated P-33-
7 022246. This new area was examined in detail during a Phase III assessment by
8 LSA in May 2014 and no significant resources or artifacts were found.
9 Representatives of the Pechanga Tribe were notified of the planned Phase III work
10 and declined to monitor. While this area was determined to not contain potentially
11 significant cultural resources, there remains potential to uncover buried
12 archaeological resources. This impact is potentially significant and mitigation is
13 required. This is the same level of impact as the Original Project.

14 *Impact CR-3. Paleontological Resources*

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

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

22 This is the same level of impact as the Original Project.

23 *Impact CR-4. Human Remains*

24 **Threshold:** *Construction of the Project would not disturb any human remains; including*
25 *those interned outside of formal cemeteries with the implementation of mitigation*
26 *measures (refer to Project Resolution Attachment "B," Mitigation Monitoring and*
27 *Reporting Program).*

1 The Original EIR also concluded that impacts to human remains could be
2 potentially significant if unknown remains existed on the Project site and was
3 mitigated to less than significant level by implementation of Mitigation Measure
4 CR-4a. This conclusion also applies to the Revised Project including
5 implementation of CR-4a.

6 *Cumulative Impacts.*

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

18 2. Mitigation Measures.

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

26 **CR-2a:** (Revised EIR): Phase III data recovery must be completed for Feature 2
27 (CA-RIV-5457) prior to final approval of grading within the Private Conservation
28 Area. Any recovery fieldwork must be completed in its entirety before grading

1 begins, and a Phase III excavation report must be finalized and approved before
2 final inspection. The Phase III excavation must be designed and written to
3 Archaeological Resource Management Reports standards and County of Riverside
4 standards. The Pechanga Band of Luiseño Indians, The Pechanga and Soboba
5 Tribes will be contacted at least 30 days prior to beginning the data recovery to
6 develop a Cultural Resources Treatment and Monitoring Agreement for
7 participation in the Phase III program. Final copies of the report will be distributed
8 to the landowner/developer, the County, the Eastern Information Center, and the
9 Pechanga Tribe and Soboba Tribes.

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

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

26 **CR-2c** (Original EIR): Monitoring of development-related excavation is required
27 during all construction-related earthmoving. The Project Archaeologist may, at his
28 or her discretion, terminate archaeological monitoring in any one location on the

1 Project Site if and only if bedrock or sterile soils are encountered during
2 earthmoving at that location.

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

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

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

20 Consistent with County Condition of Approval 60 (Planning 017), the
21 developer/holder shall prompt the project archaeologist to submit one wet-signed
22 paper copy and one CD of Phase IV Cultural Resources Monitoring Report that
23 complies with the Riverside County Planning Department's requirements for such
24 reports for all ground disturbing activities associated with this grading permit. The
25 report shall follow the County of Riverside Planning Department Cultural
26 Resources (Archaeological) Investigations Standard Scope of Work posted in the
27 TLMA website. The County Archaeologist shall review the report to determine
28 adequate compliance with the approved conditions of approval. Upon determining

1 the report is adequate, a final copy of the report shall be provided to the
2 developer/holder, the Eastern Information Center, and the Pechanga Tribe and
3 Soboba Tribes.

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

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

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

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

14 **CR-4a:** (Original and Revised EIR): If human remains are encountered during
15 earth-disturbing activities, all work within 100 feet of the find shall stop
16 immediately and the Riverside County Coroner's office shall be notified. If the
17 Coroner determines the remains are Native American in origin, the Native
18 American Heritage Commission (NAHC) will be notified and, in turn, will notify
19 the person determined to be the Most Likely Descendant (MLD) who will provide
20 recommendations for treatment of the remains (State CEQA Guidelines, § 15064.5;
21 Health and Safety Code, § 7050.5; Public Resources Code, §§ 5097.94 and
22 5097.98) (Condition of Approval 10 Planning 037).

23 3. Findings.

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

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1 F. Geology and Soils

2 1. Impacts.

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

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

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

18 *Impact GS-2. Soil Erosion*

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

21 During grading and excavation there would be potential for surface water to carry
22 sediment from on-site erosion into the storm water system and local waterways. In
23 both project scenarios, this is a potentially significant impact that requires
24 mitigation. Mitigation Measures HWQ-1a and HWQ-1b addressed impacts to loss
25 of topsoil, and the same measures, with minor wording changes, will be
26 implemented as part of the Revised Project, as documented in Section 4.8 of the
27 Revised Focused DEIR.

1 With implementation of the proposed mitigation measures, potential erosion
2 impacts of the Revised Project, including to the adjacent MIPA Brown Street area,
3 are reduced to less than significant levels.

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

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

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

19 *Impact GS-4. Expansive Soils*

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

22 Under both the Original Project and the Revised Project, essentially all of the
23 project site will be graded except the far western portion of the site (Lot 4) under
24 the Revised Project, which will be the conservation easement. The geologic and
25 soil conditions in the adjacent MIPA Brown Street area are equivalent to those of
26 the Original Project site, as described in Section GS-2, above. Therefore, expansive
27 soils impacts of the Revised Project, including the adjacent MIPA Brown Street
28 area, are equivalent to those of the Original Project. Thus, as was the case for the

1 Original Project, the Revised Project impacts are less than significant and do not
2 require mitigation.

3 *Impact GS-5. Septic Tanks*

4 **Threshold:** *The project would not result in adverse impacts as a result of soils incapable*
5 *of adequately supporting the use of septic tanks or alternative wastewater disposal systems*
6 *where sewers are not available for the disposal of wastewater.*

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

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

14 *Cumulative Impacts.*

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

20 2. Mitigation Measures.

21 **GS-2a:** (Original and Revised EIR): Refer to the mitigation measures MM HWQ
22 1a- and HWQ 1-b (See DEIR section 4.8 Hydrology and Water Quality), and all
23 other applicable water quality standards and requirements.

24 **GS-3a:** (Original EIR): The developer shall implement the grading
25 recommendations identified in the Preliminary Geotechnical Report (2007). Prior
26 to the commencement of building construction, the applicant shall retain a qualified
27 engineer to design foundations adequate to support the project structures where
28 necessary, based on the recommendations of the Preliminary Geotechnical Report

1 (2007). Settlement analysis shall be performed once the structural design loads and
2 foundation system geometry have been defined for each building.

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

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

18 3. Findings.

19 With implementation of Mitigation Measures GS-3a, Impact GS-3 [Unstable
20 Geologic Unit or Soil] would be less than significant. Mitigation Measures HWQ-
21 1a and HWQ-1b from the Hydrology and Water Quality section of the DEIR would
22 address Impact GS-2 [Soil Erosion]. All other impacts are less than significant.

23 G. Greenhouse Gas Emissions

24 1. Impacts.

25 *Impact GhG-1. Greenhouse Gas Emissions and Impact GhG-2. Applicable Plan, Policy, or*
26 *Regulation*

27 **Thresholds:** *Project implementation would result in an increase in greenhouse gas*
28 *emissions, either directly or indirectly, that may have a significant impact on the*

1 *environment and would conflict with an applicable plan, policy, or regulation adopted for*
2 *the purpose of reducing the emissions of greenhouse gases.*

3 A supplemental air quality assessment was prepared for the Revised Project that
4 indicates the Revised Project would generate 11,000 metric tons of CO₂ equivalents
5 (CO₂e) without the mitigation outlined in the air quality section of the Original EIR
6 and 10,000 metric tons with the mitigation (see Revised Focused DEIR Tables
7 4.16.A and 4.16.B). This amount of greenhouse gas emissions is substantially
8 lower than those estimated for the Original Project (i.e., 51 percent less or
9 approximately half), due mainly to the use of the newer CalEEMod computer
10 program which generally results in higher amounts of greenhouse gas emissions
11 when compared to URBEMIS, and the nature of the Revised Project and its land
12 uses (i.e., warehousing vs. mixed uses under the Original Project such as office,
13 retail, and warehousing). Implementation of the proposed mitigation measures
14 would reduce greenhouse gas emissions from the Revised Project by approximately
15 9 percent. Using Lot 2 for parking and/or storage would incrementally reduce the
16 estimated greenhouse gas emissions of the Project by reducing the amount of
17 warehouse building on the site. The Revised Project's greenhouse gas emissions
18 will be over the 10,000-ton threshold suggested by the SCAQMD. This is a
19 potentially significant impact and mitigation is required.

20 2. Mitigation Measures.

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

1 3. Findings.

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

13 H. Hazards and Hazardous Materials

14 1. Impacts.

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

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

19 Impact HHM-1 is discussed on page 4-50 of the Revised DEIR. Similar to the
20 Original Project, the Revised Project will utilize light industrial type chemicals and
21 materials, which are regulated by State and federal laws. The addition of Brown
22 Street would not increase the amount of chemicals or materials used by the Revised
23 Project compared to the Original Project. The small areas of dark stained soil were
24 reexamined by LSA on June 22, 2015 and no visible signs of contamination were
25 present. While no impacts are anticipated from contaminated soils based upon the
26 small amount of dark oil stains, if soils are later determined to be contaminated
27 during the course of construction for the Revised Project, all standard hazardous
28 remediation, removal, and disposal procedures will be adhered to. Therefore, the

1 potential impacts of the Revised Project relative to hazards and hazardous materials
2 will be similar for those identified for the Original Project (i.e., less than significant
3 with compliance with existing laws and regulations regarding hazardous materials,
4 including the County Fire and Health Departments).

5 *Impact HHM-2. Release of Hazardous Materials*

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

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

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

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

21 The Revised Project's potential to emit hazardous emissions or handle hazardous or
22 acutely hazardous materials, substances, or waste within one-quarter mile of an
23 existing or proposed school is discussed on page 4-51 of the Revised Focused
24 DEIR. The Project site is not within one-quarter mile of any existing or proposed
25 schools. The nearest school, Benjamin Franklin Elementary School, is located 1.4
26 miles southwest of the Revised Project site. In addition, implementation of the
27 Revised Project will not produce hazardous emissions or otherwise cause
28 hazardous materials impacts upon school facilities located within the target study

1 radius, and no mitigation is required. This is the same level of impact as the
2 Original Project.

3 *Impact HHM-4. Hazardous Materials Sites*

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

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

14 *Impact HHM-5. Airport Land Use Plans*

15 **Threshold:** *For a project located within an airport land use plan, or where such a plan*
16 *has not been adopted, within two miles of a public airport or public use airport, would the*
17 *project result in a safety hazard for people residing or working in the project area?*

18 The Revised Project's potential to create a safety hazard for people residing or
19 working in the Revised Project area as a result of being located within an airport
20 land use plan or, where such a plan has not been adopted, within two miles of a
21 public airport or public use airport is discussed on pages 4-51 through 4-53 of the
22 Revised Focused DEIR. The site, located approximately two miles northwest of the
23 March Air Reserve Base (ARB), is within the Airport Influence Policy Area II.
24 Because the March ARB does not have an Airport Master Plan, the Riverside
25 County Airport Land Use Commission utilizes compatibility guidelines set forth in
26 the current Riverside County Airport Land Use Plan. The Revised Project site is
27 located within Area II of the Riverside County Airport Land Use Plan. According
28 to the Riverside County Airport Land Use Plan, Area II guidelines allow for

1 commercial development as proposed by the Revised Project and therefore the
2 development is consistent with the Riverside County Airport land Use Plan. The
3 potential impacts of the Revised Project relative to an airport land use plan would
4 be similar to or less than those identified for the Original Project (i.e., less than
5 significant) including the adjacent MIPA Brown Street property.

6 *Impact HHM-6. Private Air Strips*

7 **Threshold:** *For a Project located within the vicinity of a private airstrip, would the Project*
8 *result in a safety hazard for people residing or working in the Project area?*

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

17 *Impact HHM-7. Adopted Emergency Response Plans or Emergency Evacuation Plans.*

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

20 The Revised Project's potential to impair implementation of or physically interfere
21 with an adopted emergency response plan or emergency evacuation plan is
22 discussed on page 4-53 of the Revised Focused DEIR. The Revised Project's site
23 plan meets the County Fire Department's emergency access requirements regarding
24 the length of a cul-de-sac street for emergency vehicles. In addition, construction of
25 project-related improvements along the south side of Alessandro Boulevard will be
26 short-term and is not expected to significantly impact traffic or safety along
27 Alessandro Boulevard. As discussed in the Traffic section, the Revised Project
28 would not create a substantial number of truck trips that would interfere with any

1 key emergency evacuation plans or routes. Therefore, the Revised Project will have
2 less than significant impacts regarding emergency access, response, or evacuation
3 and no mitigation is required. This is the same level of impact as the Original
4 Project.

5 *Impact HHM-8. Wildland Fires*

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

13 *Cumulative Impacts.*

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

20 2. Mitigation Measures.

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

26 **HHM-5a** (Original EIR): Prior to issuance of occupancy permits, information on
27 users, uses, and use of hazardous materials within the Project Site will be
28 transmitted to the MJPA for review. The County Planning, Environmental Health,

1 and/or Fire Departments shall have authority to modify any use or occupancy
2 permits to restrict or preclude uses that involve materials that could cause a
3 demonstrable hazard to March ARB flight activities.

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

- 11 a. No project facilities located within one-quarter miles of the existing school
12 shall store, handle or use toxic or highly toxic gases as defined in the most
13 currently adopted County fire code at quantities that exceed exempt amount
14 as defined in the most currently adopted fire code.
- 15 b. Facilities that store, handle or use regulated substances as defined in the
16 California Health and Safety Code 25532 (g) in excess of threshold
17 quantities shall prepare risk management plans (RMP) for determination of
18 risks to the community. The RMP shall be submitted to the March Air
19 Reserve Base Civil Engineering Unit, and the March Joint Powers
20 Authority Planning Department, for review and comment prior to the
21 Issuance of a Certificate of Occupancy by the County for future tenants of
22 the project.

23 3. Findings.

24 With implementation of Mitigation Measure HHM-1a, Impact HHM-1 [Routine
25 Transport, Use, or Disposal of Hazardous Waste] would be less than significant.
26 With implementation of Mitigation Measure HHM-5a, Impact HHM-5 [Located
27 Within an Airport Land use Plan] would be less than significant. All other impacts
28 are less than significant.

1 I. Hydrology and Water Quality

2 1. Impacts.

3 *Impact HWQ-1. Violate Water Quality Standards*

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

8 Impact HWQ-1 is discussed on Revised Focused DEIR pages 4-56 and 4-57.

9 Mitigation Measures HWQ-1a and HWQ-1b require compliance with the County's
10 Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management
11 Plan (WQMP) requirements and would result in less than significant impacts to
12 short-term and long-term water quality. Therefore, Revised Project impacts related
13 to water quality standards would be less than significant, same as the Original
14 Project.

15 *Impacts HWQ-2. Deplete Groundwater Supplies*

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

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

23 *Impact HWQ-3. Substantial Erosion or Siltation*

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

26 Impact HWQ-3 is discussed on page 4-58 in the Revised Focused DEIR. The
27 Revised Project will result in an increase in surface runoff by increasing the amount
28 of impervious surfaces and decreasing the amount of permeable surfaces. This

1 lowers the infiltration rate through the Revised Project site, resulting in the
2 necessity for an on-site drainage system that is proposed as part of the Revised
3 Project. Therefore, potential impacts of the Revised Project on drainage patterns are
4 considered to be less than significant and no mitigation is required.

5 *Impact HWQ-4. Existing Drainage Pattern*

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

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

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

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

21 Impact HWQ-5 is discussed on page 4-59 of the Revised Focused DEIR. The
22 Revised Project would increase the runoff flow due to the creation of additional
23 impervious surfaces on the Revised Project site. The Revised Project will be
24 required to maintain existing runoff from the Revised Project site at or below
25 existing levels through the construction and maintenance of two on-site detention
26 basins. The design of the drainage plan for the Revised Project keeps runoff from
27 the MJPA site on MJPA property so there will be no increase in runoff volume or
28 velocity on the Revised Project site. The Revised Project will be required to

1 complete an NPDES permit, which will require the preparation of an SWPPP for
2 construction activities and a WQMP for ongoing activities. Therefore, the potential
3 impacts of the Revised Project relative to runoff water will be less than significant
4 and no mitigation is required. This is the same level of impact as the Original
5 Project.

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

7 **Threshold:** *Project implementation would not place housing within a 100-year flood*
8 *hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate*
9 *Map or other flood hazard delineation map.*

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

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

16 **Threshold:** *Project implementation would not place structures within a 100-year flood*
17 *hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate*
18 *Map or other flood hazard delineation map.*

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

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

26 **Threshold:** *Project implementation would not expose people or structures to a significant*
27 *risk of loss, injury or death involving flooding, including flooding as a result of the failure*
28 *of a levee or dam.*

1 Impact HWQ-8 is discussed on Revised Focused DEIR page 4-60. The Revised
2 Project site is within 10 miles of approximately 10 dams in the region. The two
3 closest dams with similar or higher elevations than the site are Perris Dam, 1,560
4 ft., and Box Springs Dam, 1,680 ft. According to Figure 5-10, Dam Failure
5 Inundation Zones (RivCo 2003a), the Revised Project site is located in an area
6 classified as having zero risk of being inundated from floodwaters from a dam
7 failure. Therefore, potential dam failure impacts upon individuals/property or the
8 Revised Project site will be less than significant. This is the same level of impact as
9 the Original Project.

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

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

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

23 *Cumulative Impacts.*

24 New development is required to have grassy swales, detention basins, or other
25 improvements to treat "first flush" urban pollutants. As growth continues, there
26 may be cumulatively considerable impacts to water resources, mainly flood control
27 and water quality. The Original EIR determined that implementation of the
28 proposed mitigation measures would reduce water quality impacts to less than

1 significant levels. In many ways, the Revised Project is similar to the Original
2 Project and will have two detention basins that will help control not only runoff but
3 water quality. Furthermore, compliance with the Santa Ana MS4 NPDES
4 requirements will help ensure cumulative impacts related to water quality remain
5 less than significant. Therefore, with mitigation measures imposed, the Revised
6 Project would not cause cumulative watershed and water quality impacts for the
7 region and its proportion of potential impacts is not cumulatively considerable.

8 **2. Mitigation Measures.**

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

- 19 • Soil stabilization practices;
- 20 • Sediment and runoff control practices;
- 21 • Monitoring protocols; and
- 22 • Waste management and disposal control practices.

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

27 **HWQ-1b:** (Original and Revised EIR): Prior to final building inspection for any
28 portion or phase of the Project, the applicant shall receive County approval of a

1 Water Quality Management Plan (WQMP) that identifies specific long-term actions
2 and Best Management Practices to prevent storm water pollution from ongoing site
3 operations. The Water Quality Management Plan shall identify a practical sequence
4 for BMP implementation, contingency measures, responsible parties, and agency
5 contacts. The County and the applicant shall enforce the requirement through fines
6 and other penalties, as necessary.

7 Once approved by the County, the applicant shall be responsible throughout the
8 duration of the Project for installing, constructing, inspecting, and maintaining the
9 control measures included in the Water Quality Management Plan.

10 The Water Quality Management Plan shall identify potential pollutant sources that
11 could affect the quality of storm water discharges from the Project site. Control
12 practices shall include those that effectively treat target pollutants in stormwater
13 discharges anticipated from the Project site. To protect receiving water quality, the
14 Water Quality Management Plan shall include, but is not limited to, the following
15 elements:

- 16 ● Permanent erosion control measures such as detention basins, inlet
17 protection, and temporary revegetation or other groundcover that shall
18 be employed for disturbed areas after initial construction is finished.
- 19 ● No disturbed surfaces will be left without erosion control measures in
20 place during the winter and spring months (September 30 – March 30).
- 21 ● Sediment shall be retained on site by a system of sediment basins, traps,
22 or other appropriate measures. Of critical importance is the protection of
23 existing catch basins that eventually drain to Sycamore Canyon.
- 24 ● The construction contractor shall prepare Standard Operating
25 Procedures for the handling of hazardous materials on the Project site to
26 prevent, eliminate, or reduce discharge of materials to storm drains.
- 27 ● Best Management Practices performance and effectiveness shall be
28 determined either by visual means where applicable (i.e., observation of

1 above-normal sediment release), or by actual water sampling in cases
2 where verification of contaminant reduction or elimination, (inadvertent
3 petroleum release) is required to determine adequacy of the measure.

4 3. Findings.

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

8 J. Land Use and Planning

9 1. Impacts.

10 *Impact LUP-1. Divide Established Community*

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

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

20 *Impact LUP-2. Conflict With Applicable Land Use Policies*

21 ***Threshold:*** *The Project would not conflict with any applicable land use plan, policy, or*
22 *regulation of an agency with jurisdiction over the Project (including but not limited to the*
23 *general plan, specific plan, local coastal program, or zoning ordinance) adopted for the*
24 *purpose of avoiding or mitigating an environmental effect.*

25 Impact LUP-2 is discussed on Revised Focused DEIR page 4-64. The Revised
26 Project site is within an unincorporated area in the County of Riverside, and
27 therefore, it is subject to the County's General Plan goals and policies. The site is
28 designated as Light Industrial (LI) under the foundation component of Community

1 Development in the General Plan. This designation allows for a variety of uses
2 including industrial, manufacturing, service, and commercial. The Revised Project
3 is consistent with the existing General Plan (Light Industrial or LI) and zoning
4 classifications of the site (Industrial Park or IP). Therefore, similar to the Original
5 Project, no significant land use or planning impacts are expected from
6 implementation of the Revised Project and no mitigation is required.

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

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

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

22 *Cumulative Impacts.*

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