Environmental Findings and Statement of Overriding Considerations Regarding the Environmental Impact Report for the

Nichols Ranch Specific Plan Project

City of Lake Elsinore, California

Planning Application 2017-29
General Plan Amendment (GPA No. 2018-01)
Specific Plan (SP No. 2018-01)
Specific Plan Amendment (SPA No. 2017-03)
Zone Change (ZC No. 2018-01)
Tentative Tract Map (TTM No. 37305)

SCH #2018051051

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TABLE OF CONTENTS

Section Name and Number **Page**

May 8, 2019

TABLE OF CONTENTS

TABLE OF CONTENTS

Section Name and Number **Page**

TABLE OF CONTENTS

Section Name and Number **Page**

1.0 BACKGROUND AND INTRODUCTION

1.1 PROJECT OVERVIEW

The City of Lake Elsinore (City) has completed an Environmental Impact Report (EIR) (State Clearinghouse Number 2018051051) for the proposed Nichols Ranch Specific Plan and associated applications (hereafter, the "Project" or "proposed Project"). The City is the Lead Agency for the purposes of preparing and certifying this EIR pursuant to §§ 15050 and 15367 of the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

The purpose of this EIR is to evaluate the potential environmental impacts of the proposed Nichols Ranch Specific Plan Project, which consists of applications for a General Plan Amendment (GPA No. 2018-01), Specific Plan (SP No. 2018-01), Specific Plan Amendment (SPA No. 2017-03), Zone Change (ZC No. 2018-01), and Tentative Tract Map (TTM No. 37305), all of which were processed under Planning Application 2017-29. In compliance with § 21002.1 of the CEQA statute and § 15002 of the State CEQA Guidelines, the City, as Lead Agency, has prepared and EIR in order to (1) provide information the general public, the local community, responsible and interested public agencies and the City's decision-making bodies and other organizations, entities, and interested persons of the potential environmental effects of the proposed Project, feasible measures to reduce potentially significant environmental effects, and alternatives that could reduce or avoid the significant effects of the proposed project, (2) enable the City to consider environmental consequences when deciding whether to approve the proposed project, and (3) to satisfy the substantive and procedural requirements of CEQA.

1.2 PUBLIC INVOLVEMENT AND EIR SCOPING

This document complies with the provisions of CEQA (California Public Resources Code, §§ 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, § 15000 et seq.) and the City's Procedures for Implementing the State CEQA Guidelines. In compliance with CEQA, the City has solicited and considered comments from Responsible and Trustee Agencies, members of the public, and other interested parties during the proposed Project's various environmental review processes:

- In accordance with CEQA Guidelines § 15082, the City prepared and distributed a Notice of Preparation (NOP) of an EIR. The NOP was distributed on May 25, 2018.

- In accordance with CEQA Guidelines § 15082(c), a public Scoping Meeting was held at the City of Lake Elsinore Cultural Arts Center on June 14, 2018.

- Comments received from the public and agencies during the public review period for the NOP and during the public Scoping Meeting were considered in the preparation of the EIR prepared for the proposed Project.

In March 2019, a DEIR was prepared for the proposed Project in accordance with CEQA regulations and guidelines. The DEIR was circulated for a 45-day public review period on March 19, 2019. Notification was

provided to the State Clearinghouse (SCH), Responsible and Trustee agencies, and all interested parties and jurisdictions pursuant to the requirements of § 15087 of the State CEQA Guidelines. Six (6) comments were received by the City during this 45-day review period. These comments were evaluated and responded to comment letters in accordance with § 15088 of the State CEQA Guidelines.

1.3 FINAL EIR CERTIFICATION AND PROJECT APPROVAL PROCESS

1.3.1 FINDINGS REQUIRED UNDER CEQA

The City Council (the decision-making body) of the City of Lake Elsinore (CEQA Lead Agency) certifies the Final EIR. The Final EIR, as required by State CEQA Guidelines §§ 15089 and 15132, consists of the Draft EIR ("DEIR"); comments and recommendations received on the DEIR; the responses of the City as "Lead Agency" to significant environmental points raised in the review, comments, and recommendations received on the DEIR; the list of persons, organizations, and public agencies that commented on the DEIR; and any other information added by the City. Since the DEIR identified potentially significant environmental impacts, the City Council must also prepare "findings" as part of its action to certify that the Final EIR has been completed in compliance with CEQA and to approve the proposed Project. Pursuant to Public Resources Code § 21081 and State CEQA Guidelines § 15091, no public agency shall approve or carry out a project for which an environmental impact report has been certified, which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant effects, accompanied by brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

1. *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

2. *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by other such agency.*

3. *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.*

1.3.2 SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The DEIR identified several significant environmental effects (or "impacts") resulting from implementation of the proposed Project. Some of these significant effects can be fully avoided/mitigated through the adoption of feasible mitigation measures. For those significant impacts that cannot be mitigated to below a level of significance, the City Council is required to balance, as applicable, the economic, legal, social, technological, or other benefits of the proposed Project against its unavoidable environmental risks when determining whether to approve the proposed Project. The State CEQA Guidelines at § 15093(a) provide that if specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

As indicated in DEIR Subsection 5.1, *Significant Environmental Effects Which Cannot Be Avoided if the Proposed Project is Implemented*, certain environmental effects of the proposed Project cannot be reduced to less-than-significant levels by the adoption of feasible mitigation measures or feasible environmentally superior alternatives. Project-level and cumulative Air Quality, Project-level Biological Resources, and Project-level and cumulative Transportation and Traffic impacts have been identified as significant and unavoidable and require the preparation of a Statement of Overriding Considerations. Section 5.0, below, describes those effects and outlines the City's findings with respect to the significant and unavoidable environmental effects of the proposed Project.

1.3.3 MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program (MMP) has been prepared to monitor and report the implementation of the mitigation measures identified for the proposed Project. The MMP will be adopted by the City Council concurrently with these findings, and will be implemented by the City during the proposed Project's implementation phase. To the extent that these findings conclude that all mitigation measures outlined in the DEIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect if the City Council formally approves the proposed Project.

1.3.4 CERTIFICATION OF THE FINAL EIR AND ADOPTION OF FINDINGS

The Lake Elsinore City Council will review and consider the information contained in the Final EIR, as well as submissions from public officials, public agencies, and the general public. Prior to considering Project approval, the City Council shall certify that the Final EIR reflects the City's independent judgment and analysis. Having considered the foregoing information, as well as any and all other information in the record, the City Council shall make findings pursuant to CEQA § 21081 and CEQA Guidelines § 15091. In accordance with the provisions of CEQA and the State CEQA Guidelines, the City Council shall adopt the Findings as part of its certification of the Final EIR for the proposed Project.

1.3.5 NO RECIRCULATION REQUIRED

The City Council finds that none of the circumstances that trigger the requirement for recirculation of the EIR under CEQA Guidelines § 15088.5 have occurred. Specifically, there was no significant new information (as defined in CEQA Guideline § 15088.5(a)) added to the EIR after the public review period. There were no new significant environmental impacts identified following public review of the DEIR, nor was there a substantial increase in the severity of any of the Project's environmental impacts. There were no feasible alternatives to the Project identified in comments received in response to the DEIR's public review period, and the Final EIR incorporates feasible mitigation measures recommended by Responsible Agencies as part of comments on the DEIR in order to further reduce the Project's significant environmental effects. Additionally, the City Council finds that the DEIR was fundamentally and basically adequate, and all findings reached in the DEIR were based on substantial evidence. As such, the City Council finds that recirculation of the DEIR for an additional 45-day public review period is unwarranted.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The City of Lake Elsinore is located in the southwestern portion of Riverside County, and the proposed Project is located in the northeastern portion of the City of Lake Elsinore. Specifically, the Project site is located south of Nichols Road, east of Interstate 15 (I-15), and west of El Toro Road/Wood Mesa Court. Located to the north of the Project site is an existing on-going mining operation and open space. To the east of the Project site is an existing single-family neighborhood. To the south of the Project site is the Temescal Canyon High School. To the west of the Project site is I-15, beyond which is an existing commercial development. The Project site comprises approximately 72.5 acres (Assessor Parcel Numbers (APN Nos) 389-200-038, 389-210-008, 389-210-032, 389-210-034, and 389-210-036).

2.2 PROJECT DESCRIPTION

The Project would involve development of the 72.5-acre Project site with up to 168 residential homes on approximately 31.1 acres (5.1-5.8 dwelling units per acre); 14.5 acres of commercial uses, including a 130-room hotel, 6,000 s.f. of fast-food restaurant uses with drive-through window use, 5,500 s.f. of fast-food restaurant uses without drive-through window use, 9,400 s.f. of sit-down restaurant uses, 4,400 s.f. of commercial retail uses, an 8,000 s.f. health and fitness club, a gas station (including a market and car wash) with 16 fueling stations, and 43,000 s.f. of office uses; 8.3 acres of recreation uses; drainage basins on 5.5 acres; open space on 1.3 acres; and roadways on 5.3 acres. DEIR Figure 3-1 depicts the land uses proposed as part of the Nichols Ranch Specific Plan (NRSP). Discretionary approvals associated with the Project include the following:

- General Plan Amendment No. 2018-01 (GPA 2018-01) proposes to redesignate the southern 27.1 acres of the Project site from "General Commercial" to "Specific Plan" land uses. With approval of GPA 2018-01 and the Project's other discretionary applications, development of the entire 72.5-acre property would be governed by the proposed Nichols Ranch Specific Plan (SP No. 2018-01).

- Specific Plan Amendment No. 2017-03 (SPA No. 2017-03) would amend the Alberhill Ranch Specific Plan (ARSP) to remove the northern 45.4 acres of the Project site that are currently located within the ARSP. With approval of the Project, development of the northern 45.5 acres of the Project site would be regulated by the Nichols Ranch Specific Plan (NRSP) instead of the ARSP.

- Specific Plan No. 2018-01 (SP 2018-01) proposes to establish the Nichols Ranch Specific Plan (NRSP) over the 72.5-acre Project site, and would allow for the development of 168 Low-Medium Residential homes on 31.1 acres; General Commercial uses on 14.5 acres; Recreational (Park) uses on 8.3 acres; Open Space uses on 1.3 acres; Public Institutional (Drainage Basin) uses on 5.5 acres; Floodway on 6.5 acres; and backbone circulation roadways on 5.3 acres. The NRSP also would establish development standards and design guidelines to guide future development of the property.

- Zone Change No. 2018-01 (CZ No. 2018-01) would modify the zoning designation on the southern 27.1 acres of the site from "Commercial Mixed Use (CMU)" to "Nichols Ranch Specific Plan." ZC No. 2018-01 also would change the zoning designation of the northern 45.4 acres of the site from "Alberhill Ranch Specific Plan" to "Nichols Ranch Specific Plan." ZC No. 2018-01 also would establish zoning boundaries on-site to reflect the NRSP land use plan for the 72.5-acre site. Additionally, ZC No. 2018-01 would establish allowable uses and development standards for the 72.5-acre NRSP area.

- Tentative Tract Map No. 37305 (TTM No. 37305) would subdivide the approximately ±72.50-acre site to implement the land uses proposed by the NRSP. TTM 37305 would create 168 residential lots on approximately 22.74 acres; one commercial retail lot on 14.43 acres; a sewer lift station lot on 0.13 acre; a park site lot on 6.49 acres; two drainage basin lots on 5.45 acres; nine (9) landscape lots on 1.45 acres; three (3) open space/landscape lots on 3.04 acres; two (2) open space lots on 6.49 acres; and public streets (Streets A through J) on 12.28 acres.

2.2.1 SCOPE OF PHYSICAL DISTURBANCE

As indicated in DEIR subsection 3.3.1 and shown on DEIR Figure 3-13, the Project proposes to grade a total area of 73.8 acres, with the area of on-site grading totaling 66.0 acres, and the area of off-site grading totaling 7.8 acres. Off-site grading would include proposed frontage improvements, realignment of Nichols Road, and installation of a 20-inch water line within Nichols Road. In addition to the 7.8 acres of off-site grading, the Project may require off-site improvements for sewer connections, which would require additional off-site grading. If sewer plan Option #1 (shown in DEIR Figure 3-6) is selected, the Project would require off-site grading along a segment of El Toro Road to provide a sewer connection to the Project site. If sewer plan Option #2 (shown in DEIR Figure 3-7) is selected, the Project would require off-site grading along a segment of El Toro Road and from the Project site under I-15 to a point of connection in Collier Avenue. In addition to the 73.8 acres (which does not include potential off-site sewer grading disturbances) of on- and off-site grading disturbances, fuel modification areas planned by the Project would impact an additional 0.8 acre on-site. No other on- or off-site physical impacts are anticipated from Project implementation.

2.2.2 SCOPE OF OPERATIONAL CHARACTERISTICS

The proposed Project would be operated as a residential community, and as a neighborhood commercial center. As such, typical operational characteristics include residents and visitors traveling to and from the residential portion of the site, customers and vendors traveling to and from the commercial area of the site, visitors traveling to and from the hotel use on-site, leisure and maintenance activities occurring on individual residential lots and in the on-site recreation areas, and general maintenance of common areas. Low levels of noise and a moderate level of artificial exterior lighting typical of a mixed-use community is expected.

Implementation of the proposed Project would result in the construction of 168 single-family homes. According to the United States Census Bureau, single-family uses within the City of Lake Elsinore generate approximately 3.74 persons per dwelling unit. Accordingly, the Project would result in an estimated future

population of 628 residents (168 dwelling units x 3.74 persons per household = 628 future residents). An additional transient population also would result from the proposed hotel uses.

Implementation of the proposed Project would result in the construction of a neighborhood commercial center on approximately 14.5 acres of the Project site, which would include a 130-room hotel, 6,000 s.f. of fast-food restaurant uses with drive-through window use, 5,500 s.f. of fast-food restaurant uses without drive-through window use, 9,400 s.f. of sit-down restaurant uses, 4,400 s.f. of commercial retail uses, an 8,000 s.f. health and fitness club, a gas station (including market and car wash) with 16 fueling stations, and 43,000 s.f. of office uses. Based on the Southern California Association of Government's (SCAG) Employment Density Study Summary Report, the employment density for other retail/service uses is 21.98 employees per acre. Thus, the 14.5 acres of commercial retail uses proposed by the Project would result in approximately 319 employees (14.5 acres x 21.98 jobs per acre = 319 jobs).

2.3 PROJECT OBJECTIVES

CEQA Guidelines § 15124 requires an EIR to include a statement of objectives sought by the Project Applicant. The objectives assist in developing the range of proposed Project alternatives to be evaluated in the EIR. The Project's fundamental purpose is to develop a single-family residential community with commercial areas, as well as comply to the greatest feasible extent with applicable City of Lake Elsinore standards, codes, and policies. The following is a list of specific objectives that the proposed Project is intended to achieve.

A. To efficiently develop an underutilized property with a complementary mix of land uses, including residential, commercial, recreational, and open space land uses.

B. To establish a master-planned community in a manner that is sensitive to the environment as well as visually and functionally compatible with surrounding existing and proposed land uses.

C. To develop a mixed-use community with a design that takes topographic, geologic, hydrologic, and environmental opportunities and constraints into consideration to minimize alterations to Stovepipe Creek, where practical.

D. To increase the available housing supply within the region by providing detached single-family homes in traditional subdivision layouts that will be marketable within the evolving economic profile of the City of Lake Elsinore and surrounding communities.

E. To construct commercial and hotel uses within proximity to regional transportation facilities that will provide for employment opportunity and that can attract tenants at competitive lease rates to help ensure that the uses are occupied and positively contribute to the local economy.

F. To provide a system of public and community facilities, including recreational facilities and trails, in an efficient and timely manner and meet the needs of Project residents and residents of surrounding communities.

G. To require project design elements such as architecture, landscaping, color, paving, walls, fencing, signage, entry treatments, and other similar design features that would ensure the community is developed in a manner that is aesthetically pleasing.

H. To establish development phasing that results in logical coordinated growth.

I. To develop the site with complementary mixed uses in a manner that preserves, to the extent feasible, natural drainages.

3.0 GENERAL FINDINGS ON MITIGATION MEASURES

In preparing the Conditions of Approval for this Project, City staff incorporated the mitigation measures recommended in the DEIR as applicable to the Project. In the event that the Conditions of Approval do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Conditions of Approval are intended to be identical or substantially similar to the recommended mitigation measures. Any minor revisions are to improve clarity or to better define the intended purpose of the mitigation and are not designed to substantively alter the purpose of such mitigation.

3.1 FINDING

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

4.0 ENVIRONMENTAL FINDINGS

This Subsection discloses the Project's potential impacts to the environment. Subsection 4.1 summarizes those issues that were identified either by the Project's Initial Study/Notice of Preparation (IS/NOP) or DEIR to result in no impacts to the environment. Subsection 4.2 summarizes those issue areas that were determined to be less than significant as part of the DEIR. Subsection 4.3 identifies those impacts which were determined by the DEIR to be potentially significant, but for which mitigation measures have been identified and imposed on the proposed Project to reduce impacts to below a level of significance. Subsection 4.4 summarizes those issue areas for which impacts were determined to be potentially significant, but for which no mitigation measures are available to fully reduce the Project's impacts to less-than-significant levels, thereby requiring adoption of a Statement of Overriding Considerations by the City Council. Where the discussion below cites

a reference source, please refer to Subsection 7.0 of the DEIR, which identifies the reference materials and where the reference materials may be available for public review, if not available at the City of Lake Elsinore.

4.1 AREAS DETERMINED TO HAVE NO SIGNIFICANT IMPACT

The City, through the Initial Study (IS) process, determined the proposed Project has the potential to cause or result in significant environmental impacts, and warranted further analysis, public review, and disclosure through the preparation of an EIR. The IS and associated EIR Notice of Preparation (NOP), dated May 24, 2018, were forwarded to the California Office of Planning and Research (OPR), State Clearinghouse (SCH), and circulated for public review and comment. The State Clearinghouse established the public comment period for the IS/NOP as May 25, 2018 through June 25, 2018.

The IS/NOP concluded that no impacts would occur under the issue areas of Agriculture and Forest Resources and Mineral Resources. The Project's DEIR also incorporated analyses of certain issue areas that were identified as potentially significant in the IS/NOP, but which were determined to result in no impacts as part of the analysis contained in the DEIR. The following discussion summarizes the environmental impacts that were determined in the IS/NOP, DEIR, and public review processes to pose no potentially significant impacts.

4.1.1 AGRICULTURAL RESOURCES

A. Impacts to Important Farmland

According to information available from the Farmland Mapping and Monitoring Program (FMMP), the majority of the Project site is designated as "Farmland of Local Importance" while a portion of the eastern portion of the Project site is designated as "Grazing Land." "Farmland of Local Importance" is land other than "Prime Farmland," "Farmland of Statewide Importance," or "Unique Farmland." This land may be important to the local economy due to its productivity or value. "Grazing Land" is land on which the existing vegetation is suited to the grazing of livestock. There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) located on-site. Therefore, the Project does not have the potential to directly or indirectly convert Farmland to non-agricultural use, and no impact would occur.

B. Conflicts with Agricultural Zoning or the Williamson Act

According to the California Department of Conservation, there are no Williamson Act contracts in the Project vicinity. The nearest land under a Williamson Act contract is located approximately 6.5 miles northwest of the Project site. In addition, according to Riverside County Geographic Information System (GIS), there are no Agricultural Preserves in the Project vicinity. The nearest Agricultural Preserve is located 6.9 miles northwest of the Project site. The Project site is zoned for "Commercial – Specific Plan" and "Commercial Mixed Use (CMU)," neither of which is an agricultural zoning designation. Additionally, no portion of the Project site is used for agricultural operations. Area to the south of the Project site are used for school uses, areas to the east are zoned for residential uses, areas to the north are zoned for "Specific Plan – Commercial" and open space, and to the west is I-15. Therefore, the proposed Project has no potential to conflict with existing zoning for agricultural use or with an existing Williamson Act contract.

C. Conflicts with Existing Zoning for Agricultural Use

There are no lands within the Project vicinity that are designated as forest land, timberland, or Timberland Production. The Project site and surrounding areas are zoned for residential, commercial, and open space land uses. Accordingly, the proposed Project would not have the potential to conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). As such, no impact would occur.

D. Impacts to Forest Land

Implementation of the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest uses, as there are no forest resources in the area. Under existing conditions, the Project site does not contain any forest lands and the northern 45.4 acres of the site are currently undergoing reclamation pursuant to Reclamation Plan 2006-01A2. Accordingly, the proposed Project would not have the potential to result in the loss of forest land or the conversion of forest land to non-forest use. As such, no impact would occur.

E. Other Changes Resulting in Loss of Farmland or Forestland

As noted in the foregoing analysis, there is not any "Farmland" on the Project site or in the Project site's vicinity. There is no potential for the proposed Project to result in the conversion of Farmland to non-agricultural uses. Additionally, there are no forest lands in the Project vicinity, and conversion of forest land to non-forest use would not occur. As such, no impact would occur.

4.1.2 GEOLOGY AND SOILS

A. Septic Tanks and Alternative Waste Disposal Systems

The proposed Project would be required to connect to the City's municipal wastewater system and would not be permitted to use septic tanks or alternative wastewater disposal systems. Accordingly, the Project would result in no impact related to the use or performance of septic tanks and/or alternative wastewater systems.

4.1.3 HAZARDS AND HAZARDOUS MATERIALS

A. Hazardous Materials Sites pursuant to Government Code Section 65962.5

According to the Phase I ESA prepared for the Project (DEIR *Technical Appendix F*), the Project site is not located on any list of hazardous materials sites compiled pursuant to Government Code § 65962.5. Accordingly, no impact would occur.

4.1.4 LAND USE AND PLANNING

A. Disruptions to and Divisions of Existing Communities

Under existing conditions, residential uses occur only to the east of the Project site. Future residential development as proposed by the Project would not result in the physical division of any of the existing nearby

residential neighborhoods to the east, as the future development of up to 168 residential dwelling units and commercial uses on-site would provide public roadways and pedestrian/bicycle connections within and through the Project site. Additionally, no residential neighborhoods occur to the north, west, or south. Accordingly, the proposed Project would have no potential to physically divide an established community, and no impact would occur.

4.1.5 MINERAL RESOURCES

A. Loss of Availability of Mineral Resources of Value to the Region and Residents of the State

According to the CDC, the Project site is located within Mineral Resource Zone (MRZ) 4. MRZ-4 represents "[a]reas of no known mineral occurrences where geologic information does not rule out either the presence or absence of significant mineral resources." In addition, the northern 45.4 acres of the Project site were formerly used for mining operations and are undergoing reclamation, and all known mineral resources of economic value have been extracted from the northern portions of the Project site. Accordingly, the Project would not result in the loss of any known mineral resource that would be of value to the region and the residents of the state, and no impact would occur.

B. Loss of Locally-Important Mineral Resource Recovery Sites

The City of Lake Elsinore General Plan and Alberhill District Plan apply an Extractive Overlay to a majority of the Project site, which "…provides for continued operations of extractive uses, such as aggregates, coal, clay mining, and certain ancillary uses." The Alberhill District Plan acknowledges that "the Alberhill District [including the Project site] is at a crossroads and is poised to transition from a region with large quantities of extractive activities to a series of master planned communities." The northern 45.4 acres of the Project site were formerly used for mining operations and are undergoing reclamation. All known mineral resources of economic value have been extracted from the northern portions of the Project site. Accordingly, the Project would not result in the loss of any locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan, and no impact would occur.

4.1.6 NOISE

A. Noise Impacts from Airport Operations

The closest airport is Skylark Field which is located approximately 5.7 miles southeast of the Project site. The Project site is not located within the AIA of the closest airport, Skylark Airport, and is not subject to substantial noise levels associated with airport operations. Further, the Project site is not located within an airport land use plan or within 2 miles of a public airport. The Project site would not be exposed to aircraft-related noise exceeding 55 dBA CNEL, which is considered "clearly acceptable" by the Riverside County ALUCP for residential and commercial development. Accordingly, the Project would not result in the exposure of people residing or working at the Project site to excessive airport- or aircraft-related noise, and no impact would occur.

4.1.7 POPULATION AND HOUSING

A. Displacement of Existing People or Housing

The Project site is vacant and undeveloped under existing conditions and does not contain any existing housing or residents. Therefore, implementation of the proposed Project would not result in the displacement of substantial amount of existing people or housing and would not result in the need for construction of replacement housing elsewhere. Moreover, the Project involves the construction of 168 residential homes on-site that would further augment the housing supply in the region. Thus, no impact associated with housing displacement would occur.

4.2 FINDINGS REGARDING LESS-THAN-SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR

The DEIR completed in March 2019 found that the proposed Project would have a less-than-significant impact without the imposition of mitigation on a number of environmental topic areas. The less-than-significant environmental impact determination was made for each of the following topic areas listed below, based on the more expansive discussions contained in the DEIR.

4.2.1 AESTHETICS

A. Scenic Vista Impacts

No unique or scenic vistas would be impacted by the Project. The Project site does not contain any scenic vistas, nor does it offer unique views of any visually prominent features; therefore, impacts to scenic vistas resulting from the Project would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings for the Project, the City Council hereby finds that impacts upon scenic resources would be less than significant. The Project site does not comprise a scenic vista under existing conditions, although scenic vistas of the hillsides associated with Warm Springs to the north and the Santa Ana Mountains to the west are available from the Project site under existing conditions, and these landforms represent scenic resources. However, future development on site would be regulated by the Nichols Ranch Specific Plan (NRSP), which restricts commercial buildings to a maximum height of 55 feet and restricts residential structures to a maximum height of 40 feet. These building heights are not of a scale that would obstruct views of the natural landforms, which rise to high elevations, from existing off-site viewing locations. Thus, the Project would result in less-than-significant impacts due to an adverse effect on views of distant mountains.

Lake Elsinore is considered a scenic resource by the City of Lake Elsinore General Plan. The Project site is located approximately 1.7 miles north from the lake and is not prominently visible from the lake due to distance and intervening development and topography. As such, the Project would have no impact on scenic views to

or from the lake. The City of Lake Elsinore General Plan Chapter 4.0, *Resource Protection and Preservation-Part 2*, focuses on views to Lake Elsinore, and identifies 15 landscape viewshed units in the City. The Project site is located within Landscape Viewshed Unit 12, which is the location of the Lake Elsinore Outlet stores and of which "a large portion to the east is vacant for future [development] expansion." The Project proposes the development of residential and commercial land uses, which is compatible with Viewshed Unit 12.

Accordingly, and based on the foregoing analysis, the Project would not have a substantial adverse effect on a scenic vista, and impacts would be less than significant.

Reference: DEIR Subsections 4.1.4 and 4.1.5.

B. Scenic Resources within a State Scenic Highway Impacts

The DEIR concluded that the Project has no potential to damage scenic resources within a scenic highway corridor, because the property is not visible from a designated scenic highway corridor. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of Finding

According to information from the California Department of Transportation (Caltrans), there are no officially-designated scenic highways within the Project site's vicinity. The Project site is located adjacent to I-15, which is identified as a "State Eligible" scenic highway but has not officially been designated as a scenic highway. SR-74, located approximately 0.6 mile south of the Project site, also is designated as a "State Eligible" scenic highway.

In order to assess the Project's potential to result in significant impacts to eligible scenic highway facilities in the area, a viewshed analysis was conducted in Google Earth. Based on the viewshed analysis, the Project would be visible from nearby I-15 segments. However, given that surrounding areas include Temescal Canyon High School to the south, Lake Elsinore Outlet Center to the southwest, and residential development to the east, the general character of the Project area would not change substantially. In addition, although the Project would obscure views of local steep hillsides to the northeast of the Project site, these hillsides are not unique and are only visible from along short segments of I-15 near the Project site. Accordingly, Project impacts to I-15 would be less than significant. Furthermore, the Project site does not contain any scenic resources, including, but not limited to trees, rock outcroppings and historic buildings under existing conditions.

Based on the viewshed analysis, the Project would not be prominently visible from nearby segments of SR-74 due to intervening development and topography. Thus, Project impacts to nearby segments of SR-74 would be less than significant.

Based on the foregoing, the proposed Project would not have a substantial adverse effect on scenic resources visible from a state scenic highway, and impacts would be less than significant.

Reference: DEIR Subsections 4.1.4 and 4.1.5.

C. *Visual Character or Quality of the Site Impacts*

The Project would not substantially degrade the existing visual character or quality of the site or its surrounding areas. The Project proposes residential and commercial development that would be similar in character and quality to development in the surrounding areas to the east, west, and south of the Project site.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

According to mapping information from the Southern California Association of Governments (SCAG), which is based on U.S. Census data for urbanized areas, the Project site is not located within an urbanized area. The area surrounding the Project site is transitioning from a concentrated mining area into a community of residential, commercial, industrial, and mixed-use developments. The Project site is surrounded by a mixture of mining uses, residential, school, and commercial land uses. Under existing conditions, the Project site is partially disturbed by on-going mining and reclamation activities, and does not contain any visually prominent resources. All development on the Project site would be required to comply with the Development Standards and Design Guidelines of the Nichols Ranch Specific Plan, which have been crafted to ensure that future development on site is aesthetically pleasing and not visually offensive. The Design Guidelines contain standards related to architecture, landscaping, walls/fences, and other elements of the physical environment, and provide specific guidance for future implementing developments. Mandatory compliance with the Design Guidelines and development standards of the Specific Plan would ensure that the Project is developed in such a fashion so as not to degrade the visual character or quality of the Project site or its surroundings. Additionally, the Project would comply with all applicable Municipal Code requirements addressing scenic quality, including Chapter 17.184 (Design Review) of the City's Municipal Code, which requires approval of a Design Review prior to development of any commercial or residential structures on site. As part of the Design Review application(s), the Project Applicant would submit for approval plans identifying specific design elements of the proposed development, such as building elevations, floor plans, landscaping plans, etc. The Project also would be developed in a manner that is consistent with the transitioning mixed-use character of the surrounding area, including existing residential developments to the east, commercial development to the southwest, and an existing high school to the south. In addition, with mandatory compliance to the proposed NRSP, the Project would be developed in a manner that is not visually offensive either on-site or within the context of surrounding uses and planned development. There are no components of the Project that would result in the substantial degradation of the visual character or quality of the Project site and surrounding areas. Accordingly, impacts due to the degradation of the existing visual character or quality of the Project site and its surroundings would be less than significant.

Reference: DEIR Subsections 4.1.4 and 4.1.5.

D. Light and Glare Impacts

The Project would not create substantial amounts of light or glare. Compliance with the City of Lake Elsinore Municipal Code Title 17, including § 17.112.040, and Chapters 17.16, 17.20, 17.36, and 17.40 would ensure less-than-significant impacts associated with light and glare affecting day or nighttime views in the area.

1. Mitigation

No mitigation measures are required beyond mandatory compliance with the City's Municipal Code.

2. Finding/Facts in Support of the Finding

Under existing conditions, lighting is used on occasion within the northern 45.4 acres of the Project site that are subject to reclamation activities during nighttime mining and reclamation activities, while no sources of artificial lighting are associated with the southern 27.1 acres of the site. Existing residential development located east of the site and the Temescal Canyon High School utilize sources of artificial lighting. Additionally, under existing conditions the Project site does not contain any topographically prominent landforms or visually prominent rock outcroppings. Additionally, and as visible throughout the site photos (DEIR Figure 4.1-2 and Figure 4.1-3), the Project site does not contain any trees that may be visible from off-site locations.

Implementation of the proposed Project would include exterior lighting elements. The Project is a proposed residential community and neighborhood commercial center, and all lighting elements that would be installed would be of low intensity, primarily consisting of lights installed on residential/commercial lots, lights installed in on-site parks, and street lights, and would not create a new source of substantial light or glare that could adversely affect day or nighttime views in the area. Development of the proposed Project would be subject to the lighting design guidelines of the Nichols Ranch Specific Plan, as well as the lighting provisions of Municipal Code §§ 17.112.040 & 17.148.40, which would reduce Project lighting impacts to less-than-significant levels. The Project would use low sodium lighting on-site in mandatory compliance with City Municipal Code Chapter 17.112.040.

The Project site is located within a 45-mile radius of the Mt. Palomar Observatory (Zone B). The 45-mile radius surrounding the Mt. Palomar Observatory is defined by Riverside County Ordinance No. 655 as an area in which light pollution may impact the functionality of the observatory. Any development project within a 45-mile radius of the observatory that would add artificial light sources, has the potential to contribute to sky glow effects, which could adversely affect operations at the observatory. Residential development on the Project site would be regulated by Chapter 17.148.110 of the City's Municipal Code while lighting associated with the commercial portion of the Project would be regulated by Chapter 17.112.040 of the Municipal Code, which identify lighting requirements for outdoor lighting for residential and commercial developments and parking lots to minimize potential adverse effects on observations at the Mt. Palomar Observatory. Mandatory compliance with applicable City lighting standards would reduce potential impacts regarding lighting and the Palomar Observatory to a less than significant level.

Implementation of the proposed Project would not result in substantial impacts regarding glare because the Project does not propose additional sources of glare such as highly reflective surfaces or buildings with reflective glass. Thus, the Project would have a less-than-significant impact regarding the creation of glare.

Reference: DEIR Subsections 4.1.4 and 4.1.5.

4.2.2 AIR QUALITY

A. Other Air Quality Emissions (Including Odors)

During both construction and operation, the Project would not create objectionable odors affecting a substantial number of people. Impacts due to odors would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Based on the Project's construction and operational characteristics, the Project only has the potential to result in odor emissions that could adversely affect a substantial number of people. There are no other potential sources of emissions associated with the Project that could adversely affect a substantial number of people, aside from the localized emissions that are addressed separately under Threshold c. in DEIR subsection 4.2.4. Land uses generally associated with odor complaints include: agricultural uses (livestock and farming); wastewater treatment plants; food processing plants; chemical plants; composting operations; refineries; landfills; dairies; and fiberglass molding facilities. The Project does not contain land uses typically associated with emitting objectionable odors. Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed Project's (long-term operational) uses. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and are thus considered less than significant. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. The proposed Project would also be required to comply with South Coast Air Quality Management District (SCAQMD) Rule 402 to prevent occurrences of public nuisances. There may also be intermittent odors associated with the gasoline service station, however any odors associated with the gasoline service station would also be governed by SCAQMD Rule 402 and best management practices.

Therefore, odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.

Reference: DEIR Subsections 4.2.4 and 4.2.5.

4.2.3 BIOLOGICAL RESOURCES

A. Impacts to Wildlife Corridors and Native Wildlife Nursery Sites

The Project would have a less-than-significant impact on native resident or migratory wildlife corridors or wildlife nursery sites.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project site lacks migratory wildlife corridors and wildlife nursery sites and does not occur within MSHCP Cores or Linkages. However, the Project Study Area occurs within an area that may serve a function in local wildlife movement such as dispersal and foraging. The Project would preserve and avoid the on-site portion of Stovepipe Creek and preserve the majority of the sage scrub habitats located on-site which serve as local wildlife corridors. Therefore, the Project would have a less-than-significant impact on native resident or migratory wildlife corridors or wildlife nursery sites.

Reference: DEIR Subsections 4.3.4 and 4.3.5.

B. Conflicts with Local Policies or Ordinances Protecting Biological Resources

The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project Applicant would be required to pay SKR fees pursuant to Lake Elsinore Municipal Code Chapter 19.04. For the southern 27.1 acres of the Project site, the Project Applicant would be required to pay MSHCP fees pursuant to Lake Elsinore Municipal Code Chapter 16.85. The Project Applicant would be exempt from the fee requirements of Lake Elsinore Municipal Code Chapter 16.85 for the northern 45.4 acres of the site because the Project's impacts in the northern portions of the site would not be covered under the MSHCP. In addition, the Project would not conflict with the City's palm tree preservation program (Chapter 5.116 of the Lake Elsinore Municipal Code).

Reference: DEIR Subsections 4.3.4 and 4.3.5.

4.2.4 ENERGY

The Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, and impacts would be

less than significant. Additionally, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

There are no adopted state or local plans for renewable energy or energy efficiency in the Project area. Additionally, the analysis in DEIR Subsection 4.4 demonstrates that the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. Impacts due to energy demand would be less than significant.

Reference: DEIR Subsections 4.4.4 and 4.4.5.

4.2.5 GEOLOGY AND SOILS

A. Soil Erosion and Loss of Topsoil

The Project would result in less-than-significant impacts due to soil erosion or the loss of top soil.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project would not result in substantial soil erosion or loss of topsoil. The Project Applicant would be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities and adhere to a Storm Water Pollution Prevention Plan (SWPPP) as well as SCAQMD Rule 403 and City of Lake Elsinore Municipal Code Chapters 14.08 and 15.04. With mandatory compliance to these regulatory requirements, the potential for water and wind erosion impacts during construction would be less than significant. Following development, wind and water erosion on the Project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces and drainage would be controlled through a storm drain system. Furthermore, the Project is required by law to implement a Water Quality Management Plan (WQMP) during operation, which would preclude substantial erosion impacts in the long-term.

Reference: DEIR Subsections 4.5.4 and 4.5.5.

B. Expansive Soils

The Project site is not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (since renamed as the California Building Code), and a substantial direct or indirect risk to life or property would not occur due to expansive soil conditions. Impacts due to expansive soils would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Based on laboratory test results conducted as part of the Project's Geotechnical Investigation (DEIR *Technical Appendix D*), the on-site soils are primarily silty sand to sand and are expected to have a very low potential for expansion. Accordingly, the Project would not create substantial risks to life or property from exposure to expansive soils, and a less-than-significant impact would occur.

Reference: DEIR Subsections 4.5.4 and 4.5.5.

4.2.6 HAZARDS AND HAZARDOUS MATERIALS

A. Transport, Use, and Disposal of Hazardous Materials

The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Under existing conditions, no hazards were found on the Project site. During Project construction and operation, mandatory compliance with federal, state, and local regulations would ensure that the Project as proposed would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials.

Reference: DEIR Subsections 4.7.4 and 4.7.5.

B. Reasonably Foreseeable Upset and Accident Conditions Leading to Hazardous Materials Release

The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Under existing conditions, no hazards were found on the Project site. During Project construction and operation, mandatory compliance with federal, State, and local regulations would ensure that the Project as proposed would not create a significant hazard to the public or the environment through accident conditions involving the release of hazardous materials. Thus, the Project would not create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials in the environment.

Reference: DEIR Subsections 4.7.4 and 4.7.5.

C. Hazardous Emissions or Materials Affecting Schools

The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project site is located immediately adjacent to the Temescal Canyon High School. The only component of the Project that would have the potential to emit hazardous emissions or handle hazardous materials on-site would be the proposed gas station. The proposed gas station would handle hazardous materials within one-quarter mile of a school; however, the gas station's hazardous emissions would be below the cancer-related hazardous risk threshold established by SCAQMD and would be subject to regulatory requirements and routine inspections. The remaining proposed uses for the Project site are not associated with the transport, use, or disposal of significant quantities of hazardous materials. Thus, the Project's impact due to emitting hazardous emissions or handle hazardous materials within one-quarter mile of an existing or proposed school would be less than significant.

Reference: DEIR Subsections 4.7.4 and 4.7.5.

D. Safety Hazards from Airports

The Project site is not located near any airports and the Project would therefore not result in a safety hazard for people residing or working in the project area. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project site is not located within an airport land use plan or within two miles of a public airport or public use airport. The nearest public airport is the March Air Reserve Base, located approximately 12 miles northeast of the Project site, and the Project is not located within the AIA of the March Air Reserve Base. The nearest airport to the proposed Project is Skylark Field, a private use airport located 5.7 miles southeast of the Project site. The Project is not within the AIA for Skylark Field. As such, the proposed Project would not expose people residing or working in the area to safety hazards associated with public airports, and impacts would be less than significant.

Reference: DEIR Subsections 4.7.4 and 4.7.5.

E. Emergency Response Plans and Emergency Evacuation Plans

The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. No emergency facilities exist on the Project site, and the site does not serve as an emergency evacuation route and the Project would be required to maintain access during construction. Thus, impacts would be less than significant.

Reference: DEIR Subsections 4.7.4 and 4.7.5.

F. Wildland Fire Hazards

The proposed Project would not: exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

According to the City of Lake Elsinore General Plan Update EIR, the Project site is identified as having a "High" and "Very High" susceptibility to wildfires. Nichols Road, El Toro Road, Wood Mesa Court, and I-15 would provide buffers around the Project site. A buffer distance of between 30-60 feet as provided by these roads and buffer as provided by I-15 would reduce the site's potential for fire hazards. In addition, the Project would be subject to mandatory compliance with the recommendations of the Project's Fire Protection Plan ("FPP," DEIR *Technical Appendix G*) as required by the Nichols Ranch Specific Plan, which requires implementation of fuel modification zones and other fire hazard design features on the Project site. Furthermore, the Project site would be developed in a manner consistent with jurisdictional requirements for fire protection and would generally decrease the fire hazard in the local area. As such, impacts regarding wildland fires would be less than significant.

Reference: DEIR Subsections 4.7.4 and 4.7.5.

4.2.7 HISTORIC AND ARCHAEOLOGICAL RESOURCES

A. Impacts to Human Remains and Cemeteries

The Project would not disturb any human remains, including those interred outside of formal cemeteries, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project site does not contain a cemetery and no known cemeteries are located within the immediate site vicinity. In the unlikely event that human remains are discovered during Project grading or other ground-disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 and California Public Resources Code § 5097 *et. seq.* Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains.

Reference: DEIR Subsections 4.8.4 and 4.8.5.

4.2.8 HYDROLOGY AND WATER QUALITY

A. Water Quality Standards and Waste Discharge Requirements

The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

With implementation of the Best Management Practices (BMPs) from the SWPPP and the Project-specific WQMP, as well as implementation of the Project's drainage plan that includes two (2) drainage basins, the Project would result in less-than-significant impacts with respect to water quality.

Reference: DEIR Subsections 4.9.4 and 4.9.5.

B. Groundwater Supplies and Recharge

The Project would not substantially decrease groundwater supplies or interfere with groundwater recharge such that the Project may impede sustainable groundwater management of the basin, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project has a reliable source of domestic water and does not propose any new potable water wells that would directly extract groundwater. Groundwater recharge would occur in on-site drainage basins and landscaped areas, and water conveyed off-site would have the ability to percolate into the groundwater table. The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, and the impact would be less than significant.

Reference: DEIR Subsections 4.9.4 and 4.9.5.

C. Changes to Drainage Patterns

The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Implementation of the BMPs from the Project-specific SWPPP and the on-site drainage basins, included as applicable City Regulations, would ensure that construction and operation of the Project would not result in substantial erosion or siltation on- or off-site or contribute runoff storm water which would exceed the capacity of existing or planned storm water drainage systems, provide substantial additional sources of polluted runoff, or impede or redirect flood flows.

With implementation of the Project's proposed drainage plan (including the two [2] proposed drainage basins), the Project would result in the reduction of peak storm water discharge flows compared to existing conditions. Because the proposed Project has been designed to attenuate post-development runoff from the site, Project-related runoff would not substantially increase the rate or amount of surface runoff in downstream areas in a manner that would result in flooding on- or off-site. A less-than-significant impact would occur.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the Project site indicates that the majority of the Project site is not located within a special flood hazard area, except for Stovepipe Creek which is located within a special flood hazard area. The Project proposes minor modifications to the flood plain limits and the Project Applicant would be required to obtain a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) from FEMA to modify the mapped floodplain boundaries. Following the modification of the floodplain boundaries on-site, no development would occur within the revised flood zones. Thus, with implementation of regulatory requirements the Project would not place housing or structures within a 100-year flood hazard area and would not impede or redirect flood flows. Accordingly, the Project's potential to contribute to an impact associated with placing housing or structures within a 100-year flood zone would be less than significant.

Reference: DEIR Subsections 4.9.4 and 4.9.5.

D. Release of Pollutants due to Project Inundation

The Project site is not subject to flood hazards, tsunamis, or seiches, and the risk of release of pollutants due to Project inundation would therefore be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Development as proposed by the Project would not occur within any areas that are mapped by FEMA as occurring within a floodplain. As such, the Project would not result in the release of pollutants due to Project inundation. The Project site is located approximately 1.7 miles north of a levee associated with Lake Elsinore, and 4.7 miles northwest of the Railroad Canyon Dam. According to the City of Lake Elsinore General Plan EIR, the Project site is located outside of dam inundation zones. Furthermore, compliance with the City of Lake Elsinore General Plan "Policy and Implementation Plan" applicable to dam inundation included as an applicable City Regulation as well as the construction of the two (2) drainage basins on-site included as an

applicable City Regulation would ensure that the Project does not result in the release of pollutants due to any potential dam inundation hazards associated with future development, and impacts would be less than significant. Based on the 1.8-mile distance and change in topography between Lake Elsinore (the nearest large body of water) and the Project site, the Project would not be subject to inundation by seiches associated with Lake Elsinore. Impacts associated with inundation by seiche would be less than significant. Additionally, due to the approximately 25-mile distance of the Project site from the Pacific Ocean, there is no potential for a tsunami to affect the Project site, and no impact would occur.

Reference: DEIR Subsections 4.9.4 and 4.9.5.

E. Conflicts with Water Quality Control Plans or Sustainable Groundwater Management Plans

The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The proposed Project would require a National Pollutant Discharge Elimination System (NPDES) Permit, issuance of a Waste Discharge Requirements (WDR) by the Santa Ana Regional Water Quality Control Board (RWQCB), and Water Quality Certification, which would ensure the Project does not conflict with the Water Quality Control Plan for the Santa Ana River Basin. Additionally, the Project site is not located within any sustainable groundwater management plans, and the Project would not affect water quality or the amount of water discharged to local aquifers. Impacts would be less than significant.

Reference: DEIR Subsections 4.9.4 and 4.9.5.

4.2.9 LAND USE AND PLANNING

A. Conflicts with Land Use Plans, Policies, and Regulations

The Project would not cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Although the Project would change the site's existing General Plan land use and zoning classifications, the Project would not result in a significant environmental effect due to an inconsistency with the site's existing or proposed zoning. Furthermore, the Project would be consistent with the General Plan and SCAG Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals. Impacts due to a conflict with the land use designations and policies of the General Plan and other planning documents would be less than significant.

Reference: DEIR Subsections 4.10.4 and 4.10.5.

4.2.10 PALEONTOLOGICAL RESOURCES

A. Impacts to Paleontological Resources

The Project would not directly or indirectly destroy a unique paleontological resource, or site, or unique geologic feature, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project site has a "Low Potential" to yield nonrenewable paleontological resources. There were no surface-exposed fossils or fossiliferous sedimentary units found during the field survey conducted by the Project's paleontologist (Brian F. Smith and Associates, "BFSA"). In addition, the metamorphic and late Quaternary young alluvial fan sediments across the entire Project site indicates a low likelihood that any fossiliferous deposit would be present within the Project area and its surrounding areas. Thus, the Project would not impact any known paleontological resource or unique geological feature. Impacts would be less than significant.

Reference: DEIR Subsections 4.12.4 and 4.12.5.

4.2.11 POPULATION AND HOUSING

A. Growth Inducement

The Project would not induce substantial unplanned population growth in the Project area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Implementation of the Project would exceed local and regional projections. However, impacts associated with the Project's proposed increases in population on-site have been evaluated throughout the DEIR, and mitigation measures have been imposed where necessary to reduce impacts to the maximum feasible extent. Therefore, Project impacts due to direct and indirect population growth would be less than significant.

Reference: DEIR Subsections 4.13.4 and 4.13.5.

4.2.12 PUBLIC SERVICES

A. Fire Protection Services

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

With payment of mandatory Development Impact Fee (DIF) fees, the proposed Project's potential direct and cumulatively-considerable impacts to the Riverside County Fire Department (RCFD) would be reduced to less-than-significant levels, and the Project would not result in or require the construction of new fire protection facilities that could result in a significant impact to the environment.

Reference: DEIR Subsections 4.14.4 and 4.14.5.

B. Sheriff Services

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered sheriff facilities or the need for new or physically altered sheriff facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for sheriff services. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

With payment of mandatory DIF fees, the proposed Project's potential direct and cumulatively-considerable impacts to the Riverside County Sheriff's Department (RCSD) would be reduced to less-than-significant

levels, and the Project would not result in or require the construction of new police protection facilities that could result in a significant impact to the environment.

Reference: DEIR Subsections 4.14.4 and 4.14.5.

C. School Services

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities or the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for school services. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project would generate approximately 95 students, which would not be accommodated within the existing capacity of the Lake Elsinore Unified School District (LEUSD). Although the LEUSD would need to construct new school facilities to meet the growing demand within this part of Lake Elsinore, there are no current publicly-available plans detailing where such facilities would be built. Although the Project would contribute to the need for new or expanded school facilities, it is not possible to identify environmental impacts that may be associated with the construction of new or expanded school facilities until a specific proposal and design for the facility is prepared by the LEUSD, and an analysis of potential physical environmental impacts resulting from the construction and operation of new or expanded school facilities would be speculative in nature (see CEQA Guidelines § 15145). Environmental effects of such school facilities and any associated mitigation would be identified through a future CEQA process required in association with any future proposals for new or expanded school facilities. Any mitigation measures required for new or expanded school facilities could be funded, in part, from property taxes and/or through payment of school impact fees. Furthermore, the payment of mandatory school impact fees would ensure that the Project would not result in significant direct or cumulatively-considerable impacts to the ability of the LEUSD to provide for school services. The Project would not require the construction of new school facilities that could result in a significant impact to the environment.

Reference: DEIR Subsections 4.14.4 and 4.14.5.

D. Parks

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities or the need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for recreational amenities. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

With construction of public parkland on-site as required by the City of Lake Elsinore's Park and Recreation Master Plan, the proposed Project's direct and cumulatively-considerable park impacts to the City of Lake Elsinore would be reduced to less-than-significant levels, and the Project would not result in or require the construction of new parkland that could result in a significant impact to the environment.

Reference: DEIR Subsections 4.14.4 and 4.14.5.

E. Other Public Facilities

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities or the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Although the Project would contribute to a need for new or expanded library facilities, it is not possible to identify environmental impacts that may be associated with such new or expanded library facilities until a specific proposal and design for such facilities are prepared by the City of Lake Elsinore. Accordingly, impacts due to the construction of new or expanded library facilities are too speculative for evaluation in the DEIR (CEQA Guidelines § 15145). Environmental effects of such library facilities and associated mitigation would be identified through a future CEQA process required in association with any future proposals for new or expanded library facilities. However, the Project would be required to contribute DIF fees, which would be used in part to provide for library space and/or new book volumes. Accordingly, with payment of DIF fees, Project impacts to library services and facilities would be less than significant on both a direct and cumulatively-considerable basis.

Reference: DEIR Subsections 4.14.4 and 4.14.5.

4.2.13 RECREATION

A. Deterioration of Recreational Facilities

The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project would provide a total of 8.3 acres of public parkland on-site, while only 3.1 acres are required by the City of Lake Elsinore Parks and Recreation Plan; thus, the Project would exceed the City of Lake Elsinore parkland requirement by 5.2 acres. Given the excess amount of parkland planned within the Project area, it is unlikely that future Project residents would utilize parkland resources outside of the Project boundaries to the point that physical deterioration of such facilities would occur or would be accelerated. Moreover, it is likely that any incremental increase in the use of existing recreational uses as a result of the Project would be off-set by existing City residents utilizing proposed recreational facilities on-site. Thus, the Project's impacts to existing parks and recreation facilities in the region would be less than significant.

Reference: DEIR Subsections 4.15.4 and 4.15.5.

B. Impacts due to Recreational Facilities

The Project would not result in an adverse physical effect on the environment due to proposed construction of recreational facilities on site, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

A 6.5-acre linear park, a 1.8-acre neighborhood park, trails, and a Class II bicycle lane per the City's General Plan are proposed on the Project site. Effects associated with the physical construction of these facilities are addressed under the relevant issue areas identified within the DEIR (e.g., air quality, biological resources, cultural resources etc.). As concluded throughout the DEIR, the Project's direct and cumulative impacts associated with construction of the Project would be less than significant or would be reduced to the maximum feasible extent with the implementation of mitigation measures.

Reference: DEIR Subsections 4.15.4 and 4.15.5.

4.2.14 TRANSPORTATION AND TRAFFIC

A. Safety Hazards

The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The Project proposes a network of internal roadways that would be constructed within the Project site. During the City's review process for the Project's proposed Specific Plan and Tentative Tract Map, the City of Lake Elsinore reviewed the proposed design plans to ensure that no hazardous roadway features would be implemented. On the contrary, the Project would provide a new point of connection between Nichols Road and the north-south aligned segment of El Toro Road, which would reduce traffic along the existing east-west oriented segment of El Toro Road and would provide for a more efficient and safe connection between Nichols Road and El Toro Road. The proposed Project would not include any components that would result in incompatible uses on roadways, including heavy equipment, etc. Accordingly, the proposed Project would not create or substantially increase safety hazards due to a geometric design feature or incompatible use. Impacts associated with this issue would be less than significant.

Reference: DEIR Subsections 4.16.7 and 4.16.8.

4.2.15 UTILITIES AND SERVICE SYSTEMS

A. Impacts due to Public Facilities

The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects. The Project also would not result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Although the Project would require the construction of new water conveyance facilities, impacts associated with the construction of water facilities would be less than significant with implementation of the mitigation measures identified throughout the DEIR. Wastewater treatment services would be provided by the Elsinore Valley Municipal Water District (EVMWD), which has existing and projected capacity to serve existing and planned development within its service area, including the proposed Project. Thus, the Project would not result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Additionally, the Project would not result in a determination by the EVMWD that it has inadequate capacity to serve the Project's projected demand in addition to the provider's existing commitment. Additionally, the Project would construct two detention basins on site and associated drainage infrastructure, although there are no impacts to the environment that would

result that are not already addressed throughout the DEIR. Likewise, construction of the Project's electrical, natural gas, and telecommunications facilities are inherent to the Project's construction phase, and there are no impacts associated with these facilities that have not already been addressed by the DEIR. Therefore, impacts would be less than significant.

Reference: DEIR Subsections 4.18.4 and 4.18.5.

B. Impacts due to Water Supplies

The EVMWD would have the capacity to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

The EVMWD Urban Water Management Plan (UWMP) bases its growth assumptions, in part, on the land use designations of General Plans within the EVMWD's service area, and the proposed Project would generate substantially less demand for potable water than development of the site with commercial uses, as assumed in the UWMP. Because the EVMWD projects that it will have sufficient water supplies even during single and multiple dry years to meet the projected demand within its district through year 2040, and because the Project would result in less demand for potable water than is accounted for by the UWMP, it can be concluded that the EVMWD would have sufficient water supplies to serve the Project and other cumulative developments based on existing entitlements and resources. Additionally, the Project would not require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Therefore, impacts associated with the Project's water demand would be less than significant.

Reference: DEIR Subsections 4.18.4 and 4.18.5.

C. Solid Waste Impacts

The proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

During both construction and operation of the Project, the amount of solid waste generated by the Project would represent a nominal increase in the existing available disposal capacity of the Perris TS/MRF, the El

Sobrante Landfill, the Badlands Landfill, and the Lamb Canyon Landfill. Thus, the Project would be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and impacts would be less than significant.

Reference: DEIR Subsections 4.18.4 and 4.18.5.

D. Solid Waste Regulations and Requirements

The Project would be required to comply with federal, state, and local management and reduction statutes and regulations related to solid waste, and impacts would be less than significant.

1. Mitigation

No mitigation measures are required.

2. Finding/Facts in Support of the Finding

Existing landfills that serve the Project site are required to comply with federal, state, and local statues and regulations related to solid waste. Compliance with federal, state, and local statutes and regulations would reduce the amount of solid waste generated by the Project and diverted to landfills, which in turn would aid in the extension of the life of affected disposal sites. The Project would comply with all applicable solid waste statutes and regulations; as such, impacts would be less than significant.

Reference: DEIR Subsections 4.18.4 and 4.18.5.

4.3 FINDINGS REGARDING ENVIRONMENTAL IMPACTS WHICH CAN BE MITIGATED TO LEVEL OF LESS-THAN-SIGNIFICANT

Environmental impacts identified in the DEIR as potentially significant but which the City finds can be mitigated to a level of less than significant through the imposition of feasible mitigation measures identified in the Final EIR and set forth herein, are described in this section.

4.3.1 AIR QUALITY

A. Impacts to Sensitive Receptors

Although long-term operational-related air quality emissions would not significantly affect sensitive receptors and the Project would not result in or contribute to a CO "Hot Spot," the Project's localized emissions of PM_{10} and $PM_{2.5}$ during construction would exceed the SCAQMD Localized Significance Threshold (LSTs) for these pollutants. Accordingly, prior to mitigation, the Project's emissions of PM_{10} and $PM_{2.5}$ during construction represent a direct and cumulatively-considerable impact of the Project. Following implementation of Mitigation Measure MM 4.2-1, impacts due to localized emissions during construction would be reduced to below a level of significance.

1. Mitigation

The impact will be mitigated with implementation of the following mitigation measure:

MM 4.2-1 Prior to grading permit issuance, the City of Lake Elsinore shall verify the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Lake Elsinore staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

- *"During each phase of construction, all construction equipment greater than 50 horsepower shall consist of off-road diesel construction equipment that complies with EPA/CARB Tier 4 emissions standards, if such equipment is readily available and cost effective at the time of construction of each phase of the proposed Project. In such cases where feasible, equipment outfitted with Best Available Control Technology (BACT) devices including, but not limited to, a CARB-certified Level 3 Diesel Particulate Filters (DPF), are encouraged. Level 3 DPFs are capable of achieving at least an 85 percent reduction in particulate matter emissions. A list of CARB verified DPFs are available on the CARB website. Additionally, the Construction Manager should include this requirement in applicable bid documents, and must demonstrate the ability to supply compliant equipment prior to commencement of any construction activities. The construction contractor also shall ensure all equipment is tuned and maintained in accordance with the manufacturer's specifications. The construction contractor shall keep a log of all applicable construction equipment demonstrating compliance with these requirements, and the log shall be made available for inspection by City of Lake Elsinore staff upon request. In the event that the City of Lake Elsinore determines that Tier 4 construction equipment is infeasible pursuant to CEQA Guidelines Section 15364, the Project Applicant shall demonstrate through future study with written findings supported by substantial evidence that is reviewed and approved by the City of Lake Elsinore before using other technologies/strategies. For purposes of this measure, "infeasible" means construction equipment is either not readily available or is not cost effective. Alternative applicable strategies may include, but would not be limited to, Tier 3 construction equipment, reduction in the number and/or horsepower rating of construction equipment, and/or limiting the number of daily construction haul truck trips to and from the Project site."*
- *"During all construction phases, signs shall be posted at construction entry points and in construction equipment staging areas requiring truck drivers to turn off engines when not in use, and limiting idling of diesel delivery trucks servicing the Project to no more than five (5) minutes. The signs also shall include telephone numbers of the construction manager and the California Air Resources Board (CARB) to report violations."*

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which can mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that implementation of the proposed Project would result in localized emissions of PM_{10} and $PM_{2.5}$ during construction would exceed the SCACMD LSTs for these pollutants, and the impact is potentially significant but would be reduced to less-than-significant levels with implementation of the required mitigation. DEIR Table 4.2-12, *Localized Significance Summary – Construction (With Mitigation)*, summarizes the Project's localized emissions during construction following implementation of applicable regulations and design requirements as well as compliance with Mitigation Measure MM 4.2-1. As shown, construction-related emissions would not exceed the SCAQMD LSTs for any criteria pollutant during construction after mitigation. Accordingly, implementation of the required mitigation would reduce the Project's localized construction-related impacts to sensitive receptors to below a level of significance.

Reference: DEIR Subsections 4.2.4 through 4.2.8.

4.3.2 BIOLOGICAL RESOURCES

A. Impacts to Sensitive Species

Implementation of the Project would have a substantial adverse effect on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). However, implementation of the required mitigation would reduce impacts to less-than-significant levels.

1. Mitigation

The impact will be mitigated to less-than-significant levels with implementation of the following mitigation measures.

MM 4.3-1 Prior to the issuance of grading permits, the City of Lake Elsinore shall ensure that the following note is included on the Project's grading plans. Project contractors shall be required to ensure compliance with this note and permit periodic inspection of the construction site by City of Lake Elsinore staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors.

> *"Vegetation clearing shall be conducted outside of the bird nesting season (February 1 to August 31) to the extent feasible. If avoidance of the nesting season is not feasible, a nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds. If active nests are identified, the biologist shall establish appropriate buffers around the vegetation (typically 500 feet for raptors and sensitive species, 200 feet for*

non-raptors/non-sensitive species). All work within these buffers shall be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The biologist shall review and verify compliance with these nesting boundaries and shall verify the nesting effort has finished. Work may resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City of Lake Elsinore for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds."

MM 4.3-2 In accordance with MSHCP Objective 6, prior to issuance of grading permits or other permits authorizing ground disturbance, the Project Applicant shall retain a qualified biologist to perform a pre-construction burrowing owl survey. The pre-construction burrowing owl survey shall occur within the Burrowing Owl Survey Area where suitable habitat is present within 30 days prior to Project commencement of any ground-disturbing activities at the Project site. If active burrowing owl burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum 300 feet) of any active burrow shall be halted until that nesting effort is finished. The on-site biologist shall review and verify compliance with these boundaries and shall verify the nesting effort has finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area. If active burrowing owl burrows are detected outside the breeding season or during the breeding season and its determined nesting activities have not begun, then passive and/or active relocation may be approved following consultation with CDFW. The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and back filled to ensure that animals do not re-enter the holes/dens. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to CDFW. A copy of the results of the pre-construction survey (and all additional surveys), as well as copies of the Burrowing Owl Management Plan, if required, shall be provided to the City of Lake Elsinore Planning Division for review and approval (in the case of the Burrowing Owl Management Plan) prior to any vegetation clearing and ground disturbance activities.

MM 4.3-3 Prior to issuance of grading permits or other permits authorizing ground disturbance that would commence during the breeding season of bat species potentially utilizing the site (April 1 through August 31), the Project Applicant shall retain a qualified biologist to conduct a pre-construction survey to determine if active bat roosts are present on the Project site. The survey shall be conducted no earlier than 72 hours prior to commencement of vegetation removal that would occur during the bat breeding season. If work begins outside of breeding season, no roosting bats are found, or if bats have not established an active maternity roost, no further mitigation is required. If an established maternity roost is found, either (1) postpone or halt

construction within 200 feet of the roost until the roost is vacated and juveniles have fledged, or (2) require that a qualified biologist develop alternative measures, such as biological monitoring during active construction within the 200-foot buffer to ensure established maternity roosts are not impacted. In the event ground-disturbing activities do not commence within 72 hours of the most recent survey, an additional survey shall be conducted within 72 hours of ground-disturbing activities. A copy of the results of the pre-construction survey(s) (and all additional surveys), shall be provided to the City of Lake Elsinore Planning Division for review prior to any vegetation clearing and ground disturbance activities.

MM 4.3-4 Prior to the issuance of grading permits, the Project Applicant shall provide evidence to the City of Lake Elsinore Planning Division that impacts to 0.23 acre of Riversidean Sage Scrub and 0.07 acre of Riversidean Alluvial Fan Sage Scrub have been compensated for at a minimum 2:1 ratio (impact:mitigation) through off-site mitigation at an agency-approved mitigation bank, with an in-lieu fee program, on-site mitigation, or at an off-site permittee sponsored location. It should be noted that the 0.14-acre compensatory mitigation required by this mitigation measure for impacts to Riversidean Alluvial Fan Sage Scrub is included in, and is not in addition to, the mitigation requirements specified by Mitigation Measure MM 4.3-6.

MM 4.3-5 Prior to the issuance of grading permits, the Project Applicant shall provide evidence to the City of Lake Elsinore Planning Division that impacts to 0.28 acres of disturbed Riversidean sage scrub (including Disturbed Riversidean Sage Scrub – Encelia dominant) have been compensated for at a minimum 1:1 ratio (impact:mitigation) through off-site mitigation at an agency-approved mitigation bank, with an in-lieu fee program, on-site mitigation, or at an off-site permittee sponsored location.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that Project activities could result in substantial adverse impacts on sensitive species. Specifically, the Project would result in impacts to burrowing owl habitat during the breeding season, which requires mitigation to ensure impacts do not occur to nesting burrowing owls. Additionally, the Project also has the potential to impact active native bird nests protected by the Migratory Bird Treaty Act (MBTA) and active bat roosts if vegetation is removed during the nesting season (February 1 to August 31 for birds and April 1 to August 31 for bats.) Furthermore, the Project would result in direct impacts to habitat for the California glossy snake and coast patch-nosed snake within the MSHCP-Excluded Project Area, which represents a direct impact of the proposed Project. In addition, the Project has the potential to impact nesting BUOWs if they occupy the site prior to the commencement of construction activities.

Implementation of Mitigation Measure MM 4.3-1 would preclude potential impacts to nesting birds protected by the MBTA. Implementation of Mitigation Measure MM 4.3-2 would ensure that pre-construction surveys

are conducted to determine the presence of burrowing owl within the on- or off-site improvement areas, and to implement appropriate avoidance/relocation measures to preclude significant impacts to this species; with implementation of the required mitigation, Project impacts with respect to burrowing owl would be reduced to less-than-significant levels. Implementation of Mitigation Measure MM 4.3-3 would preclude potential impacts to breeding bats. Implementation of Mitigation Measures MM 4.3-4 and MM 4.3-5 would provide compensatory mitigation for impacts to potential habitat for the California glossy snake and coast patch-nosed snake within the MSHCP-Excluded Project Area, and would reduce Project impacts to less-than-significant levels. With implementation of the required mitigation, Project impacts to species identified as a candidate, sensitive, or special status species are mitigated to less-than-significant levels.

Reference: DEIR Subsections 4.3.4 through 4.3.8.

B. Impacts to Riparian Habitat and Sensitive Natural Communities

Implementation of the Project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. However, implementation of the required mitigation would reduce impacts to less-than-significant levels.

1. Mitigation

The impact will be mitigated to less-than-significant levels with implementation of the required mitigation measures. Mitigation Measures 4.3-4 and 4.3-5, listed above under subsection 4.3.2.A.1, shall apply. In addition, the following mitigation measures shall apply:

MM 4.3-6 Prior to the issuance of grading permits, the Project Applicant shall provide evidence to the City of Lake Elsinore Planning Division that impacts to 0.42 acre of streambed waters of the State have been compensated for at a minimum 2:1 ratio through off-site mitigation at an agency-approved mitigation bank, with an in-lieu fee program, on-site mitigation, or at an off-site permittee sponsored location. It should be noted that the 0.14-acre of Riversidean Alluvial Fan Sage Scrub mitigation required by Mitigation Measure MM 4.3-4 is included within (and not in addition to) the 0.84-acre of compensatory mitigation for streambed waters required by this mitigation measure.

MM 4.3-7 Prior to the issuance of a grading permit, the proposed Project shall obtain the necessary authorizations from the regulatory agencies for proposed impacts to jurisdictional waters subject to Regional Water Quality Control Board and the California Department of Fish and Wildlife. Authorizations anticipated for this Project include, but are not necessarily limited to, Waste Discharge Requirements from the RWQCB and a Section 1600 Streambed Alteration Agreement from the CDFW.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that Project activities could result in substantial adverse impacts to sensitive habitats. Specifically, the Project would permanently impact 2.58 acres of native vegetation types, including 0.38 acre of Riversidean sage scrub, 0.40 acre of disturbed Riversidean sage scrub, 0.07 acre of Riversidean alluvial fan sage scrub, and 1.73 acres of disturbed Riversidean sage scrub-encelia dominant. Impacts to native vegetation types within the MSHCP Project Area would be less than significant due to compliance with the MSHCP in this portion of the Project site. However, for the MSHCP-Excluded Project Area, Project impacts to 0.23 acre of Riversidean sage scrub, 0.14 acre of disturbed Riversidean sage scrub, 0.07 acre of Riversidean alluvial fan sage scrub, and 0.14 acres of disturbed Riversidean sage scrub-encelia dominant, would represent a significant impact for which mitigation would be required.

Implementation of Mitigation Measure MM 4.3-4 would ensure that impacts to 0.23 acre of Riversidean Sage Scrub and 0.07 acre of Riversidean Alluvial Fan Sage Scrub have been compensated for at a minimum 2:1 ratio through off-site mitigation at an agency-approved mitigation bank, with an in-lieu fee program, on-site mitigation, or at an off-site permittee sponsored location, and would reduce Project impacts to less-than-significant levels. Implementation of Mitigation Measure MM 4.3-5 requires mitigation for impacts to 0.28 acres of disturbed Riversidean sage scrub (including Disturbed Riversidean Sage Scrub – Encelia dominant) to be mitigated at a 1:1 ratio through off-site mitigation at an agency-approved mitigation bank, with an in-lieu fee program, on-site mitigation, or at an off-site permittee sponsored location, and would reduce Project impacts to less-than-significant levels. Implementation of Mitigation Measure MM 4.3-6 would ensure that impacts to 0.42 acre of streambed waters of the State are compensated for at a minimum 2:1 ratio through off-site mitigation at an agency-approved mitigation bank, with an in-lieu fee program, on-site mitigation, or at an off-site permittee sponsored location, and would reduce Project impacts to less-than-significant levels. Mitigation Measure MM 4.3-7 also would ensure that the Project Applicant obtains the required State permits, as appropriate. With implementation of the required mitigation, impacts to riparian habitat and other sensitive natural communities would be reduced to less-than-significant levels.

Reference: DEIR Subsections 4.3.4 through 4.3.8.

C. Wetlands Impacts

Implementation of the Project would have a substantial adverse effect on State protected wetlands. However, implementation of the required mitigation would reduce impacts to less-than-significant levels.

1. Mitigation

The impact will be mitigated to less-than-significant levels with implementation of the Mitigation Measures MM 4.3-4 and MM 4.3-6, provided above under subsections 4.3.2.A.1 and 4.3.2.B.1, respectively.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that Project activities could result in substantial adverse impacts to jurisdictional waters. Specifically, Project implementation would result in direct impacts to 0.44 acre of CDFW and RWQCB jurisdiction including 0.07 acre of Riversidean alluvial fan sage scrub. Accordingly, the Project would have a substantial adverse effect on federally-protected waters as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, and impacts are evaluated as significant on both a direct and cumulatively-considerable basis.

Implementation of Mitigation Measures MM 4.3-4 and MM 4.3-6 require mitigation of 0.44 acre of Streambed Waters of the State at a 2:1 ratio (including 0.14 acre of Riversidean Alluvial Fan Sage Scrub) through off-site mitigation at an agency-approved mitigation bank, with an in-lieu fee program, on-site mitigation, or at an off-site permittee sponsored location. Implementation of the required mitigation would reduce to less-than-significant levels the Project's impacts to jurisdictional waters.

Reference: DEIR Subsections 4.3.4 through 4.3.8.

4.3.3 GEOLOGY AND SOILS

A. Seismic-Related Hazards

The Project's potential to expose people or structures to substantial adverse effects, including loss, injury, or death, as a result of strong seismic ground shaking would represent a potentially significant impact. However, following the incorporation of mitigation impacts would be reduced to less-than-significant levels.

1. Mitigation

The impact will be mitigated to less-than-significant levels with implementation of the following mitigation measures.

MM 4.5-1 Prior to issuance of grading or building permits, the City Building and Safety Division shall verify that all of the recommendations given in the Project's February 2. 2018 "Geotechnical Investigation and Geologic Evaluation Report Tentative Tract No. 37305 Lake Elsinore, California" by CHJ Consultants, are incorporated into the construction and grading plans. The recommendations shall include, but not be limited to the following:

- Perform earthwork in accordance with the General Earthwork and Grading Specifications in *Technical Appendix D*. The recommendations contained in *Technical Appendix D*, are general grading specifications provided for typical grading projects and some of the recommendations may not be strictly applicable to the proposed Project.

The contract between the Project Applicant and earthwork contractor shall be worded such that it is the responsibility of the contractor to place fill properly in accordance with the recommendations of the Geotechnical Report, the specifications in Appendix D of the Geotechnical Report, applicable City Grading Ordinances, notwithstanding the testing and observation of the geotechnical consultant during construction.

- Existing vegetation, trash, debris, and other deleterious materials shall be removed and wasted from the site prior to commencing removal of unsuitable soils and placement of compacted fill materials. Additionally, all pre-existing foundations elements, standpipes, irrigation lines, and utility conduits shall be removed and wasted off-site. Concrete can be placed in the fill provided it is broken down into pieces smaller than 12 inches (largest dimension). Cesspools and septic systems shall be properly removed and/or backfilled in accordance with the local governing agency.
- Soil, undocumented fills, alluvium, weathered portions of the older alluvium, and bedrock shall be removed in areas planned to receive compacted fill intended to support settlement-sensitive structures such as buildings, roads and underground improvements. The resulting undercuts shall be replaced with engineered fill. It shall be noted that local variations can be expected requiring an increase in the depth of removal for unsuitable and weathered deposits. The extent of removals can best be determined in the field during grading when observation and evaluation can be performed by the soil engineer and/or engineering geologist. Removal bottoms shall expose saturated (S>85%) alluvium, very old alluvial fan deposit, and/or bedrock. The removal bottom shall be observed and mapped by the engineering geologist prior to fill placement. The bottoms shall be scarified to a depth of approximately six (6) inches, brought to near optimum moisture content and recompacted to at least 93 percent relative compaction in accordance with ASTM D1557.
- Footings for any structures shall not be allowed to span from cut to fill or from shallow fill to deep fill soil conditions. Should grading result in a situation where footings bear on more than eight (8) feet of compacted fill, the sub-excavation of the building pad shall be deepened as necessary so as to provide a uniform fill mat below bottom of footing. The deepening of sub-excavation will involve additional removals of older alluvium or bedrock. The uniform mat shall not vary in thickness from one (1) side of the building pad area to the other by more than 50 percent, 10 feet maximum. The "building pad area" includes the structure footprint and the zone of influence consisting of a 1(h):1(v) downward projection from the structure footing.

  All footing shall rest entirely upon competent native soils or minimum of 12 inches of properly compacted fill material. The sub-excavation shall extend at least two (2) feet laterally beyond the footing lines, where possible. Foundation concrete shall be placed in neat excavations with vertical sides, or the concrete shall be formed and the excavations properly backfilled as recommended for compacted fill.
  The on-site soils shall provide adequate quality fill material, provided they are free from roots, other organic matter and deleterious materials. Rock or similar irreducible material with a maximum dimension greater than six (6) inches shall not be buried or placed within

the top 10 feet of fills. Import fill shall be inorganic, non-expansive, granular soil free from rocks or lumps greater than six (6) inches in maximum dimension. The contractor shall notify the geotechnical engineer of import sources sufficiently ahead of their use so that the sources can be observed and approved as to the physical characteristic of the import material. Fills shall be spread in near-horizontal layers, approximately eight (8) inches in thickness.

- The contractor shall make their own investigations and estimates of shrinkage. Final grades shall be adjusted and/or contingency plans to import or export material shall be made to accommodate possible variations in actual quantities during site grading.
- Materials between approximately 12 and 48 inches in size may be placed in areas of fill depth greater than approximately 20 feet below finish grade with the approval of the building official. Areas shall be designated on plans as rock disposal areas. The oversized rock shall be placed in windrows and adequately spaced to prevent nesting. Then, sandy matrix material shall be flooded between the rocks to fill any void spaces. Continuous observation of the rock placement and flooding operation shall be conducted by the geotechnical engineer.
- All grades shall provide effective drainage away from the buildings during and after construction and shall be maintained throughout the life of the structures. Water retained next to the building can result in soil movements greater than those discussed in the Project's geotechnical report. Greater movements can result in unacceptable differential floor slab and/or foundation movements, cracked slabs and walls, and roof leaks. The roofs shall have gutters/drains with downspouts that discharge onto splash blocks at a distance of at least 10 feet from the buildings. The Project shall have a minimum horizontal setback distance of 10 feet from the perimeter of any building and the high-water elevation of the nearest stormwater retention basin. Setbacks for structures shall be maintained from the steep slopes in Stovepipe Wash. The Project shall have a minimum horizontal distance equivalent to 1.5 times the height of the slope be maintained for all structures from the top of the slope. If significant erosion/scour is expected to occur along Stovepipe Wash, greater setbacks would be necessary.
- Exposed ground should be sloped and maintained at a minimum three (3) percent away from the buildings for at least 10 feet beyond the perimeter of the buildings. After building construction and landscaping, final grades shall be verified to document effective drainage has been achieved. Grades around the structures shall also be periodically inspected and adjusted as necessary as part of the structures' maintenance program.
- Shallow excavations for the proposed building structures are anticipated to be accomplished with conventional construction equipment except for the area of hard bedrock in the west portion of the Nichols Road grading project. Upon completion of filling and grading, care shall be taken to maintain the subgrade water content prior to construction of floor slabs. Construction traffic over the completed subgrades shall be avoided. The site shall be graded to prevent ponding of surface water on the prepared subgrades or in excavations. Water collecting over, or adjacent to, construction areas shall

be removed. If the subgrade freezes, desiccates, saturates, or is disturbed, the affected material shall be removed, or the materials shall be scarified, moisture conditioned, and recompacted, prior to floor slab or pavement construction. At a minimum, excavations shall be performed in accordance with OSHA 29 CFR, Part 1926, Subpart P, "Excavations" and its appendices, and in accordance with any applicable local, and/or State regulations.

- The earthwork efforts shall be monitored under the direction of the geotechnical engineer. Monitoring shall include documentation of adequate removal of vegetation and top soil, proof-rolling and mitigation of areas delineated by the proof-roll to require mitigation.

  Each lift of compacted fill shall be tested, evaluated, and reworked as necessary until approved by the geotechnical engineer prior to placement of additional lifts. Each lift of fill shall be tested for density and water content at a frequency of at least one (1) test for every 2,500 square feet of compacted fill in the structure areas and 5,000 square feet in pavement areas. One density and water content test shall be performed for each 1-foot of backfill, for every 250 linear feet of compacted utility trench backfill.
- Seismic design shall be designed in accordance with 2016 CBC guidelines and recommendations provided in the seismic design parameters table on pages 15-16 in *Technical Appendix D*.

- Shallow foundation of the Project site shall be designed in accordance with 2016 CBC guidelines and recommendations provided in the shallow foundation design parameters table on page 19 in *Technical Appendix D*.

  The base of all foundation excavations shall be free of water and loose soil, prior to placing concrete. Concrete shall be placed soon after excavating to reduce bearing soil disturbance. Care shall be taken to prevent wetting or drying of the bearing materials during construction. Excessively wet or dry material or any loose/disturbed material in the bottom of the footing excavations shall be removed/reconditioned before foundation concrete is placed. Over-excavation for structure fill placement below footings shall be conducted as shown on page 20 in *Technical Appendix D*.
- Structures with unbalanced backfill levels on opposite sides shall be designed for earth pressures at least equal to values indicated in the lateral earth pressure design parameters table on page 21 in *Technical Appendix D*.

  Backfill placed against structures shall consist of granular soils or low plasticity cohesive soils. Granular backfill must extend out and up from the base of the wall at an angle of at least 45 and 60 degrees from vertical for the active and passive cases, respectively.
  Backfill behind retaining walls shall consist of a soil of sufficient granularity that the backfill will properly drain. Surface drainage shall be provided to prevent ponding of water behind walls. A drainage system consisting of either or both of the following shall be installed behind all retaining walls: a 4-inch diameter perforated PVC (Schedule 40) pipe or equivalent at the base of the stem encased in 2 cubic feet of granular drain material per linear foot of pipe or synthetic drains such as Enkadrain, Miradrain, Hydraway 300 or equivalent. Perforations in the PVS shall be 3/8 inch in diameter and shall be placed facing

down. Granular drain material shall be wrapped with filter cloth to prevent clogging of the drains with fines. Walls shall be waterproofed to prevent nuisance seepage and damage.

- Floor slabs shall bear on compacted fills or competent native soils. For slabs bearing on compacted fill, the top 12 inches of soil shall be compacted to 95 percent relative compaction. Finish-graded surfaces shall be rolled to provide smooth and dense surfaces. Slabs to receive moisture-sensitive coverings shall be provided with a vapor retarder/barrier. The vapor retarder/barrier shall be designed and constructed according to the American Concrete Institute 302.1R, Concrete Floor and Slab Construction, which addresses moisture vapor retarder/barrier construction. At a minimum, the vapor retarder/barrier shall comply with ASTM E1745 and have a nominal thickness of at least 10 mils. The vapor retarder/barrier shall be properly sealed, per the manufacturer's recommendations, and protected from punctures and other damage. The vapor barrier shall be placed directly on the compacted soil with a minimum 4-inch thick layer of dry sand on top of the vapor barrier.

- Presented on page 24 in *Technical Appendix D* are preliminary pavement sections for a range of traffic indices and an assumed Resistance-Value (R-Value) of 37 and 32 for asphalt concrete (AC) pavement. R-Value testing of the subgrade soils shall be performed during precise grading operations to verify the actual R-Value. The project Civil Engineer or Traffic Engineer shall select traffic indices that are appropriate for the anticipated pavement usage and level of maintenance desired through the pavement life. Final pavement structural sections will be dependent on the R-value of the subgrade materials and the traffic index for the specific street or area being addressed. The pavement sections are subject to the review and approval of the City of Lake Elsinore. Pavement subgrade soils shall be at or near optimum moisture content and shall be compacted to a minimum of 95 percent of the maximum dry density as determined by ASTM D1557 and should conform with the specification listed in Section 26 of the *Standard Specifications for the State of California Department of Transportation* (Caltrans) or Section 200-2 of the *Standard Specifications for Public Works Construction* (Green Book). The AC shall conform to Section 26 of the Caltrans Standard Specifications or Section 203-6 of the Green Book.

- Pavements shall be sloped to provide rapid drainage of surface water. The pavement subgrade shall be graded to provide positive drainage within the granular base section. Appropriate sub-drainage or connection to a suitable daylight outlet shall be provided to remove water from the granular subbase.

- The geotechnical engineer shall provide preventive maintenance to slow the rate of pavement deterioration and to preserve the pavement investment. Maintenance consists of both localized maintenance (e.g., crack and joint sealing and patching) and global maintenance (e.g., surface sealing).

- The geotechnical engineer shall provide the following recommendations in the design and layout of pavements:

- Final grade adjacent to paved areas shall slope down from the edges at a minimum 2 percent.
- Subgrade and pavement surfaces shall have a minimum 2 percent slope to promote proper surface drainage.
- Install below pavement drainage systems surrounding areas anticipated for frequent wetting.
- Install joint sealant and seal cracks immediately.
- Seal all landscaped areas in or adjacent to pavements to reduce moisture migration to subgrade soils.
- Place compacted, low permeability backfill against the exterior side of curb and gutter.
- Place curb, gutter, and/or sidewalk directly on clay subgrade soils rather than on unbound granular base course materials.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that Project activities could result in substantial adverse impacts due to strong seismic ground shaking. The Project site is not located within a mapped Alquist-Priolo Earthquake Fault Zone or a County Fault Hazard Zone. Although the Project site is located in a seismically active area of southern California, this risk is not considered substantially different than that of other similar properties in the southern California area. As a mandatory condition of Project approval, the Project would be required to construct proposed structures in accordance with the CBC (Title 24) and Title 15 (Buildings and Construction) of the City of Lake Elsinore Municipal Code. The CBC and Title 15 of the City's Municipal Code have been designed to attenuate the risk to life or property to less than significant levels. Nonetheless, the Project's site-specific geotechnical study (DEIR *Technical Appendix D*) identifies a number of design recommendations to attenuate the potential for seismic ground shaking hazards. The Project's potential to expose people or structures to substantial adverse effects, including loss, injury, or death, as a result of strong seismic ground shaking is evaluated as a potentially significant impact prior to mitigation.

Implementation of Mitigation Measure MM 4.5-1 would ensure that the Project implements the recommendations of the Project's geotechnical study (DEIR *Technical Appendix D*), which in turn would ensure measures are implemented to address potential impacts due to the exposure of people or structures to adverse effects, including loss, injury, or death as a result of strong seismic ground shaking. Implementation of the required mitigation would ensure that impacts are reduced to less-than-significant levels.

Reference: DEIR Subsections 4.5.4 through 4.5.8.

B. Unstable Geologic Units

Impacts due to unstable geologic units or soils that could potentially result in on- or off-site lateral spreading, liquefaction, landslide, subsidence, and collapse would be potentially significant prior to mitigation.

1. Mitigation

The impact will be mitigated to less-than-significant levels with implementation of Mitigation Measure MM 4.4-1, provided above under subsection 4.3.3.A.1.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that Project activities could result in substantial adverse impacts due to unstable geologic units or soils that could potentially result in on- or off-site lateral spreading, liquefaction, landslide, subsidence, and collapse.

Implementation of Mitigation Measure MM 4.4-1 would ensure that the Project implements the recommendations of the Project's geotechnical study (DEIR *Technical Appendix D*), thereby ensuring that measures are incorporated into the Project's design to preclude impacts associated with lateral spreading, liquefaction, and collapse. With implementation of the required mitigation, impacts would be less than significant.

Reference: DEIR Subsections 4.5.4 through 4.5.8.

4.3.4 GREENHOUSE GAS EMISSIONS

The Project's potential to generate greenhouse gas emissions, both directly and indirectly, that may have a significant impact on the environment represents a cumulatively-considerable impact. However, following the incorporation of mitigation impacts would be reduced to less-than-significant levels.

A. Greenhouse Gas Emissions

1. Mitigation

The impact will be mitigated with implementation of the following mitigation measures.

MM 4.6-1 Prior to the issuance of building permits, the City of Lake Elsinore shall review the building plans to ensure that the following requirements have been or will be met:

- The Project Applicant shall provide evidence that the buildings have been designed to achieve efficiency exceeding current 2016 California Building Code Title 24 requirements by at least 15 percent for both residential and non-residential uses.

- All primary use buildings and structures shall be designed to accommodate photovoltaic (PV) solar arrays taking into consideration limitations imposed by other rooftop equipment, roof warranties, building and fire code requirements, and other physical or legal limitations. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage which informs future tenant/purchasers of the existence of this infrastructure.
- To reduce water demands and associated energy use, a Water Conservation Strategy shall be implemented that demonstrates a minimum 20% reduction in outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy). Future building permit applications shall incorporate the following:
  - The landscaping palette shall emphasize drought-tolerant plants consistent with provisions of the City of Lake Elsinore requirements;
  - Irrigation plans shall demonstrate use of water-efficient irrigation techniques consistent with City of Lake Elsinore requirements.
- Project building plans shall incorporate the following:
  - U.S. EPA Certified WaterSense labeled or equivalent faucets, high-efficiency toilets HETs), and water-conserving shower heads.
  - All appliances shall be energy star appliances (refrigerator, dish washer, and washing machine).

MM 4.6-2 Prior to the issuance of building permits, the City of Lake Elsinore shall review Project building plans to ensure that all outdoor lighting consists of solar or light-emitting diodes (LEDs), where feasible. Use of any other type of lighting, if required for operational or safety reasons, shall be minimized to the extent feasible.

MM 4.6-3 Prior to issuance of occupancy permits for any proposed commercial uses on site, the City of Lake Elsinore shall ensure that at least 10% of the required parking spaces are reserved for fuel-efficient vehicles (i.e., vehicles bearing Clean Air Vehicle stickers from expired High Occupancy Vehicle lane programs).

MM 4.6-4 Prior to the issuance of occupancy permits for any proposed commercial uses on site, the Project Applicant shall prepare a Commute Trip Reduction Program that requires 20% of employees to be offered telecommuting or other trip reduction techniques, consistent with Measure T-4.1 of the Lake Elsinore Climate Action Plan (CAP). The Commute Trip Reduction Program also shall require future tenants to provide information, training, and incentives to future employees to encourage participation.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council finds that the Project would result in a cumulatively-considerable impact due to GHG emissions that may have a significant impact on the environment. Specifically, and as shown in DEIR Table 4.6-4, the proposed Project would result in approximately 13,158.05 $MTCO_2e$ per year from construction, area, mobile, energy, waste, and water usage. This level of emissions exceeds the screening threshold established by the SCAQMD for non-industrial projects (3,000 $MTCO_2e$). Although the proposed Project would comply with most of the applicable provisions of the Lake Elsinore CAP, which was prepared to achieve the AB 32 GHG reduction target to achieve 1990 emission levels by 2020, in the absence of mitigation it cannot be assured that the Project would implement certain applicable measures from the CAP that are not already a requirement of the City's Municipal Code and/or the 2016 Green Building Standards Code. Additionally, the CAP does not adequately address the GHG reduction target established by SB 32 to reduce emission levels to 40% below 1990 levels by 2030. As such, prior to mitigation the Project would result in a cumulatively-considerable impact due to GHG emissions that may have a significant impact on the environment.

Implementation of Mitigation Measures MM 4.6-1 through MM 4.6-4 and compliance with applicable regulatory requirements and Project design features as identified in DEIR subsection 4.6.8 would ensure that the proposed Project implements applicable measures from the Lake Elsinore CAP. Compliance with the City's CAP demonstrates that City-wide GHG emissions would be reduced to 1990 levels by 2020 and 33% below 1990 emission levels by 2030. Per SB 32, the reduction target is 40% below 1990 levels by 2030, which the Project is required to meet to demonstrate a less-than-significant impact. In order to show consistency with SB 32, the Project would need to demonstrate a minimum of 7% reduction through implementation of mitigations measures beyond what is required through the CAP. As shown on DEIR Table 4.6-7, the Project's 2030 emissions would result in 11,156.33 $MTCO_2e$ per year after implementation of the mitigation measures, regulatory requirements, and Project design features identified in DEIR subsection 4.6.8. This yields an additional reduction of approximately 15% which satisfies the additional 7% needed to meet the SB 32 reduction target, as shown in DEIR Table 4.6-8. Because with mitigation the Project would be consistent with the City's CAP and would demonstrate an additional 15% reduction through implementation of mitigation, regulatory requirements, and Project design features by 2030, the Project would be consistent with the statewide reduction targets for GHG emissions as established by SB 32. Therefore, with regulatory requirements, Project design features, and mitigation measures, the Project's GHG emissions would be consistent with the state's GHG reduction targets and impacts would be reduced to less-than-significant levels.

Reference: DEIR Subsections 4.6.5 through 4.6.9.

B. Conflicts with Plans, Policies, or Regulations Related to Greenhouse Gas Emissions

In the absence of mitigation, the Project has the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. However, following the incorporation of mitigation impacts would be reduced to less-than-significant levels.

1. Mitigation

The impact will be mitigated to less-than-significant levels with implementation of Mitigation Measures MM 4.6-1 through MM 4.6-4, provided above in subsection 4.3.4.A.1.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that in the absence of mitigation, the Project would have the potential to conflict with the Lake Elsinore CAP, which was prepared to ensure compliance City-wide with the GHG reduction targets established by AB 32. Thus, prior to mitigation, the Project has the potential to conflict with the City's CAP. Additionally, it cannot be demonstrated that the Project would achieve the GHG reduction target specified by SB 32 to reduce GHG emissions to 40% below 1990 levels by 2030. Rather, compliance with the CAP would only result in City-wide reductions of approximately 33% below 1990 levels. As such, the Project's potential to conflict with SB 32 represents a cumulatively-considerable impact prior to mitigation. However, the Project would be consistent with or otherwise would not conflict with the California Air Resources Board (CARB) Scoping Plan (refer to DEIR Table 4.6-3).

With implementation of Mitigation Measures MM 4.6-1 through MM 4.6-4 the Project would be fully consistent with the City of Lake Elsinore CAP, and therefore would be consistent with the GHG reduction targets established by AB 32. Additionally, the Project would not conflict with the CARB Scoping Plan. Furthermore, with implementation of regulatory requirements, Project design features, and mitigation measures, the Project would exceed the GHG reduction target established by SB 32 to reduce emissions to 40% below 1990 levels by 2030. Accordingly, Project impacts due to a conflict with a plan, policy, or regulation adopted to reduce GHG emissions would be reduced to less-than-significant levels.

Reference: DEIR Subsections 4.6.5 through 4.6.9.

4.3.5 HISTORIC AND ARCHAEOLOGICAL RESOURCES

A. Impacts to Historical Resources

Implementation of the proposed Project has the potential to cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5; however, impacts would be reduced to less-than-significant levels with implementation of the required mitigation.

1. Mitigation

The impact will be mitigated with implementation of the following mitigation measures:

MM 4.8-1 Unanticipated Resources. The developer/permit holder or any successor in interest shall comply with the following for the life of this permit. If during ground disturbance activities, unanticipated cultural resources are discovered, the following procedures shall be followed:

1. All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the developer, the Project Archaeologist, the Native American tribal representative(s) from consulting tribes (or other appropriate ethnic/cultural group representative), and the Community Development Director or their designee to discuss the significance of the find.
2. The developer shall call the Community Development Director or their designee immediately upon discovery of the cultural resource to convene the meeting.
3. At the meeting with the aforementioned parties, the significance of the discoveries shall be discussed and a decision is to be made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resource.
4. Further ground disturbance shall not resume within the area of the discovery until a meeting has been convened with the aforementioned parties and a decision is made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation measures.

MM 4.8-2 Archaeologist/CRMP. Prior to issuance of grading permits, the applicant/developer shall provide evidence to the Community Development Department that a Secretary of Interior Standards qualified and certified Registered Professional Archaeologist (RPA) has been contracted to implement a Cultural Resource Monitoring Program (CRMP) that addresses the details of all activities that must be completed and procedures that must be followed regarding cultural resources associated with this project. The CRMP document shall be provided to the Community Development Director or their designee for review and approval prior to issuance of the grading permit. The CRMP provides procedures to be followed and are to ensure that impacts on cultural resources will not occur without procedures that would reduce the impacts to less than significant. These measures shall include, but shall not be limited to, the following:

- Archaeological Monitor: An adequate number of qualified monitors shall be present to ensure that all earth-moving activities are observed and shall be on-site during all grading activities for areas to be monitored including off-site improvements. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist, in consultation with the Tribal monitor.

- Cultural Sensitivity Training: The Project Archaeologist and a representative designated by the consulting Tribe(s) shall attend the pre-grading meeting with the contractors to provide Cultural Sensitivity Training for all Construction Personnel. Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event unanticipated cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. This is a mandatory training and all construction personnel must attend prior to beginning work on the project site. A sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.

- Unanticipated Resources: In the event that previously unidentified potentially significant cultural resources are discovered, the Archaeological and/or Tribal Monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Project Archaeologist, in consultation with the Tribal monitor(s) shall determine the significance of the discovered resources. The Community Development Director or their designee must concur with the evaluation before construction activities will be allowed to resume in the affected area. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods.

- Cultural Resources Disposition: In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

  One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the Community Development Department:

  1. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources.

  2. Relocation of the resources on the Project property. The measures for relocation shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts by means of a deed restriction or other form of protection (e.g., conservation easement) in order to demonstrate avoidance in perpetuity.

     Relocation shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods

and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the City under a confidential cover and not subject to Public Records Request.

3. If relocation is not agreed upon by the Consulting Tribes then the resources shall be curated at a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

- Phase IV Report: A final archaeological report shall be prepared by the Project archaeologist and submitted to the Community Development Director or their designee prior to grading final. The report shall follow County of Riverside requirements and shall include at a minimum: a discussion of the monitoring methods and techniques used; the results of the monitoring program including any artifacts recovered; an inventory of any resources recovered; updated DPR forms for all sites affected by the development; final disposition of the resources including GPS data; artifact catalog and any additional recommendations. A final copy shall be submitted to the City, Project Applicant, the Eastern Information Center (EIC), and the Tribe.

MM 4.8-3 Cultural Resources Disposition: In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the Community Development Department:

1. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources.

2. Relocation of the resources on the Project property. The measures for relocation shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts by means of a deed restriction or other form of protection (e.g., conservation easement) in order to demonstrate avoidance in perpetuity.

Relocation shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the City under a confidential cover and not subject to Public Records Request.

3. If relocation is not agreed upon by the Consulting Tribes then the resources shall be curated at a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

MM 4.8-4 Tribal Monitoring. Prior to the issuance of a grading permit, the applicant shall contact the consulting Native American Tribe(s) that have requested monitoring through consultation with the City during the AB 52 and/or the SB 18 process ("Monitoring Tribes"). The applicant shall coordinate with the Tribe(s) to develop individual Tribal Monitoring Agreement(s). A copy of the signed agreement(s) shall be provided to the City of Lake Elsinore Community Development Department, Planning Division prior to the issuance of a grading permit. The Agreement shall address the treatment of any known tribal cultural resources (TCRs) including the project's approved mitigation measures and conditions of approval; the designation, responsibilities, and participation of professional Tribal Monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains/burial goods discovered on the site per the Tribe(s) customs and traditions and the City's mitigation measures/conditions of approval. The Tribal Monitor will have the authority to stop and redirect grading in the immediate area of a find in order to evaluate the find and determine the appropriate next steps, in consultation with the Project Archaeologist.

MM 4.8-5 Phase IV Report. Upon completion of the implementation phase, a Phase IV Cultural Resources Monitoring Report shall be submitted that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scopes of Work posted on the County website. The report shall include results of any feature relocation or

residue analysis required as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting.

MM 4.8-6 Discovery of Human Remains. In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project applicant shall then inform the Riverside County Coroner and the City of Lake Elsinore Community Development Department immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains and that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. If human remains are determined to be Native American, the applicant shall comply with the state law relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC within 24 hours and the NAHC will make the determination of most likely descendant(s). The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. In the event that the applicant and the MLD are in disagreement regarding the disposition of the remains. State law will apply and the mediation process will occur with the NAHC, if requested (see PRC Section 5097.98(e) and 5097.94(k)).

According to the California Health and Safety Code, six or more human burial at one location constitutes a cemetery (Section 81 00), and disturbance of Native American cemeteries is a felony (Section 7052).

MM 4.8-7 Non-Disclosure of Reburial Location. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254(r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254(r).

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that the Project has the potential to cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. Specifically, the Project would impact one (1) known historical resource (Site RIV-8120) on the Project site. However, Site RIV-8120 is not

determined significant pursuant to the criteria given in CEQA Guidelines § 15064.5. Also, there are no other known archaeological resources at the Project site. Accordingly, the Project would result in less-than-significant impacts to known significant historical resources. Regardless, there is a potential that historical resources may be buried beneath the surface of the site that meet the CEQA definition of a significant resource which could not be unearthed during the Project's construction process. If such resources are unearthed and are not properly identified and treated, the impact would be significant on both a direct and cumulative basis. Mitigation is required to address these potential impacts.

Implementation of the Project would impact historical resources on the Project site that may be uncovered during grading activities. Compliance with the Applicable City Regulations and Design Requirements, as well as Mitigation Measures MM 4.8-1 through MM 4.8-7, would ensure that a qualified Project Archaeologist and Tribal Monitors present on-site during ground-disturbing activities and would ensure that any archaeological resources that may be uncovered are appropriately treated as recommended by the Project Archaeologist in consultation with the Tribal Monitors.

Reference: DEIR Subsections 4.8.4 through 4.8.8.

B. Impacts to Archaeological Resources

The Project has the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5; however, impacts would be reduced to less-than-significant levels with implementation of the required mitigation.

1. Mitigation

The impact will be mitigated to less-than-significant levels with implementation of Mitigation Measures MM 4.8-1 through 4.8-7, presented above in subsection 4.3.5.A.1.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that the Project has the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5. Specifically, the Project site contains one (1) archaeological resource (Site P-33-026830). However, Site P-33-026830 is not determined significant pursuant to the criteria given in CEQA Guidelines § 15064.5. Accordingly, the Project would result in less-than-significant impacts to known significant archaeological resources. Regardless, there is a potential that archaeological resources may be buried beneath the surface of the site that meet the CEQA definition of a significant resource which could be unearthed during the Project's construction process. If such resources are unearthed and are not properly identified and treated, the impact would be significant. Mitigation is required to address these potential impacts.

Compliance with the Applicable City Regulations and Design Requirements, as well as Mitigation Measures MM 4.8-1 through MM 4.8-7 would ensure that a qualified Project Archaeologist and Tribal Monitors are present on-site during ground-disturbing activities and would ensure that any archaeological resources that may be uncovered are appropriately treated as recommended by the Project Archaeologist in consultation with the Tribal Monitors.

Reference: DEIR Subsections 4.8.4 through 4.8.8.

4.3.6 NOISE

A. Substantial Temporary or Permanent Ambient Noise Level Increases

Implementation of the proposed Project has the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. However, implementation of the required mitigation would reduce impacts to less-than-significant levels.

1. Mitigation

The impact will be mitigated with implementation of the following mitigation measures:

MM 4.11-1 Prior to the issuance of grading permits affecting areas on site that are located within 700 feet of the existing residential uses located east of El Toro Road/Wood Mesa Court, and prior to issuance of building permits for Phase 1 of the proposed Project, the City of Lake Elsinore shall ensure that the grading plans and building plans (as appropriate) include the following notes. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Lake Elsinore staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

- *"During construction activities that could expose nearby sensitive receptors (i.e., existing residential uses located along El Toro Road/Wood Mesa Court) to excessive construction-related noise, minimum 10-foot high temporary noise barriers shall be erected at the eastern limits of construction activities, as shown on Figure 4.11-8, Construction Noise Mitigation Measures, of the Nichols Ranch Specific Plan Environmental Impact Report (SCH No. 2018051051). Construction activities that could expose nearby sensitive receptors to excessive noise levels include any activities associated with the following construction phases that occur within the buffer distances described below:*
  - *Site preparation activities within 250 feet of the existing residential homes located along El Toro Road/Wood Mesa Court;*
  - *Mass and fine grading activities within 700 feet of the existing residential homes located along El Toro Road/Wood Mesa Court;*

- *Building construction activities within 300 feet of the existing residential homes located along El Toro Road/Wood Mesa Court;*
- *Paving activities within 500 feet of the existing residential homes located along El Toro Road/Wood Mesa Court; and*
- *Architectural coating activities within 250 feet of the existing residential homes located along El Toro Road/Wood Mesa Court.*

The noise control barriers shall remain in place during any construction activities for the above-described construction phases within the buffer distance shown. The noise control barriers shall have a solid face from top to bottom. The noise control barriers must meet the minimum height and be constructed as follows:

- *The temporary noise barriers shall provide a minimum transmission loss of 20 dBA (per the Federal Highway Administration Noise Barrier Design Handbook). The noise barriers shall be constructed using an acoustical blanket (e.g., vinyl acoustic curtains or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts;*
- *The noise barrier must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired; and*
- *The noise control barrier and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.*

MM 4.11-2 Prior to the issuance of grading or building permits affecting the portions of the site located south of Stovepipe Creek, the City of Lake Elsinore shall ensure that the grading or building plans include the following note. Project contractors shall be required to ensure compliance with the note and permit periodic inspection of the construction site by City of Lake Elsinore staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors.

- *During all phases of construction within on-site areas located south of Stovepipe Creek, large loaded trucks and mobile equipment greater than or equal to 80,000 pounds shall be prohibited. Instead, smaller, rubber-tired mobile equipment (less than 80,000 pounds) or equivalent alternative equipment shall be used in these areas. As an exception, equipment heavier than 80,000 pounds may be utilized for the area shown on Figure 4.11-8, Construction Noise Mitigation Measures, of the Nichols Ranch Specific Plan Environmental Impact Report (SCH No. 2018051051) as being located at a distance greater than 300 feet from Sensitive Receiver Locations R1 through R6. In such a case, orange construction fencing shall be erected delineating those areas within 300 feet of Sensitive Receiver Locations R1 through R6 to ensure that equipment heavier than 80,000 pounds does not encroach into the required 300-foot buffer zone.*

MM 4.11-3 Prior to the issuance of any grading permits or building permits, the City of Lake Elsinore shall ensure that the grading plans and building plans include the following notes. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Lake Elsinore staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

- *During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.*
- *The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receivers nearest the Project site.*
- *The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the Project site (i.e., to the northwest or northern center) during all Project construction.*
- *The construction contractor shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.*

MM 4.11-4 Prior to the issuance of occupancy permits for Lots 35 to 60 or Lots 80 to 83 of Tentative Tract Map No. 37305, the City of Lake Elsinore shall ensure that noise-attenuation barriers have been constructed in the locations and at the heights shown on Figure 4.11-9, On-Site Traffic Noise Mitigation Measures, of the Nichols Ranch Specific Plan Environmental Impact Report (SCH No. 2018051051). As shown on Figure 4.11-9, eight-foot tall noise-attenuation barriers shall be constructed along Nichols Road (i.e., at the northern lot lines of Lots 35 to 60 and Lots 80 to 81) and the western lot line of Lot 81, and six-foot tall noise-attenuation barriers shall be constructed at the western lot lines of Lots 82 and 83. The recommended noise control barriers shall be constructed so that the top of each wall and/or berm combination extends to the recommended height above the pad elevation of the lot it is shielding. When the road is elevated above the pad elevation, the barrier shall extend to the recommended height above the highest point between the residential home and the road. The barrier shall provide a weight of at least 4 pounds per square foot of face area with no decorative cutouts or line-of-sight openings between shielded areas and the roadways, and a minimum transmission loss of 20 dBA. The noise barrier shall be constructed using the following materials:

- Masonry block;
- Stucco veneer over wood framing (or foam core), or 1-inch-thick tongue and groove wood of sufficient weight per square foot;
- Glass (1/4-inch-thick), or other transparent material with sufficient weight per square foot capable of providing a minimum transmission loss of 20 dBA;
- Earthen berm; or

- Any combination of these construction materials

The barrier shall consist of a solid face from top to bottom. Unnecessary openings or decorative cutouts shall not be made. All gaps (except for weep holes) should be filled with grout or caulking.

MM 4.11-5 Prior to the issuance of building permits for Lots 35 to 60, Lots 79 to 100, or Lots 110 to 113 of Tentative Tract Map No. 37305, and prior to issuance of building permits for the proposed hotel use, the City of Lake Elsinore shall ensure that the following noise abatement measures are included in the building plans:

- Windows & Glass Doors: All windows and/or glass doors shall be well-fitted, well weather-stripped assemblies and shall have a minimum, standard sound transmission class (STC) ratings as follows:
  - Minimum STC ratings of 27 for all windows and/or glass doors at residential lots 35 to 60, 79 to 100, and 110 to 113.
  - Minimum upgraded STC ratings of 32 for all hotel building windows and/or glass doors facing I-15.
- Doors: All exterior doors shall be well weather-stripped and have minimum STC ratings of 27. Well-sealed perimeter gaps around the doors are essential to achieve the optimal STC rating.
- Walls: At any penetrations of exterior walls by pipes, ducts, or conduits, the space between the wall and pipes, ducts, or conduits shall be caulked or filled with mortar to form an airtight seal.
- Residential Roofs: Roof sheathing of wood construction shall be per manufacturer's specifications or caulked plywood of at least one-half inch thick. Ceilings shall be per manufacturer's specifications or well-sealed gypsum board of at least one-half inch thick. Insulation with at least a rating of R-19 shall be used in the attic space.
- Ventilation: Arrangements for any habitable room shall be such that any exterior door or window can be kept closed when the room is in use and still receive circulated air. A forced air circulation system (e.g. air conditioning) or active ventilation system (e.g. fresh air supply) shall be provided which satisfies the requirements of the Uniform Building Code.

MM 4.11-6 Prior to issuance of building permits for the proposed hotel use, a final noise study shall be prepared to finalize the mitigation measures identified in Mitigation Measure MM 4.11-5 using the precise grading plans and actual building design specifications, and shall include modified or supplemental mitigation, if necessary, to meet the City of Lake Elsinore 45 dBA CNEL interior noise level standard for hotel uses.

MM 4.11-7 As a condition of the occupancy permit for the proposed gas station use, operating hours for the car wash shall be specified as permitted between 7:00 a.m. to 10:00 p.m. and prohibited

between 10:00 p.m. to 7:00 a.m. Permanent, durable, weather-proof signs shall be posted at the gas station in the location of the car wash entry drive clearly indicating the car wash hours of operation as 7:00 a.m. to 10:00 p.m. The City of Lake Elsinore shall verify that the signs are posted prior to the issuance of the gas station occupancy permit. The City's Code Enforcement Division shall be responsible for enforcing the hours of operation.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that the Project has the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Specifically, as shown in DEIR Table 4.11-13, the highest construction noise levels at the potentially impacted receiver locations are expected to approach 80.1 dBA Lmax and would exceed the City of Lake Elsinore stationary construction equipment noise level standards for residential and semi-residential (school) uses during temporary Project construction activities at receiver locations R1 to R6 (refer to DEIR Figure 4.11-6); this represents a direct impact of the Project.

Off-site traffic-related noise impacts would be less than significant under each scenario evaluated in the Project's NIA and TIA.

Although CEQA does not require the analysis of the environment's impact on the proposed Project, the on-site traffic-related noise analysis indicates that residential dwelling units abutting Nichols Road would be exposed to exterior noise levels exceeding the limits specified by General Plan Policy 7.1 (i.e., exterior noise level limit of 60 dBA); this is evaluated as a significant direct impact due to a conflict with General Plan Policy 7.1. Additionally, although the Lake Elsinore General Plan does not specify exterior noise standards for hotel uses, the hotel may experience interior noise levels that exceed the limits specified by General Plan Policy 7.1 (i.e., 45 dBA interior noise level-limit). Additionally, residential buildings facing Nichols Road and I-15 and the proposed hotel use would experience interior noise levels that exceed the limits specified by General Plan Policy 7.1 (i.e., 45 dBA interior noise level limit).

Furthermore, Project operational noise levels affecting sensitive off-site receiver locations are expected to range from 42.6 to 47.3 dBA L50; as shown in DEIR Table 4.11-30, the operational noise levels associated with the proposed Project would exceed the nighttime exterior noise level standards established by General Plan Policy 7.1 (refer to DEIR Table 4.11-3) at receiver locations R1 to R3. This is evaluated as a significant impact of the proposed Project.

As shown on DEIR Table 4.11-31 and DEIR Table 4.11-32, the Project would contribute operational noise level increases over the existing ambient noise levels which ranging from 0.1 to 0.8 dBA L_{50} during the daytime hours and nighttime hours. Since the Project-related operational noise level contributions would

satisfy the significance criteria discussed in subsection 4.11.4, the increases at the sensitive receiver locations would be less than significant.

Mitigation Measures MM 4.11-1 through MM 4.11-3 have been identified to reduce the Project's construction-related noise impacts at nearby sensitive receptors. With implementation of Mitigation Measures MM 4.11-1 through MM 4.11-3, DEIR Table 4.11-34 shows the highest construction noise levels at the potentially impacted receiver locations would be reduced to a range from 59.2 to 66.9 dBA Lmax with the attenuation provided by the temporary construction noise barriers and the 300-foot buffer for large construction equipment (i.e., equipment greater than or equal to 80,000 pounds). As shown on DEIR Table 4.11-34, the temporary construction noise mitigation measures would reduce the construction noise levels at the impacted receiver locations to satisfy the 60 dBA Lmax residential and 70 dBA Lmax semi-residential significance thresholds during temporary Project construction activities. Therefore, with implementation of the required mitigation, the Project's noise impact due to Project construction would be reduced to less-than-significant levels.

With the recommended noise barriers shown on DEIR Figure 4.11-9 and required by Mitigation Measure MM 4.11-4, the future on-site exterior noise levels would range from 54.8 to 59.9 dBA CNEL at the outdoor living areas of single-family residential homes, as previously shown on DEIR Table 4.11-23. As shown in DEIR Table 4.11-23, the recommended noise barriers would ensure that the City of Lake Elsinore 60 dBA CNEL exterior noise level standards for residential land use is satisfied at all residential lots within the Project. The effective noise barrier height recommendations represent the minimum wall and/or berm combination height required to satisfy the City of Lake Elsinore exterior noise level standards. Thus, with implementation of Mitigation Measure MM 4.11-4, Project impacts due to exterior noise levels that exceed the City's standards would be reduced to less-than-significant levels.

As shown in DEIR Table 4.11-24 through DEIR Table 4.11-27, with standard windows and/or glass doors with a minimum sound transmission class (STC) rating of 27 (as required by Mitigation Measure MM 4.11-5), and with construction of the noise barriers required by Mitigation Measure MM 4.11-4, the interior noise levels for Lots 35 to 60, 79 to 100, and 110 to 113 of Tentative Tract Map No. 37305 would satisfy the City of Lake Elsinore 45 dBA CNEL interior noise level standard. Therefore, with implementation of the required mitigation, impacts due to residential interior noise levels that exceed the City's standards would be reduced to less-than-significant levels.

Hotel first through fourth floor windows would require upgraded STC ratings of 32 for all windows and/or glass doors facing I-15, as required by Mitigation Measure MM 4.11-5. The interior noise analysis shows that with the recommended interior noise mitigation measures, the Project would satisfy the City of Lake Elsinore 45dBA CNEL interior noise level standard. However, because precise building and site plans for the hotel use are not currently available, Mitigation Measure MM 4.11-6 has been imposed to require a final noise study that demonstrates that the hotel use would meet the City's interior noise standard of 45 dBA CNEL and/or that includes additional or modified mitigation to ensure the standard can be met. Accordingly, with implementation of the required mitigation, interior noise impacts associated with the proposed hotel use would be reduced to less-than-significant levels.

Implementation of Mitigation Measure MM 4.11-7 would prohibit nighttime operation of the car wash at the proposed gas station. Table 10-4 of the Project's NIA (DEIR *Technical Appendix J*) shows the mitigated Project operational noise levels would range from 25.5 to 38.6 dBA Leq without the car wash activities. DEIR Table 4.11-35 shows the mitigated operational noise levels associated with the Project would satisfy the exterior noise level standards at all nearby sensitive receiver locations with implementation of Mitigation Measure MM 4.11-7. Therefore, the Project's operational noise levels would not exceed City standards at nearby sensitive receptors following mitigation and the Project's impacts would therefore be reduced to less-than-significant levels.

Reference: DEIR Subsections 4.11.5 through 4.11.10.

B. Groundborne Vibration and Noise Impacts

The Project has the potential to generate excessive ground borne vibration or ground borne noise levels during construction activities. However, implementation of the required mitigation would reduce impacts to less-than-significant levels.

1. Mitigation

The impact will be mitigated to less-than-significant levels with implementation of Mitigation Measure MM 4.11-2, presented above in subsection 4.3.6.A.1.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that the Project could result in significant impacts due to groundborne vibration levels during construction. Specifically, DEIR Table 4.11-33 shows the construction vibration levels in RMS are expected to approach 0.015 in/sec (RMS) at the nearby receiver locations. Based on the vibration threshold of 0.01 in/sec, the construction-related vibration impacts are considered potentially significant at receiver locations R2, R3, and R6. This is evaluated as a potentially significant impact prior to mitigation. No impacts due to ground borne vibration or noise would occur in association with long-term Project operations, as the Project would not generate a substantial number of heavy trucks, and vibration from any trucks visiting the site would not extend beyond the roadway right-of-way as all roadways on site would consist of smooth surfaces.

Mitigation Measure MM 4.11-2 prohibits the use of construction equipment greater than or equal to 80,000 pounds within 300 feet of nearby sensitive receptor locations, and would serve to reduce the Project's vibration impacts affecting nearby sensitive receptors. As shown in DEIR Table 4.11-36, the mitigated vibration levels for loaded trucks and large mobile equipment would be reduced to approximately 0.002 in/sec RMS and would be reduced below the 0.01 in/sec RMS threshold at all receiver locations. Therefore, Project construction-

related vibration levels would be reduced to less-than-significant levels with implementation of Mitigation Measure MM 4.11-2.

Reference: DEIR Subsections 4.11.5 through 4.11.10.

4.3.7 TRANSPORTATION AND TRAFFIC

Implementation of the proposed Project has the potential to result in inadequate emergency access during construction activities. However, implementation of the required mitigation would reduce these impacts to less-than-significant levels.

1. Mitigation

The impact will be mitigated with implementation of the following mitigation measure:

MM 4.16-1 Prior to the issuance of grading permits or improvement plans affecting Nichols Road and/or El Toro Road/Wood Mesa Court, the Project Applicant shall prepare and the City of Lake Elsinore shall approve a temporary traffic control plan. The temporary traffic control plan shall comply with the applicable requirements of the California Manual on Uniform Traffic Control Devices. A requirement to comply with the temporary traffic control plan shall be noted on all grading and improvement plans and also shall be specified in bid documents issued to prospective construction contractors.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant effects on the environment.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that the Project could result in significant impacts to emergency access during construction. Specifically, due to temporary lane closures that may occur during the Project's construction phase, Project-related construction activities may conflict with emergency access routes and access to nearby uses during frontage improvements to Nichols Road and the proposed connection to El Toro Road via B Street. Project-related construction traffic would be required to comply with a temporary traffic control plan that meets the applicable requirements of the California Manual on Uniform Traffic Control Devices. Although it is anticipated a less-than-significant impact would occur with the requirement to implement a temporary traffic control plan during construction, out of an abundance of caution, a significant impact is identified. Accordingly, near-term impacts to emergency access would be significant prior to mitigation.

Implementation of Mitigation Measure MM 4.16-1 would require the Project Applicant to prepare a temporary traffic control plan that complies with the applicable requirements of the California Manual on Uniform Traffic Control Devices. Implementation of the traffic control plan would ensure that adverse effects to emergency access in the local area during the Project's construction phase are reduced to less-than-significant levels.

4.4 FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Environmental impacts identified in the Final EIR as potentially significant but which the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, are described in this Subsection. The applicable environmental issue areas include Air Quality, Biological Resources, and Transportation/Traffic.

4.4.1 AIR QUALITY

A. Conflicts with Air Quality Plans

The proposed Project would result in significant and unavoidable impacts due to conflicting with, or obstructing implementation of, the SCAQMD 2016 Air Quality Management Plan (AQMP).

1. Mitigation

The impact will be partially mitigated with implementation of the following mitigation measures:

MM 4.2-1 Prior to grading permit issuance, the City of Lake Elsinore shall verify the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Lake Elsinore staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

- "During each phase of construction, all construction equipment greater than 50 horsepower shall consist of off-road diesel construction equipment that complies with EPA/CARB Tier 4 emissions standards, if such equipment is readily available and cost effective at the time of construction of each phase of the proposed Project. In such cases where feasible, equipment outfitted with Best Available Control Technology (BACT) devices including, but not limited to, a CARB-certified Level 3 Diesel Particulate Filters (DPF), are encouraged. Level 3 DPFs are capable of achieving at least an 85 percent reduction in particulate matter emissions. A list of CARB verified DPFs are available on the CARB website. Additionally, the Construction Manager should include this requirement in applicable bid documents, and must demonstrate the ability to supply compliant equipment prior to commencement of any construction activities. The construction contractor also shall ensure all equipment is tuned and maintained in accordance with the manufacturer's specifications. The construction contractor shall keep a log of all applicable construction equipment demonstrating compliance with these requirements, and the log shall be made available for inspection by City of Lake Elsinore staff upon request. In the event that the City of Lake Elsinore determines that Tier 4 construction equipment is infeasible pursuant to CEQA Guidelines Section 15364, the Project Applicant shall demonstrate through future study with written findings supported by substantial evidence that is reviewed and

approved by the City of Lake Elsinore before using other technologies/strategies. For purposes of this measure, "infeasible" means construction equipment is either not readily available or is not cost effective. Alternative applicable strategies may include, but would not be limited to, Tier 3 construction equipment, reduction in the number and/or horsepower rating of construction equipment, and/or limiting the number of daily construction haul truck trips to and from the Project site."

- "During all construction phases, signs shall be posted at construction entry points and in construction equipment staging areas requiring truck drivers to turn off engines when not in use, and limiting idling of diesel delivery trucks servicing the Project to no more than five (5) minutes. The signs also shall include telephone numbers of the construction manager and the California Air Resources Board (CARB) to report violations."

MM 4.2-2 As a condition of all grading and building permits, the Construction Manager shall be required to provide information to construction contractors regarding SCAQMD "SOON" funds to encourage fleet turnover to cleaner vehicles. All construction contractors shall be referred the SCAQMD's web site at the following address: http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines&parent=vehicle-engine-upgrades

MM 4.2-3 Prior to the issuance of occupancy permits for the proposed office uses on site, the Project Applicant shall demonstrate that future occupants of the building have been provided materials regarding the benefits of public transportation and carpooling, and that future tenants have been encouraged to provide incentives for public transportation and carpooling, such as discounted transit passes or carpool rebates. Future occupants also shall be encouraged to implement a rideshare program and to set goals to achieve a certain participation rate over a period of time.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in or incorporated into the proposed Project which will reduce potentially significant effects on the environment; however, there are no feasible mitigation measures available that will lessen these significant impacts to a less-than-significant level.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that the proposed Project could conflict with, or obstruct implementation of, the AQMP and this impact would be significant and unavoidable. Although the Project's construction and operational characteristics would not exceed the growth assumptions of the SCAQMD 2016 AQMP, air quality emissions during both construction and operation would result in emissions of NO_X that exceed the SCAQMD's Regional Thresholds. As such, the Project's emissions of NO_X during both construction and long-term operations represents a significant direct and cumulatively-considerable impact due to a conflict with the AQMP.

With implementation of the required mitigation, the Project's construction- and operational-related NO_X emissions would be reduced, but would not be reduced to a level below the SCAQMD's Regional Thresholds for this pollutant. Although the Project would not exceed the regional growth forecasts, the Project's impacts due to a conflict with the AQMP is a significant direct and cumulatively-considerable impact of the proposed Project that cannot be reduced to a level below significant.

References: DEIR Subsections 4.2.4 through 4.2.9.

B. Air Quality Standards and Violations

The proposed Project would have significant and unavoidable impacts due to its cumulatively-considerable net increase of a criteria pollutant (NO_X) for which the region is classified as non-attainment based on the SCAQMD Regional Thresholds.

1. Mitigation

The impact will be partially mitigated with implementation of Mitigation Measures MM 4.2-1 through MM 4.2-3, provided above in subsection 4.4.1.A.1, although implementation of the required mitigation would not reduce the Project's direct and cumulatively-considerable impacts due to construction- and operational-related emissions of NO_X.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in or incorporated into the proposed Project which will reduce potentially significant effects on the environment; however, there are no feasible mitigation measures available that will lessen these significant impacts to a less-than-significant level.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that the proposed Project would have significant and unavoidable impacts due to its cumulatively-considerable net increase of NO_X during both construction and operation. The Project's emissions of NO_X would contribute to the region's nonattainment status for ozone. As such, Project-related air emissions would violate SCAQMD air quality standards and contribute to the non-attainment of a criteria pollutant (ozone), which is a significant direct and cumulatively-considerable impact.

With implementation of the required mitigation the Project's peak construction and operational emissions of NO_X, an ozone precursor, still would exceed the SCAQMD's Regional Thresholds. NO_X emissions would contribute to the region's non-attainment status for ozone. Accordingly, the Project's impacts due to a violation of air quality standards for an ozone precursor (NO_X) and a contribution to air quality violations for ozone represent significant and unavoidable impacts of the proposed Project on both a direct and cumulatively-considerable basis for which additional feasible mitigation is not available.

References: DEIR Subsections 4.2.4 through 4.2.9.

4.4.2 BIOLOGICAL RESOURCES

A. *Conflict Local Habitat Conservation Plan Impacts*

Although the Project would comply with the Chapter 19.04 of the City's Municipal Code with respect to the Stephens' kangaroo rat (SKR) Habitat Conservation Plan (HCP), the proposed Project would have significant and unavoidable impacts due to non-compliance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) as it pertains to the northern 45.4 acres of the Project site

1. Mitigation

There are no mitigation measures available to reduce the Project's impacts due to a conflict with the MSHCP.

2. Finding/Facts in Support of the Finding

There are no feasible mitigation measures available that will lessen the Project's significant impacts due to a conflict with the MSHCP to a less-than-significant level. Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that the proposed Project would have significant and unavoidable impacts due conflicts with the MSHCP.

The northern 45.4 acres of the Project site are exempt from the Western Riverside County MSHCP due to a Settlement Agreement and Memorandum of Understanding (SA/MOU) that was executed in 2004 between the County of Riverside and a former property owner. The SA/MOU is included in the administrative record for the proposed Project as "Riverside County, 2004." Notwithstanding the fact that the northern portions of the Project site are exempt from the MSHCP, the northern 45.4 acres of the site are located within MSHCP Cell Group W and encompass portions of Criteria Cell 4070 and a small portion of Criteria Cell 4067. Pursuant to the MSHCP, conservation within Cell Group W is intended to encompass 80%-90% of the Cell Group focusing in the northwestern portion of the Cell Group. The 45.4-acre MSHCP-Excluded Project Area occurs in the eastern portion of Group W. Although the mitigation identified in DEIR Subsection 4.3.7 would reduce the Project's impacts to biological resources to below a level of significance, the Project would nonetheless not comply with the MSHCP objectives for Cell Group W because strict compliance with the MSHCP Conservation Criteria would require the conservation of most or all of the 45.4-acre MSHCP-Excluded Project Area, which inherently conflicts with the Project's primary objective to develop the site with residential, commercial, and recreational land uses. Moreover, mining and reclamation activities within the MSHCP-Excluded Project Area have fully disturbed most of the areas proposed for disturbance by the Project and that are intended for conservation under the MSHCP. Thus, even if the MSHCP-Excluded Project Area were to be conserved, the site still would not meet the objectives for Cell Group W and any preserved habitat would be disconnected from the portions of Cell Group W located west or north of the Project site due to the presence of I-15 and Nichols Road. The option of conserving the entire MSHCP-Excluded Project Area is considered as part of the No Project Alternative in DEIR Subsection 6.3.1. Accordingly, the Project's direct impact due to a non-compliance with the MSHCP conservation requirements for the site represents a significant impact of the proposed Project that cannot be mitigated to below a level of significance.

The Project would result in direct impacts due to non-compliance the MSHCP. Although the Project would mitigate its impacts to biological resources to below a level of significance, the Project's non-compliance with

the MSHCP nonetheless represents significant and unavoidable direct impact of the proposed Project that cannot be mitigated to below a level of significance. However, because the vast majority of properties within the MSHCP area would be required to comply with the provisions of the MSHCP and all MSHCP-related requirements, the Project's non-compliance with the MSHCP would be less-than-cumulatively considerable.

References: DEIR Subsections 4.3.4 through 4.3.8.

4.4.3 TRANSPORTATION AND CIRCULATION

A. Conflicts with Programs, Plans, Ordinances, or Policies Addressing the Circulation System

The proposed Project would have significant and unavoidable impacts to several transportation facilities because it would conflict with applicable level of service standards under all scenarios evaluated in the Project's Traffic Impact Analysis ("TIA," DEIR *Technical Appendix L*).

1. Mitigation

The impact will be partially mitigated with implementation of the following mitigation measures:

Mitigation for Phase 1 Direct and Cumulatively-Considerable Traffic Impacts

MM 4.16-2 Prior to the issuance of certificates of occupancy for Phase 1 of the proposed development, the Project Applicant shall use reasonable efforts to make a fair-share monetary contribution to the City of Lake Elsinore, to be held in trust, for the following improvements to the intersection of Lake Street at Nichols Rd. (#1):

- Construct a second northbound through lane;
- Construct a second southbound through lane;
- Construct an eastbound left-turn lane; and
- Construct a westbound left turn lane.

The Project's fair share of the above-listed improvements is 0.3% for Phase 1 of the proposed Project.

MM 4.16-3 Prior to the issuance of certificates of occupancy for Phase 1 of the proposed development, the Project Applicant shall make a fair-share monetary contribution to the City of Lake Elsinore for the following improvement to the intersection of Gunnerson Street/Strickland Avenue at Riverside Drive (SR-74) (#5):

- Install a traffic signal.

The Project's fair share of the above-listed improvements is 0.2% for Phase 1 of the proposed Project.

MM 4.16-4 Prior to issuance of certificates of occupancy for Phase 1 of the proposed development, the Project Applicant shall construct the following improvement at the intersection of Collier Av. At Nichols Rd. (#6):

- Convert the intersection to all-way stop (AWS) control.

MM 4.16-5 Prior to the issuance of certificates of occupancy for Phase 1 of the proposed development, the Project Applicant shall construct the following improvement to the intersection of El Toro Rd. at Tereticornis Av. (#17):

- Convert the intersection to all-way stop (AWS) control.

MM 4.16-6 Prior to the issuance of certificates of occupancy for Phase 1 of the proposed development, the Project Applicant shall use reasonable efforts to make a fair-share monetary contribution to the County of Riverside, to be held in trust, for the following improvements to the intersection of El Toro Rd. at Carmella Ct. (#18):

- Convert the intersection to all-way stop (AWS) control; and
- Remove a portion of on-street parking to provide a southbound right-turn lane.

The County of Riverside shall establish a fair-share funding program for these improvements and shall only use the funds paid by the Project Applicant for the purpose of implementing these improvements. If within five years of the date of collection of the Project Applicant's fair-share fee payment, the County of Riverside has not established a fair-share funding program for the required improvements, then the City of Lake Elsinore shall return the funds to the Project Applicant. The Project's fair share of the above-listed improvements is 22.7% for Phase 1 of the proposed Project.

Mitigation for Phase 2 Direct and Cumulatively-Considerable Traffic Impacts

MM 4.16-7 Prior to the issuance of certificates of occupancy for Phase 2 of the proposed development, the Project Applicant shall make a fair-share monetary contribution to the City of Lake Elsinore for the following improvements to the intersection of Lake Street at Nichols Rd. (#1):

- Construct a second northbound through lane;
- Construct a second southbound through lane;
- Construct an eastbound left-turn lane; and
- Construct a westbound left turn lane.

The Project's fair share of the above-listed improvement is 1.2% for Phase 2 of the proposed Project, of which 0.3% shall be paid as part of Phase 1 pursuant to Mitigation Measure MM

4.16-2 and 0.9% shall be paid as part of Phase 2 development pursuant to this mitigation measure.

MM 4.16-8 Prior to the issuance of certificates of occupancy for Phase 2 of the proposed development, the Project Applicant shall make a fair-share monetary contribution to the City of Lake Elsinore for the following improvement to the intersection of Gunnerson Street/Strickland Avenue at Riverside Drive (SR-74) (#5):

- Install a traffic signal.

The Project's fair share of the above-listed improvements is 0.6% for Phase 2 of the proposed Project (in addition to the 0.2% required by Mitigation Measure MM 4.16-3 for Phase 1).

MM 4.16-9 Prior to the issuance of certificates of occupancy for Phase 2 of the proposed development, the Project Applicant shall make a fair-share monetary contribution to the City of Lake Elsinore for the following improvement to the intersection of Collier Avenue at Nichols Road (#6):

- Install a traffic signal.

The Project's fair share of the above-listed improvements is 9.6% for Phase 2 of the proposed Project.

MM 4.16-10 Prior to the issuance of certificates of occupancy for Phase 2 of the proposed development, the Project Applicant shall make a fair-share monetary contribution to the County of Riverside, to be held in trust, for the following improvements to the intersection of El Toro Rd. at Carmella Ct. (#18):

- Convert the intersection to all-way stop (AWS) control; and
- Remove a portion of on-street parking to provide a southbound right-turn lane.

The County of Riverside shall establish a fair-share funding program for these improvements and shall only use the funds paid by the Project Applicant for the purpose of implementing these improvements. If within five years of the date of collection of the Project Applicant's fair-share fee payment, the County of Riverside has not established a fair-share funding program for the required improvements, then the County of Riverside shall return the funds to the Project Applicant. The Project's fair share of the above-listed improvements is 49.0% for Phase 2 of the proposed Project, of which 22.7% shall be paid as part of Phase 1 pursuant to Mitigation Measure MM 4.16-6 and 26.3% shall be paid as part of Phase 2 development pursuant to this mitigation measure.

Mitigation for Phase 3 Direct and Cumulatively-Considerable Traffic Impacts

MM 4.16-11 Prior to the issuance of certificates of occupancy for Phase 3 of the proposed development, the Project Applicant shall make a fair-share monetary contribution to the City of Lake Elsinore for the following improvements to the intersection of Lake Street at Nichols Rd. (#1):

- Construct a second northbound through lane;
- Construct a second southbound through lane;
- Construct an eastbound left-turn lane;
- Construct a westbound left turn lane;
- Construct a southbound right-turn lane; and
- Construct an eastbound right-turn lane.

The Project's fair share of the above-listed improvement is 6.8% for Phase 3 of the proposed Project. For the first four improvements listed above, 0.3% shall be paid as part of Phase 1 pursuant to Mitigation Measure MM 4.16-2, 0.9% shall be paid as part of Phase 2 development pursuant to Mitigation Measure MM 4.16-7, and 5.6% shall be paid as part of Phase 3 development pursuant to this mitigation measure. For the fifth and sixth improvements listed above, the Project Applicant shall contribute the full 6.8% towards the cost of the required improvements.

MM 4.16-12 Prior to the issuance of certificates of occupancy for Phase 3 of the proposed development, the Project Applicant shall make a fair-share monetary contribution to the City of Lake Elsinore for the following improvement to the intersection of Alberhill Ranch Rd. at Nichols Rd. (#3):

- Install a traffic signal.

The Project's fair share of the above-listed improvement is 17.7% for Phase 3 of the proposed Project.

MM 4.16-13 Prior to the issuance of certificates of occupancy for Phase 3 of the proposed development, the Project Applicant shall construct the following improvement to the intersection of Lakeshore Dr. at Riverside Dr. (#4):

- Restripe the WB right turn lane to a WB shared through-right turn lane

MM 4.16-14 Prior to the issuance of certificates of occupancy for Phase 3 (buildout) of the proposed development, the Project Applicant shall make a fair-share monetary contribution to the City of Lake Elsinore for the following improvement to the intersection of Gunnerson Street/Strickland Avenue at Riverside Drive (SR-74) (#5):

- Install a traffic signal.

The Project's fair share of the above-listed improvements is 4.4% for Phase 3 of the proposed Project (in addition to the 0.2% required by Mitigation Measure MM 4.16-3 for Phase 1 and the 0.6% required by Mitigation Measure MM 4.16-8 for Phase 2).

MM 4.16-15 Prior to the issuance of certificates of occupancy for Phase 3 (buildout) of the proposed development, the Project Applicant shall make a fair-share monetary contribution to the City of Lake Elsinore, to be held in trust, for the following improvement to the intersection of Collier Avenue at Nichols Road (#6):

- Install a traffic signal.

The Project's fair share of the above-listed improvements is 23.2% for Phase 3 of the proposed Project (in addition to the 9.6% required by Mitigation Measure MM 4.16-9 for Phase 2).

MM 4.16-16 Prior to the issuance of certificates of occupancy for Phase 3 (buildout) of the proposed development, the Project Applicant shall construct the following improvement to the intersection of the I-15 SB Ramps & Nichols Road (#9), with appropriate fee credits:

- Install a traffic signal.
- Add a SB left turn lane

MM 4.16-17 Prior to the issuance of certificates of occupancy for Phase 3 (buildout) of the proposed Project, the Project Applicant shall use reasonable efforts to make a fair-share monetary contribution to the County of Riverside, to be held in trust, for the following improvement to the intersection of El Toro Road at Carmela Court (#18):

- Convert the intersection to all-way stop (AWS) control;
- Remove a portion of on-street parking to provide a southbound right-turn lane;
- Implementation of a traffic guard at this intersection during the AM peak hour only during the peak AM period when students arrive at the Temescal Canyon High School; and
- Remove a portion of on-street parking to provide a northbound left-turn lane

The County of Riverside shall establish a fair-share funding program for these improvements and shall only use the funds paid by the Project Applicant for the purpose of implementing these improvements. If within five years of the date of collection of the Project Applicant's fair-share fee payment, the County of Riverside has not established a fair-share funding program for the required improvements, then the County of Riverside shall return the funds to the Project Applicant. The Project's fair share of the above-listed improvements is 62.8%. For the first two improvements listed above, 22.7% shall be paid as part of Phase 1 pursuant to Mitigation Measure MM 4.16-6, 26.3% shall be paid as part of Phase 2 development pursuant to Mitigation Measure MM 4.16-10, and 13.8% shall be paid as part of Phase 3 development pursuant to this mitigation measure. For the third and fourth improvements listed above, the

Project shall contribute the full 62.8% towards the costs of the required improvements. For the traffic guard, the fair share amount shall either be based on 62.8% of the total cost to establish a non-wasting endowment to pay for the required traffic guard on an on-going basis, or a fair-share annual payment to the County of Riverside shall be made by the Project's homeowners' association for the cost of the required traffic guard.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in or incorporated into the proposed Project which will reduce potentially significant effects on the environment; however, there are no feasible mitigation measures available that will lessen these significant impacts to a less-than-significant level.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that the proposed Project would have significant and unavoidable impacts with addition of Project-related traffic under Existing Plus Ambient Plus Project (EAP) 2020, EAP 2021, EAP 2024, Existing Plus Ambient Plus Project Plus Cumulative (EAPC) 2020, EAPC 2021, and EAPC 2024 conditions. Table 4-1, *Summary of Project Intersection Impacts by Study Scenario*, provides a summary of the Project's direct and cumulatively-considerable impacts to study area intersections under each study scenario. Table 4-2, *Project Impacts Due to Signal Warrants by Study Scenario*, shows the Project's impacts due to traffic signal warrants for each study scenario. Table 4-3, *Project Impacts to Off-Ramp Queuing Locations by Study Scenario*, summarizes the Project's impacts to off-ramp queuing locations under each scenario. Table 4-4, *Project Impacts to Freeway Segments by Study Scenario*, shows the Project's impacts to freeway segments under each study scenario, while Table 4-5, *Project Impacts to Freeway Junction Merge/Diverge Locations by Study Scenario*, shows the Project's impacts to freeway junction merge/diverge locations for each study scenario. Provided below is a summary of the Project's impacts to circulation facilities during each phase of the proposed Project.

❑ Phase 1 Conditions (EAP 2020 and EAPC 2020)

Intersections – EAP 2020 and EAPC 2020

As shown in DEIR Table 4.16-39 and DEIR Table 4.16-40, improvements identified as part of Transportation Impact Fee (TIF) and/or Transportation Uniform Mitigation Fee (TUMF) would improve the LOS at the following intersections to acceptable levels. However, it cannot be assured that the required improvements would be in place prior to occupancy of Phase 1 of the proposed Project; therefore, Project impacts to the following intersections would represent near-term significant and unavoidable impacts of the proposed Project for Phase 1 conditions prior to implementation of the required improvements:

- I-15 Northbound Ramps at Nichols Rd. (#10)
- Dexter Av. at Central Av. (SR-74) (#19)

As shown in DEIR Table 4.16-40, implementation of the improvements listed in Mitigation Measures MM 4.16-2, MM 4.16-3, and MM 4.16-6 would improve the LOS at the following intersections to acceptable levels under EAPC (2020) conditions. However, because the mitigation requires only fair share payments towards

the cost of the improvements, it cannot be assured that the required improvements would be in place at the

Table 4-1 Summary of Project Intersection Impacts by Study Scenario

#	Intersection	CMP?	EAP 2020	EAP 2021	EAP 2024	EAPC 2020	EAPC 2021	EAPC 2024
1	Lake St. & Nichols Rd.	No	--	--	--	C*	C*	C*
2	Lake St. & Alberhill Ranch Rd.	No	--	--	--	--	--	--
3	Alberhill Ranch Rd. & Nichols Rd.	No	--	--	--	--	--	C*
4	Lakeshore Dr. & Riverside Dr. (SR-74)	Yes	--	--	C	--	--	C
5	Gunnerson St./Strickland Av. & Riverside Dr. (SR-74)	Yes	C*	C*	C*	C*	C*	C*
6	Collier Av. & Nichols Rd.	No	--	D	C*	C	C*	C*
7	Collier Av. & Riverside Dr. (SR-74)	Yes	--	--	--	--	--	C*
8	Collier Av. & Central Av. (SR-74)	Yes	--	--	--	--	--	--
9	I-15 Southbound Ramps & Nichols Rd.	Yes	--	--	D	--	--	D
10	I-15 Northbound Ramps & Nichols Rd.	Yes	C**	C**	C**	C**	C**	C**
11	A St. & Nichols Rd.	No	--	--	--	--	--	--
12	B St. & Nichols Rd.	No	--	--	--	--	--	--
13	B St. & F St.	No	--	--	--	--	--	--
14	B St. & H St.	No	--	--	--	--	--	--
15	K St. and B St.	No	--	--	--	--	--	--
16	El Toro Rd. & B St.	No	--	--	--	--	--	--
17	E Toro Rd & Tereticornis Av.	No	--[1]	C	C	C	C	C
18	El Toro Rd. & Carmela Ct.	No	C*	C*	C*	C*	C*	C*
19	Dexter Av. & Central Av. (SR-74)	Yes	--	--	--	C*	C*	C*
20	Cambern Av. & Central Av. (SR-74)	Yes	--	--	--	--	--	C*
21	Driveway 1 & Nichols Rd.	No	--	--	--	--	--	--

1. Although the intersection of El Toro Road and Tereticornis Avenue is anticipated to operate at an unacceptable LOS during the AM peak hour under EAP (2020) conditions, it is anticipated to operate at an acceptable LOS with a normalized PHF.

Notes: "D" = Direct Impact; "C" = Cumulatively-Considerable Impact; "--" = No Impact/Less-than-Significant Impact.

* = Although mitigation is proposed in the form of fair-share contributions or fee payments to TUMF or TIF, the timing of required improvements is unknown; thus, it cannot be assured that the required improvements would be in place prior to the development phase shown above, and impacts would therefore be significant and unavoidable.

** = Mitigation is not available for these impacts beyond payment of TIF and/or TUMF fees; thus, impacts would be significant and unavoidable.

Table 4-2 Project Impacts Due to Signal Warrants by Study Scenario

#	Intersection	CMP?	EAP 2020	EAP 2021	EAP 2024	EAPC 2020	EAPC 2021	EAPC 2024
1	Lake St. & Nichols Rd.	No	--	--	--	--	--	--
2	Lake St. & Alberhill Ranch Rd.	No	--	--	--	--	--	--
3	Alberhill Ranch Rd. & Nichols Rd.	No	--	--	--	--	--	C*
4	Lakeshore Dr. & Riverside Dr. (SR-74)	Yes	--	--	--	--	--	--
5	Gunnerson St./Strickland Av. & Riverside Dr. (SR-74)	Yes	--	--	--	--	--	--
6	Collier Av. & Nichols Rd.	No	--	C*	C*	--	C*	C*
7	Collier Av. & Riverside Dr. (SR-74)	Yes	--	--	--	--	--	--
8	Collier Av. & Central Av. (SR-74)	Yes	--	--	--	--	--	--
9	I-15 Southbound Ramps & Nichols Rd.	Yes	--	--	C	--	--	C
10	I-15 Northbound Ramps & Nichols Rd.	Yes	C**	C**	C**	C**	C**	C**
11	A St. & Nichols Rd.	No	--	--	--	--	--	--
12	B St. & Nichols Rd.	No	--	--	--	--	--	--
13	B St. & F St.	No	--	--	--	--	--	--
14	B St. & H St.	No	--	--	--	--	--	--
15	K St. and B St.	No	--	--	--	--	--	--
16	El Toro Rd. & B St.	No	--	--	--	--	--	--
17	E Toro Rd & Tereticornis Av.	No	--	--	--	--	--	--
18	El Toro Rd. & Carmela Ct.	No	C*	C*	C*	C*	C*	C*
19	Dexter Av. & Central Av. (SR-74)	Yes	--	--	--	--	--	--
20	Cambern Av. & Central Av. (SR-74)	Yes	--	--	--	--	--	--
21	Driveway 1 & Nichols Rd.	No	--	--	--	--	--	--

Notes: "D" = Direct Impact; "C" = Cumulatively-Considerable Impact; "--" = No Impact/Less-than-Significant Impact

* = Although mitigation is proposed in the form of fair-share contributions or fee payments to TUMF or TIF, the timing of required improvements is unknown; thus, it cannot be assured that the required improvements would be in place prior to the development phase shown above, and impacts would therefore be significant and unavoidable.

** = Mitigation is not available for these impacts beyond payment of TIF and/or TUMF fees; thus, impacts would be significant and unavoidable.

Table 4-3 Project Impacts to Off-Ramp Queuing Locations by Study Scenario

Intersection	EAP 2020	EAP 2021	EAP 2024	EAPC 2020	EAPC 2021	EAPC 2024
I-15 SB Off-Ramp & Nichols Rd. (#1)	--	--	--	--	--	C**
I-15 NB Off-Ramp & Nichols Rd. (#2)	--	--	D**	--	--	D**

Notes: "D" = Direct Impact; "C" = Cumulatively-Considerable Impact; "--" = No Impact/Less-than-Significant Impact
** = Mitigation is not available for these impacts beyond payment of TIF and/or TUMF fees; thus, impacts would be significant and unavoidable.

Table 4-4 Project Impacts to Freeway Segments by Study Scenario

Freeway	Direction	Mainline Segment	EAP 2020	EAP 2021	EAP 2024	EAPC 2020	EAPC 2021	EAPC 2024
I-15 Freeway	Southbound	North of Nichols Rd. (#1)	--	C**	C**	C**	C**	C**
		South of Nichols Rd. (#2)	C**	C**	C**	C**	C**	C**
	Northbound	North of Nichols Rd. (#3)	--	--	--	--	--	--
		South of Nichols Rd. (#4)	--	--	--	--	--	--

Notes: "D" = Direct Impact; "C" = Cumulatively-Considerable Impact; "--" = No Impact/Less-than-Significant Impact
** = Mitigation is not available for these impacts beyond payment of TIF and/or TUMF fees; thus, impacts would be significant and unavoidable.

Table 4-5 Project Impacts to Freeway Junction Merge/Diverge Locations by Study Scenario

Freeway	Direction	Mainline Segment	EAP 2020	EAP 2021	EAP 2024	EAPC 2020	EAPC 2021	EAPC 2024
I-15 Freeway	Southbound	Off-Ramp at Nichols Rd. (#1)	C**	C**	C**	C**	C**	C**
		On-Ramp at Nichols Rd. (#2)	--	--	--	--	--	C**
	Northbound	On-Ramp at Nichols Rd. (#3)	--	--	--	--	--	--
		Off-Ramp at Nichols Rd. (#4)	--	--	--	--	--	--

Notes: "D" = Direct Impact; "C" = Cumulatively-Considerable Impact; "--" = No Impact/Less-than-Significant Impact
** = Mitigation is not available for these impacts beyond payment of TIF and/or TUMF fees; thus, impacts would be significant and unavoidable.

time of occupancy of Phase 1 of the proposed Project; therefore, near-term Project impacts to the following intersections would be cumulatively considerable and unavoidable under EAPC (2020) conditions until the required improvements are in place:

- Lake St. at Nichols Rd. (#1)
- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- El Toro Rd. at Carmela Ct. (#18)

As indicated in DEIR Table 4.16-40, implementation of Mitigation Measure MM 4.16-4 would improve the LOS at the intersection of Collier Av. at Nichols Rd. (#6) from LOS F to an acceptable LOS C during the PM peak hour. Therefore, implementation of the required mitigation would reduce the Project's impacts at this intersection to less-than-significant levels.

As indicated in DEIR Table 4.16-40, although with implementation of Mitigation Measure MM 4.16-5 the intersection of El Toro Rd. at Tereticornis Av. (#17) would continue to operate at LOS F during the AM peak hour based on raw count data, when the normalized peak hour factor is considered this intersection would improve from LOS C to LOS B during the AM peak hour under Phase 1 conditions, and Project impacts at this intersection would be reduced to less-than-significant levels.

Traffic Signal Warrants – EAP 2020 and EAPC 2020

As shown in DEIR Table 4.16-40, installation of a traffic signal at the intersection of I-15 Northbound Ramps at Nichols Rd. (#10) in conjunction with the remaining improvements identified in DEIR Table 4.16-40 would improve the LOS at this intersection from LOS F during both peak hours to LOS B during the AM peak hour and LOS C during the PM peak hour under EAP (2020) and EAPC (2020). The installation of a traffic signal at this location is identified as an improvement under the City's TIF program; however, the timing of the required improvements cannot be assured. Therefore, Project impacts to this intersection due to signal warrants would be cumulatively-considerable and unavoidable in the near term until the required improvements are in place.

Although the intersection of El Toro Road at Carmela Court (#18) meets traffic signal warrants under EAP (2020) and EAPC (2020) conditions, implementation of Mitigation Measure MM 4.16-6, which requires a fair-share contribution to convert this intersection to an all-way stop (AWS) in conjunction with other improvements, would improve the LOS at this intersection acceptable levels; thus, a traffic signal would not be warranted under EAP (2020) or EAPC (2020) conditions with implementation of the required improvements. However, because the Project would only contribute a fair share towards the cost of the identified improvements, it cannot be assured that the improvements would be in place at the time of occupancy of Phase 1 of the proposed Project; thus, Project impacts to this intersection due to signal warrants would be cumulatively-considerable and unavoidable under near-term conditions prior to implementation of the required improvements.

Off-Ramp Queuing – EAP 2020 and EAPC 2020

Impacts due to off-ramp queuing issues were determined to be less than significant under EAP (2020) and EAPC (2020) conditions.

Freeway Segments – EAP 2020 and EAPC 2020

The Project would result in cumulatively-considerable impacts to the following freeway segments during EAP (2020) and/or EAPC (2020) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway segments would be significant and unavoidable under EAP (2020) and EAPC (2020) conditions.

Freeway Merge/Diverge Locations – EAP 2020 and EAPC 2020

The following freeway merge/diverge location was shown to operate at a deficient LOS under both EAP (2020) and EAPC (2020) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway merge/diverge location would be significant and unavoidable under EAP (2020) and EAPC (2020) conditions.

❑ Phase 2 Conditions (EAP 2021 and EAPC 2021)

Intersections – EAP 2021 and EAPC 2021

As shown in DEIR Table 4.16-40 and DEIR Table 4.16-41, improvements identified as part of TIF would improve the LOS at the following intersections to acceptable levels under EAP (2021) and EAPC (2021) conditions. Although the Project Applicant would be required to contribute appropriate TIF fees, it cannot be assured that the required improvements would be in place prior to occupancy of Phase 2 of the proposed Project; therefore, Project impacts to the following intersections would represent near-term cumulatively-considerable and unavoidable impacts of the proposed Project for Phase 2 conditions prior to implementation of the required improvements:

- I-15 Northbound Ramps at Nichols Rd. (#10)

- Dexter Av. at Central Av. (SR-74) (#19)

As shown in DEIR Table 4.16-40, implementation of the improvements listed in Mitigation Measures MM 4.16-7 through MM 4.16-10 would improve the LOS at the following intersections to acceptable levels under EAP (2021) and/or EAPC (2021) conditions. However, because the mitigation requires payment of a fair share towards the cost of the improvements, it cannot be assured that the required improvements would be in place at the time of Phase 2 occupancy; therefore, near-term Project impacts to the following intersections would be cumulatively considerable and unavoidable until the required improvements are in place:

- Lake St. at Nichols Rd. (#1)
- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- Collier Av. at Nichols Rd. (#6)
- El Toro Rd. at Carmela Ct. (#18)

As indicated in DEIR Table 4.16-40, although with implementation of Mitigation Measure MM 4.16-5 the intersection of El Toro Rd. at Tereticornis Av. (#17) would continue to operate at LOS F during the AM peak hour based on raw count data under Phase 2 conditions, when the normalized peak hour factor is considered this intersection would improve from LOS D to LOS C during the AM peak hour, and Project impacts at this intersection would be reduced to less-than-significant levels.

Traffic Signal Warrants – EAP 2021 and EAPC 2021

As shown in DEIR Table 4.16-41 and DEIR Table 4.16-40, installation of a traffic signal at the following locations would improve the LOS at these intersections to acceptable levels. The installation of traffic signals at these locations are planned improvements under the City's TIF program. The Project Applicant would be required to contribute TIF fees, and would contribute a fair share towards the cost of installation of the traffic signal at Collier Av. at Nichols Road; however, it cannot be assured that the traffic signals would be in place at the time of Phase 2 occupancy (2021). Therefore, near-term Project impacts to the following intersections would remain cumulatively-considerable and unavoidable until the required improvements are in place.

- Collier Av. at Nichols Rd. (#6)
- I-15 Northbound Ramps at Nichols Rd. (#10)

Although the intersection of El Toro Road at Carmela Court (#18) meets traffic signal warrants under EAP (2021) and EAPC (2021) conditions, implementation of Mitigation Measure MM 4.16-6, which requires in part the conversion of this intersection to an all-way stop in addition to other improvements, would improve the LOS at this intersection to acceptable levels; thus, a traffic signal would not be warranted under EAP (2021) or EAPC (2021) conditions with implementation of the required improvements. However, the mitigation requires payment of a fair share towards the cost of the required improvements; thus, it cannot be assured that the improvements would be in place at the time of occupancy of Phase 2 of the proposed Project. Accordingly, near-term Project impacts due to the need to signalize this intersection would be cumulatively considerable and unavoidable under EAP and EAPC 2021 conditions prior to implementation of the required improvements.

Off-Ramp Queuing – EAP 2021 and EAPC 2021

Impacts due to off-ramp queuing issues were determined to be less than significant under EAP (2021) and EAPC (2021) conditions.

Freeway Segments – EAP 2021 and EAPC 2021

The Project would result in cumulatively-considerable impacts to the following freeway segments during EAP (2021) and EAPC (2021) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway segments would be significant and unavoidable under EAP (2021) and EAPC (2021) conditions.

Freeway Merge/Diverge Locations – EAP 2021 and EAPC 2021

The Project would result in cumulatively-considerable impacts at the following freeway merge/diverge locations under EAP (2021) and EAPC (2021) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway merge/diverge location would be significant and unavoidable under EAP (2021) and EAPC (2021) conditions.

❑ Phase 3 Conditions (EAP 2024 and EAPC 2024)

Intersections – EAP 2024 and EAPC 2024

As shown in DEIR Table 4.16-40 and DEIR Table 4.16-42, implementation of Mitigation Measures MM 4.16-13 and MM 4.16-16 would improve the LOS at the following intersections to acceptable LOS under EAP (2024) and EAPC (2024) conditions. Thus, implementation of the required mitigation would reduce the Project's impacts to less-than-significant levels at the following locations:

- Lakeshore Dr. at Riverside Dr. (SR-74) (#4)
- I-15 Southbound Ramps at Nichols Rd. (#9)

As also shown in DEIR Table 4.16-40 and DEIR Table 4.16-42, improvements identified as part of TIF and/or TUMF would improve the LOS at the following intersections to acceptable levels under EAP (2024) and EAPC (2024) conditions. Although the Project Applicant would be required to contribute appropriate TIF and TUMF fees, it cannot be assured that the required improvements would be in place prior to occupancy of Phase 3 (Project buildout); therefore, Project impacts to the following intersections would represent near-term cumulatively-considerable and unavoidable impacts of the proposed Project for Phase 3 (buildout) conditions prior to implementation of the required improvements:

- Collier Av. at Riverside Dr. (SR-74) (#7)
- I-15 Northbound Ramps at Nichols Rd. (#10)
- Dexter Av. at Central Av. (SR-74) (#19)
- Cambern Av. at Central Av. (SR-74) (#20)

As shown in DEIR Table 4.16-40, implementation of the improvements listed in Mitigation Measures MM 4.16-11 through MM 4.16-17 would improve the LOS at the following intersections to acceptable levels under EAP (2024) and/or EAPC (2024) conditions. However, the mitigation requires payment of a fair share towards the cost of the required improvements; thus, it cannot be assured that the improvements would be in place at the time of occupancy of Phase 3 (buildout) of the proposed Project. Accordingly, near-term Project impacts to the following intersections would be cumulatively considerable and unavoidable under near-term conditions prior to implementation of the required improvements:

- Lake St. at Nichols Rd. (#1)
- Alberhill Ranch Rd. at Nichols Rd. (#3)
- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- Collier Av. at Nichols Rd. (#6)
- El Toro Rd. at Carmela Ct. (#18)

As indicated in DEIR Table 4.16-42, although with implementation of Mitigation Measure MM 4.16-5 the intersection of El Toro Rd. at Tereticornis Av. (#17) would continue to operate at LOS F during the AM peak hour based on raw count data under Phase 2 conditions, when the normalized peak hour factor is considered this intersection would improve from LOS F to LOS C during the AM peak hour, and Project impacts at this intersection would be reduced to less-than-significant levels.

Traffic Signal Warrants – EAP 2024 and EAPC 2024

As shown in DEIR Table 4.16-40 and DEIR Table 4.16-42, installation of a traffic signal at the following location, as required by Mitigation Measure MM 4.16-16, in conjunction with other improvements identified for this intersection above would improve the LOS to acceptable levels. Thus, implementation of the required mitigation would reduce Project impacts to the following intersection to less-than-significant levels.

- I-15 Southbound Ramps at Nichols Rd. (#9)

As required by Mitigation Measure MM 4.16-12, the Project Applicant would be required to contribute a fair share towards the costs of installing a traffic signal at the intersection of Alberhill Ranch Road and Nichols Road (#3). As shown in DEIR Table 4.16-40, installation of a traffic signal at this location would improve the LOS from LOS F during both peak hours to LOS D during both peak hours. However, it cannot be assured that the required improvement will be in place by the time Phase 3 of the Project is built-out and occupied. Therefore, Project impacts to the intersection of Alberhill Ranch Road and Nichols Road (#3) would be cumulatively considerable and unavoidable in the near-term under EAPC (2024) conditions until the required improvement is in place.

As shown in DEIR Table 4.16-40 and DEIR Table 4.16-42, installation of traffic signals at the following locations in conjunction with other improvements identified for these intersections above would improve the LOS to acceptable levels. The installation of traffic signals at the following locations are programmed improvements under the City's TIF program, and the Project Applicant additionally would be required to contribute a fair share towards the cost of installing a traffic signal at the intersection of Collier Av. at Nichols Rd. (#6). However, because it cannot be assured that traffic signals would be installed at the following locations prior to Phase 3 (buildout) occupancy of the proposed Project, near-term Project impacts to the following intersections would be cumulatively-considerable and unavoidable:

- Collier Av. at Nichols Rd. (#6)
- I-15 Northbound Ramps at Nichols Rd. (#10)

As shown in DEIR Table 4.16-40 and DEIR Table 4.16-42, installation of a traffic signal at the following location in conjunction with other improvements identified for this intersection (refer to Mitigation Measure MM 4.16-17) would improve the LOS to acceptable levels. However, because the Project would only make a fair-share contribution towards the required improvements, it cannot be assured that the traffic signal would be installed prior to occupancy of Phase 3 (Project buildout). Therefore, near-term impacts to the following intersection would be cumulatively considerable and unavoidable due to the need for signalization under EAP (2024) and EAPC (2024) conditions:

- El Toro Road & Carmela Court (#18)

Off-Ramp Queuing – EAP 2024 and EAPC 2024

Under EAPC (2024) conditions, the following movements are anticipated to experience queuing issues during the weekday AM or weekday PM peak 95th percentile traffic flows for EAPC (2024) traffic conditions:

- I-15 Freeway Southbound Off-ramp at Nichols Road (#1): Shared southbound left-through-right turn lane during the AM peak hour only
- I-15 Freeway Northbound Off-ramp at Nichols Road (#2): Shared northbound left-through-right turn lane during the AM peak hour only

The Project would directly impact the I-15 Freeway Northbound Off-ramp at Nichols Road (#2), while impacts at the I-15 Freeway Southbound Off-ramp at Nichols Road (#1) would be cumulatively considerable. At this

time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's direct impact to the I-15 Freeway Northbound Off-ramp at Nichols Road (#2) under EAP (2024) and EAPC (2024) conditions and the Project's cumulatively-considerable impact to the I-15 Freeway Southbound Off-ramp at Nichols Road (#1) under EAPC (2024) conditions represent significant and unavoidable impacts of the proposed Project.

Freeway Segments – EAP 2024 and EAPC 2024

The Project would result in cumulatively-considerable impacts to the following freeway segments during EAP (2024) and EAPC (2024) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway segments would be significant and unavoidable under EAP (2024) and EAPC (2024) conditions.

Freeway Merge/Diverge Locations – EAP 2024 and EAPC 2024

The Project would result in cumulatively-considerable impacts at the following freeway merge/diverge locations under EAP (2024) and/or EAPC (2024) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, On-Ramp at Nichols Road (#2) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway merge/diverge locations would be significant and unavoidable under EAP (2024) and EAPC (2024) conditions.

References: DEIR Subsections 4.16.7 through 4.16.11.

B. Congestion Management Plan Facilities Impacts

The proposed Project would have significant and unavoidable impacts to Congestion Management Plan (CMP) freeway facilities because it would conflict with applicable level of service standards under all study scenarios evaluated by the Project's TIA.

1. Mitigation

Mitigation Measures MM 4.16-3, MM 4.16-8, MM 4.16-13, MM 4.16-14, and MM 4.16-16, as described above in subsection 4.4.3.A.1, shall apply.

2. Finding/Facts in Support of the Finding

Changes or alterations have been required in or incorporated into the proposed Project which will reduce potentially significant effects on the environment; however, there are no feasible mitigation measures available that will lessen these significant impacts to a less-than-significant level.

Based upon the analysis presented in the DEIR and considering the information contained in the Record of Proceedings, the City Council hereby finds that the proposed Project would have significant and unavoidable impacts to level of service standards for several CMP facilities. Table 4-1 and Table 4-2 (previously presented) identify CMP facilities, summarize Project impacts to CMP facilities, and indicate which impacts would be significant and unavoidable. Additionally, Table 4-3, Table 4-4, and Table 4-5 (previously presented) summarize the Project's significant and unavoidable impacts to off-ramp queuing locations, freeway segments, and freeway junction merge/diverge locations, all of which are CMP facilities. In all cases, although mitigation measures and regulatory requirements are identified to reduce the Project's impacts, including payment of fair share, DIF fees, or TUMF fees, it cannot be assured when required improvements would be in place; thus, under such circumstances the Project would result in significant and unavoidable near-term impacts to study area CMP facilities. A summary of the Project's impacts is presented below for each study scenario evaluated in the Project's TIA.

❑ EAP (2020) and EAPC (2020) Conditions

CMP Intersection Impacts – EAP (2020) and EAPC (2020) Conditions

The Project would result in cumulatively-considerable and unavoidable impacts to the following CMP intersections under EAP (2020) and/or EAPC (2020) conditions:

- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- I-15 Northbound Ramps at Nichols Rd. (#10)
- Dexter Av. at Central Av. (SR-74) (#19)

CMP Traffic Signal Warrants Impacts – EAP (2020) and EAPC (2020) Conditions

The Project would result in a cumulatively-considerable and unavoidable impact due to the need to signalize the following CMP intersection under EAP (2020) and/or EAPC (2020) conditions:

- I-15 Northbound Ramps at Nichols Rd. (#10)

CMP Off-Ramp Queuing Impacts – EAP (2020) and EAPC (2020) Conditions

Impacts to off-ramp queuing locations were shown to be less than significant prior to mitigation under EAP (2020) and EAPC (2020) conditions.

CMP Freeway Segment Impacts – EAP (2020) and EAPC (2020) Conditions

The Project would result in cumulatively-considerable and unavoidable impacts to the following freeway segments under EAP (2020) and/or EAPC (2020) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

CMP Freeway Merge/Diverge Impacts – EAP (2020) and EAPC (2020) Conditions

The Project would result in a cumulatively-considerable and unavoidable impact to the following freeway merge/diverge location under EAP (2020) and/or EAPC (2020) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only

❑ EAP (2021) and EAPC (2021) Conditions

CMP Intersection Impacts – EAP (2021) and EAPC (2021) Conditions

The Project would result in cumulatively-considerable and unavoidable impacts to the following CMP intersections under EAP (2021) and/or EAPC (2021) conditions:

- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- I-15 Northbound Ramps at Nichols Rd. (#10)
- Dexter Av. at Central Av. (SR-74) (#19)

CMP Traffic Signal Warrants Impacts – EAP (2021) and EAPC (2021) Conditions

The Project would result in a cumulatively-considerable and unavoidable impact due to the need to signalize the following CMP intersection under EAP (2021) and/or EAPC (2021) conditions:

- I-15 Northbound Ramps at Nichols Rd. (#10)

CMP Off-Ramp Queuing Impacts – EAP (2021) and EAPC (2021) Conditions

Impacts to off-ramp queuing locations were shown to be less than significant prior to mitigation under EAP (2021) and EAPC (2021) conditions.

CMP Freeway Segment Impacts – EAP (2021) and EAPC (2021) Conditions

The Project would result in cumulatively-considerable and unavoidable impacts to the following freeway segments under EAP (2021) and/or EAPC (2021) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

CMP Freeway Merge/Diverge Impacts – EAP (2021) and EAPC (2021) Conditions

The Project would result in a cumulatively-considerable and unavoidable impact to the following freeway merge/diverge location under EAP (2021) and/or EAPC (2021) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only

❑ EAP (2024) and EAPC (2024) Conditions

CMP Intersection Impacts – EAP (2024) and EAPC (2024) Conditions

The Project would result in direct and/or cumulatively-considerable and unavoidable impacts to the following CMP intersections under EAP (2024) and/or EAPC (2024) conditions:

- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- Collier Av. at Riverside Dr. (SR-74) (#7)
- I-15 Northbound Ramps at Nichols Rd. (#10)
- Dexter Av. at Central Av. (SR-74) (#19)
- Cambern Av. at Central Av. (SR-74) (#20)

CMP Traffic Signal Warrants Impacts – EAP (2024) and EAPC (2024) Conditions

The Project would result in a cumulatively-considerable and unavoidable impact due to the need to signalize the following CMP intersection under EAP (2024) and/or EAPC (2024) conditions:

- I-15 Northbound Ramps at Nichols Rd. (#10)

CMP Off-Ramp Queuing Impacts – EAP (2024) and EAPC (2024) Conditions

The Project would result in direct and/or cumulatively-considerable and unavoidable impacts to the following CMP off-ramp queuing locations under EAP (2024) and/or EAPC (2024) conditions:

- I-15 Freeway Southbound Off-ramp at Nichols Road (#1): Shared southbound left-through-right turn lane during the AM peak hour only (Cumulatively-Considerable Impact)
- I-15 Freeway Northbound Off-ramp at Nichols Road (#2): Shared northbound left-through-right turn lane during the AM peak hour only (Direct Impact)

CMP Freeway Segment Impacts – EAP (2024) and EAPC (2024) Conditions

The Project would result in cumulatively-considerable and unavoidable impacts to the following freeway segments under EAP (2024) and/or EAPC (2024) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

CMP Freeway Merge/Diverge Impacts – EAP (2024) and EAPC (2024) Conditions

The Project would result in a cumulatively-considerable and unavoidable impact to the following freeway merge/diverge location under EAP (2024) and/or EAPC (2024) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, On-Ramp at Nichols Road (#2) – LOS E PM peak hour only

4.5 FINDINGS REGARDING ALTERNATIVES TO THE PROJECT

CEQA requires that an EIR consider a reasonable range of feasible alternatives (State CEQA Guidelines, § 15126.6[a]). According to the State CEQA Guidelines, alternatives should be those that would attain most of the basic project objectives and avoid or substantially lessen one or more significant effects of the project (State CEQA Guidelines, § 15126.6). The "range of alternatives" is governed by the "rule of reason," which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the lead agency and to foster meaningful public participation (State CEQA Guidelines, § 15126.6[f]).

CEQA also requires the feasibility of alternatives be considered. CEQA Guidelines § 15126.6(f)(1) states that among the factors that may be taken into account in determining feasibility are: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans and regulatory limitations; jurisdictional boundaries; and (when evaluating alternative project locations) whether the proponent can reasonably acquire, control, or otherwise have access to an alternative site. Furthermore, an EIR need not consider an alternative whose effects could not be reasonably identified, whose implementation is remote or speculative, or that would not achieve the basic project objectives.

The alternatives addressed in the DEIR were identified in consideration of the following factors:

- The extent to which the alternative could avoid or substantially lessen the identified significant environmental effects of the proposed project;
- The extent to which the alternative could accomplish basic objectives of the proposed project;
- The feasibility of the alternative; and
- The requirement of the State CEQA Guidelines to consider a "no project" alternative.

4.5.1 ALTERNATIVES CONSIDERED BUT ELIMINATED

Alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid or substantially reduce any significant environmental effects (State CEQA Guidelines, § 15126.6[c]). Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, also do not need to be considered (State CEQA Guidelines, § 15126.6[f][3]). As allowed by CEQA, the lead agency may make an initial determination as to which alternatives are feasible and warrant further consideration and which are infeasible (State CEQA Guidelines, Section 15125.6[f][3]).

CEQA does not require that an analysis of alternative sites always be included in an EIR. However, if the surrounding circumstances make it reasonable to consider an alternative site then this alternative should be considered and analyzed in the EIR. In making the decision to include or exclude analysis of an alternative site, the "key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR" (CEQA Guidelines § 15126.6[f][2]).

Based on a review of aerial photography, the City of Lake Elsinore General Plan land use map and a list of approved/pending development proposals within City of Lake Elsinore and nearby portions of unincorporated Riverside County that are included in the Project's Traffic Impact Analysis (DEIR *Technical Appendix L*; refer to DEIR Table 4.0-1 for a list of cumulative developments), there are no other available, undeveloped properties of similar size (i.e., approximately 72.5 acres) that are zoned for and adjacent to other properties designated for urban development and that would reduce or avoid the Project's significant and unavoidable impacts. For example, development of the Project at an alternative site location would not reduce or avoid the Project's significant and unavoidable air quality impacts due to NO_X emissions during both construction and operation, as it would not be possible to develop 168 single family residential homes and 14.5 acres of commercial uses without exceeding the SCAQMD Regional Thresholds for this pollutant. Similarly, while development of the Project site in a different location may avoid the Project's significant and unavoidable impact due to non-compliance with the MSHCP Conservation Criteria affecting the northern 45.4 acres of the Project site, the fact of the matter is that the northern 45.4 acres still would be exempt from MSHCP compliance pursuant to the Settlement Agreement (refer to DEIR subsection 2.4.4), would not contribute to the assemblage of MSHCP conservation areas, and likely ultimately would be developed with other land uses. Furthermore, development of the Project at a different location would merely shift the Project's near-term impacts to transportation/traffic to a different location, and it is likely that similar or more severe near-term impacts could occur at off-site locations due to the timing of regional improvements or the lack of established funding programs for required improvements. For these reasons, the City of Lake Elsinore finds that evaluation of an alternative site location is not required for the Project because alternative site locations would not reduce or avoid the Project's significant environmental effects.

4.5.2 ALTERNATIVES SELECTED FOR ANALYSIS

Alternatives were selected because they would either reduce Project-related impacts or describe what would be reasonably expected to occur in the foreseeable future on the Project site, and were selected for further

analysis representing a reasonable range of alternatives that would be feasible from a development perspective. These alternatives include:

- **No Project/No Development Alternative (NDA):** The No Project/No Development Alternative (NDA) considers no new development/disturbance on the Project site following completion of site reclamation activities beyond that which occurs under existing conditions. As such, the 72.5-acre Project site would consist of undeveloped land that is routinely disced as part of on-going fire abatement activities.

- **No Project/General Plan Land Use Alternative (GPLUA):** The No Project/General Plan Land Use Alternative (GPLUA) considers development of the 72.5-acre Project site in accordance with the site's existing land use designations. For the northern 45.4 acres of the Project site, development would occur in conformance with the Alberhill Ranch Specific Plan (ARSP), which allows for up to 380,000 s.f. of regional general commercial uses. The southern 27.1 acres of the Project site would be developed in conformance with the underlying General Plan land use designation of "General Commercial." This Alternative would allow for approximately 852,190 s.f. of general commercial building area, for an overall Floor Area Ratio (FAR) of 0.27.

- **Reduced Project Alternative (RPA):** The Reduced Project Alternative (RPA), as shown on DEIR Figure 6-1, considers development of the Project site with similar uses as the proposed Project, but at a much lower intensity. Specifically, the RPA accommodates up to 104 "Low-Medium Residential" dwelling units on 38.4 acres at an overall density of 2.7 dwelling units per acre (du/ac); 7.2 acres of "General Commercial" land uses, which could accommodate up to 125,453 s.f. of general commercial land uses (at a maximum Floor Area Ratio [FAR] of 0.40); 8.3 acres of "Recreational (Park)" land uses; 1.3 acres of "Open Space" land uses; "Public Institutional (Drainage Basin)" land uses on 5.5 acres; "Floodway" (open space) land uses on 6.5 acres; and 5.3 acres of backbone circulation facilities.

4.5.3 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

A. Description

The No Project/No Development Alternative (NDA) considers no new development/disturbance on the Project site following completion of site reclamation activities beyond that which occurs under existing conditions. As such, the 72.5-acre Project site would consist of undeveloped land that is routinely disced as part of on-going fire abatement activities. Under this Alternative, no improvements would be made to the Project site and none of the Project's roadway, utility, and other infrastructure improvements would occur. This Alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project with an alternative that would leave the Project site in its existing (i.e., post-reclamation) conditions, in conformance with CEQA Guidelines § 15126.6(e)(3)(B).

B. Summary of Major Environmental Effects

Implementation of the NDA would result in no physical environmental impacts beyond those that have historically occurred on the undeveloped property following completion of reclamation activities on site.

Almost all effects of the proposed Project would be avoided or lessened by the selection of this Alternative, although a few impacts, such as sedimentation impacts, would be increased under this Alternative.

C. *Feasibility*

Implementation of the No Project Alternative would leave the Project site in its current, undeveloped condition following completion of reclamation activities on site. Almost all effects of the proposed Project would be avoided or lessened by the selection of this Alternative, although a few impacts, such as sedimentation impacts, would be increased under this Alternative. While technically feasible, leaving the Project site in its undeveloped condition would not allow the Project Applicant to make a reasonable return on their investment in the property. Furthermore, the No Project Alternative would not meet any of the Project's objectives; as such, the No Project Alternative is not a viable alternative under CEQA, although it is presented in the DEIR for disclosure purposes, as required by CEQA.

D. *Comparative Merits*

The NDA would fail to meet all the Project's objectives. The NDA would not result in the efficient development of the property with a complementary mix of land uses, including residential, commercial, recreational, and open space land uses. The NDA would not establish a master-planned community in a manner that is sensitive to the environment as well as visually and functionally compatible with surrounding existing and proposed land uses. The NDA would not facilitate development of the site with a mixed-use community with a design that takes topographic, geologic, hydrologic, and environmental opportunities and constraints into consideration to minimize alterations to Stovepipe Creek, where practical. The NDA also would fail to increase the available housing supply within the region by providing detached single-family homes in traditional subdivision layouts that will be marketable within the evolving economic profile of the City of Lake Elsinore and surrounding communities. The NDA would fail to facilitate construction of commercial and hotel uses within proximity to regional transportation facilities that would provide for employment opportunity and that can attract tenants at competitive lease rates to help ensure that the uses are occupied and positively contribute to the local economy. The NDA also would not provide a system of public and community facilities, including recreational facilities and trails, in an efficient and timely manner and meet the needs of residents of surrounding communities. The NDA also would not involve project design elements such as architecture, landscaping, color, paving, walls, fencing, signage, entry treatments, and other similar design features that would ensure the community is developed in a manner that is aesthetically pleasing. There would be no development phasing under the NDA, and the NDA would not provide for development on the site with complementary mixed uses in a manner that preserves, to the extent feasible, natural drainages.

4.5.4 NO PROJECT/GENERAL PLAN LAND USE ALTERNATIVE

A. *Description*

The No Project/General Plan Land Use Alternative (GPLUA) considers development of the 72.5-acre Project site in accordance with the site's existing land use designations. For the northern 45.4 acres of the Project site, development would occur in conformance with the Alberhill Ranch Specific Plan (ARSP), which allows for up to 380,000 s.f. of regional general commercial uses. The southern 27.1 acres of the Project site would be developed in conformance with the underlying General Plan land use designation of "General Commercial,"

which allows for retail, services, restaurants, professional and administrative offices, hotels and motels, mixed-use projects, public and quasi-public uses, and similar and compatible uses. For purposes of analysis, it is assumed that the GPLUA would be developed to the maximum FAR of 0.40 for the southern 27.1 acres of the site, which would allow for up to 472,190 s.f. of commercial area. Thus, this Alternative would allow for approximately 852,190 s.f. of general commercial building area, for an overall FAR of 0.27. Consistent with the NRSP, this Alternative proposes a bridge crossing over Stovepipe Creek slightly to the east of the location of the Project's proposed crossing. Similar to the proposed Project, it is assumed that Stovepipe Creek would be preserved on site on 6.5 acres. Additionally, under this alternative there would be a connection to El Toro Road/Wood Mesa Court near the Project's southeastern boundary.

B. Environmental Analysis

1. Aesthetics

Although neither the proposed Project nor the GPLUA would result in a substantial adverse effect on a scenic vista, because commercial buildings would be developed at a greater height than residential units impacts to scenic vistas under the GPLUA would increase as compared to the proposed Project. The Project site is not visible from any officially-designated state scenic highways, and there are no scenic resources on site; thus, impacts to scenic highways would be similar under the GPLUA and the proposed Project. Neither the Project nor the GPLUA would result in the substantial degradation of the site's existing visual character, although given the intensity of development under the GPLUA impacts due to visual character or quality would be increased under the GPLUA as compared to the proposed Project, although impacts would be less than significant. Commercial land uses would result in an increase in the amount of artificial lighting at the site; thus, impacts due to lighting would be increased as compared to the Project, but would still be below a level of significance.

2. Air Quality

As indicated in Table 4-4 of the Project's Traffic Impact Analysis ("TIA," DEIR *Technical Appendix L*), development of the site with commercial land uses as proposed under the GPLUA would result in approximately 11,114 more average daily traffic (ADT) as compared to the proposed Project, or nearly three times the amount of traffic that would be generated by the Project. Thus, implementation of the GPLUA would result in a substantial increase in the Project's significant and unavoidable direct and cumulatively-considerable impact due to a conflict with the SCAQMD AQMP. Likewise, emissions of NO_X under the GPLUA would substantially increase during both construction and operation, and could result in additional exceedances of the SCAQMD Regional Thresholds, such as VOCs or PM_{10}; thus, the GPLUA would increase the Project's significant and unavoidable impact due to violation of an air quality standards, contribution of air quality pollutants to an existing air quality violation, and due to a cumulatively-considerable net increase of criteria pollutants for which the project region is non-attainment. Implementation of the GPLUA also would increase the Project's near- and long-term localized emissions, and could therefore result in increased impacts due to the exposure of sensitive receptors to substantial pollutant concentrations. While construction and operational impacts due to odors would be less than significant under both the Project and GPLUA, the GPLUA would involve more intensive construction on site, and therefore would result in an increase in the Project's less-than-significant impacts due to construction-related odors.

3. Biological Resources

The GPLUA would have a similar development footprint compared to the proposed Project and would involve similar limits of physical disturbance that could impact sensitive plant and animal species. Thus, the GPLUA would have similar impacts to the proposed Project on habitat for the California glossy snake and coast patch-nosed snake and also would result in similar impacts to the burrowing owl, nesting birds, and roosting bats. Both the Project and the GPLUA would result in significant but mitigable impacts to 0.23 acre of Riversidean sage scrub, 0.14 acre of disturbed Riversidean sage scrub, 0.07 acre of Riversidean alluvial fan sage scrub, and 0.14 acres of disturbed Riversidean sage scrub-encelia dominant. The Project and the GPLUA would result in similar impacts to CDFW and RWQCB jurisdiction, including Riversidean alluvial fan sage scrub, although the impacts would be slightly different because the bridge over Stovepipe Creek under the GPLUA would occur slightly to the east of the bridge proposed by the Project. The Project and GPLUA both would result in similar less-than-significant impacts to migratory wildlife corridors and wildlife nursery sites. Both the Project and GPLUA would be subject to payment of fees pursuant to Lake Elsinore Municipal Code Chapters 16.85 and 19.04, thereby ensuring that impacts due to a conflict with policies or ordinances protecting biological resources would be less than significant. Although impacts to biological resources under the GPLUA and the proposed Project would be mitigated to below a level of significance, both the Project and GPLUA would conflict with the MSHCP conservation goals for MSHCP Cell Group W; thus, both the Project and the GPLUA would result in similar significant and unavoidable impacts due to a conflict with the MSHCP.

4. Geology and Soils

The Project site is not located within an Alquist-Priolo Fault Zone, but as with all areas of southern California, future buildings, residents, and visitors have the potential to be exposed to ground shaking. The potential impact would be the same for the proposed Project and the GPLUA. Additionally, the impacts due to seismic-related ground failure, ground shaking, location on a geologic unit or soil, subjectivity to geologic hazards, grading that would affect subsurface sewage disposal systems, and location on expansive soils would be similar between the proposed Project and the GPLUA. Both the Project and the GPLUA would physically disturb a 73.8-acre on-site area, and thus have similar potential to result in deposition, siltation or erosion that may modify a river channel, an increase in water erosion, and/or an increase in wind erosion due to the similar disturbance area. Additionally, impacts associated with liquefaction, landslides, collapsible soils, mudflow, and expansive soils would be similar due to the nature of these issues being site-specific and the similar limits of disturbance inherent to both the proposed Project and the GPLUA. Thus, impacts under the GPLUA would be similar as compared to the proposed Project with respect to geology and soils.

5. Greenhouse Gas Emissions

As indicated in Table 4-4 of the Project's Traffic Impact Analysis ("TIA," *Technical Appendix L*), development of the site with commercial land uses as proposed under the GPLUA would result in approximately 11,114 more average daily traffic (ADT) as compared to the proposed Project, or nearly three times the amount of traffic that would be generated by the Project. Because a majority of the Project's GHG emissions would be associated with vehicular travel, impacts due to GHG emissions would be substantially increased under this Alternative as compared to the proposed Project. Both the Project and the GPLUA would be subject to

compliance with the City of Lake Elsinore CAP, AB 32, SB 32, and the CARB Scoping Plan; however, due to the substantial increase in GHG emissions as compared to the proposed Project, it is likely that the GPLUA would result in a conflict with one or more applicable plan, policy, or regulation adopted to reduce GHGs. Thus, impacts due to GHG emissions under the GPLUA would be substantially increased as compared to the proposed Project.

6. Hazards and Hazardous Materials

Land uses that would occur on-site under the GPLUA would have the same or similar potential to handle and store hazardous material as the proposed Project. With mandatory regulatory compliance, neither the GPLUA nor the proposed Project would pose a significant hazard to the public or the environment. The proposed Project and GPLUA would have a less-than-significant impact to impair an adopted emergency response plan, emit hazardous materials within a quarter mile of a school, and be on a list of hazardous materials sites. Neither the proposed Project nor the GPLUA would require review by the Airport Land Use Commission, and neither the Project nor the GPLUA is located within an Airport Influence Area or Airport Safety Zone, and impacts would be less than significant. The Project and the GPLUA are subject to wildland fire hazards. However, both the Project and the GPLUA would be required to implement fuel modification zones between residential lots and natural open space areas. Thus, with mandatory compliance and mitigation, the Project and the GPLUA would have similar less-than-significant impacts related to hazards and hazardous materials.

7. Historic and Archaeological Resources

Based on the Project's archaeological assessment, the Project site contains one prehistoric resource site (Site P-33-026830) and one historic site (Site RIV-8120), neither of which are evaluated as significant under CEQA. The GPLUA would disturb the same area on-site as the Project and thus would result in similar impacts to these sites. No cemetery or human remains are known to be present on the Project site. Due to ground disturbing activities proposed by the Project and the GPLUA, there is a similar potential to uncover previously unknown human remains or previously unknown archeological resources buried beneath the surface. The Project and the GPLUA would similarly not impact any existing religious or sacred uses within the proposed impact area. Accordingly, all potential impacts associated with cultural resources would be similar under this GPLUA.

8. Hydrology and Water Quality

The proposed Project would disturb the same acreage as the GPLUA. Construction-related impacts under the GPLUA would expose the same amount of soil that could result in sedimentation in runoff from the site as compared to the proposed Project. Thus, a similar impact would occur.

Under long-term operating conditions, the GPLUA would increase impervious surfaces as compared to the proposed Project because under the GPLUA the 8.3 acres that are proposed for recreational facilities under the Project would instead be developed with commercial land uses, which in turn would result in the generation of increased amounts of polluted storm water runoff as compared to the Project. Additionally, peak runoff volumes under the GPLUA would be greater in relation to the Project. Impacts under the proposed Project and the GPLUA would be mitigated to a level below significant. The GPLUA has the same potential as the

proposed Project to alter the drainage pattern of the Project site. Neither the GPLUA nor the proposed Project would result in significant impacts associated with on-site flood hazards or on-site impacts due to the failure of a dam or levee.

In summary, near-term construction activities of the GPLUA would result in similar less-than-significant impacts to hydrology and water quality in comparison to the proposed Project, while the GPLUA would result in increased (though less-than-significant) hydrology and water quality impacts in comparison to the Project under long-term operational characteristics.

9. Land Use and Planning

Neither the GPLUA nor the proposed Project would result in the physical division of an established community; thus, impacts would be similar. Both the proposed Project and the GPLUA would compatible with the surrounding land uses. The proposed Project would entail changing the site's existing General Plan, zoning, and Specific Plan classifications, while the GPLUA is consistent with existing zoning. The Project and the GPLUA would result in similar insignificant environmental effects due to an inconsistency or incompatibility associated with the existing or proposed zoning classifications or land use designations. Additionally, both the Project and the GPLUA would be consistent with all applicable policies of the General Plan and Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). However, both the GPLUA would conflict with the MSHCP Cell Criteria as applied to the northern 45.4 acres of the site, resulting in a significant and unavoidable impact to land use and planning.

10. Noise

As indicated in Table 4-4 of the Project's Traffic Impact Analysis ("TIA," DEIR *Technical Appendix L*), development of the site with commercial land uses as proposed under the GPLUA would result in approximately 11,114 more average daily traffic (ADT) as compared to the proposed Project, or nearly three times the amount of traffic that would be generated by the Project. As such, the GPLUA would result in a substantial increase in off-site traffic-related noise, and has the potential to result in the exposure of residential uses to excessive noise levels. Thus, traffic-related noise would increase under the GPLUA. Construction characteristics associated with the GPLUA and proposed Project would be similar, although slightly more intense under the GPLUA; thus, both the GPLUA and proposed Project would be required to implement mitigation in order to reduce potential construction and ground-borne noise and vibration impacts to less-than-significant levels. Due to the increased intensity of site operations under the GPLUA as compared to the proposed Project, operational noise levels would increase and have the potential to expose nearby sensitive receptors (i.e., residences and the high school) to excessive operational-related noise; thus, impacts due to a permanent increase in noise levels would be increased under this Alternative. Neither the Project nor the GPLUA would be exposed to excessive noise levels associated with public or private airports, and impacts would be similar.

11. Paleontological Resources

The Project site was identified as having a "Low Potential" to yield nonrenewable paleontological resources. The physical disturbance area under the proposed Project and the GPLUA would be identical, impacts to

paleontological resources would be identical under the Project and the GPLUA and would be less than significant due to the Project site's "Low Potential" to yield paleontological resources.

12. Population and Housing

Neither the Project nor the GPLUA has the potential to induce substantial population growth in the area, as both would be served by infrastructure that is sized only to serve development on site. Because there are no homes or residents on site under existing condition, neither the GPLUA nor the Project would result in the displacement of substantial numbers of people or housing and no impact would occur.

13. Public Services

Development of the Project site with 852,190 s.f. of general commercial uses would result in an increased demand for fire protection and police services as compared to the Project due to the increased intensity of development. Because no residences would be constructed on site under the GPLUA, the GPLUA would avoid the Project's less-than-significant impacts (with mitigation) to schools, parks, and libraries.

14. Recreation

The GPLUA does not propose any residential uses. Thus, the GPLUA would avoid the Project's less-than-significant impact due to the physical deterioration of existing recreational facilities. Additionally, because no recreational facilities would be developed on site under the GPLUA, the GPLUA would avoid the Project's less-than-significant impacts due to the construction of recreational facilities on site that may have an adverse physical effect on the environment.

15. Transportation and Traffic

As indicated in Table 4-4 of the Project's Traffic Impact Analysis ("TIA," DEIR *Technical Appendix L*), development of the site with commercial land uses as proposed under the GPLUA would result in approximately 18,015 Average Daily Trips (ADT) as compared to the 6,901 ADT that would be generated by the Project. Although traffic during the AM peak hour would be increased by 14 trips, peak hour trips during the peak hour would be decreased by 1,240 trips. Thus, implementation of the GPLUA would result in increased impacts due to traffic that results in or contributes to deficient levels of service (LOS). Thus, implementation of the GPLUA would result in a substantial increase in impacts to intersections, traffic signal warrants, off-ramp queuing, freeway segments, and freeway merge/diverge locations as compared to the proposed Project. In fact, it is likely that the GPLUA would result in deficient LOS at more facilities than would occur under the proposed Project, including Riverside County Congestion Management Program (CMP) facilities. Neither the proposed Project nor the GPLUA would result in a substantial change in air traffic patterns. Both the proposed Project and the GPLUA would be designed to City standards and would not increase hazards due to a design feature. Also, land uses proposed under both the GPLUA and the Project would be compatible with school and residential uses to the south and east, respectively. Neither the GPLUA nor the Project would result in inadequate emergency access, as the Project site is not identified as an emergency access route. The Project and the GPLUA both would be required to accommodate General Plan trails and bicycle facilities, including a Class II bike lane on Nichols Road, a Regional Trail along Nichols Road, and a County Regional Trail in the southern portions of the Project site.

16. Tribal Cultural Resources

Areas proposed for disturbance under the GPLUA would be identical to the proposed Project. Although neither the Project nor the GPLUA would impact any known TCRs, both the Project and the GPLUA have the potential to impact TCRs that may be buried beneath the site's surface and that could be impacted during grading or ground-disturbing activities. As with the Project, the GPLUA would be subject to Mitigation Measures MM 4.8-1 through MM 4.8-4, which would ensure that grading and other ground-disturbing activities during construction are monitored by a qualified archaeologist as well as tribal monitors. The mitigation further requires the proper treatment of any resources that may be uncovered, and the avoidance of disturbance in areas where potential resources are uncovered. With implementation of the required mitigation, impacts would be reduced to less-than-significant levels under both the GPLUA and proposed Project, and the level of impact would be the same.

17. Utilities and Service Systems

Selection of the GPLUA would result in an increased demand for water, sewer, and storm water drainage service/facilities than the proposed Project as the GPLUA would have more impervious surface than the proposed Project and would have a higher demand for water and sewer services. In addition, the GPLUA would result in an increased demand for solid waste collection and disposal services as compared to the proposed Project because commercial land uses generate more solid waste than residential uses. Neither the proposed Project nor the GPLUA would result in significant direct or cumulatively-considerable impacts to utilities and service systems, but impacts would be increased under the GPLUA due to the increase in development intensity as compared to the proposed Project.

C. Summary of Major Environmental Effects

As compared to the proposed Project, the GPLUA would have increased impacts to the following issue areas: aesthetics; air quality; greenhouse gas emissions; hydrology and water quality; noise; transportation and traffic; and utilities and service systems. The GPLUA would result in similar impacts under the following issue areas: biological resources; geology and soils; hazards and hazardous materials; historic and archaeological resources; land use and planning; paleontological resources; population and housing; and tribal cultural resources. The GPLUA would result in reduced impacts to the following issues: recreation; and utilities and service systems. Impacts to fire and police services would increase under the GPLUA as compared to the Project, while impacts to schools, parks, and libraries would be reduced as compared to the Project.

D. Feasibility

Although this alternative would be less effective at meeting the Project's objectives, the GPLUA nonetheless would be a feasible alternative to the proposed Project. Adoption of the GPLUA would, however, generally result in increased environmental effects as compared to the Project, particularly traffic and traffic-related impacts.

E. Comparative Merits

The GPLUA would not meet many of the Project's objectives. The GPLUA would not provide for a complementary mix of land uses, including residential, commercial, recreational, and open space land uses. Although no Specific Plan has been adopted for the southern 27.1 acres of the site, it is likely that the GPLUA would meet the Project's objective to establish a master-planned community in a manner that is sensitive to the environment as well as visually and functionally compatible with surrounding existing and proposed land uses. The GPLUA would not develop a "mixed-use community," but would meet the Project's objective to account for topographic, geologic, hydrologic, and environmental opportunities and constraints into designs for the site. The GPLUA proposes no dwelling units, and thus would not increase the available housing supply within the region. The GPLUA could be designed to meet the Project's objective to construct commercial and hotel uses within proximity to regional transportation facilities that will provide for employment opportunity and that can attract tenants at competitive lease rates to help ensure that the uses are occupied and positively contribute to the local economy. The GPLUA would not, however, provide a system of public and community facilities, including recreational facilities and trails, in an efficient and timely manner and meet the needs of residents of surrounding communities. It is anticipated that the GPLUA would meet the Project's objective to require project design elements such as architecture, landscaping, color, paving, walls, fencing, signage, entry treatments, and other similar design features that would ensure the community is developed in a manner that is aesthetically pleasing. It is anticipated that the GPLUA would be developed in a logical phased manner. Although the GPLUA would not provide for a complementary mix of land uses, the GPLUA would meet the Project's objective to preserve, to the extent feasible, natural drainages on site.

4.5.5 REDUCED PROJECT ALTERNATIVE (RPA)

A. Description

The Reduced Project Alternative (RPA) considers development of the Project site with a reduced number of dwelling units and commercial square footage in order to reduce the Project's significant and unavoidable impacts to air quality and traffic/transportation. Specifically, the RPA accommodates up to 104 "Low-Medium Residential" dwelling units on 38.4 acres at an overall density of 2.7 dwelling units per acre (du/ac); 7.2 acres of "General Commercial" land uses, which could accommodate up to 125,453 s.f. of general commercial land uses (at a maximum Floor Area Ratio [FAR] of 0.40); 8.3 acres of "Recreational (Park)" land uses; 1.3 acres of "Open Space" land uses; "Public Institutional (Drainage Basin)" land uses on 5.5 acres; "Floodway" (open space" land uses on 6.5 acres; and 5.3 acres of backbone circulation facilities. Except for the reduction in the number of dwelling units and areas proposed for commercial, all remaining components of the RPA would be the same as the proposed Project, including areas subject to grading and disturbance. This alternative was selected for evaluation by the Lead Agency to compare the environmental effects of the proposed Project against an alternative that would reduce the Project's significant and unavoidable impacts to air quality and traffic/transportation by reducing the total number of dwelling units and commercial square footage on the Project site.

B. *Environmental Analysis*

1. Aesthetics

Areas proposed for development under the RPA would be identical to the proposed Project, although there would be fewer residential dwelling units and less commercial acreage under the RPA. For both the RPA and the proposed Project, the Project site would be converted from undeveloped land to a mixed-use community. Consistent with the findings for the proposed Project, the RPA would not have a substantial adverse effect on a scenic vista, as views of regional scenic resources would continue to be available in the surrounding areas and within parks and open space areas on site. As such, impacts to scenic vistas would be similar under the proposed Project and the RPA, and would be less than significant.

The Project site is not visible from any officially-designated scenic highways. Although I-215 is identified as a "State Eligible" scenic highway, both the RPA and the proposed Project would have similar less-than-significant impacts on this facility because development of the Project site would simply appear as a continuation of existing urban development patterns in the area.

Both the Project and the RPA would be subject to compliance with the Nichols Ranch Specific Plan (NRSP), which have been crafted to ensure that future development on-site is aesthetically pleasing and not visually offensive. Although there would be a difference in land uses under the RPA, both the RPA and proposed Project would be developed in a manner that is consistent with the transitioning mixed-use character of the surrounding area, including existing residential developments to the east, commercial development to the southwest, and an existing high school to the south. In addition, with mandatory compliance to the proposed NRSP, the Project and the RPA would be developed in a manner that is not visually offensive either on-site or within the context of surrounding uses and planned development. As such, impacts to visual character and quality would be similar under the RPA and proposed Project and would be less than significant.

The Project and the RPA both would be subject to the lighting requirements set forth in the Lake Elsinore Municipal Code and in the NRSP. Thus, impacts due to lighting and glare would be similar under the Project and RPA and would be less than significant.

2. Air Quality

Implementation of the RPA would result in less construction activity overall due to the reduction in the number of dwelling units and a reduction in area devoted to general commercial land uses. Additionally, the RPA would result in a substantial reduction in operational emissions, primarily associated with traffic, due to the reduced number of dwelling units and areas proposed for commercial land uses. As such, the RPA would result in a substantial reduction in emissions of air quality pollutants as compared to the proposed Project. Although impacts would be reduced, the RPA would continue to exceed the South Coast Air Quality Management District (SCAQMD) Regional Thresholds for NOX. As such, the RPA would result in significant and unavoidable impacts due to a conflict with the SCAQMD Air Quality Management Plan (AQMP), although such impacts would be reduced in comparison to the proposed Project.

Areas proposed for grading under the RPA would be similar to the proposed Project. As such, both the RPA and proposed Project would result in similar significant and unavoidable impacts due to NOX emissions during construction, as the majority of construction-source NOX emissions would be from soil import activities. With respect to other phases of construction, the RPA proposes fewer buildings (i.e., fewer dwelling units and less commercial area) as compared to the proposed Project, so air quality emissions associated with this phase of construction would be reduces as compared to the Project. Nonetheless, both the Project and the RPA would result in significant and unavoidable impacts due to construction-related NOX emissions, and such impacts would be similar.

For long-term operation, the RPA would result in a reduction in traffic as compared to the proposed Project due to the reduction of dwelling units and areas proposed for commercial uses. As such, air quality emissions associated with the RPA would be reduced in comparison to the proposed Project. Although impacts would be reduced under the RPA, both the RPA and proposed Project would result in operational NOX emissions that exceed the SCAQMD Regional Thresholds, and impacts would be significant and unavoidable.

Neither the proposed Project nor the RPA would result in CO "Hot Spots."

As noted above, areas proposed for development are similar between the RPA and proposed Project, and the same amount of grading would be required. Thus, both the Project and the RPA would result in localized air quality impacts due to PM10 and PM2.5 emissions during construction. With implementation of applicable regulations and design requirements as well as compliance with Mitigation Measure MM 4.2-1, impacts due to localized construction emissions of PM10 and PM2.5 that exceed the SCAQMD Localized Significance Thresholds would be reduced to less-than-significant levels.

Neither the proposed Project nor the RPA would involve stationary land uses that have the potential for air quality impacts. Additionally, neither the RPA nor the Project would attract substantial amount of mobile sources that may spend long periods queuing and idling at the site (e.g., transfer facilities and warehouse buildings). Thus, neither the Project nor the RPA would result in localized air quality impacts due to operational emissions.

Neither the Project nor the RPA would result in impacts due to odors during long-term operation or construction; thus, impacts would be less than significant and would be similar.

3. Biological Resources

Areas proposed for physical disturbance by the RPA are identical to the proposed Project. As such, the RPA and the proposed Project would result in identical significant impacts to sensitive species, and mitigation would be required to reduce these impacts to below a level of significance.

Similarly, because areas proposed for physical disturbance are the same, both the Project and the RPA would result in impacts to 2.58 acres of native vegetation types, including 0.38 acre of Riversidean sage scrub, 0.40 acre of disturbed Riversidean sage scrub, 0.07 acre of Riversidean alluvial fan sage scrub, and 1.73 acres of disturbed Riversidean sage scrub-encelia dominant. Impacts to native vegetation types within the MSHCP

Project Area would be less than significant due to compliance with the MSHCP in this portion of the Project site. However, for the MSHCP-Excluded Project Area, impacts to 0.23 acre of Riversidean sage scrub, 0.14 acre of disturbed Riversidean sage scrub, 0.07 acre of Riversidean alluvial fan sage scrub, and 0.14 acres of disturbed Riversidean sage scrub-encelia dominant, would represent a significant impact. With implementation of the mitigation measures specified in EIR Subsection 4.3, impacts for the proposed Project and RPA would be reduced to less-than-significant levels and would be similar.

Both the RPA and the proposed Project would result in direct impacts to 0.44 acre of CDFW and RWQCB jurisdiction including 0.07 acre of Riversidean alluvial fan sage scrub. However, implementation of the mitigation measures specified in EIR Subsection 4.3 would reduce these impacts to less-than-significant levels.

The Project site lacks migratory wildlife corridors and wildlife nursery sites and does not occur within MSHCP Cores or Linkages. However, the Project Study Area occurs within an area that may serve a function in local wildlife movement such as dispersal and foraging. Both the Project and the RPA would preserve and avoid the on-site portion of Stovepipe Creek and preserve the majority of the sage scrub habitats located on-site which serve as local wildlife corridors. Therefore, both the Project and the RPA would have a less-than-significant impact on native resident or migratory wildlife corridors or wildlife nursery sites, and impacts would be similar.

Under both the RPA and the proposed Project, the Project Applicant would be required to comply with all applicable local policies and ordinances protecting biological resources, including Lake Elsinore Municipal Code Chapter 19.04 (requiring payment of Stephens' kangaroo rat conservation fees) and Chapter 16.85 (requiring payment of MSHCP fees). Additionally, neither the Project nor the RPA would conflict with the City's palm tree preservation program (Chapter 5.116 of the Lake Elsinore Municipal Code). Impacts would be less than significant, and would be similar for both the RPA and the proposed Project.

The northern 45.4 acres of the Project site are exempt from the MSHCP pursuant to a Settlement Agreement and Memorandum of Understanding ("Agreement") between the County of Riverside and a prior owner of the Project site. Both the RPA and the Project propose development of the northern 45.4 acres of the site, which are largely targeted for conservation under the MSHCP. As such, both the Project and the RPA would result in similar significant and unavoidable impacts due to a conflict with the MSHCP.

4. Geology and Soils

Construction and development characteristics associated with the RPA are very similar to the proposed Project. Thus, both the Project and the RPA would result in significant impacts associated with the exposure of people or structures to adverse effects, including loss, injury, or death as a result of strong seismic ground shaking. Additionally, the Project site is subject to hazards associated with lateral spreading, liquefaction, and collapse. Both the Project and the RPA would be subject to compliance with the Project's geotechnical study, as required by Mitigation Measure 4.4-1, which would reduce impacts to less-than-significant levels.

5. Greenhouse Gas Emissions

Under the RPA, emissions of greenhouse gases (GHGs) would be substantially reduced in comparison to the proposed Project due to the reduction in the number of dwelling units and commercial area. Both the Project and the RPA would be subject to compliance with the City's Climate Action Plan (CAP); however, the City's CAP does not adequately address the GHG reduction targets established by Senate Bill 32 (SB 32). However, with implementation of the mitigation specified in EIR Subsection 4.5, impacts due to GHG emissions would be reduced to less-than-significant levels under both the Project and the RPA. Similarly, impacts due to a conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases would be reduced to less-than-significant levels under both the Project and the RPA with implementation of the required mitigation. Nonetheless, because overall emissions would be reduced under the RPA (especially due to the reduction in vehicular traffic), impacts due to GHG emissions would be reduced under the RPA as compared to the proposed Project.

6. Hazards and Hazardous Materials

During construction and operation of both the Project and the RPA, mandatory compliance with federal, state, and local regulations would reduce to less-than-significant levels impacts due to a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. However, because the RPA would introduce fewer commercial uses than the proposed Project, potential impacts would be reduced under the RPA in comparison to the proposed Project.

Under existing conditions, no hazards were found on the Project site; thus, no impacts due to existing site contamination would occur under the Project or RPA. During construction and operation, mandatory compliance with federal, state, and local regulations would ensure that the Project and the RPA would not create a significant hazard to the public or the environment through accident conditions involving the release of hazardous materials. Thus, the Project and the RPA would not create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials in the environment. However, due to the reduction in commercial area, the RPA would have slightly reduced impacts in comparison to the proposed Project.

The Project site is located immediately adjacent to the Temescal Canyon High School. The only component of the Project or the RPA that would have the potential to emit hazardous emissions or handle hazardous materials on-site would gas station uses within the proposed commercial area. Any proposed gas station would handle hazardous materials within one-quarter mile of a school; however, any such gas station's hazardous emissions would be below the cancer-related hazardous risk threshold established by SCAQMD and would be subject to regulatory requirements and routine inspections. The remaining proposed uses for the Project site by the RPA and proposed Project are not associated with the transport, use, or disposal of significant quantities of hazardous materials. Thus, the Project's impact due to emitting hazardous emissions or handle hazardous materials within one-quarter mile of an existing or proposed school would be less than significant under both the Project and RPA, although impacts under the RPA would be reduced in comparison to the proposed Project if no gas station were proposed.

The Project site is not located on any list of hazardous materials sites compiled pursuant to Government Code § 65962.5. Accordingly, no impact would occur under the RPA or the proposed Project, and impacts would be similar.

The Project site is not located within an airport land use plan or within two miles of a public airport or public use airport. The nearest public airport is the March Air Reserve Base, located approximately 12 miles northeast of the Project site, and the Project is not located within the AIA of the March Air Reserve Base. The nearest airport to the proposed Project is Skylark Field, a private use airport located 5.7 miles southeast of the Project site. The Project site is not within the AIA for Skylark Field. As such, neither the proposed Project nor the RPA would expose people residing or working in the area to safety hazards associated with public airports, and impacts would be less than significant and similar under both alternatives.

The Project site is located approximately 5.7 miles southeast of the Skylark Field, which is the nearest private airstrip to the Project site. The Project site is not located within the AIA for this facility, and operations at Skylark Field are unlikely to create a safety hazard for people working or residing in the Project area. Impacts would be less than significant under both the RPA and proposed Project, and impacts would be similar.

Neither the Project nor the RPA would impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. No emergency facilities exist on the Project site, and the site does not serve as an emergency evacuation route and the Project would be required to maintain access during construction. Thus, both the Project and RPA would result in similar less-than-significant impacts.

According to the City of Lake Elsinore General Plan Update EIR, the Project site is identified as having a "High" and "Very High" susceptibility to wildfires. Nichols Road, El Toro Road, Wood Mesa Court, and I-15 would provide buffers around the Project site. A buffer distance of between 30-60 feet as provided by these roads and the buffer as provided by I-15 would reduce the site's potential for fire hazards. In addition, both the Project and the RPA would be subject to mandatory compliance with the recommendations of the FPP as required by the NRSP, which requires implementation of fuel modification zones and other fire hazard design features on the Project site. Furthermore, the Project site under both the Project and the RPA would be developed in a manner consistent with jurisdictional requirements for fire protection and would generally decrease the fire hazard in the local area. As such, impacts regarding wildland fires would be less than significant under both the RPA and the proposed Project. However, because the RPA would introduce fewer structures and residents/workers to the Project site as compared to the Project, impacts due to fire hazards would be slightly reduced under the RPA as compared to the proposed Project.

7. Historic and Archaeological Resources

Areas subject to physical disturbance by the RPA would be identical to the proposed Project. Both the Project and RPA would impact one (1) known historical resource (Site RIV-8120) on the Project site. However, Site RIV-8120 is not determined significant pursuant to the criteria given in CEQA Guidelines § 15064.5. Also, there are no other known archaeological resources at the Project site. Accordingly, the Project and RPA would result in less-than-significant impacts to known significant historical resources. Regardless, there is a potential that historical resources may be buried beneath the surface of the site that meet the CEQA definition of a

significant resource which could not be unearthed during the Project's construction process. If such resources are unearthed and are not properly identified and treated, the impact would be significant on both a direct and cumulative basis for both the RPA and proposed Project. With implementation of the mitigation measures identified in EIR Subsection 4.7, impacts would be reduced to less-than-significant levels.

Additionally, there is a potential that archaeological resources may be buried beneath the surface of the site that meet the CEQA definition of a significant resource which could be unearthed during construction of the proposed Project or RPA. If such resources are unearthed and are not properly identified and treated, the impact would be significant. With implementation of the mitigation measures identified in EIR Subsection 4.7, impacts would be reduced to less-than-significant levels.

The Project site does not contain a cemetery and no known cemeteries are located within the immediate site vicinity. In the unlikely event that human remains are discovered during grading or other ground-disturbing activities associated with the Project or the RPA, the Project and RPA would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 and California Public Resources Code § 5097 et. seq. Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains.

8. Hydrology and Water Quality

With implementation of the BMPs from the SWPPP and the WQMP prepared for the Project (which would also apply to the RPA) as well as implementation of the drainage plan that includes two (2) drainage basins for both the Project and RPA, impacts would be less than significant. Because areas proposed for development are similar, impacts under the RPA and Project would be similar.

The Project and the RPA would have a reliable source of domestic water and would not require any new potable water wells that would directly extract groundwater. Groundwater recharge would occur in on-site drainage basins and landscaped areas, and water conveyed off-site would have the ability to percolate into the groundwater table. The Project and RPA would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, and the impact would be less than significant. However, because the RPA would require less water than the proposed Project, impacts to groundwater would be reduced under the RPA as compared to the proposed Project.

Implementation of the BMPs from the required SWPPP and the on-site drainage basins would ensure that construction and operation of the Project and the RPA would not result in substantial erosion or siltation on- or off-site or contribute runoff storm water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Accordingly, impacts would be less than significant and would be similar under the RPA and proposed Project.

With implementation of the drainage plan (including the two [2] proposed drainage basins) included as an applicable City Regulation, which would be similar under the Project and the RPA, the Project and the RPA would result in the reduction of peak storm water discharge flows compared to existing conditions. Because

the proposed Project and RPA would be designed to attenuate post-development runoff from the site, runoff from the Project and RPA would not substantially increase the rate or amount of surface runoff in downstream areas in a manner that would result in flooding on- or off-site. A less-than-significant impact would occur, and impacts would be similar under the RPA and proposed Project.

Implementation of the Project or RPA would not require construction or expansion of storm water drainage facilities that are not already addressed herein. Construction of the proposed storm drainage improvements is an integral component of the construction phase for both the Project and the RPA, impacts for which have been evaluated throughout this subsection. In each case, impacts are found to be less than significant, or would be reduced to less than significant levels with the incorporation of mitigation. There are no components of the on-site drainage improvements that would result in environmental effects not addressed in this EIR. Thus, a less-than-significant impact would occur under both the Project and the RPA, and impacts would be similar.

The FEMA FIRM for the Project site indicates that the majority of the Project site is not located within a special flood hazard area, except for Stovepipe Creek which is located within a special flood hazard area. The Project and RPA propose minor modifications to the flood plain limits and the Project Applicant would be required to obtain a CLOMR and LOMR from FEMA to modify the mapped floodplain boundaries. Following the modification of the floodplain boundaries on-site, no development would occur within the revised flood zones under the Project or RPA. Thus, with implementation of regulatory requirements the Project and RPA would not place housing or structures within a 100-year flood hazard area and would not impede or redirect flood flows. Accordingly, potential impacts associated with placing housing or structures within a 100-year flood zone would be less than significant and would be similar under the RPA and proposed Project.

The Project site is located approximately 1.7 miles north of a levee associated with Lake Elsinore, and 4.7 miles northwest of the Railroad Canyon Dam. According to the City of Lake Elsinore General Plan EIR, the Project site is located outside of dam inundation zones. Furthermore, compliance with the City of Lake Elsinore General Plan "Policy and Implementation Plan" applicable to dam inundation as well as the construction of the two (2) drainage basins on-site would ensure that any potential dam inundation hazards associated with future development would be less than significant for both the Project and the RPA. Impacts would be similar.

Based on the 1.8-mile distance and change in topography between Lake Elsinore (the nearest large body of water) and the Project site, the Project and RPA would not be subject to inundation by seiches associated with the body of water. Impacts associated with inundation by seiche would be less than significant. Additionally, due to the approximately 25-mile distance of the Project site from the Pacific Ocean, there is no potential for a tsunami to affect the Project site, and no impact would occur under the Project or RPA. With implementation of the BMPs from the Project-specific SWPPP and Mitigation Measure MM 4.4-1 (refer to EIR Subsection 4.4.7), i hazards associated with mudflows would be less than significant under the Project and RPA. Impacts would be similar under the RPA and proposed Project.

9. Land Use and Planning

The Project and RPA would not physically disrupt or divide any established communities, and no impact would occur under either alternative.

Although the Project and the RPA would require changes the site's existing General Plan land use and zoning classifications, neither the Project nor the RPA would result in a significant environmental effect due to an inconsistency with the site's existing or proposed zoning. Furthermore, the Project and RPA would be consistent with the General Plan and SCAG RTP/SCS goals. Impacts due to a conflict with the land use designations and policies of the General Plan and other planning documents would be less than significant and would be similar under both the RPA and proposed Project.

Under both the Project and the RPA, impacts due to a conflict with the SKR HCP would be less than significant, and impacts due to a conflict with the MSHCP on the southern 27.1 acres of the Project site would be less than significant with the mitigation measures identified in Subsection 4.3 and mandatory payment of MSHCP fees. Although the northern 45.4 acres are exempt from the Western Riverside County MSHCP, neither the Project nor the RPA would implement the MSHCP Conservation Criteria for MSHCP Cell Group W. As such, neither the Project nor the RPA would comply with the MSHCP conservation objective for the northern 45.4 acres of the site. This represents a significant and unavoidable impact of both the Project and RPA. Impacts under both alternatives would be similar.

10. Noise

Both the Project and the RPA would result in construction-related noise levels that exceed the City of Lake Elsinore stationary construction equipment noise level standards for residential and semi-residential (school) uses, although these impacts would be reduced to less-than-significant levels with implementation of the mitigation measures specified in EIR Subsection 4.10. However, because less development would occur under the RPA, near-term construction-related noise impacts would be reduced under the RPA as compared to the proposed Project.

Under both the Project and RPA, off-site traffic-related noise impacts would be less than significant, although such noise impacts would be reduced under the RPA due to the reduction in traffic as compared to the proposed Project.

Both the Project and the RPA would introduce residential structures into areas that may be affected by traffic-related noise or noise associated with operation of the commercial areas on site. Interior and exterior noise impacts associated with the RPA would be slightly increased relative to the proposed Project because the RPA proposes residential units near I-15. Nonetheless, implementation of the mitigation measures identified in EIR Subsection 4.10 would reduce impacts to less-than-significant levels.

Additionally, under the Project and RPA, operational noise levels affecting sensitive off-site receiver locations have the potential to exceed the nighttime exterior noise level standards established by General Plan Policy 7.1. Such impacts would be reduced to less-than-significant levels with implementation of the mitigation

measures identified in EIR Subsection 4.10. However, due to the reduction in areas proposed for commercial, such impacts would be reduced under the RPA as compared to the proposed Project.

Moreover, the Project would contribute operational noise level increases over the existing ambient noise levels which ranging from 0.1 to 0.8 dBA L_{50} during the daytime hours and nighttime hours, which would satisfy the significance criteria discussed in subsection 4.10.4. Impacts under the Project would be less than significant. As the RPA proposes fewer commercial uses, the RPA would reduce the Project's less-than-significant impacts due to operational-related cumulative noise contributions.

Construction characteristics associated with the RPA would be similar to the proposed Project. As demonstrated in Subsection 4.10, the Project would not create vibration levels exceeding 0.01 in/sec with implementation of the mitigation identified in EIR Subsection 4.10. The RPA would similarly be required to incorporate mitigation to reduce construction-related vibration impacts to less-than-significant levels. However, because the RPA proposes fewer buildings than the Project, impacts associated with groundborne vibration would be reduced under the RPA.

Traffic associated with the Project and the RPA would not cause or contribute to a significant noise impact affecting nearby sensitive receptors under any scenario evaluated in the Project's NIA and TIA. However, the operational noise levels associated with the proposed Project and the RPA would exceed the nighttime exterior noise level standards at nearby sensitive receptors, which represents a significant impact. Implementation of the mitigation measures identified in Subsection 4.10 would reduce such impacts to less-than-significant levels. However, because the RPA proposes fewer commercial uses, impacts under the RPA would be reduced in comparison to the proposed Project.

Construction noise levels associated with the Project and RPA, when the highest reference noise level is operating at a single point nearest the sensitive receiver location, would exceed the City of Lake Elsinore stationary construction equipment noise level standards for residential and semi-residential (school) uses. However, impacts would be reduced to less-than-significant levels with implementation of the mitigation measures identified in EIR Subsection 4.10. Nonetheless, due to the decrease in development intensity associated with the RPA, the RPA would result in reduced construction-related impacts as compared to the proposed Project.

The closest airport is Skylark Field which is located approximately 5.7 miles southeast of the Project site. The Project site is not located within the AIA of the closest airport, Skylark Airport, and is not subject to substantial noise levels associated with airport operations. Further, the Project site is not located within an airport land use plan or within 2 miles of a public airport. The Project site would not be exposed to aircraft-related noise exceeding 55 dBA CNEL, which is considered "clearly acceptable" by the Riverside County ALUCP for residential and commercial development. Accordingly, neither the Project nor the RPA would result in the exposure of people residing or working at the Project site to excessive airport- or aircraft-related noise, and no impact would occur under either alternative.

11. Paleontological Resources

The Project site has a "Low Potential" to yield nonrenewable paleontological resources. There were no surface-exposed fossils or fossiliferous sedimentary units found during the field survey conducted by BFSA. In addition, the metamorphic and late Quaternary young alluvial fan sediments across the entire Project site indicates a low likelihood that any fossiliferous deposit would be present within the Project area and its surrounding areas. Thus, neither the Project nor the RPA would impact any known paleontological resource or unique geological feature. Impacts would be less than significant and would be similar under either alternative.

12. Population and Housing

Implementation of the Project or the RPA would exceed local and regional projections. However, impacts associated with the proposed increases in population on-site have been evaluated herein, and mitigation measures have been imposed where necessary to reduce impacts to the maximum feasible extent. Therefore, impacts due to direct and indirect population growth would be less than significant under both the Project and the RPA would be less than significant, although impacts under the RPA would be reduced because the Project proposes fewer residential dwelling units, and thus, a reduction in population as compared to the Project.

Neither the Project nor the RPA would result in the displacement of housing that could result in the construction of replacement housing; rather, the development of residential units would further augment the housing supply in the region. Thus, no impact associated with inducing housing demand would occur under the Project or RPA and impacts would be similar.

The Project site is undeveloped; thus, the Project would not displace substantial numbers of people and would not result in the need for construction of replacement housing elsewhere. Both the Project and the RPA would involve the development of the site with new residential units, resulting in an improvement to the housing supply in the region. Therefore, no impact associated with population displacement would occur under the Project or RPA and impacts would be similar.

13. Public Services

With payment of mandatory DIF fees, potential direct and cumulatively-considerable impacts to the RCFD under the Project and RPA would be reduced to less-than-significant levels, and neither the Project nor the RPA would result in or require the construction of new fire protection facilities that could result in a significant impact to the environment. However, due to the reduction in development intensity under the RPA, impacts under the RPA would be reduced in comparison to the proposed Project.

With payment of mandatory DIF fees, potential direct and cumulatively-considerable impacts to the RCSD under the Project and RPA would be reduced to less-than-significant levels, and neither the Project nor the RPA would result in or require the construction of new police protection facilities that could result in a significant impact to the environment. However, due to the reduction in development intensity under the RPA, impacts under the RPA would be reduced in comparison to the proposed Project.

The Project and RPA both would generate a new student population that would not be accommodated within LEUSD's existing capacity. Although the LEUSD would need to construct new school facilities to meet the growing demand within this part of Lake Elsinore, there are no current publicly-available plans detailing where such facilities would be built. Although the Project and RPA would contribute to the need for new or expanded school facilities, it is not possible to identify environmental impacts that may be associated with the construction of new or expanded school facilities until a specific proposal and design for the facility is prepared by the LEUSD, and an analysis of potential physical environmental impacts resulting from the construction and operation of new or expanded school facilities would be speculative in nature (see CEQA Guidelines § 15145). Environmental effects of such school facilities and any associated mitigation would be identified through a future CEQA process required in association with any future proposals for new or expanded school facilities. Any mitigation measures required for new or expanded school facilities could be funded, in part, from property taxes and/or through payment of school impact fees. Furthermore, the payment of mandatory school impact fees would ensure that neither the Project nor the RPA would result in significant direct or cumulatively-considerable impacts to the ability of the LEUSD to provide for school services. The Project and RPA would not require the construction of new school facilities that could result in a significant impact to the environment. However, due to the reduction in dwelling units associated with the RPA, the RPA would result in reduced impacts to schools as compared to the proposed Project.

With construction of public parkland on-site as required by the City of Lake Elsinore's Park and Recreation Master Plan, t direct and cumulatively-considerable park impacts to the City of Lake Elsinore would be reduced to less-than-significant levels under the proposed Project and RPA. Additionally, neither the RPA nor the proposed Project would result in or require the construction of new parkland that could result in a significant impact to the environment. Notwithstanding, impacts to parks would be reduced under the RPA because the RPA proposes fewer dwelling units than the proposed Project but the same amount of on-site parkland.

Although the Project and RPA both would contribute to a need for new or expanded library facilities, it is not possible to identify environmental impacts that may be associated with such new or expanded library facilities until a specific proposal and design for such facilities are prepared by the City of Lake Elsinore. Accordingly, impacts due to the construction of new or expanded library facilities are too speculative for evaluation in this EIR (CEQA Guidelines § 15145). Environmental effects of such library facilities and associated mitigation would be identified through a future CEQA process required in association with any future proposals for new or expanded library facilities. However, the Project and the RPA would be required to contribute DIF fees, which would be used in part to provide for library space and/or new book volumes. Accordingly, with payment of DIF fees, impacts to library services and facilities associated with the Project and the RPA are evaluated as less than significant on both a direct and cumulatively-considerable basis. However, because the RPA proposes fewer dwelling units than the proposed Project, impacts to libraries under the RPA would be reduced.

14. Recreation

Both the Project and the RPA would provide a total of 8.3 acres of public parkland on-site, which would exceed the amount of parkland required by the City of Lake Elsinore Parks and Recreation Plan. Given the excess amount of parkland planned within the area, it is unlikely that future residents of the Project or the RPA would utilize parkland resources outside of the Project site boundaries to the point that physical deterioration of such

facilities would occur or would be accelerated. Moreover, it is likely that any incremental increase in the use of existing recreational uses as a result of the Project or the RPA would be off-set by existing City residents utilizing proposed recreational facilities on-site. Thus, impacts to existing parks and recreation facilities in the region would be less than significant under both the Project and the RPA. However, because the RPA proposes the same amount of parkland on site as the Project but proposes fewer dwelling units, impacts to existing recreational facilities would be reduced under the RPA as compared to the proposed Project.

A 6.5-acre linear park, a 1.8-acre neighborhood park, trails, and a Class II bicycle lane per the City's General Plan are proposed on the Project site as part of both the RPA and the proposed Project. Effects associated with the physical construction of these facilities are addressed under the relevant issue areas identified herein. As concluded throughout this document, direct and cumulative impacts associated with construction of the on-site park facilities would be less than significant or would be reduced to the maximum feasible extent with the implementation of mitigation measures identified herein. Thus, impacts under both the Project and RPA would be similar because the RPA and Project propose the same areas for park and recreation resources on site.

15. Transportation and Traffic

Both the Project and the RPA would result in direct and/or cumulatively-considerable impacts to study area transportation facilities. However, impacts under the RPA would be significantly reduced under the RPA as compared to the proposed Project due to the reduction in the number of dwelling units and commercial areas. Notwithstanding, although impacts to transportation facilities would be reduced under the RPA, significant and unavoidable impacts to study area facilities still would occur. Such impacts, while less than those associated with the Project, would result from one or more of the following factors: 1) improvements required to achieve an acceptable Level of Service (LOS) are funded by a local or regional funding program (i.e., DIF or TUMF), but it cannot be assured that the improvements would be in place prior to the facilities experiencing a deficient LOS; 2) although fair-share monetary contributions have been identified for the Project's cumulatively-considerable impacts, a funding program does not currently exist for the facility and it cannot be assured that required improvements would be in place prior to the facility experiencing a deficient LOS; and/or 3) the affected facility is under the jurisdiction of another agency (e.g., Caltrans), and no funding programs exist beyond regional programs (e.g., TUMF) to implement improvements needed to achieve an acceptable LOS.

Likewise, both the Project and the RPA would result in significant and unavoidable impacts to CMP facilities, impacts under the RPA would be significantly reduced due to the reduction in the number of dwelling units and commercial area as compared to the Project.

There are no components of the proposed Project or the RPA that would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. Accordingly, impacts would be less than significant under both alternatives, and impacts would be similar.

Neither the proposed Project nor the RPA would create or substantially increase safety hazards due to a design feature or incompatible use, and impacts would be less than significant and similar under both alternatives.

Due to temporary lane closures that may occur during the construction phase for both the Project and the RPA, such construction activities may conflict with emergency access routes and access to nearby uses during frontage improvements to Nichols Road and the proposed connection to El Toro Road via B Street. Construction traffic would be required to comply with a temporary traffic control plan that meets the applicable requirements of the California Manual on Uniform Traffic Control Devices, as required by the mitigation specified in EIR Subsection 4.15. Because improvements under the Project and RPA would be similar, temporary construction-related impacts would be similar under both alternative.

Neither the proposed Project nor the RPA would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities), and impacts would be less than significant and similar under both alternatives.

16. Tribal Cultural Resources

Areas proposed for disturbance under the RPA would be identical to the proposed Project. Although neither the Project nor the RPA would impact any known TCRs, both the Project and the RPA have the potential to impact TCRs that may be buried beneath the site's surface and that could be impacted during grading or ground-disturbing activities. As with the Project, the RPA would be subject to Mitigation Measures MM 4.8-1 through MM 4.8-4, which would ensure that grading and other ground-disturbing activities during construction are monitored by a qualified archaeologist as well as tribal monitors. The mitigation further requires the proper treatment of any resources that may be uncovered, and the avoidance of disturbance in areas where potential resources are uncovered. With implementation of the required mitigation, impacts would be reduced to less-than-significant levels under both the RPA and proposed Project, and the level of impact would be the same.

17. Utilities and Service Systems

Neither the Project nor the RPA would exceed wastewater treatment requirements of the Santa Ana RWQCB. The EVMWD would provide wastewater treatment and collection services to the site, and the EVMWD is required to operate all of its treatment facilities in accordance with applicable waste treatment and discharge standards and requirements set forth by the RWQCB. Thus, a less-than-significant impact would occur under both the RPA and proposed Project, and impacts would be similar under both alternatives.

Wastewater treatment services would be provided by the EVMWD, which has existing and projected capacity to serve existing and planned development within its service area. Thus, neither the Project nor the RPA would result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Additionally, neither the Project nor the RPA would result in a determination by the EVMWD that it has inadequate capacity to serve the Project's projected demand in addition to the provider's existing commitment. Therefore, impacts would be less than significant, although impacts under the RPA would be reduced due to the reduction in the number of dwelling units and commercial area as compared to the proposed Project.

The UWMP bases its growth assumptions, in part, based on the land use designations of General Plans within the EVMWD's service area, and both the proposed Project and the RPA would generate substantially less

demand for potable water than development of the site with commercial uses, as assumed in the UWMP. Because the EVMWD projects that it will have sufficient water supplies even during single and multiple dry years to meet the projected demand within its district through year 2040, and because the Project and RPA would result in less demand for potable water than is accounted for by the UWMP, it can be concluded that the EVMWD would have sufficient water supplies to serve the Project and/or the RPA and other cumulative developments based on existing entitlements and resources. Additionally, neither the Project nor the RPA would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Therefore, impacts due to water demand would be less than significant under both the Project and the RPA, although impacts would be reduced under the RPA as compared to the Project due to the reduction in the number of dwelling units and commercial area and associated reduction in water demand.

During both construction and operation of the Project or the RPA, the amount of solid waste generated b would represent a nominal increase in the existing available disposal capacity of the Perris TS/MRF, the El Sobrante Landfill, the Badlands Landfill, and the Lamb Canyon Landfill. Thus, the Project and the RPA would be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and impacts would be less than significant. However, due to the reduction in the number of dwelling units and commercial area, the RPA would result in reduced impacts as compared to the proposed Project.

Existing landfills that serve the Project site are required to comply with federal, state, and local statues and regulations related to solid waste. Compliance with federal, state, and local statutes and regulations would reduce the amount of solid waste generated by the Project and the RPA and diverted to landfills, which in turn would aid in the extension of the life of affected disposal sites. The Project and RPA would be required to comply with all applicable solid waste statutes and regulations; as such, impacts would be less than significant under either alternative, although impacts under the RPA would be reduced due to the reduction in the number of dwelling units and commercial area an attendant reduced solid waste generation.

Impacts associated with the construction of utility connections to provide electricity, natural gas, and telecommunication facilities service to the site are inherent to the construction phase, and have been evaluated herein. Where significant construction-related impacts are identified, feasible mitigation measures are identified to reduce impacts to the maximum feasible extent. There are no components of the proposed utility connections that would result in significant environmental effects not already addressed herein. Accordingly, impacts under the RPA and proposed Project would be less than significant and would be similar.

C. ***Summary of Major Environmental Effects***

As compared to the proposed Project, the RPA would not result in increased impacts to any of the issue areas analyzed above, and would result in similar or decreased impacts to all of the issue areas analyzed above. Specifically, as compared to the proposed Project, the RPA would result in reduced impacts associated with air quality, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality (groundwater supplies), noise, population/housing, public services, recreation, transportation/traffic, and utilities/service systems. Impacts under the issues of aesthetics, biological resources, geology/soils, historic/archaeological

resources, hydrology/water quality (for all but groundwater supplies), land use/planning, paleontological resources, and tribal cultural resources would be similar under the Project and the RPA.

D. Feasibility

The RPA would be feasible, but would be less efficient and thus less economical than the proposed Project due to the reduction in the number of proposed residential units and in the amount of commercial area. Additionally, this Alternative would not eliminate all of the Project's significant environmental effects, though some effects, such as air quality and traffic, would be reduced under the RPA. Significant unavoidable impacts due to a conflict with the MSHCP would be the same as the proposed Project under this alternative.

E. Comparative Merits

The RPA generally would meet the Project's objectives, but less effectively than the proposed Project due to the reduction in the number of dwelling units and areas proposed for commercial land uses. The RPA would be less effective in efficiently develop an underutilized property with a complementary mix of land uses, including residential, commercial, recreational, and open space land uses. The RPA would, similar to the Project, establish a master-planned community in a manner that is sensitive to the environment as well as visually and functionally compatible with surrounding existing and proposed land uses. Both the Project and the RPA would incorporate a design that takes topographic, geologic, hydrologic, and environmental opportunities and constraints into consideration to minimize alterations to Stovepipe Creek, where practical. However, the RPA would be less effective than the proposed Project in increasing the available housing supply within the region by providing detached single-family homes in traditional subdivision layouts that will be marketable within the evolving economic profile of the City of Lake Elsinore and surrounding communities. Additionally, as it is not known whether the commercial site could accommodate a hotel under the RPA, the RPA also would be less effective than the proposed Project in providing commercial and hotel uses within proximity to regional transportation facilities that will provide for employment opportunity and that can attract tenants at competitive lease rates to help ensure that the uses are occupied and positively contribute to the local economy. Both the Project and the RPA would provide a system of public and community facilities, including recreational facilities and trails, in an efficient and timely manner and meet the needs of Project residents and residents of surrounding communities. Both the Project and the RPA would require project design elements such as architecture, landscaping, color, paving, walls, fencing, signage, entry treatments, and other similar design features that would ensure the community is developed in a manner that is aesthetically pleasing. Further, both the RPA and proposed Project would achieve the Project's objective to establish development phasing that results in logical coordinated growth. Additionally, both the Project and RPA would develop the site with complementary mixed uses in a manner that preserves, to the extent feasible, natural drainages, although the Project would more effectively provide for a complementary mix of land uses as compared to the RPA.

4.5.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The Environmentally Superior Alternative would be the No Project/No Development Alternative because no new physical environmental impacts would occur on-site. Following reclamation of the northern portions of the site, the Project site would remain vacant and undeveloped, and significant impacts to air quality, biological

resources, and transportation/traffic impacts that would occur by implementation of the proposed Project would not occur.

However, State CEQA Guidelines § 15126.6(e)(2) states:

> *The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.*

Therefore, pursuant to CEQA, because the No Project/No Development Alternative has been identified as the Environmentally Superior Alternative under CEQA, the Environmentally Superior Alternative among the other alternatives would be the Reduced Project Alternative (RPA) which would reduce the number of residential dwelling units and the amount of commercial building area.

As previously analyzed, activity related to the RPA would be less, and consequently, that overall impacts from implementation of this Alternative would be less than those of the proposed Project. The RPA would reduce the Project's significant and unavoidable impacts to air quality and transportation and traffic, but would not reduce to a level below significance the Project's significant and unavoidable impacts. Additionally, the RPA would not reduce the Project's significant and unavoidable impacts to biological resources. Therefore, the RPA would result in the same type of significant and unavoidable impacts that would result from the proposed Project, though to a lesser degree in regards to air quality and traffic impacts.

CEQA does not require the Lead Agency (City) to approve the environmentally superior alternative. Conversely, CEQA requires that an EIR consider a reasonable range of feasible alternatives (State CEQA Guidelines, § 15126.6(a)) and then the Lead Agency may elect to approve the project or any of the analyzed alternatives; in addition, the Lead Agency may also elect not to approve the project or any of its alternatives. This alternatives analysis has been prepared for the City to consider environmentally superior alternatives and also determine whether the benefits of the project or its alternatives outweigh the potential environmental impacts. Table 5-1, *Alternatives to the Proposed Project – Comparison of Environmental Impacts*, below provides a summary comparison of the Alternatives to the proposed Project and the proposed Alternatives ability to meet the Project objectives. The City hereby incorporates Table 6-1 from the DEIR.

5.0 STATEMENT OF OVERRIDING CONSIDERATIONS

5.1 UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL EFFECTS

The Final Environmental Impact Report (EIR) for the Nichols Ranch Specific Plan Project has identified and discussed significant effects that may occur as a result of the proposed Project. With implementation of the proposed Project including the Project mitigation measures identified for each significant impact, most of the

potentially significant impacts can be reduced to a level considered less than significant, except for unavoidable significant impacts as discussed below and in Section 4.4 of the Findings.

The City has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the proposed Project. Impacts, in these and all other cases, have been mitigated to the extent considered feasible. Environmental impacts identified in the Final EIR as potentially significant but which the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, are described in this section.

A. Air Quality

- Air Quality Threshold a: Significant Unavoidable Direct and Cumulatively-Considerable Impact. No feasible mitigation measures exist to reduce the Project's emissions of Nitrogen Oxides (NO_X) to below the applicable SCAQMD Regional Thresholds of significance. During construction activities, the majority of construction-source NO_X emissions would be generated from soil import activities, while under operational conditions over 93 percent of operational-source NO_X emissions would be generated by Project-related traffic. Neither the Project Applicant nor the Lead Agency (City of Lake Elsinore) can substantively or materially affect reductions in mobile-source emissions beyond the regulatory requirements and mitigation measures identified herein. Accordingly, the Project's significant direct and cumulatively-considerable impact due to a conflict with the SCAQMD 2016 AQMP would be significant and unavoidable.

Table 5-1 Alternatives to the Proposed Project – Comparison of Environmental Impacts

ENVIRONMENTAL TOPIC	PROPOSED PROJECT SIGNIFICANCE OF IMPACTS AFTER MITIGATION	LEVEL OF IMPACT COMPARED TO THE PROPOSED PROJECT		
		NO PROJECT / NO DEVELOPMENT ALTERNATIVE	NO PROJECT / GENERAL PLAN LAND USE ALTERNATIVE	REDUCED PROJECT ALTERNATIVE
Aesthetics	Less than Significant	Reduced	Increased	Similar
Air Quality	Significant and Unavoidable Direct and Cumulatively-Considerable Impacts	Reduced	Increased	Reduced
Biological Resources	Significant and Unavoidable Direct Impact	Reduced	Similar	Similar
Geology and Soils	Less than Significant	Reduced	Similar	Similar
Greenhouse Gas Emissions	Less than Significant	Reduced	Increased	Reduced
Hazards/Hazardous Materials	Less than Significant	Reduced	Similar	Reduced
Historic and Archeological Resources	Less than Significant	Reduced	Similar	Similar
Hydrology and Water Quality	Less than Significant	Most Issues: Reduced Erosion/Siltation: Increased	Increased	Reduced
Land Use and Planning	Significant and Unavoidable Direct Impact	Reduced	Similar	Reduced
Noise	Less than Significant	Reduced	Near-Term: Similar Long-Term: Increased	Reduced
Paleontological Resources	Less than Significant	Reduced	Similar	Similar
Population and Housing	Less than Significant	Similar	Similar	Reduced
Public Services	Less than Significant	Reduced	Police/Fire: Increased Schools/Parks/Libraries: Decreased	Reduced
Recreation	Less than Significant	Reduced	Reduced	Reduced
Transportation and Traffic	Significant and Unavoidable Direct and Cumulatively-Considerable Impacts	Reduced	Increased	Reduced
Tribal Cultural Resources	Less than Significant	Reduced	Similar	Similar
Utilities and Service Systems	Less-than-Significant	Reduced	Increased	Reduced
Objective A: To efficiently develop an underutilized property with a complementary mix of land uses, including residential, commercial, recreational, and open space land uses.		No	No	Yes, but less effectively
Objective B: To establish a master-planned community in a manner that is sensitive to the environment as well as visually and functionally compatible with surrounding existing and proposed land uses.		No	Yes	Yes
Objective C: To develop a mixed-use community with a design that takes topographic, geologic, hydrologic, and environmental opportunities and constraints into consideration to minimize alterations to Stovepipe Creek, where practical.		No	No	Yes
Objective D: To increase the available housing supply within the region by providing detached single-family homes in traditional subdivision layouts that will be marketable within the evolving economic profile of the City of Lake Elsinore and surrounding communities.		No	No	Yes, but less effectively
Objective E: To construct commercial and hotel uses within proximity to regional transportation facilities that will provide for employment opportunity and that can attract tenants		No	Yes	Yes, but less effectively

ENVIRONMENTAL TOPIC	PROPOSED PROJECT SIGNIFICANCE OF IMPACTS AFTER MITIGATION	LEVEL OF IMPACT COMPARED TO THE PROPOSED PROJECT		
		NO PROJECT / NO DEVELOPMENT ALTERNATIVE	NO PROJECT / GENERAL PLAN LAND USE ALTERNATIVE	REDUCED PROJECT ALTERNATIVE
at competitive lease rates to help ensure that the uses are occupied and positively contribute to the local economy.				
Objective F: To provide a system of public and community facilities, including recreational facilities and trails, in an efficient and timely manner and meet the needs of Project residents and residents of surrounding communities.		No	No	Yes
Objective G: To require project design elements such as architecture, landscaping, color, paving, walls, fencing, signage, entry treatments, and other similar design features that would ensure the community is developed in a manner that is aesthetically pleasing.		No	Yes	Yes
Objective H: To establish development phasing that results in logical coordinated growth.		No	Yes	Yes
Objective I: To develop the site with complementary mixed uses in a manner that preserves, to the extent feasible, natural drainages.		No	Yes	Yes, but less effectively

- Air Quality Threshold b: Significant Unavoidable Direct and Cumulatively-Considerable Impact. Project construction- and operational-related air quality emissions would exceed the Regional Thresholds established by the SCAQMD for NO_X. As noted above, during construction activities, the majority of construction-source NO_X emissions would be generated from soil import activities, while under operational conditions over 93 percent of operational-source NOx emissions would be generated by Project-related traffic. Neither the Project Applicant nor the Lead Agency (City of Lake Elsinore) can substantively or materially affect reductions in mobile-source emissions beyond the regulatory requirements and mitigation measures identified herein. Accordingly, the Project would result in unavoidable direct and cumulatively-considerable impacts due to projected violations of an applicable air quality standard (NO_X) and the Project's substantial contribution to an existing air quality violation for ozone, as NO_X is an ozone precursor. Additionally, the Project's construction and operational emissions would represent a cumulatively-considerable net increase of a criteria pollutant for which the Project region is non-attainment (i.e., ozone); this also represents a significant and unavoidable direct and cumulatively-considerable impact of the proposed Project.

B. *Biological Resources*

- Biological Resources Threshold f: Direct Significant and Unavoidable Impact. In 2004 the owners of the northern 45.4 acres of the Project site, along with other landowners, entered into a Settlement Agreement and Memorandum of Understanding ("Agreement") with the County of Riverside which, among other things, explicitly exempted the northern 45.4 acres of the Project site from all provisions of the MSHCP. Notwithstanding, the northern 45.4 acres of the site are located within MSHCP Cell Group W and encompass portions of Criteria Cell 4070 and a small portion of Criteria Cell 4067. Pursuant to the MSHCP, conservation within Cell Group W is intended to encompass 80%-90% of the Cell Group focusing in the northwestern portion of the Cell Group. The 45.4-acre MSHCP-Excluded Project Area occurs in the eastern portion of Group W. Although the mitigation identified in DEIR Subsection 4.3.7 would reduce the Project's impacts to biological resources to below a level of significance, the Project would nonetheless not comply with the MSHCP objectives for Cell Group W because strict compliance with the MSHCP Conservation Criteria would require the conservation of most or all of the 45.4-acre MSHCP-Excluded Project Area, which inherently conflicts with the Project's primary objective to develop the site with residential, commercial, and recreational land uses. Moreover, mining and reclamation activities within the MSHCP-Excluded Project Area have fully disturbed most of the areas proposed for disturbance by the Project and that are intended for conservation under the MSHCP. Thus, even if the MSHCP-Excluded Project Area were to be conserved, the site still would not meet the objectives for Cell Group W and any preserved habitat would be disconnected from the portions of Cell Group W located west or north of the Project site due to the presence of I-15 and Nichols Road. The option of conserving the entire MSHCP-Excluded Project Area is considered as part of the No Project Alternative in DEIR Subsection 6.3.1. Accordingly, the Project's direct impact due to a non-compliance with the MSHCP conservation requirements for the site represents a significant impact of the proposed Project that cannot be mitigated to below a level of significance.

C. *Transportation and Circulation*

- Transportation and Circulation Threshold a: Direct and Cumulatively-Considerable and Unavoidable Impact. The proposed Project would have significant and unavoidable impacts with addition of Project-related traffic under EAP 2020, EAP 2021, EAP 2024, EAPC 2020, EAPC 2021, and EAPC 2024 conditions. Table 4-1 (previously presented) provides a summary of the Project's direct and cumulatively-considerable impacts to study area intersections under each study scenario, and indicates with asterisks (*) which of the Project's impacts would be significant and unavoidable. Table 4-2, *Project Impacts Due to Signal Warrants by Study Scenario*, shows the Project's impacts due to traffic signal warrants for each study scenario, and indicates with asterisks (*) which of the Project's impacts would be significant and unavoidable. Table 4-3 (previously presented) summarizes the Project's impacts to off-ramp queuing locations under each scenario, and indicates with asterisks (*) which of the Project's impacts would be significant and unavoidable. Table 4-4 (previously presented) shows the Project's impacts to freeway segments under each study scenario, and indicates with asterisks (*) which of the Project's impacts would be significant and unavoidable. Table 4-5 (previously presented) shows the Project's impacts to freeway junction merge/diverge locations for each study scenario, and indicates with asterisks (*) which of the Project's impacts would be significant and unavoidable. Provided below is a summary of the Project's impacts to circulation facilities during each phase of the proposed Project.

Unavoidable Impacts to Intersections – Phase 1 Conditions (EAP 2020 and EAPC 2020)

Improvements identified as part of TIF and/or TUMF would improve the LOS at the following intersections to acceptable levels. However, it cannot be assured that the required improvements would be in place prior to occupancy of Phase 1 of the proposed Project; therefore, Project impacts to the following intersections would represent near-term significant and unavoidable impacts of the proposed Project for Phase 1 conditions prior to implementation of the required improvements:

- I-15 Northbound Ramps at Nichols Rd. (#10)
- Dexter Av. at Central Av. (SR-74) (#19)

Implementation of the improvements listed in Mitigation Measures MM 4.16-2, MM 4.16-3, and MM 4.16-6 would improve the LOS at the following intersections to acceptable levels under EAPC (2020) conditions. However, because the mitigation requires only fair share payments towards the cost of the improvements, it cannot be assured that the required improvements would be in place at the time of occupancy of Phase 1 of the proposed Project; therefore, near-term Project impacts to the following intersections would be cumulatively considerable and unavoidable under EAPC (2020) conditions until the required improvements are in place:

- Lake St. at Nichols Rd. (#1)
- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- El Toro Rd. at Carmela Ct. (#18)

Unavoidable Impacts Due to Traffic Signal Warrants– Phase 1 Conditions (EAP 2020 and EAPC 2020)

As shown in DEIR Table 4.16-40, installation of a traffic signal at the intersection of I-15 Northbound Ramps at Nichols Rd. (#10) in conjunction with the remaining improvements identified in DEIR Table 4.16-40 would improve the LOS at this intersection from LOS F during both peak hours to LOS B during the AM peak hour and LOS C during the PM peak hour under EAP (2020) and EAPC (2020). The installation of a traffic signal at this location is identified as an improvement under the City's TIF program; however, the timing of the required improvements cannot be assured. Therefore, Project impacts to this intersection due to signal warrants would be cumulatively-considerable and unavoidable in the near term until the required improvements are in place.

Although the intersection of El Toro Road at Carmela Court (#18) meets traffic signal warrants under EAP (2020) and EAPC (2020) conditions, implementation of Mitigation Measure MM 4.16-6, which requires a fair-share contribution to convert this intersection to an all-way stop (AWS) in conjunction with other improvements would improve the LOS at this intersection acceptable levels; thus, a traffic signal would not be warranted under EAP (2020) or EAPC (2020) conditions with implementation of the required improvements. However, because the Project would only contribute a fair share towards the cost of the identified improvements, it cannot be assured that the improvements would be in place at the time of occupancy of Phase 1 of the proposed Project; thus, Project impacts to this intersection due to signal warrants would be cumulatively-considerable and unavoidable under near-term conditions prior to implementation of the required improvements.

Unavoidable Impacts to Freeway Segments – Phase 1 Conditions (EAP 2020 and EAPC 2020)

The Project would result in cumulatively-considerable impacts to the following freeway segments during EAP (2020) and/or EAPC (2020) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway segments would be significant and unavoidable under EAP (2020) and EAPC (2020) conditions.

Unavoidable Impacts to Freeway Merge/Diverge Locations – Phase 1 Conditions (EAP 2020 and EAPC 2020)

The following freeway merge/diverge location was shown to operate at a deficient LOS under both EAP (2020) and EAPC (2020) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway merge/diverge location would be significant and unavoidable under EAP (2020) and EAPC (2020) conditions.

Unavoidable Impacts to Intersections – Phase 2 Conditions (EAP 2021 and EAPC 2021)

As shown in DEIR Table 4.16-40 and DEIR Table 4.16-41, improvements identified as part of TIF would improve the LOS at the following intersections to acceptable levels under EAP (2021) and EAPC (2021) conditions. Although the Project Applicant would be required to contribute appropriate TIF fees, it cannot be assured that the required improvements would be in place prior to occupancy of Phase 2 of the proposed Project; therefore, Project impacts to the following intersections would represent near-term cumulatively-considerable and unavoidable impacts of the proposed Project for Phase 2 conditions prior to implementation of the required improvements:

- I-15 Northbound Ramps at Nichols Rd. (#10)
- Dexter Av. at Central Av. (SR-74) (#19)

As shown in DEIR Table 4.16-40, implementation of the improvements listed in Mitigation Measures MM 4.16-7 through MM 4.16-10 would improve the LOS at the following intersections to acceptable levels under EAP (2021) and/or EAPC (2021) conditions. However, because the mitigation requires payment of a fair share towards the cost of the improvements, it cannot be assured that the required improvements would be in place at the time of Phase 2 occupancy; therefore, near-term Project impacts to the following intersections would be cumulatively considerable and unavoidable until the required improvements are in place:

- Lake St. at Nichols Rd. (#1)
- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- Collier Av. at Nichols Rd. (#6)
- El Toro Rd. at Carmela Ct. (#18)

Unavoidable Impacts Due to Traffic Signal Warrants – Phase 2 Conditions (EAP 2021 and EAPC 2021)

As shown in DEIR Table 4.16-41 and DEIR Table 4.16-40, installation of a traffic signal at the following locations would improve the LOS at these intersections to acceptable levels. The installation of traffic signals at these locations are planned improvements under the City's TIF program. The Project would be required to contribute TIF fees, and would contribute a fair share towards the cost of installation of the traffic signal at Collier Av. at Nichols Road; however, it cannot be assured that the traffic signals would be in place at the time of Phase 2 occupancy (2021). Therefore, near-term Project

impacts to the following intersections would remain cumulatively-considerable and unavoidable until the required improvements are in place.

- Collier Av. at Nichols Rd. (#6)
- I-15 Northbound Ramps at Nichols Rd. (#10)

Although the intersection of El Toro Road at Carmela Court (#18) meets traffic signal warrants under EAP (2021) and EAPC (2021) conditions, implementation of Mitigation Measure MM 4.16-6, which requires in part the conversion of this intersection to an all-way stop in addition to other improvements, would improve the LOS at this intersection to acceptable levels; thus, a traffic signal would not be warranted under EAP (2021) or EAPC (2021) conditions with implementation of the required improvements. However, the mitigation requires payment of a fair share towards the cost of the required improvements; thus, it cannot be assured that the improvements would be in place at the time of occupancy of Phase 2 of the proposed Project. Accordingly, near-term Project impacts due to the need to signalize this intersection would be cumulatively considerable and unavoidable under EAP and EAPC 2021 conditions prior to implementation of the required improvements.

Unavoidable Impacts to Freeway Segments – Phase 2 Conditions (EAP 2021 and EAPC 2021)

The Project would result in cumulatively-considerable impacts to the following freeway segments during EAP (2021) and EAPC (2021) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway segments would be significant and unavoidable under EAP (2021) and EAPC (2021) conditions.

Unavoidable Impacts to Freeway Merge/Diverge Locations – Phase 2 Conditions (EAP 2021 and EAPC 2021)

The Project would result in cumulatively-considerable impacts at the following freeway merge/diverge locations under EAP (2021) and EAPC (2021) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's

cumulatively-considerable impact to the above-listed freeway merge/diverge location would be significant and unavoidable under EAP (2021) and EAPC (2021) conditions.

Unavoidable Impacts to Intersections – Phase 3 Conditions (EAP 2024 and EAPC 2024)

As shown in DEIR Table 4.16-40 and DEIR Table 4.16-42, improvements identified as part of TIF and/or TUMF would improve the LOS at the following intersections to acceptable levels under EAP (2024) and EAPC (2024) conditions. Although the Project Applicant would be required to contribute appropriate TIF and TUMF fees, it cannot be assured that the required improvements would be in place prior to occupancy of Phase 3 (Project buildout); therefore, Project impacts to the following intersections would represent near-term cumulatively-considerable and unavoidable impacts of the proposed Project for Phase 3 (buildout) conditions prior to implementation of the required improvements:

- Collier Av. at Riverside Dr. (SR-74) (#7)
- I-15 Northbound Ramps at Nichols Rd. (#10)
- Dexter Av. at Central Av. (SR-74) (#19)
- Cambern Av. at Central Av. (SR-74) (#20)

As shown in DEIR Table 4.16-40, implementation of the improvements listed in Mitigation Measures MM 4.16-11 through MM 4.16-17 would improve the LOS at the following intersections to acceptable levels under EAP (2024) and/or EAPC (2024) conditions. However, the mitigation requires payment of a fair share towards the cost of the required improvements; thus, it cannot be assured that the improvements would be in place at the time of occupancy of Phase 3 (buildout) of the proposed Project. Accordingly, near-term Project impacts to the following intersections would be cumulatively considerable and unavoidable under near-term conditions prior to implementation of the required improvements:

- Lake St. at Nichols Rd. (#1)
- Alberhill Ranch Rd. at Nichols Rd. (#3)
- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- Collier Av. at Nichols Rd. (#6)
- El Toro Rd. at Carmela Ct. (#18)

Unavoidable Impacts Due to Traffic Signal Warrants – Phase 3 Conditions (EAP 2024 and EAPC 2024)

As required by Mitigation Measure MM 4.16-12, the Project Applicant would be required to contribute a fair share towards the costs of installing a traffic signal at the intersection of Alberhill Ranch Road and Nichols Road (#3). As shown in DEIR Table 4.16-40, installation of a traffic signal at this location would improve the LOS from LOS F during both peak hours to LOS D during both peak hours. However, it cannot be assured that the required improvement will be in place by the time Phase 3 of the Project is built-out and occupied. Therefore, Project impacts to the intersection of Alberhill Ranch

Road and Nichols Road (#3) would be cumulatively considerable and unavoidable in the near-term under EAPC (2024) conditions until the required improvement is in place.

As shown in DEIR Table 4.16-40 and Table 4.16-42, installation of traffic signals at the following locations in conjunction with other improvements identified for these intersections above would improve the LOS to acceptable levels. The installation of traffic signals at the following locations are programmed improvements under the City's TIF program, and the Project Applicant additionally would be required to contribute a fair share towards the cost of installing a traffic signal at the intersection of Collier Av. at Nichols Rd. (#6). However, because it cannot be assured that traffic signals would be installed at the following locations prior to Phase 3 (buildout) occupancy of the proposed Project, near-term Project impacts to the following intersections would be cumulatively-considerable and unavoidable:

- Collier Av. at Nichols Rd. (#6)
- I-15 Northbound Ramps at Nichols Rd. (#10)

As shown in DEIR Table 4.16-40 and Table 4.16-42, installation of a traffic signal at the following location in conjunction with other improvements identified for this intersection (refer to Mitigation Measure MM 4.16-17) would improve the LOS to acceptable levels. However, because the Project Applicant would only make a fair-share contribution towards the required improvements, it cannot be assured that the traffic signal would be installed prior to occupancy of Phase 3 (Project buildout). Therefore, near-term impacts to the following intersection would be cumulatively considerable and unavoidable due to the need for signalization under EAP (2024) and EAPC (2024) conditions:

- El Toro Road & Carmela Court (#18)

Unavoidable Impacts Due to Off-Ramp Queuing – Phase 3 Conditions (EAP 2024 and EAPC 2024)

Under EAPC (2024) conditions, the following movements are anticipated to experience queuing issues during the weekday AM or weekday PM peak 95th percentile traffic flows for EAPC (2024) traffic conditions:

- I-15 Freeway Southbound Off-ramp at Nichols Road (#1): Shared southbound left-through-right turn lane during the AM peak hour only
- I-15 Freeway Northbound Off-ramp at Nichols Road (#2): Shared northbound left-through-right turn lane during the AM peak hour only

The Project would directly impact the I-15 Freeway Northbound Off-ramp at Nichols Road (#2), while impacts at the I-15 Freeway Southbound Off-ramp at Nichols Road (#1) would be cumulatively considerable. At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the

Project's direct impact to the I-15 Freeway Northbound Off-ramp at Nichols Road (#2) under EAP (2024) and EAPC (2024) conditions and the Project's cumulatively-considerable impact to the I-15 Freeway Southbound Off-ramp at Nichols Road (#1) under EAPC (2024) conditions represent significant and unavoidable impacts of the proposed Project.

Unavoidable Impacts to Freeway Segments – Phase 3 Conditions (EAP 2024 and EAPC 2024)

The Project would result in cumulatively-considerable impacts to the following freeway segments during EAP (2024) and EAPC (2024) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway segments would be significant and unavoidable under EAP (2024) and EAPC (2024) conditions.

Unavoidable Impacts to Freeway Merge/Diverge Locations – Phase 3 Conditions (EAP 2024 and EAPC 2024)

The Project would result in cumulatively-considerable impacts at the following freeway merge/diverge locations under EAP (2024) and/or EAPC (2024) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, On-Ramp at Nichols Road (#2) – LOS E PM peak hour only

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Lake Elsinore (or other neighboring jurisdictions) on the State Highway System (SHS) roadway segments. Therefore, the Project's cumulatively-considerable impact to the above-listed freeway merge/diverge locations would be significant and unavoidable under EAP (2024) and EAPC (2024) conditions.

- Transportation and Traffic Threshold b: Direct and Cumulatively-Considerable Significant and Unavoidable Impact. As discussed above under the discussion of Transportation and Traffic Threshold a. and summarized below, the Project would result in cumulatively-considerable impacts to CMP facilities for which feasible mitigation is not available at the following facilities. Table 4-1 and Table 4-2 (previously presented) identify CMP facilities, summarize Project impacts to CMP facilities, and indicate which impacts would be significant and unavoidable. Additionally, Table 4-3, Table 4-4, and Table 4-5 (previously presented) summarize the Project's significant and unavoidable impacts to off-

ramp queuing locations, freeway segments, and freeway junction merge/diverge locations, all of which are CMP facilities.

Unavoidable Impacts to CMP Intersections – Phase 1 Conditions (EAP 2020 and EAPC 2020)

CMP Intersection Impacts – EAP (2020) and EAPC (2020) Conditions
The Project would result in cumulatively-considerable and unavoidable impacts to the following CMP intersections under EAP (2020) and/or EAPC (2020) conditions:

- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- I-15 Northbound Ramps at Nichols Rd. (#10)
- Dexter Av. at Central Av. (SR-74) (#19)

Unavoidable Impacts to CMP Facilities Due to Traffic Signal Warrants – Phase 1 Conditions (EAP 2020 and EAPC 2020)

The Project would result in a cumulatively-considerable and unavoidable impact due to the need to signalize the following CMP intersection under EAP (2020) and/or EAPC (2020) conditions:

- I-15 Northbound Ramps at Nichols Rd. (#10)

Unavoidable Impacts to CMP Freeway Segments – Phase 1 Conditions (EAP 2020 and EAPC 2020)

The Project would result in cumulatively-considerable and unavoidable impacts to the following freeway segments under EAP (2020) and/or EAPC (2020) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

Unavoidable Impacts to CMP Freeway Merge/Diverge Locations – Phase 1 Conditions (EAP 2020 and EAPC 2020)

The Project would result in a cumulatively-considerable and unavoidable impact to the following freeway merge/diverge location under EAP (2020) and/or EAPC (2020) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only

Unavoidable Impacts to CMP Intersections – Phase 2 Conditions (EAP 2021 and EAPC 2021)

The Project would result in cumulatively-considerable and unavoidable impacts to the following CMP intersections under EAP (2021) and/or EAPC (2021) conditions:

- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5)
- I-15 Northbound Ramps at Nichols Rd. (#10)
- Dexter Av. at Central Av. (SR-74) (#19)

Unavoidable Impacts to CMP Facilities Due to Traffic Signal Warrants – Phase 2 Conditions (EAP 2021 and EAPC 2021)

The Project would result in a cumulatively-considerable and unavoidable impact due to the need to signalize the following CMP intersection under EAP (2021) and/or EAPC (2021) conditions:

- I-15 Northbound Ramps at Nichols Rd. (#10)

Unavoidable Impacts to CMP Freeway Segments – Phase 2 Conditions (EAP 2021 and EAPC 2021)

The Project would result in cumulatively-considerable and unavoidable impacts to the following freeway segments under EAP (2021) and/or EAPC (2021) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

Unavoidable Impacts to CMP Merge/Diverge Locations – Phase 2 Conditions (EAP 2021 and EAPC 2021)

The Project would result in a cumulatively-considerable and unavoidable impact to the following freeway merge/diverge location under EAP (2021) and/or EAPC (2021) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only

Unavoidable Impacts to CMP Intersections – Phase 3 Conditions (EAP 2024 and EAPC 2024)

The Project would result in direct and/or cumulatively-considerable and unavoidable impacts to the following CMP intersections under EAP (2024) and/or EAPC (2024) conditions:

- Gunnerson St./Strickland Av. at Riverside Drive (SR-74) (#5) (Cumulatively-Considerable Impact)
- Collier Av. at Riverside Dr. (SR-74) (#7) (Cumulatively-Considerable Impact)
- I-15 Northbound Ramps at Nichols Rd. (#10) (Cumulatively-Considerable Impact)
- Dexter Av. at Central Av. (SR-74) (#19) (Cumulatively-Considerable Impact)
- Cambern Av. at Central Av. (SR-74) (#20) (Cumulatively-Considerable Impact)

Unavoidable Impacts to CMP Facilities Due to Traffic Signal Warrants – Phase 3 Conditions (EAP 2024 and EAPC 2024)

The Project would result in a cumulatively-considerable and unavoidable impact due to the need to signalize the following CMP intersection under EAP (2024) and/or EAPC (2024) conditions:

- I-15 Northbound Ramps at Nichols Rd. (#10)

Unavoidable Impacts to CMP Facilities Due to Off-Ramp Queuing – Phase 3 Conditions (EAP 2024 and EAPC 2024)

The Project would result in direct and/or cumulatively-considerable and unavoidable impacts to the following CMP off-ramp queuing locations under EAP (2024) and/or EAPC (2024) conditions:

- I-15 Freeway Southbound Off-ramp at Nichols Road (#1): Shared southbound left-through-right turn lane during the AM peak hour only (Cumulatively-Considerable Impact)
- I-15 Freeway Northbound Off-ramp at Nichols Road (#2): Shared northbound left-through-right turn lane during the AM peak hour only (Direct Impact)

Unavoidable Impacts to CMP Freeway Segments – Phase 3 Conditions (EAP 2024 and EAPC 2024)

The Project would result in cumulatively-considerable and unavoidable impacts to the following freeway segments under EAP (2024) and/or EAPC (2024) conditions:

- I-15 Freeway Southbound, North of Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, South of Nichols Road (#2) – LOS E PM peak hour only

Unavoidable Impacts to CMP Freeway Merge/Diverge Locations – Phase 3 Conditions (EAP 2024 and EAPC 2024)

The Project would result in a cumulatively-considerable and unavoidable impact to the following freeway merge/diverge location under EAP (2024) and/or EAPC (2024) conditions:

- I-15 Freeway Southbound, Off-Ramp at Nichols Road (#1) – LOS E PM peak hour only
- I-15 Freeway Southbound, On-Ramp at Nichols Road (#2) – LOS E PM peak hour only

5.2 OVERRIDING CONSIDERATIONS

Pursuant to State CEQA Guidelines § 15093(a), the City Council must balance, as applicable, the economic, legal, social, technological, or other benefits of the proposed Project against its unavoidable environmental risks in determining whether to approve the Project. If the specific benefits of the proposed Project outweigh the unavoidable adverse environmental effects, those environmental effects may be considered "acceptable."

Having reduced the adverse significant environmental effects of the proposed Project to the extent feasible by adopting the mitigation measures; having considered the entire administrative record on the Project; the City Council has weighed the benefits of the proposed Project against its unavoidable adverse impacts after mitigation in regards to air quality, biological resources, transportation/traffic. While recognizing that the unavoidable adverse impacts regarding air quality, biological resources, and transportation/traffic are significant under CEQA thresholds, the City Council finds that the unavoidable adverse impacts that will result from adoption and implementation of the proposed Project are acceptable and outweighed by specific social, economic, and other benefits of the Project. The City Council further finds that except for the proposed Project, all other alternatives set forth in the DEIR are infeasible because they would prohibit the realization of Project objectives and/or of specific economic, social, and other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

In making this determination, the factors and public benefits specified below were considered. Any one of these reasons is sufficient to justify approval of the proposed Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would be able to stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Records of Proceedings for the proposed Project.

The City Council finds that for each of the significant impacts which are subject to a finding under CEQA § 21081(a)(3), that each of the following social, economic, and environmental benefits of the Project, independent of the other benefits, outweigh the potential significant unavoidable adverse impacts and render acceptable each and every one of these unavoidable adverse environmental impacts.

Provided below are the benefits of implementing the proposed Project that justify approval of the proposed Project despite the Project's significant and unavoidable environmental effects.

- Proposed Circulation/Mobility Improvements. The Project Applicant proposes to construct "B" Street, which would provide a more direct path between Nichols Road and El Toro Road/Temescal Canyon High School. Under existing conditions traffic seeking to access the high school from Nichols Road is forced to go east to the north-south portion of El Toro Road at the existing El Toro Road/Nichols Road intersection, which directs traffic on a circuitous route southerly through an existing single-family neighborhood towards the existing high school. With implementation of the proposed Project, access between Nichols Road and El Toro Road would occur via Street "B," which would provide a far less circuitous route between Nichols Road and the Temescal Canyon High School.

- Reduced Vehicle Miles Travelled. The Project consists of a proposed mixed-use development that would provide for community-serving commercial uses in close proximity to proposed residential uses on site, while locating residential uses in close proximity to the existing Temescal Canyon High School and Project-serving recreational amenities on site. Furthermore, the Project site is adjacent to the Nichols Road on- and off-ramps at Interstate 15. Additionally, and as noted above, the construction of Street "B" would provide a more direct route to the Temescal Canyon High School. These Project

design features would serve to reduce the number of Vehicle Miles Travelled (VMTs) that would be generated by development of the site, and would thereby assist the City in realizing its greenhouse gas reduction goals as set forth by the City's Climate Action Plan (CAP).

- Economic Development Benefits. Under existing conditions, the northern 45.4 acres of the Project site are undergoing reclamation activities, while the southern 27.1 acres of the site consist of undeveloped vacant land. Thus, the property generates limited tax revenue to the City under existing conditions. With implementation of the Project, the western 14.5 acres of the Project site would be developed with commercial land uses, including a 130-room hotel, 6,000 s.f. of fast-food restaurant uses with drive-through window use, 5,500 s.f. of fast-food restaurant uses without drive-through window use, 9,400 s.f. of sit-down restaurant uses, 4,400 s.f. of commercial retail uses, an 8,000 s.f. health and fitness club, a gas station (including market and car wash) with 16 fueling stations, and 43,000 s.f. of office uses. Development of the proposed commercial uses would generate approximately 319 recurring jobs within the City. Additionally, development of the property would increase the amount of tax revenue generated by the site. Thus, approval of the proposed Project would represent a substantial benefit to the residents of Lake Elsinore and surrounding areas.

- Expanded Housing Opportunities. As stated in the Housing Element of the Lake Elsinore General Plan, Lake Elsinore's Regional Housing Needs Allocation (RHNA) for the 2014-2021 planning period has been determined by SCAG to be 4,929 housing units, including 1,196 units for very low-income households, 801 units for low-income households, 897 units for moderate-income households, and 2,035 units for above moderate-income households. The Project would result in an increase in the number of Low-Medium Residential dwelling units within the City by 168 homes, which would assist the City in meeting its state-mandated RHNA obligations to accommodate new housing units.

- Preservation of Stovepipe Creek. The Project has been designed to preserve the on-site portions of Stovepipe Creek on approximately 6.5 acres of the Project site, thereby preserving the drainage as a natural flood control and wildlife amenity.

- Recreational Amenities. The Project is expected to generate approximately 628 new residents within the City. Based on the City of Lake Elsinore requirement of 5.0 acres of parkland for each 1,000 residents, the Project would generate a demand for approximately 3.1 acres of parkland. However, the Project accommodates a total of 8.3 acres of active and passive recreational opportunities on site, which would exceed the City's parkland requirements by 5.2 acres. The excess parkland accommodated by the Project would benefit the residents of Lake Elsinore as well as nearby communities.

6.0 CERTIFICATION OF THE FINAL EIR

The City has reviewed and considered the Final EIR in evaluating the proposed Project. The City Council finds that the DEIR is an accurate and objective statement that fully complies with CEQA (California Public Resources Code, §§ 21000 et seq.), the State CEQA Guidelines, and the City's Procedures for Implementing the State CEQA Guidelines; that the Final EIR reflects the independent judgment of the City; and that no new

significant impacts as defined by State CEQA Guidelines § 15088.5 have been identified by the City after circulation of the DEIR which would require recirculation.

The City Council certifies the Environmental Impact Report based on the following findings and conclusions:

6.1 FINDINGS

The following significant environmental impacts have been identified in the EIR and, although all applicable and feasible mitigation measures have been incorporated into the Project, the impacts cannot be mitigated to less-than-significant levels:

A. Air Quality

The proposed Project would have significant and unavoidable impacts due to conflicting with, or obstructing, implementation of, the SCAQMD 2016 AQMP, which is the applicable AQMP for the Project area.

The proposed Project also would have significant and unavoidable impacts due construction- and operational-related emissions of NO_X, which would exceed the SCAQMD regional thresholds for this pollutant. Thus, the Project would result in a cumulatively-considerable net increase of a criteria pollutant (NO_X, which is a precursor for ozone) for which the Project region is classified as non-attainment.

B. Biological Resources

The proposed Project would have significant and unavoidable impacts due to non-compliance with the MSHCP requirements as applied to the northern 45.4 acres of the Project site. Although the northern 45.4 acres of the Project site are exempt from the MSHCP pursuant to a Settlement Agreement and Memorandum of Understanding (SA/MOU) that was executed in 2004 between the County of Riverside and a former property owner, and although the Project would mitigate its impacts to biological resources to less-than-significant levels, the Project would nonetheless conflict with the applicable MSHCP criteria as applied to the northern 45.4 acres of the Project site. Thus, the Project would conflict with an adopted Habitat Conservation Plan (i.e., the MSHCP) adopted by the City for the purpose of protecting biological resources.

C. Transportation and Traffic

The proposed Project would have significant and unavoidable impacts to study area intersections and due to traffic signal warrants, and also would significantly and unavoidably impact freeway off-ramp queuing locations, freeway segments, and freeway merge/diverge locations.

The proposed Project would have significant and unavoidable impacts to Congestion Management Plan (CMP) facilities because it would conflict with applicable level of service standards under all study scenarios evaluated in the DEIR.

6.2 CONCLUSIONS

1. All significant environmental impacts from the implementation of the proposed Project have been identified in the DEIR and will be mitigated to less-than-significant levels with implementation of the identified mitigation measures, except for the impacts listed above and described in the Statement of Overriding Considerations.

2. Other reasonable alternatives to the proposed Project that could feasibly achieve most of the basic objectives of the project have been considered. Some of the alternatives were feasible but did not meet the Project objectives; others met the Project objectives but were found not to reduce the significant and unavoidable impacts to less than significant. Since the alternatives considered either did not serve to reduce or avoid potentially significant impacts, or because the alternatives offer no feasible means of avoiding the significant effects identified in the Statement of Overriding Considerations, the alternatives are rejected in favor of the proposed Project. Environmental, economic, social, and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the project or further mitigation measures beyond those incorporated into the Project.

7.0 ADOPTION OF MITIGATION AND MONITORING PROGRAM (MMP)

Pursuant to Public Resources Code section 21081.6, the City as the Lead Agency hereby adopts the Mitigation and Monitoring Program (MMP) attached to these Findings. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation, Monitoring, and Reporting Program, the Mitigation, Monitoring, and Reporting Program shall control.

8.0 APPROVAL OF THE PROJECT

Based on the entire record before the City, including the above Findings and Statement of Overriding Considerations and all written and oral evidence presented to the City, the City as the Lead Agency hereby approves the Project with all the Mitigation Measures and the Mitigation Monitoring Program, as set forth in these findings.

9.0 LOCATION AND CUSTODIAN OF RECORD

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of, among other documents, the following documents:

- The May 25, 2018 Notice of Preparation (NOP) issued by the City in conjunction with the proposed Project.
- All comments and correspondence submitted by public agencies and members of the public during the NOP public review period. (May 25, 2018 to June 25, 2018)
- The March 19, 2019 DEIR, including appendices and technical studies included or referenced in the March 19, 2019 DEIR.

- All comments submitted by agencies or members of the public during the 45-day public comment period on the DEIR which began on March 19, 2019.
- The Final EIR
- All comments and correspondence submitted to the City with respect to the proposed Project and EIR during public hearings held before the City Planning Commission and City Council.
- The mitigation monitoring program (MMP) for the proposed Project.
- All findings and resolutions adopted by the City decision makers in connection with the proposed Project, and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the proposed Project.
- All documents and information submitted to the City by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the proposed Project and/or the March 19, 2019 DEIR through the date the City Council approved the proposed Project.
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these findings, in addition to those cited above.
- Any other materials required to be in the Record of Proceedings by Public Resources Code § 21167.6, Subdivision (e).

The custodian of the record of proceedings is the City of Lake Elsinore Community Development Department, Planning Division, whose office is located at 130 South Main Street, Lake Elsinore, CA 92530.

The City has relied on all of the documents listed above in reaching its decision on the proposed Project, even if every document was not formally presented to the City Council decision-makers as part of the City's files generated in connection with the proposed Project.