

RESOLUTION #JPA 22-02

RESOLUTION OF THE JOINT POWERS COMMISSION OF THE MARCH JOINT POWERS AUTHORITY CONSIDERING AN ENVIRONMENTAL IMPACT REPORT FOR THE SYCAMORE HILLS DISTRIBUTION CENTER PROJECT, MAKING RESPONSIBLE AGENCY FINDINGS, ADOPTING A MITIGATION MONITORING REPORTING PROGRAM, AND APPROVING AN AMENDMENT TO THE DECLARATION OF RESTRICTIVE COVENANTS NO. 2009-0303932.

WHEREAS, the Sycamore Hills Distribution Center Project consists of the development of two warehouse buildings totaling 603,100 square feet and associated improvements on 48.64 acres located in the City of Riverside (“Project”); and

WHEREAS, the City of Riverside (“City”) served as lead agency for the environmental review, analysis, and approval of the Project pursuant to the requirements of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) and the State CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.) (“CEQA”); and

WHEREAS, on January 25, 2022, the City Council, independently reviewed and considered the Final EIR, and all other related documentation in the record before it, certified the Final EIR and adopted environmental findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (“MMRP”), and approved the Project; and

WHEREAS, the Joint Powers Commission (“Commission”) of the March Joint Powers Authority (“March JPA”) is the owner of that certain real property in the City of Riverside, County of Riverside, State of California, known as the VCC Parcel, on which exists plans to construct the Sycamore Hills Distribution Center project; and

WHEREAS, March JPA executed a Declaration of Restrictive Covenants on June 11, 2009, recorded as Document No. 2009-0303932 on June 15, 2009 in the Official Records of Riverside County, California (“Restrictive Covenant”); and

WHEREAS, the Restrictive Covenant describes the property which is restricted by the terms and conditions of the Restrictive Covenant (“Restricted Property”), which consists of approximately 11.6 acres and is found on Assessor’s Parcel Nos. 263-060-022, 263-060-024 and 263-060-026; and

WHEREAS, the Commission has been asked to amend its Restrictive Covenant to encumber an approximate net additional 0.63 acre owned by the March JPA on the same Assessor’s Parcel Numbers resulting in an increase to approximately 12.23 acres of total conservation land area for the Restrictive Covenant; and

WHEREAS, the Commission has a limited approval and implementing authority over the Project and, thus, is a responsible agency for the Project pursuant to the requirements of CEQA; and

WHEREAS, the Commission, at its regularly scheduled public meeting on March 23, 2022, independently reviewed and considered the Final EIR and other related documents in the record before it; and

WHEREAS, all the procedures of CEQA and the State CEQA Guidelines have been met, and the Final EIR, prepared in connection with the Project, is sufficiently detailed so that all of the potentially significant effects of the Project on the environment and measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with CEQA; and

WHEREAS, as contained herein, the Commission has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all of the findings and conclusions made by the Commission pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, prior to taking action, the Commission has heard, been presented with, reviewed, and considered all of the information and data presented to it, including the Final EIR, MMRP, and all other documentation relating to the Project, and all oral and written evidence presented to it; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the members of the Joint Powers Commission of the March Joint Powers Authority do hereby resolve as follows:

Section 1. Recitals. The above recitals are true and correct and incorporated herein as findings or fact.

Section 2. Compliance with the Environmental Quality Act. As the decision-making body for March JPA, and in March JPA's limited role as a responsible agency under CEQA, the Commission has reviewed and considered the information contained in the Final EIR, Mitigation Monitoring and Reporting Program, and all supporting documentation, copies of which are on file at March JPA's office and are incorporated by reference as though set forth fully herein. Based on this review, the Commission finds that, as to those potential environmental impacts within the Commission's powers and authorities as responsible agency, that the Final EIR, and supporting environmental documentation contain a complete, objective, and accurate reporting of those potential impacts, and that these findings reflect the independent judgment and analysis of the Commission.

Section 3. Findings on Environmental Impacts. In its limited role as a responsible agency under CEQA, the Commission finds that the Draft EIR, Final EIR, and supporting documentation contain a complete, objective, and accurate reporting of the environmental impacts associated with Project. The Commission further finds that the documents have been completed in compliance with CEQA and the State CEQA Guidelines. The Commission concurs with the City's environmental findings regarding the significant and unavoidable impacts

associated with the Project, and adopts these findings, attached hereto as Exhibit “B,” as though fully set forth herein.

Section 4. Adoption of Mitigation Monitoring and Reporting Program. The Commission hereby approves and adopts the Mitigation Monitoring and Reporting Program (“MMRP”) prepared for the Project and approved by the City, a copy of which is on file at March JPA’s office and is incorporated by reference as though set forth fully herein. A copy of the MMRP is attached to this Resolution as Exhibit “C.”

Section 5. Approval of Project Entitlements. Based on the entire record before the Commission, all written and oral evidence presented to the Commission, the Commission hereby approves the Project Entitlements, including the Amendment to Declaration of Restrictive Covenants. The Commission hereby authorizes the Executive Director of March JPA to execute the Amendment to Restrictive Covenant, attached hereto as Exhibit “A” and incorporated herein by this reference.

Section 6. Notice of Determination. The Commission directs staff to file a Notice of Determination with the Riverside County Clerk’s Office within five (5) working days of adoption of this Resolution.

Section 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the Office of the Planning Manager, March JPA, 14205 Meridian Parkway, Suite 140, Riverside, CA 92518.

PASSED, APPROVED, and ADOPTED this 23rd day of March, 2022.

Jeffrey Hewitt, Chair
March Joint Powers Authority Commission

ATTEST:

I, Cindy Camargo, Acting Clerk of the Commission of the March Joint Powers Authority, certify that the foregoing resolution #JPA 21-23 was adopted by the Commission at a regular meeting held on March 23, 2022, by the following vote of the Commission:

Ayes:
Noes:
Abstain:
Absent:

Date: March 23, 2022

Cindy Camargo, Acting Clerk
March Joint Powers Authority Commission

EXHIBIT "A"

Amendment to Restrictive Covenant

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

March Joint Powers Authority
14205 Meridian Parkway, Suite 140
Riverside, CA 92518
Attn: Executive Director

Exempt from Recording Fee
(California Gov. code, §§ 6102 & 27383)

(Space above this line for Recorder's Use)

**FIRST AMENDMENT TO
DECLARATION OF RESTRICTIVE COVENANTS**

This FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS (this "**First Amendment**") is made as of the _____ day of _____, 2022, by the March Joint Powers Authority, a public agency established under the laws of the State of California (hereinafter "**Declarant**").

RECITALS

- A. Declarant is the owner of that certain real property in the City of Riverside, County of Riverside, State of California, known as the VCC Parcel (the "**Project**").
- B. Declarant executed a Declaration of Restrictive Covenants on June 11, 2009, recorded as Document No. 2009-0303932 on June 15, 2009 in the Official Records of Riverside County, California ("**Restrictive Covenant**").
- C. The Restrictive Covenant describes the property which is restricted by the terms and conditions of the Restrictive Covenant ("**Restricted Property**"), which consists of approximately 11.6 acres and is found on Assessor's Parcel Nos. 263-060-022, 263-060-024 and 263-060-026.
- D. Declarant desires to amend the Restrictive Covenant to adjust the boundaries of certain portions of the Restricted Property.
- E. Section 15 of the Restrictive Covenant allows the Declarant to amend the Restrictive Covenant, subject to written concurrence of the U.S. Army Corps of Engineers ("**ACOE**"), provided that the amendment is consistent with the Purpose of the Restrictive Covenant and does not affect its perpetual duration, and provided that the amendment is recorded in the Official Records of Riverside County.

1. Declarant received written concurrence from the ACOE on the 25th day of February, 2022, attached in Attachment A to this First Amendment and incorporated herein by this reference.

2. Declarant finds that this First Amendment is consistent with the Purpose of the Restrictive Covenant and shall not affect its perpetual duration.

F. Declarant agrees that by recording this First Amendment that it will continue to honor the Purpose of the Restrictive Covenant to ensure the Restricted Property will be retained in perpetuity in a Natural Condition and to prevent any use of the Restricted Property that will impair or interfere with the Conservation Values of the Restricted Property.

AMENDMENT

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to California Civil Code § 815 *et seq.*, Declarant hereby voluntarily amends the Restrictive Covenant as hereinafter set forth.

1. Effective Date. The effective date of this First Amendment shall be the date on which this instrument is recorded in the Official Records of the County of Riverside, State of California.

2. Definition of Restricted Property. Recital B of the Restrictive Covenant is hereby deleted and replaced in its entirety with the following:

“B. Declarant is the sole owner in fee simple of those portions of the Project legally described in Attachment B and depicted in Attachment C attached hereto and incorporated by this reference (the “**Restricted Property**”), which consists of approximately 12.23 acres and is found on Assessor’s Parcel Nos, 263-060-022, 263-060-024, and 263-060-026.”

3. Amendment of Restricted Property Description.

(a) Exhibit A. Exhibit A of the Restrictive Covenant, “Legal description of the Restricted Property,” is hereby deleted and replaced by Attachment B of this First Amendment attached hereto and incorporated herein by this reference.

(b) Exhibit B. Exhibit B of the Restrictive Covenant, “Legal Depiction of the Restricted Property,” is hereby deleted and replaced by Attachment C of this First Amendment attached hereto and incorporated herein by this reference.

4. Other Exhibits.

(a) Exhibit C. Exhibit “C,” the Title Report, of the Restrictive Covenant is deleted and replaced with Attachment D of this First Amendment attached hereto and incorporated herein by this reference.

(b) Exhibit "D," Natural Condition, of the Restrictive Covenant is deleted and replaced with Attachment E of this First Amendment attached hereto and incorporated herein by this reference.

5. Section 1, Purpose. Section 1(c) of the Restrictive Covenant is deleted and replaced in its entirety with the following:

"(c) Declarant certifies to ACOE that, to Declarant's actual knowledge, the only structures or other man-made improvements existing on the Restricted Property at the time this First Amendment is executed consist of dirt trails/road and signage installed pursuant to Section 3(f) of the Restrictive Covenant. Declarant further certifies to the ACOE that, to Declarant's actual knowledge, there are no previously granted easements existing on the Restricted Property that interfere or conflict with the Purpose of this Restrictive Covenant as evidenced by the Title Report attached in **Attachment D**. The current Natural Condition is evidenced in part in **Attachment E**, a surveyed plat of the Restricted Property showing all relevant property lines, easements, dedications, improvements, boundaries and major, distinct natural features such as waters of the United States. Declarant has delivered further evidence of the current Natural Condition to the ACOE consisting of (1) a color aerial photograph of the Restricted Property at an appropriate scale taken as close in time as possible to the date this First Amendment is executed; (2) an overlay of the Restricted Property boundaries on the aerial photograph, and (3) on-site color photographs showing all natural features of the Restricted Property."

6. Section 4, Prohibited Uses. The opening paragraph of Section 4, Prohibited Uses, of the Restrictive Covenant is deleted and replaced in its entirety with the following:

"4. Prohibited Uses. Any activity on or use of the Restricted Property inconsistent with the Purpose of this Restrictive Covenant and not otherwise allowed herein is prohibited. Without limiting the generality of the foregoing, the following uses by Declarant, and its respective guests, agents, assigns, employees, representatives, successors and third parties under Declarant's control, are expressly prohibited, except as otherwise provided herein or unless specifically provided for in the Section 404 Permit, and any easements and reservations of rights shown in **Attachment E**."

7. Temporary Passage of Construction Vehicles. The following subsection is being added as Section 5(f) to the Restrictive Covenant.

"(f) Temporary Construction Usage. Construction vehicles may use the existing dirt road through the Restricted Property (Parcel A), between Parcel 1 and Parcel 2 as shown in Attachment E; road shall not be widened, realigned, or improved. The use of the of the road shall terminate upon the completion of construction of the Sycamore Hills Distribution Center Project as approved by the City of Riverside. The road area shall be restored within 2

months of termination of use by scarifying the road and hydroseeding with a native grass mix or in accordance with an ACOE-approved restoration plan.”

8. No Other Changes; Continuing Priority. All section references and all capitalized terms used in this First Amendment, unless otherwise defined herein, shall have the same meanings set forth in the Restrictive Covenant. As of the Effective Date of this First Amendment, all references to the Restrictive Covenant shall mean the Restrictive Covenant as amended by this First Amendment. Except as specifically modified by this First Amendment, the Restrictive Covenant shall remain unchanged and in full force and effect. In the event of a conflict between the Restrictive Covenant and this First Amendment, the First Amendment shall control. The First Amendment in no way affects the priority of the Restrictive Covenant.

SIGNATURE PAGE FOR THE FIRST AMENDMENT TO THE DECLARATION OF RESTRICTIVE COVENANTS MADE BY MARCH JOINT POWERS AUTHORITY

IN WITNESS WHEREOF, the Declarant has executed this First Amendment to Restrictive Covenant on the day and year first above written.

DECLARANT:

MARCH JOINT POWERS AUTHORITY, a
joint powers authority of the State of
California

By: _____
Dr. Grace Martin
Executive Director

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF _____

On this ___ day of _____, 20__ before me, _____,
Notary Public, personally appeared _____, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

ATTACHMENT A
Concurrence from ACOE

ATTACHMENT A



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT
915 WILSHIRE BOULEVARD, SUITE 1109
LOS ANGELES, CALIFORNIA 90017-3409

February 25, 2022

Dr. Grace Martin, Executive Director
March Joint Powers Authority
14205 Meridian Parkway, Suite 140
Riverside, California 92518

Dear Dr. Martin:

This letter concerns the March Joint Powers Authority's request to amend the Declaration of Restrictive Covenants executed on June 11, 2009, recorded as Document No. 2009-0303932 on June 15, 2009, in the Official Records of Riverside County, California ("Original Restrictive Covenant"), which protects compensatory mitigation pursuant to requirements of the United States Army Corps of Engineers' ("ACOE") Section 404 Permit No. 199915206-RRS and any amendments thereto. You wish to amend the Original Restrictive Covenant to adjust the boundaries of certain portions of the Restricted Property defined therein. In accordance with Section 15 of the Original Restrictive Covenant, the ACOE has reviewed the First Amendment to Declaration of Restrictive Covenants ("First Amendment") and agrees the First Amendment is consistent with the Purpose of the Original Restrictive Covenant and does not affect its perpetual duration. Accordingly, the ACOE hereby consents the execution and recordation of the First Amendment, in the version dated February 18, 2022.

If you have further questions regarding this letter, please contact James Mace, Team Lead in my South Coast Branch at (951) 258-8121 or James.E.Mace@usace.army.mil. Please reference SPL-2018-00769-JEM in any correspondence.

Sincerely,

A handwritten signature in blue ink that reads "David J. Castanon".

David J. Castanon
Chief, Regulatory Division

ATTACHMENT A

ATTACHMENT B

REVISED EXHIBIT "A"

Legal Description of Restricted Property

ATTACHMENT B

LEGAL DESCRIPTION - FOR 7.19 ACRES

BEING A PORTION OF THE WEST 120.00 ACRES OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE SOUTHWEST QUARTER OF SAID SECTION 9 SAID POINT BEING NORTH 01°12'52" WEST 35.00 FEET FROM THE CENTERLINE INTERSECTION OF ALESSANDRO BOULEVARD (75.00 FEET HALF WIDTH) AND BARTON ROAD (33.00 FEET HALF WIDTH); THENCE ALONG THE SOUTHERLY LINE OF SECTION 9 NORTH 89°54'24" EAST 989.93 FEET, TO THE SOUTHERLY PROLONGATION OF PARCEL MAP 31527, PARCEL MAP BOOK 208 PAGES 1 TO 3; THENCE ALONG SAID EASTERLY LINE NORTH 0°13'38" WEST 89.93 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EASTERLY LINE NORTH 0°13'38" WEST 570.11 FEET TO THE NORTHERLY LINE OF SAID PARCEL MAP; THENCE ALONG SAID NORTHERLY LINE SOUTH 89°54'12" WEST 124.55 FEET TO A POINT ON THE WESTERLY LINE OF DEED TO MARCH JOINT POWERS AUTHORITY RECORDED JUNE 15, 2009 AS DOCUMENT 2009-0303932 OF OFFICIAL RECORDS;

THENCE NORTH 15°43'32" EAST 143.95 FEET; THENCE SOUTH 89°54'31" WEST 64.49 FEET; THENCE NORTH 0°05'29" WEST 282.62 FEET; THENCE NORTH 49°17'58" WEST 70.62 FEET; THENCE SOUTH 40°42'02" WEST 18.00 FEET; THENCE NORTH 49°17'58" WEST 46.00 FEET; THENCE NORTH 40°42'02" EAST 18.00 FEET; THENCE NORTH 49°17'58" WEST 119.54 FEET; THENCE SOUTH 89°55'18" EAST 84.82 FEET; THENCE NORTH 00°05'31" WEST 45.71 FEET TO THE NORTHERLY LINE OF DEED TO DEPARTMENT OF FISH AND GAME WILDLIFE CONSERVATION BOARD RECORDED SEPTEMBER 8, 1986 AS DOCUMENT 1986216794 OF OFFICIAL RECORDS; THENCE ALONG SAID NORTHERLY LINE SOUTH 49°17'59" EAST 161.58 FEET; THENCE SOUTH 73°34'10" EAST 81.32 FEET; THENCE NORTH 30°48'31" EAST 501.81 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 28°44'01" EAST 170.00 FEET; THENCE SOUTH 13°59'05" WEST 1129.81 FEET TO A POINT OF THE NORTHERLY LINE OF DEED TO MARCH JOINT POWERS AUTHORITY RECORDED JUNE 15, 2009 AS DOCUMENT 2009-0303932 OF OFFICIAL RECORDS; THENCE ALONG SAID NORTHERLY LINE NORTH 81°25'41" EAST 187.40 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 1°21'12" WEST 194.77 FEET; THENCE SOUTH 88°38'48" EAST 20.00 FEET; THENCE SOUTH 1°21'12" WEST 80.45 FEET TO A LINE 89.93 FEET PARALLEL WITH AND MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF ALESSANDRO BOULEVARD; THENCE SOUTH 89°54'24" WEST 217.97 FEET TO THE TRUE POINT OF BEGINNING.

ALL AS PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF. SAID DESCRIPTION CONTAINING 313,308.84 SQ. FT. (7.19 ACRES) OF LAND MORE OR LESS.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION



 TY E. THOMAS L.S. 9309

8-10-2011

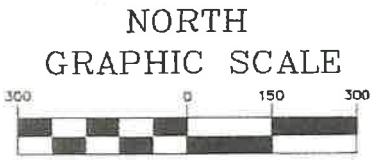
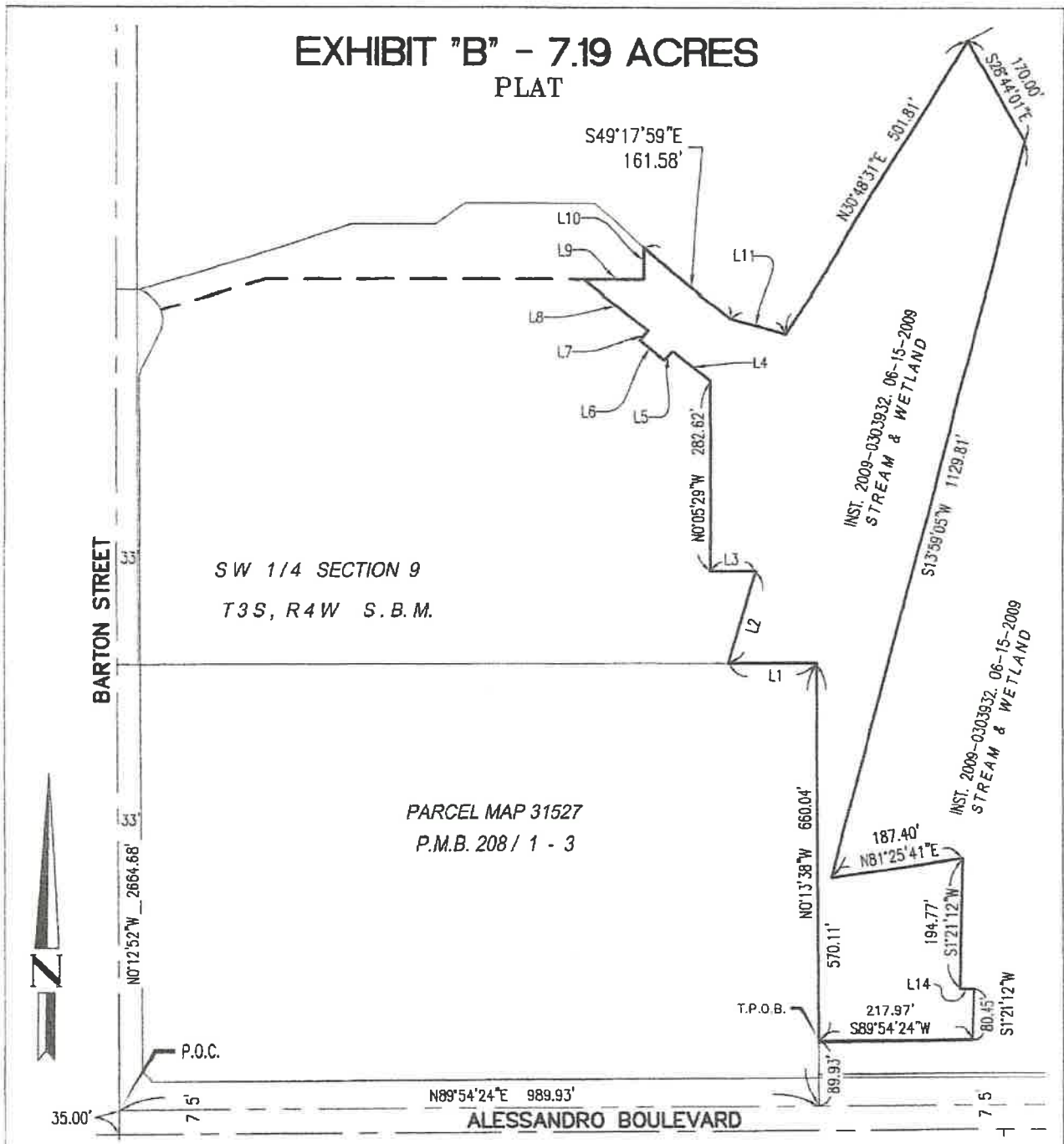
 DATE



PREPARED BY: T&M SURVEYING 531 E. TRENTON AVE. ORANGE, CA. OFFICE 714-912-4042 CELL 714-906-8771 WWW.TNMSURVEYING.COM		JN: -383 ALESSAN
		CHECKED TET SHEET
		1 OF 3

ATTACHMENT B

EXHIBIT "B" - 7.19 ACRES PLAT



PREPARED BY:
T&M SURVEYING
 531 E. TRENTON AVE.
 ORANGE, CA
 OFFICE 714-912-4042 CELL 714-906-8771
 WWW.TNMSURVEYING.COM



JN:
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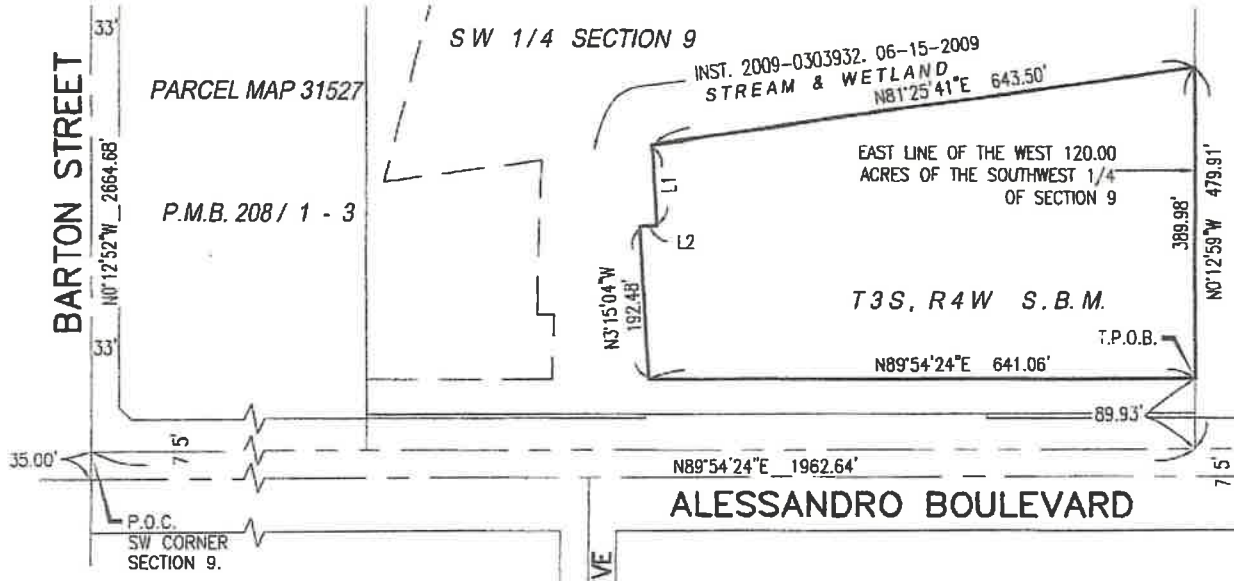
EXHIBIT "B" - 7.19 ACRES

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S89°54'12"W	124.55'
L2	S15°43'32"W	143.95'
L3	N89°54'31"E	64.49'
L4	N49°17'58"W	70.62'
L5	S40°42'02"W	18.00'
L6	N49°17'58"W	46.00'
L7	N40°42'02"E	18.00'
L8	N49°17'58"W	119.54'
L9	S89°55'18"E	84.82'
L10	N00°05'31"W	45.71'
L11	S73°34'10"E	81.32'

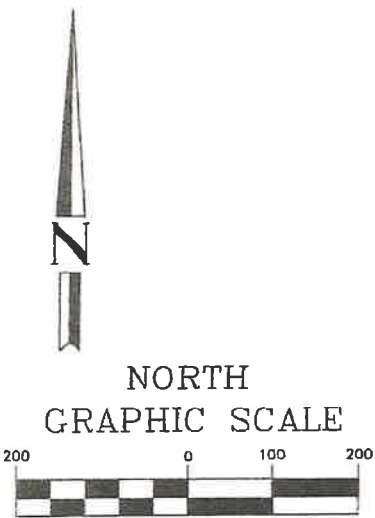
PREPARED BY: T&M SURVEYING 531 E. TRENTON AVE. ORANGE, CA OFFICE 714-912-4042 CELL 714-906-8771 WWW.TNMSURVEYING.COM		JN: -383 ALESSAH
		CHECKED TET SHEET
		3 OF 3

ATTACHMENT B

EXHIBIT "B" - 5.042 ACRES PLAT



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	$N3^{\circ}15'04''W$	101.97'
L2	$N86^{\circ}44'56''E$	20.00'



PREPARED BY:
T&M
SURVEYING
 511 E. TRENTON AVE
 ORANGE, CA
 OFFICE 714-912-4042 CELL 714-906-8771
 WWW.INMSURVEYING.COM



JN:
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ATTACHMENT C

REVISED EXHIBIT "B"

Legal depiction of the Restricted Property

ATTACHMENT C

SYCAMORE CANYON PARK

EX. EMWD FACILITY

BARTON ST.

PARCEL A
7.19 AC.
RESTRICTED
PROPERTY

INSTRUMENT
2009-030 3932
6-15-2009
RESTRICTIVE
COVENANT

EX. P.L.

INSTRUMENT
2009-030 3932
6-15-2009
RESTRICTIVE
COVENANT

PARCEL B
5.04 AC.
RESTRICTED
PROPERTY

PIPELINES ESMT.
PER INST.# 97748,
REC 3-10-1999

PR. R/W

ALESSANDRO BLVD.

EX. R/W

EX. S.D. ESMT. PER
INST.# 272890 REC.
8-11-1989

VISTA
GRANDE DR.



SCALE 1"=300'

DATE: FEBRUARY 2022



SDH AND ASSOCIATES INC.
5225 CANYON CREST DRIVE 71439
Riverside, California 92507
TEL: (951) 683-3691 FAX (951) 788-2314

SYCAMORE HILLS DISTRIBUTION CENTER
STREAMS AND WETLANDS DEDICATION

ATTACHMENT C

ATTACHMENT D

REVISED EXHIBIT "C"

Title Report

ATTACHMENT D

Update



**First American Title Insurance Company
National Commercial Services
3281 E Guasti Road, Suite 440
Ontario, CA 91761**

February 14, 2022

Mario Calvillo
Lee & Associates Commercial Real Estate Services, Inc. - Riverside
3240 Mission Inn Avenue
Riverside, CA 92507
Phone: (951)276-3657
Fax:

Customer Reference: March JPA/Restricted property
Title Officer: Greg Franke
Phone: (909)510-6200
Fax No.: (714)481-2309
E-Mail: gfranke@firstam.com

Buyer:

Owner: March Joint Powers Authority

Property: Vacant land, Riverside, CA

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. *The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.* Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

First American Title Insurance Company

ATTACHMENT D

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

First American Title Insurance Company

ATTACHMENT D

Dated as of January 28, 2022 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

To be determined

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

March Joint Powers Authority, a public entity

The estate or interest in the land hereinafter described or referred to covered by this Report is:

Fee Simple

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2022-2023, a lien not yet due or payable.
2. General and special taxes and assessments for the fiscal year 2021-2022 are exempt. If the exempt status is terminated an additional tax may be levied. A.P. No.: 263-060-022, 263-060-024 and 263-060-026.
3. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
4. Rights of the public in and to that portion of the Land lying within public roads.
5. This item has been intentionally deleted.
6. This item has been intentionally deleted.
7. This item has been intentionally deleted.
8. This item has been intentionally deleted.
9. The terms and provisions contained in the document entitled "Covenant and Agreement for Acceptance of Drainage Waters" recorded September 27, 1989 as Instrument No. 333610 of Official Records. By and between Cecelia Lance, as sole surviving Trustee of The Lance Family Revocable Trust dated August 14, 1981.
10. This item has been intentionally deleted.

First American Title Insurance Company

ATTACHMENT D

11. The terms and provisions contained in the document entitled "Declaration of Restrictive Covenants" recorded June 15, 2009 as Instrument No. 2009-0303932 of Official Records. By the March Joint Powers Authority, a public agency.

The terms and provisions contained in the document entitled "Amendment to Declaration of Restrictive Covenants" recorded _____ as _____ of Official Records.

12. This item has been intentionally deleted.
13. Any facts, rights, interests or claims which would be disclosed by a correct ALTA/NSPS survey.
14. Rights of parties in possession.
15. Water rights, claims or title to water, whether or not shown by the public records.

First American Title Insurance Company

ATTACHMENT D

INFORMATIONAL NOTES

ALERT - CA Senate Bill 2 imposes an additional fee of \$75 up to \$225 at the time of recording on certain transactions effective January 1, 2018. Please contact your First American Title representative for more information on how this may affect your closing.

1. The property covered by this report is vacant land.
2. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

3. This preliminary report/commitment was prepared based upon an application for a policy of title insurance that identified land by street address or assessor's parcel number only. It is the responsibility of the applicant to determine whether the land referred to herein is in fact the land that is to be described in the policy or policies to be issued.
4. Should this report be used to facilitate your transaction, we must be provided with the following prior to the issuance of the policy:

A. WITH RESPECT TO A CORPORATION:

1. A certificate of good standing of recent date issued by the Secretary of State of the corporation's state of domicile.
2. A certificate copy of a resolution of the Board of Directors authorizing the contemplated transaction and designating which corporate officers shall have the power to execute on behalf of the corporation.
3. A certificate of revivor and a certificate of relief from contract voidability issued by the Franchise Tax Board of the State of California.
4. Requirements which the Company may impose following its review of the above material and other information which the Company may require.

B. WITH RESPECT TO A CALIFORNIA LIMITED PARTNERSHIP:

1. A certified copy of the certificate of limited partnership (form LP-1) and any amendments thereto (form LP-2) to be recorded in the public records;
2. A full copy of the partnership agreement and any amendments;
3. Satisfactory evidence of the consent of a majority in interest of the limited partners to the contemplated transaction;
4. A certificate of revivor and a certificate of relief from contract voidability issued by the Franchise Tax Board of the State of California.
5. Requirements which the Company may impose following its review of the above material and other information which the Company may require.

C. WITH RESPECT TO A FOREIGN LIMITED PARTNERSHIP:

1. A certified copy of the application for registration, foreign limited partnership (form LP-5) and any amendments thereto (form LP-6) to be recorded in the public records;
2. A full copy of the partnership agreement and any amendment;
3. Satisfactory evidence of the consent of a majority in interest of the limited partners to the contemplated transaction;
4. A certificate of revivor and a certificate of relief from contract voidability issued by the Franchise Tax Board of the State of California.
5. Requirements which the Company may impose following its review of the above material and other information which the Company may require.

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D. WITH RESPECT TO A GENERAL PARTNERSHIP:

1. A certified copy of a statement of partnership authority pursuant to Section 16303 of the California Corporation Code (form GP-I), executed by at least two partners, and a certified copy of any amendments to such statement (form GP-7), to be recorded in the public records;
2. A full copy of the partnership agreement and any amendments;
3. Requirements which the Company may impose following its review of the above material required herein and other information which the Company may require.

E. WITH RESPECT TO A LIMITED LIABILITY COMPANY:

1. A copy of its operating agreement and any amendments thereto;
2. If it is a California limited liability company, a certified copy of its articles of organization (LLC-1) and any certificate of correction (LLC-11), certificate of amendment (LLC-2), or restatement of articles of organization (LLC-10) to be recorded in the public records;
3. If it is a foreign limited liability company, a certified copy of its application for registration (LLC-5) to be recorded in the public records;
4. With respect to any deed, deed of trust, lease, subordination agreement or other document or instrument executed by such limited liability company and presented for recordation by the Company or upon which the Company is asked to rely, such document or instrument must be executed in accordance with one of the following, as appropriate:
 - (i) If the limited liability company properly operates through officers appointed or elected pursuant to the terms of a written operating agreement, such documents must be executed by at least two duly elected or appointed officers, as follows: the chairman of the board, the president or any vice president, and any secretary, assistant secretary, the chief financial officer or any assistant treasurer;
 - (ii) If the limited liability company properly operates through a manager or managers identified in the articles of organization and/or duly elected pursuant to the terms of a written operating agreement, such document must be executed by at least two such managers or by one manager if the limited liability company properly operates with the existence of only one manager.
5. A certificate of revivor and a certificate of relief from contract voidability issued by the Franchise Tax Board of the State of California.
6. Requirements which the Company may impose following its review of the above material and other information which the Company may require.

F. WITH RESPECT TO A TRUST:

1. A certification pursuant to Section 18100.5 of the California Probate Code in a form satisfactory to the Company.
2. Copies of those excerpts from the original trust documents and amendments thereto which designate the trustee and confer upon the trustee the power to act in the pending transaction.
3. Other requirements which the Company may impose following its review of the material require herein and other information which the Company may require.

G. WITH RESPECT TO INDIVIDUALS:

1. A statement of information.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American Title Insurance Company expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

******To obtain wire instructions for deposit of funds to your escrow file please contact your Escrow Officer.******

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LEGAL DESCRIPTION

Real property in the City of Riverside, County of Riverside, State of California, described as follows:

PARCEL B:

BEING A PORTION OF THE WEST 120.00 ACRES OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9, SAID POINT BEING NORTH 01°12'52" WEST 35.00 FEET FROM THE CENTERLINE INTERSECTION OF ALESSANDRO BOULEVARD (75.00 FEET HALF WIDTH) AND BARTON ROAD (33.00 FEET HALF WIDTH); THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 9 NORTH 89°54'24" EAST 1962.64 FEET TO THE EAST LINE OF THE WEST 120.00 ACRES OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE ALONG SAID EAST LINE NORTH 0°12'59" WEST 89.93 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE NORTH 0°12'59" WEST 389.98 FEET TO A POINT ON THE NORTH LINE OF THE LAND DESCRIBED IN EXHIBIT 'A' IN THAT CERTAIN "DECLARATION OF RESTRICTIVE COVENANTS" RECORDED JUNE 15, 2009 AS INSTRUMENT NO. 2009-0303932 OF OFFICIAL RECORDS; THENCE ALONG SAID NORTH LINE SOUTH 81°25'41" WEST 643.50 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 3°15'04" EAST 101.97 FEET; THENCE NORTH 86°44'56" WEST 20.00 FEET; THENCE SOUTH 3°15'04" EAST 192.48 FEET TO A LINE 89.93 FEET PARALLEL WITH AND MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF ALESSANDRO BOULEVARD; THENCE NORTH 89°54'24" EAST 641.06 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 5.042 ACRES.

NOTE: THE ABOVE LEGAL DESCRIPTION IS FOR THE SOLE PURPOSE OF THIS REPORT AND MAY NOT BE CONSIDERED FOR USE IN ANY POLICY ISSUED BY THIS COMPANY, AND IS SUBJECT TO CHANGE AT ANY TIME.

APN: PORTIONS OF 263-060-024 AND 263-060-026

PARCEL A:

BEING A PORTION OF THE WEST 120.00 ACRES OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9, SAID POINT BEING NORTH 01°12'52" WEST 35.00 FEET FROM THE CENTERLINE INTERSECTION OF ALESSANDRO BOULEVARD (75.00 FEET HALF WIDTH) AND BARTON ROAD (33.00 FEET HALF WIDTH); THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 9 NORTH 89°54'24" EAST 989.93 FEET TO THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF PARCEL MAP NO. 31527 FILED IN BOOK 208, PAGES 1 AND 2 OF PARCEL MAPS; THENCE ALONG SAID EASTERLY LINE AND PROLONGATION NORTH 0°13'38" WEST 89.93 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EASTERLY LINE NORTH 0°13'38" WEST 570.11 FEET TO THE NORTHERLY LINE OF SAID PARCEL MAP; THENCE ALONG SAID NORTHERLY LINE SOUTH 89°54'12" WEST 124.55 FEET TO A POINT ON THE WESTERLY LINE OF THE LAND DESCRIBED IN EXHIBIT 'A' IN THAT CERTAIN "DECLARATION OF RESTRICTIVE COVENANTS" RECORDED JUNE 15, 2009 AS INSTRUMENT NO. 2009-0303932 OF OFFICIAL RECORDS; THENCE NORTH 15°43'32" EAST 143.95

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FEET; THENCE SOUTH 89°54'31" WEST 64.49 FEET; THENCE NORTH 0°05'29" WEST 282.62 FEET; THENCE NORTH 49°17'58" WEST 70.62 FEET; THENCE SOUTH 40°42'02" WEST 18.00 FEET; THENCE NORTH 49°17'58" WEST 46.00 FEET; THENCE NORTH 40°42'02" EAST 18.00 FEET; THENCE NORTH 49°17'58" WEST 119.54 FEET; THENCE SOUTH 89°55'18" EAST 84.82 FEET; THENCE NORTH 0°05'31" WEST 45.71 FEET TO THE NORTHERLY LINE OF DEED TO THE STATE OF CALIFORNIA RECORDED SEPTEMBER 8, 1986 AS INSTRUMENT NO. 216794 OF OFFICIAL RECORDS; THENCE ALONG SAID NORTHERLY LINE SOUTH 49°17'59" EAST 161.58 FEET; THENCE SOUTH 73°34'10" EAST 81.32 FEET; THENCE NORTH 30°48'31" EAST 501.81 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 28°44'01" EAST 170.00 FEET; THENCE SOUTH 13°59'05" WEST 1129.81 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LAND DESCRIBED IN EXHIBIT 'A' IN THAT CERTAIN "DECLARATION OF RESTRICTIVE COVENANTS"; THENCE ALONG SAID NORTHERLY LINE NORTH 81°25'41" EAST 187.40 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 01°21'12" WEST 194.77 FEET; THENCE SOUTH 88°38'48" EAST 20.00 FEET; THENCE SOUTH 1°21'12" WEST 80.45 FEET TO A LINE 89.93 FEET PARALLEL WITH AND MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF ALESSANDRO BOULEVARD; THENCE SOUTH 89°54'24" WEST 217.97 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 7.19 ACRES.

NOTE: THE ABOVE LEGAL DESCRIPTION IS FOR THE SOLE PURPOSE OF THIS REPORT AND MAY NOT BE CONSIDERED FOR USE IN ANY POLICY ISSUED BY THIS COMPANY, AND IS SUBJECT TO CHANGE AT ANY TIME.

NOTE: THE ABOVE LEGAL DESCRIPTION IS FOR THE SOLE PURPOSE OF THIS REPORT AND MAY NOT BE CONSIDERED FOR USE IN ANY POLICY ISSUED BY THIS COMPANY, AND IS SUBJECT TO CHANGE AT ANY TIME.

APN: PORTIONS OF 263-060-022 AND 263-060-024

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The First American Corporation
First American Title Company
Privacy Policy

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values, a copy of which can be found on our website at www.firstam.com.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

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**CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)
EXCLUSIONS**

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - (a) building;
 - (b) zoning;
 - (c) land use;
 - (d) improvements on the Land;
 - (e) land division; and
 - (f) environmental protection.This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
 - (a) that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - (b) that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - (c) that result in no loss to You; or
 - (d) that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - (a) to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - (b) in streets, alleys, or waterways that touch the Land.This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows: For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

Your Deductible Amount	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16: 1% of Policy Amount or \$2,500.00 (whichever is less)	\$10,000.00
Covered Risk 18: 1% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19: 1% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21: 1% of Policy Amount or \$2,500.00 (whichever is less)	\$5,000.00

**ALTA RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)
EXCLUSIONS**

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - (a) and use
 - (b) improvements on the land
 - (c) and division
 - (d) environmental protectionThis exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:
 - (a) a notice of exercising the right appears in the public records on the Policy Date
 - (b) the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking
3. Title Risks:
 - (a) that are created, allowed, or agreed to by you
 - (b) that are known to you, but not to us, on the Policy Date -- unless they appeared in the public records

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- (c) that result in no loss to you
(d) that first affect your title after the Policy Date -- this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
 5. Lack of a right:
 - (a) to any land outside the area specifically described and referred to in Item 3 of Schedule A OR
 - (b) in streets, alleys, or waterways that touch your land
- This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

**2006 ALTA LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement erected on the Land;
 - iii. the subdivision of land; or
 - iv. environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- b. Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - a. created, suffered, assumed, or agreed to by the Insured Claimant;
 - b. not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
 - d. attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - e. resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a. a fraudulent conveyance or fraudulent transfer, or
 - b. a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

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6. Any lien or right to a lien for services, labor or material not shown by the public records.

**2006 ALTA OWNER'S POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement erected on the Land;
 - iii. the subdivision of land; or
 - iv. environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
b. Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - a. created, suffered, assumed, or agreed to by the Insured Claimant;
 - b. not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
 - d. attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - e. resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - a. a fraudulent conveyance or fraudulent transfer; or
 - b. a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

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ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (07-26-10)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement erected on the Land;
 - iii. the subdivision of land; or
 - iv. environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- b. Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - a. created, suffered, assumed, or agreed to by the Insured Claimant;
 - b. not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
 - d. attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - e. resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a. a fraudulent conveyance or fraudulent transfer, or
 - b. a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.

First American Title Insurance Company

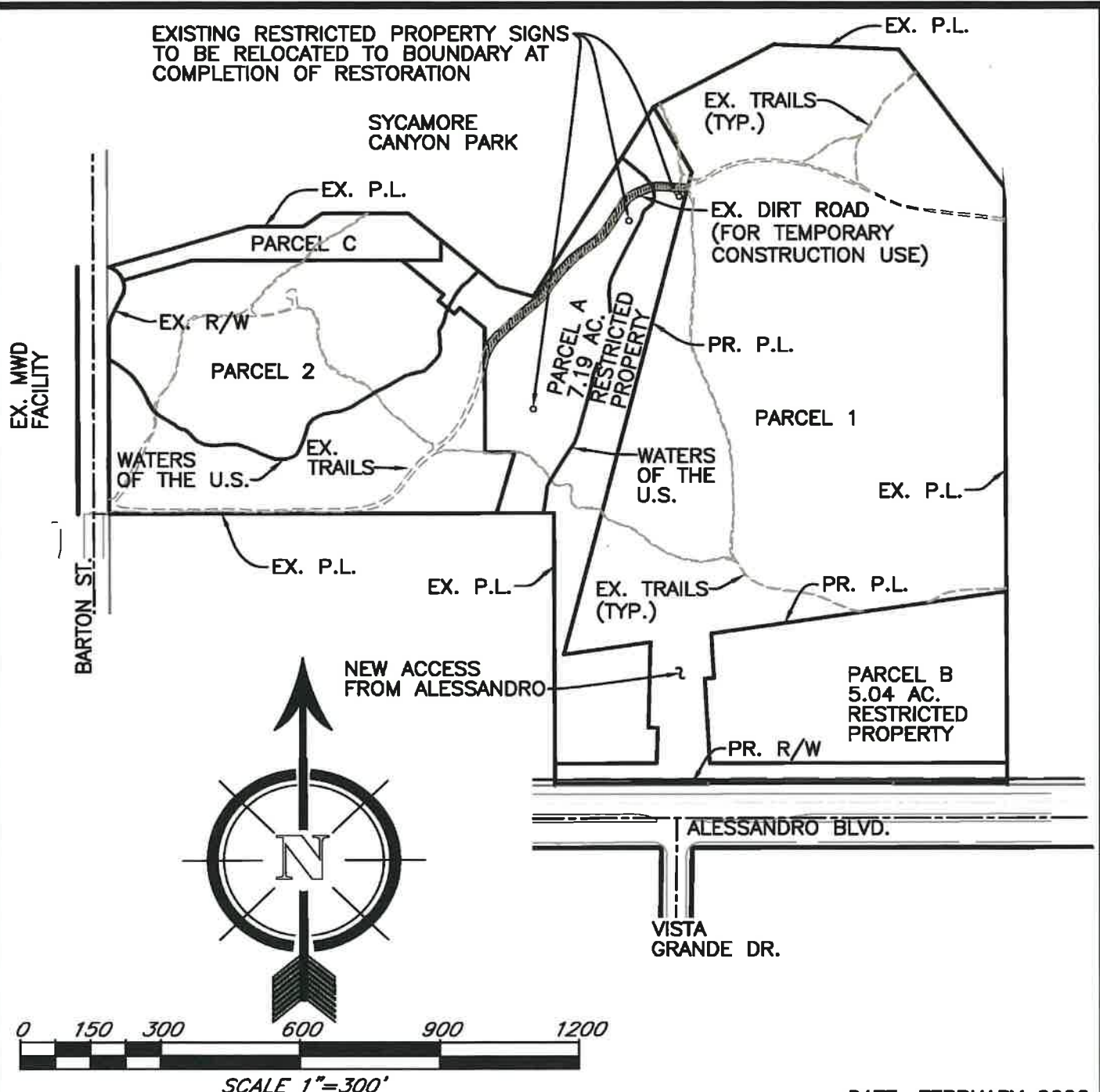
ATTACHMENT D

ATTACHMENT E

REVISED EXHIBIT "D"

Natural Condition of the Restricted Property

EXISTING RESTRICTED PROPERTY SIGNS
TO BE RELOCATED TO BOUNDARY AT
COMPLETION OF RESTORATION



DATE: FEBRUARY 2022

REFERENCE: FIRST AMERICAN
TITLE REPORT #NCS631883-A

-EXCEPTION #9 IS A
BLANKET DRAINAGE EASEMENT
(DOCUMENT #333610)

-EXCEPTION #11 IS THE
RESTRICTIVE COVENANT
DOCUMENT #2009-0303932



SDH AND ASSOCIATES INC.
5225 CANYON CREST DRIVE 71439
Riverside, California 92507
TEL: (951) 683-3691 FAX (951) 788-2314

NATURAL CONDITION OF THE RESTRICTED
COVENANT PROPERTY

EXHIBIT "B"

CEQA Findings of Fact and Statement of Overriding Considerations

CEQA FINDINGS OF FACT AND MITIGATION MONITORING AND REPORTING PROGRAM

This document includes the following sections:

- I. Introduction to CEQA Findings of Fact
- II. Location and Custodian of the Record
- III. Findings for Less than Significant Impacts
- IV. Findings for Impacts Identified as Significant but Mitigated to Less than Significant Level
- V. Findings for Impacts that are Significant and Unavoidable
- VI. Findings Regarding Cumulative Impacts
- VII. Findings Regarding Significant Irreversible Environmental Changes
- VIII. Findings Regarding Growth Inducing Impacts
- IX. Findings Regarding Alternatives
- X. Findings Regarding No Need for Recirculation
- XI. Statement of Overriding Considerations
- XII. Mitigation Monitoring and Reporting Program

I. INTRODUCTION TO CEQA FINDINGS OF FACT

These Findings of Fact are made pursuant to the California Environmental Quality Act (Pub. Res. Code §21000 et seq., “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, §15000 et seq.) by the City of Riverside, as the lead agency for the Exchange Project (project). These Findings of Fact pertain to the Final Environmental Impact Report (“EIR”), State Clearinghouse #2020079023.

A. PROJECT LOCATION

The proposed Project is approximately 10 miles south of Downtown Riverside. The Project site is within the southwestern quarter of Section 9, Township 3 South, Range 4 West, per the Riverside East, California, United States Geological Survey (USGS) 7.5-minute quadrangle. The Project site is in the eastern portion of the City of Riverside, east of Barton Street, west of Sycamore Canyon Boulevard, and north of Alessandro Boulevard, within the Sycamore Canyon Business Park Specific Plan. (Figure 3.0-3 – Project Location Map). The Project site is approximately 48.64 gross acres and includes the following Assessor’s Parcel Numbers (APNs):

- 263-060-022
- 263-060-024
- 263-060-026

B. PROJECT DESCRIPTION SUMMARY

The Project consists of the development of two warehouse buildings and associated improvements including parking, fire lanes, fencing and walls (including retaining walls), landscaping, and water quality treatment areas. The Project proposes subdividing the site into two numbered parcels (Parcels 1 and 2) and three lettered parcels (Parcels A, B, and C). Parcel 1 is proposed to be developed with Building A, a

400,000 square foot warehouse, and Parcel 2 with Building B, a 203,100 square foot warehouse, for a combined total of 603,100 square feet of warehouse.

Implementation of the Project will require the approval of the following development entitlements:

Design Review – (P19-0627)

Design Review of project plans is requested for the construction of two warehouse buildings, totaling 603,100 square feet, and associated improvements including parking lot, trailhead parking lot, fire lanes, fencing and walls (including retaining walls), landscaping, and water quality treatment areas as shown on DEIR Figure 3.0-9 – Site Plan. Both warehouse buildings are proposed for high cube transload short-term use, primarily for the short-term storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials), usually on pallet loads or larger handling products prior to their distribution to retail locations or other warehouses. A typical high cube warehouse has a high level of on-site automation and logistics management. No refrigeration use is proposed.

Parcel 1 will contain Building A, 400,000 square feet in size. It includes 10,000 square feet of office area, 390,000 square feet of warehouse area, 39 dock doors facing west, and 49 dock doors facing east. Access to Building A will be provided via a driveway that crosses the existing Restricted Property in a north-south direction connecting to Alessandro Boulevard. Installation of improvements to Alessandro Boulevard along the Project’s frontage will also be completed, including curb and gutter, curb adjacent sidewalk, street widening, turn lane pockets, and the installation of a traffic signal. The new traffic signal is proposed at Vista Grande Drive and Alessandro Boulevard to facilitate access to Building A.

Parcel 2 will contain Building B, 203,100 square feet in size. It includes 10,000 square feet of office area, 193,100 square feet of warehouse area, and 34 dock doors facing south. Access to Building B will be provided from Barton Street. No access from Alessandro Boulevard will be provided.

Tentative Parcel Map No. 36734 (P20-0025)

A Tentative Parcel Map is required to subdivide the Project site into two numbered parcels, Parcels 1 and 2 and three lettered parcels, Parcels A, B, and C. Parcel 1 is 24.31 acres and will be developed with a 400,000 square foot warehouse building. Parcel 2 is 10.32 acres and will be developed with a 203,100 square foot building. Parcels A and B will contain the Restricted Property, totaling 12.23 acres. Parcel C is 1.18 acres and is proposed to be developed with a trailhead parking lot for the Sycamore Canyon Wilderness Park and dedicated to the City but will not be formally incorporated into the Park. Improvements include a parking lot, sidewalk, shade structure, bike rack, drinking fountain, fencing and a Fire Department access gate.

Parcel Lot Characteristics

	Parcel 1	Parcel 2	Parcel A	Parcel B	Parcel C
Lot Area	1,052,986 SF (24.31 acres)	449,643 SF (10.32 acres)	313,197 SF (7.19 acres)	219,543 SF (5.04 acres)	51,284 SF (1.18 acres)

Lot Width*	649-972 feet	421-575 feet	20-574 feet	641-656 feet	253-714 feet
Lot Depth*	917-1,679 feet	451-871 feet	496-1,493 feet	294-390 feet	40-106 feet
*All parcels are irregularly shaped, distances vary within range provided.					

Minor Conditional Use Permit – (P19-0626)

A Minor Conditional Use Permit (MCUP) is required to permit two proposed warehouses, totaling 603,100 square feet. Pursuant to City of Riverside Municipal Code (RMC), Title 19 – Zoning Code, Chapter 19.150 – Base Zones Permitted Land Uses, warehouses greater than 400,000 square feet require the granting of a MCUP. The Project was subject to the zoning regulations in place at the time the Project was deemed completed (November 2020), which required a MCUP, rather than a Conditional Use Permit (CUP) under the 2020 Good Neighbor Guidelines and RMC update. This requirement is intended to ensure land use compatibility in terms of traffic characteristics, noise, circulation, operation, building design, and site design.

Variations (P20-0258) and Grading Exception (P20-0282)

Variations

Walls

A Variance is requested for Parcel 1 to allow the installation of two combination retaining/ freestanding walls wherein the retaining portion exceeds the RMC’s maximum allowable height of 4 feet and to allow combination retaining/ freestanding walls wherein the overall height exceeds the RMC’s maximum allowable height of 10 feet (Chapter 19.550 – Fences, Walls and Landscape Materials). These walls are located along the eastern property line of Parcel 1, as shown on DEIR Figure 3.0-10 – Grading Exception-Wall Variance Exhibit. Following is a summary of the requested Variations:

- To allow 132 linear feet of combination retaining/ freestanding wall with the retaining portion height up to 6.4 feet and combined height of up to 14.4 feet.
- To allow 205 linear feet of combination retaining/ freestanding wall with the retaining portion height up to 7.6 feet.

Parking

A Variance is requested for Building A to allow 388 parking spaces, where 430 parking spaces are required by the City’s Municipal Code. All parking will be provided on site.

Grading Exception

Retaining Wall Height

A Grading Exception is requested for Building B on Parcel 2 to allow construction of three retaining walls, to exceed 6 feet in vertical height along the northeast and southeast corners of Parcel 2, where Title 17 – Grading allows a maximum height of 6 feet (DEIR Figure 3.0-10 – Grading Exception & Wall Variance Exhibit). Following is a summary of the requested Grading Exceptions:

- To allow a 6.5 to 11.5-foot retaining wall in the northeast corner on Parcel 2 (Area 1);
- To allow a 4.7 to 8.2-foot-high retaining wall and a 6 to 10-foot high retaining wall in the southeast corner of Parcel 2 (Area 2).

C. PROCEDURAL COMPLIANCE WITH CEQA

The City of Riverside (City) published a DEIR on June 8, 2021, and completed a Final EIR in compliance with CEQA requirements. As allowed for in CEQA Guidelines §15084(d)(2), the City retained consultants to assist with the preparation of the environmental documents. Acting as lead agency, the City has directed, reviewed, and edited as necessary all material prepared by the consultants, and such material reflects the City's independent judgment. In general, the preparation of the EIR included the following key steps and public notification efforts.

- A 30-day scoping process began with the City's issuance of the Notice of Preparation (NOP) of an EIR on July 28, 2020. The NOP was filed with the State Clearinghouse on July 28, 2020, which started a 30-day comment period that ended August 27, 2020. Due to the COVID-19 pandemic, the City noticed and held a virtual EIR Public Scoping Meeting during the 30-day comment period to receive perspective and input from agencies, organizations and individuals on the scope and content of the environmental information to be addressed in the EIR. The virtual EIR scoping meeting was held on August 12, 2020.
- The City issued the DEIR by filing a Notice of Completion (NOC) with the State Clearinghouse on June 8, 2021. The Notice of Availability for the DEIR was published in the Press Enterprise and distributed to a variety of government agencies, organizations and interested parties, including: local jurisdictions, tribal governments, state and federal agencies, resource agencies, water districts and boards, transportation agencies, community groups and organizations, business organizations, chambers of commerce, universities and school districts, senior/aging organizations, interested parties and members of the public. The DEIR was also posted on the City's website and made available for review at City Hall at 3900 Main Street, Riverside, CA 92522, and at the Riverside Public Library, Orange Terrace Branch at 20010-B Orange Terrace Parkway, Riverside, CA 92508.
- The DEIR was available for a 45-day public review period beginning June 8, 2021, and ending July 22, 2021. Due to COVID-19, the City held a hybrid (virtual and in person) public Planning Commission hearing on August 19, 2021, which discussed findings and information within the DEIR.
- Following close of the public review period, the City revised the DEIR in response to comments received during the public review period and provided written responses addressing all significant environmental issues raised. Revisions made to the DEIR are shown throughout the Final EIR in strikethrough and underline text.

- As part of its Final EIR, the City responded to all timely written comments on the DEIR, as well as comment letters received after the close of the comment review period and provided written responses to all public agencies that timely commented on the DEIR, consistent with the legal requirement that such agencies be provided written responses at least 10 days prior to any lead agency action to certify the EIR. Due to COVID-19, a hybrid (virtual and in person) public City Council hearing was held on December 14, 2021 to consider certification of the Final EIR and approval of the proposed Project.

D. INCORPORATION OF FINAL EIR BY REFERENCE

The Final EIR is hereby incorporated by reference into these Findings of Fact. The Final EIR consists of three volumes:

1. Comments and Responses to Comments on the Draft Environmental Impact Report (Vol. I),
2. Text Revisions to the DEIR (Vol. I),
3. Mitigation Monitoring and Reporting Program (Vol. I),
4. Draft Environmental Impact Report, May 2021 (Vol. II), and
5. Draft Environmental Impact Report Appendices, May 2021 (Vol. III).

E. REQUIREMENTS FOR CEQA FINDINGS

Pursuant to Public Resources Code §21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR 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 of the following findings with respect to each significant impact.

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

For purposes of the third of these possible findings, the CEQA Guidelines define “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines §15364) Thus, a decision-making body may reject a mitigation measure or project alternative as infeasible if the measure or alternative fails to meet this definition. Importantly, the courts understand the legal concept of infeasibility to encompass both (i) the ineffectiveness of a particular alternative or mitigation measure in promoting the agency’s underlying project purpose and objectives and (ii) the desirability of the measure or alternative from a policy standpoint, as reasonably determined by the decision makers. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000-1001; *San Diego Citizenry Group v. County of San Diego* (2013) 2129 Cal.App.4th 1, 17-18.) Environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

The City of Riverside has made one or more of these specific written findings regarding each significant impact associated with the project. Those findings are presented below, along with a presentation of facts in support of the findings. The City certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed. These findings are based on substantial evidence contained in the totality of the administrative record before the City, including, but not limited to, the Final EIR supporting evidence cited herein.

A full explanation of the environmental findings, conclusions, and mitigation measures referenced herein can be found in the Draft EIR and Final EIR; and these Findings hereby incorporate by reference the discussions and analyses in those documents. In making these Findings, the City hereby ratifies, adopts, and incorporates those discussions and analyses, adopting them as the City's own.

II. LOCATION AND CUSTODIAN OF THE RECORD

The documents and other materials that constitute the record of proceedings on which the City of Riverside's Findings of Fact are based are located at 3900 Main Street, Riverside, California. The custodian of these documents is Veronica Hernandez, Senior Planner. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and CEQA Guidelines § 15091(e).

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

- The Notice of Preparation and all other public notices issued by the City of Riverside and in conjunction with the proposed Project.
- The Draft and Final EIRs, including appendices and technical studies included or referenced in the Draft and Final EIRs.
- All comments submitted by agencies or members of the public during the public comment period on the DEIR.
- All comments and correspondence submitted to the City of Riverside with respect to the proposed Project.
- The Mitigation Measure and Reporting Program (MMRP) for the proposed Project.
- All Findings and resolutions adopted by the City of Riverside 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 relating to the proposed Project prepared by Ruth Villalobos & Associates, Inc., consultants to the City of Riverside.
- All documents and information submitted to the City of Riverside by responsible trustee, or other public agencies, or by individuals or organizations, in connection with the proposed Project, up through the date that the City approved the proposed Project.
- Any documentary or other evidence submitted to the City of Riverside at such information sessions, public meetings, and public hearings.
- Matters of common knowledge to the City of Riverside, including but not limited to applicable federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings of Fact, in addition to those cited above.

- Any other materials, including deliberations, statements, findings, information and observations, required to be in the Record of Proceedings by Public Resources Code § 21167.6(e).

III. FINDINGS FOR LESS THAN SIGNIFICANT IMPACTS

The City Council hereby finds that the following impacts are less than significant without mitigation measures. ***The findings below are for impacts where implementation of the proposed Project would result in less than significant environmental impacts without mitigation. These findings are based on the discussion of impacts in the detailed impact analyses in Section 5.1 through Section 5.15 and Section 6 of the EIR, as well as relevant responses to comments in the Final EIR.***

The potential impacts that are less than significant without mitigation are as follows:

A. AESTHETICS

1. Scenic Vistas

Threshold A: Would the Project have a substantial adverse effect on a scenic vista?

Finding: Less than significant. As the Project's proposed structures will not substantially impact the scenic vistas of the Sycamore Canyon Wilderness Park or Box Springs Mountains, and as the proposed Project does not represent a significant change in the viewshed from what currently exists in the area, impacts will be less than significant without mitigation. (DEIR, p. 5.1-16)

Explanation: The Project site itself does not constitute a scenic vista. The Project site is not a part of the Sycamore Canyon Wilderness Park. Views of Sycamore Canyon Wilderness Park from Alessandro Boulevard are currently blocked by the existing Citywide Self-Storage development. Further, the Project site does not constitute a scenic vista because it is largely surrounded by development, including the wastewater treatment plant to the west, the self-storage facility and Alessandro Boulevard to the south, and commercial and residential uses south of Alessandro Boulevard. The property directly east of the Project site is vacant but is also within the Sycamore Canyon Business Park Specific Plan (SCBPSP), with land use designation for Industrial and zoned BMP-SP (Business and Manufacturing Park and Sycamore Canyon Specific Plan). Existing warehousing and light industrial uses within the SCBPSP located east and northeast also are directly adjacent to the Sycamore Canyon Wilderness Park. Views of the Project site are generally obstructed by surrounding development, with the exception of views from the south and southeast from Alessandro Boulevard. Although the Project site is visible from Alessandro Boulevard and to the residences located on the south side of Alessandro Boulevard, the Project site itself does not provide expansive views of a highly valued landscape to the general public. (DEIR, p. 5.1-15)

Buildings A and B will be 45 feet high, with a parapet wall ranging in height between 2 and 5 feet, which is consistent with the SCBPSP standards. The proposed structures are compliant with the maximum building height allowed by the zone. Due to the Project's distance from the Box Springs Mountains as well as the elevations of these mountains, it will not block views of these mountains from Alessandro Boulevard or the existing uses (commercial and residential) south of Alessandro Boulevard. The Project will not result in a substantial adverse effect on views of these mountains within the area. (DEIR, p. 5.1-16)

2. Public Views

Threshold C: In non-urbanized areas, would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

Finding: Less than significant. With the natural and earth-toned color palette, the articulation of the building facades, the screen walls for the loading dock areas, and the enhanced landscaping, the Project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Additionally, the proposed Project is located in an urbanized area and it will not conflict with applicable zoning and other scenic quality regulations. (DEIR, pp. 5.1-20, 5.1-22)

Explanation: The City of Riverside General Plan 2025 (GP 2025) designates the Project site as Business/Office Park (B/OP), and within the Sycamore Canyon Business Park, which is considered a "Major Business Park" as shown on Figure LU-4 of the GP 2025. Additionally, development of the Project site is guided by the SCBPSP, which was adopted in 1984 by the City in order to encourage and provide incentives for economic development in the 1,400-acre planning area. The SCBPSP designates the Project site land use as 'Industrial.' Further, per the City's Zoning Map, the Project site is within the BMP-SP - Business and Manufacturing Park and Specific Plan (Sycamore Canyon Business Park Specific Plan) Overlay Zones. The BMP zone is one of four industrial zones within the City. The vacant property directly east of the Project Site is also zoned BMP-SP and designated for Industrial use within the SCBPSP. Further east and northeast of the Project site is existing large-scale light industrial uses, consisting of distribution centers and warehousing within the Sycamore Canyon Business Park. Thus, the Project site is designated for business/manufacturing park use and is largely surrounded by development. (DEIR, p. 5.1-18)

The existing restricted property, which includes a natural drainage course and associated riparian woodland vegetation, will largely be preserved and will serve as a buffer between Building A and Alessandro Boulevard, as well as between Buildings A and B. (DEIR, p. 5.1-18)

Building A will be set back from Alessandro Boulevard by approximately 500 feet with the restricted property/ conservation area and natural terrain and vegetation within that setback. No dock doors of Building A face south towards Alessandro Boulevard or north towards Sycamore Canyon Wilderness Park. Dock doors are located on the west side (39 dock doors) and east side (49 dock doors) of the building. The dock doors will be screened from the public view by an 8-foot high wall on the east and west sides of Building A. Another set of 15-foot high walls will be located on the east and west sides of Building A, facing south, creating a right angle with the 8-foot high wall to screen views of the dock door and loading areas from Alessandro Boulevard. The required landscaping for Parcel 1 is five percent (23,014 square feet). Parcel 1 will include 132,699 square feet of landscaping, which greatly exceeds the minimum requirement, for a site coverage of 28.83 percent. Landscaping in Parcel 1 is located inside the western, northern, and southern boundaries. Landscaping will include fire resistant groundcover, shrubs and columnar trees, consistent with the Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan. This enhanced landscaping, in the northern and southern portions of the site, provide additional screening of Building A from Alessandro Boulevard and the Sycamore Canyon Wilderness Park, respectively. (DEIR, p. 5.1-18)

Building B will have a total of 34 dock doors facing south, adjacent to and facing the back wall of Citywide Self Storage. The front of Building B faces Barton Street to the west. Building B will be set back 90 feet from Barton Street. An 8-foot high metal fence will be located along the westerly and southernly property line. An 8-foot high combination screening fence/wall, consisting of a 4-foot high tubular metal fence on top of a 4-foot high screen wall, will be located along the northerly property line adjacent to the trailhead parking lot. The required landscaping for Parcel 2 is five percent (9,542 square feet). Parcel 2 will include 37,993 square feet of landscaping, which also greatly exceeds the minimum requirement, for a site coverage of 19.91 percent. The landscaping for Parcel 2 also includes fire resistant groundcover, shrubs and columnar trees, consistent with the Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan. This enhanced landscaping in Parcel 2 is located inside the northern, eastern, western, and southern boundaries, providing additional screening of Building B from Barton Street and the Sycamore Canyon Wilderness Park. (DEIR, p. 5.1-19)

Both proposed buildings will include a color palette largely consisting of beiges (Maison Blanche, Fresco Cream, Mexican Sand, and Oak Creek). Windows will have blue reflective glazing with black mullions, refer to Figure 3.0-11 Materials Board. Photographs of the site and surrounding areas were used to develop the color palette that is consistent with and complements the surrounding area, including Sycamore Canyon Wilderness Park. (DEIR, p. 5.1-19)

Buildings A and B will be 45 feet in height, with a parapet wall ranging in height between 2 and 5-feet. HVAC systems will be located on the roofs but will be shielded from view. The south elevation of Building A is 520 feet long, while the north elevation is 400 feet long. The east and west elevations of Building A is 969 feet long. The west elevation of Building B is 365 feet, the north and south elevation is 660 feet 10 inches, and the east elevation is 308 feet. The building design implements articulation to create pockets of light and shadow to break up the long expanse of wall surface. (DEIR, p. 5.1-19)

Public views are those that are experienced from publicly accessible vantage point. Public views of Building A on Parcel 1 will be from two publicly accessible vantage points: Alessandro Boulevard to the south and from trails within the Sycamore Canyon Wilderness Park to the north. The public view of Building A from Alessandro Boulevard is softened by the 520-foot setback, landscaping, natural vegetation within the restrictive property/conservation area, and the natural and earth-toned color palette. The Project's landscaping will also partially screen the north elevation of Building A. The view from Sycamore Canyon Wilderness Park south towards Building A on Parcel 1 will be screened on this side by the Project's landscaping, including the water quality basin, and the view is softened by the 40-foot set-back of the building from the property line. (DEIR, p. 5.1-19)

Public views of Building B on Parcel 2 will be from two publicly accessible vantage points: Barton Street to the west and from trails within the Sycamore Canyon Wilderness Park to the north. The trailhead parking lot and amenities serve as an additional setback between the northern property line with the park and Building B. Building B will be located between 60-182 feet from the northerly property line of Parcel 2, and 90 feet from the northerly property line of the trailhead parking lot. The trailhead parking lot will largely be decomposed granite, with landscaping and amenities that are complementary to the adjacent Wilderness Park. The Project's enhanced landscaping will also partially screen Building B and its parking areas from Barton Street. (DEIR, pp. 5.1-19- 5.1-20)

The restricted property/conservation area with existing mature vegetation and the required 20-foot landscape setback at the front of Building A will preserve the existing character of the site along the frontage of Building A and between Buildings A and B. A landscaped buffer will be located along the northern side of Building A and an 8-foot high concrete wall along the northern and eastern sides of Building A to screen the building from the Sycamore Canyon Wilderness Park. Building B will have a 20-foot landscape setback on the western side, along Barton Street. There will also be an 8-foot high tubular metal fence and enhanced landscaping along the western side of Building B to screen the building from Barton Street. An 8-foot high combination screening fence/wall, consisting of a 4-foot high tubular metal fence on top of a 4-foot high screen wall and landscaping with shrubs and trees, will be located along the northerly property line adjacent to the trailhead parking lot to screen Building B from the Sycamore Canyon Wilderness Park. The trailhead parking lot will also provide a buffer and setback between Building B and the Sycamore Canyon Wilderness Park. (DEIR, p. 5.1-20)

B. AIR QUALITY

3. Emissions Leading to Odors

Threshold D: Would the Project result in emissions (such as those leading to odors) adversely affecting a substantial number of people?

Finding: Less than significant. The Project is not expected to generate significant objectionable odors affecting a substantial number of people. (DEIR, p. 5.2-36)

Explanation: During construction, diesel equipment may generate some nuisance odors. Sensitive receptors near the Project site include residential uses approximately 300 feet south of the Project site; however, exposure to odors associated with Project construction would be short term and temporary in nature. It should also be noted that all construction equipment is subject to the CARB In-Use Off-Road Diesel-Fueled Fleets Regulation. This regulation, which applies to all off-road diesel vehicles 25 horsepower or greater, limits unnecessary idling to 5 minutes, requires all construction fleets to be labeled and reported to CARB, bans Tier 0 equipment and phases out Tier 1 and 2 equipment (thereby replacing fleets with cleaner equipment), and requires that fleets comply with Best Available Control Technology requirements. Implementation of this measure reduces construction exhaust emissions, thereby also reducing construction equipment odors. Additionally, SCAQMD Rule 402 addresses nuisance emissions, including odors. Rule 402 states, "A person shall not discharge from any source whatsoever such quantities or air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have natural tendency to cause, injury or damage to business or property." (DEIR, p. 5.2-35)

The Project does not include any of these uses that are typically associated with odor complaints. The Project does not propose any uses or activities that would result in potentially significant operational-source odor impacts. The Project proposes the operation of a high-cube warehouse, which is not included on CARB's list of facilities that are known to be prone to generate odors. During operation of the Project, odors that could be emitted from trucks would be required to comply with CARB's idling limit of 5 minutes, and these trucks would not produce a significant number of odors. Consistent with City requirements, all Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations, thereby precluding substantial generation of odors due to temporary holding of refuse on-site. (DEIR, p. 5.2-36)

Due to the distance to the residential receptors, implementation of CARB regulations, the short-term nature of construction, and enforcement of Rule 402, construction odor impacts would be less than significant. (DEIR, p. 5.2-35)

C. BIOLOGICAL RESOURCES

1. Interfere with Wildlife Migratory Corridors

Threshold D: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?

Finding: Less than significant. Wildlife that occurs within the site may use the existing drainages and associated riparian vegetation, as well as the two separate culvert under-crossings included beneath the elevated driveway which crosses Area C. (DEIR, p. 5.2-37)

Explanation: Due to the Project's location adjacent to Alessandro Boulevard, a six lane, divided roadway, the Project site is not anticipated to serve as a wildlife corridor from areas to the southwest, south and southeast to the Sycamore Canyon Wilderness Park to the north. Wildlife that occurs within the site may use the existing drainages and associated riparian vegetation through the site north to the Sycamore Canyon Wilderness Park, or east to the adjacent undeveloped private property. (DEIR, p. 5.2-37)

The new elevated driveway which crosses Area C includes two separate culvert under-crossings: one that crosses in a southwest to northeast direction with two 38-inch high x 57-inch wide arch pipes and one that crosses in a west to east direction with one 38-inch high x 57-inch wide arch pipe. This was included in the design as requested by the wildlife agencies and the RCA during the pre-application meeting at RCA (October 2018). It will provide hydrological connection and allow for wildlife to move across Area C without having to cross the driveway. Animals likely to use these under-crossings include most terrestrial amphibians, reptiles, and mammals that have been recorded onsite such as Baja California treefrog (*Pseudacris hypochondriaca*), western fence lizard (*Sceloporus occidentalis*), red-diamond rattlesnake (*Crotalus ruber*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), coyote (*Canis latrans*), and bobcat (*Lynx rufus*). Wall nesting birds such as black phoebe (*Sayornis nigricans*) and barn swallow (*Hirundo rustica*) may also utilize the culvert. (Wood(a) p. 29) No native nursery sites were identified on site. (DEIR, p. 5.2-37)

2. Conflict with Policies or Ordinances Protecting Biological Resources

Threshold E: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding: Less than significant. The Project is consistent with the City's General Plan 2025 policies. Other local policies and ordinances protecting biological resources in the City of Riverside include the SKRHCP, MSHCP, Lake Matthews Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (Lake Matthews MSHCP/NCCP), and the City's Urban Forest Tree Policy. (DEIR, p. 5.3-38)

Explanation: The Project is consistent with the City's General Plan 2025 policies. Refer to Appendix B for a complete analysis of the Project's consistency with applicable General Plan 2025 policies. In addition, the project is consistent with the following objectives of the Open Space Element of the General Plan:

- **Objective OS-1:** Preserve and expand open space and linkages throughout the City and sphere of influence to protect the natural and visual character of the community and to provide for appropriate active and passive recreational uses.

Parcel C is proposed to be developed within a trailhead parking lot which will include improved decomposed granite parking lot, landscaping, a shade structure with benches, a bike rack, a drinking fountain (including for pets), and ADA (Americans with Disabilities Act) compliant parking spaces and sidewalk. Trail fencing, gates, and signage will also be installed to direct access, circulation and trail connection to existing trails as well as the master planned multipurpose trail on the west side of Barton Street.

- **Objective OS-2:** Minimize the extent of urban development in the hillsides, and mitigate any significant adverse consequences associated with urbanization.

The Project is not located on any hillsides.

- **Objective OS-5:** Protect biotic communities and critical habitats for endangered species throughout the General Plan Area. (DEIR, p. 5.3-38)

The Project's consistency with the MSHCP and SKRHCP are discussed in more detail under Section IV, C, 2, Threshold F below.

Additional local policies and ordinances protecting biological resources in the City of Riverside include the SKRHCP, MSHCP, Lake Matthews Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (Lake Matthews MSHCP/NCCP), and the City's Urban Forest Tree Policy. (DEIR, p. 5.2-38)

The Project site is adjacent to the Sycamore Canyon Wilderness Park, which is a designated Core Reserve Area for the SKRHCP and Public Quasi Public (PQP) lands. Development of the Project site is subject to the edge treatment and other provisions of the *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan*. The SCWP SKRMP identifies appropriate edge treatments between the park and other uses. It requires a 7-foot high masonry wall edge treatment with possible substitution of a 6 foot high tubular steel fence per the City's Parks, Recreation, and Community Services Department Standard Detail No. 5520 and specifications. The fence per Standard Detail No. 5520 is preferred by the City's Parks, Recreation, and Community Service Department to improve the visible connection to the conservation area, provide an open visible sense of security for trail users and to reduce the opportunity for graffiti. Fencing and walls around the Project site have been designed to be compliant with requirements in the SCWP SKRMP. (DEIR, pp. 5.3-38- 5.3-39)

The Project site is adjacent to the Sycamore Canyon Wilderness Park, which is a designated Existing Core D of the MSHCP conservation area. Since the City is a permittee to the MSHCP, the Project is required to be compliant with all MSHCP policies. See DEIR pp. 5.3-39- 5.3-49 and Section 4, Biological Resources, Threshold F below for further discussion of the Project's compliance with the SKRHCP and MSHCP.

The Project site is not within or near the Lake Matthews MSHCP/NCCP (GP 2025, Figure OS-6). (DEIR, p. 5.2-39)

The City has also adopted an *Urban Forestry Policy Manual* to establish guidelines for planting, pruning, preservation, and removal of all trees in City rights-of-ways (PW). The City Public Works Department is

responsible for the maintenance of all street trees planted by the Project within City right-of-way in accordance with the *Urban Forestry Policy Manual* (PW, p. 14). The Project does not propose the removal of any existing trees within public rights-of-way. (DEIR, p. 5.3-39)

D. CULTURAL RESOURCES

1. Historical Resources

Threshold A: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

Finding: Less than significant. No significant historical resources are within, or immediately adjacent to, the Project site. (DEIR, 5.4-26)

Explanation: Four previously recorded archaeological sites were re-identified and three newly identified resources were documented during the 2018 survey. All of the prehistoric archaeological resources documented within a one-mile radius of the Project's APE are bedrock milling sites (some with ground stone, such as manos, and other lithics), including the four previously recorded sites and the three additional sites within the Project's APE. There are four criteria that a resource must meet to be eligible for listing on the NRHP and CRHR. As further discussed in section 5.4.5 of the DEIR pp. 5.4-26- 5.4-32 and Section IV, Cultural Resources, Threshold B below, the seven sites were not found to be eligible for listing under NRHP Criterion A-D or CRHR criterion 1-4 and do not constitute a significant historic resource. (DEIR, 5.4-26)

Additionally, the site does not contain any built structures nor remnants of built structures that could be evaluated as potential historic resources. Moreover, a review of the EIC archaeological literature and records, NRHP, OHP Archaeological Determinations of Eligibility File, OHP Directory of Properties in the Historic Property Data File, and the City's Historic Landmark List indicated that no historic properties or landmarks are recorded or listed within, or immediately adjacent to, the Project's APE. (DEIR, p. 5.4-26)

2. Disturb Human Remains

Threshold C: Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Finding: Less than significant. No human remains were observed during the 2018 study and it is unlikely human remains would be discovered, implementation of the Project would not disturb any human remains, including those interred outside of formal cemeteries. (DEIR, p. 5.4-32)

Explanation: As indicated in the Archaeological Site Records included in the 2020 report, no human remains were observed at any of the aforementioned seven archaeological sites within the Project's APE during the 2018 field surveys. In the unlikely event of an accidental discovery of human remains in a location other than a formal cemetery, the process under Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5(e), and Public Resources Code Section 5097.98 would be followed. (DEIR, p. 5.4-32)

E. ENERGY

1. Wasteful, Unnecessary Consumption of Energy Resources

Threshold A: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, unnecessary consumption of energy resources, during project construction or operation?

Finding: Less than significant. The Project would not result in potentially significant environmental impact due to wasteful, inefficient, unnecessary consumption of energy resources, during project construction or operation.

Explanation: Equipment utilized for Project construction would conform to CARB regulations and California emissions standards, and the Project would utilize construction contractors which practice compliance with applicable CARB regulations regarding retrofitting, repowering, or replacement of diesel off-road equipment. CARB has adopted the Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other Toxic Air Contaminants. Additionally, California Code of Regulations (CCR) Title 13, Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Compliance with anti-idling and emissions regulations would result in a more efficient use of construction-related energy and the minimization or elimination of wasteful or unnecessary consumption of energy. Moreover, idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption during construction. (EA pp. 15-19)

Further, construction energy efficiencies and energy conservation would be achieved indirectly through energy efficiencies realized from bulk purchase, transport, and use of construction materials. Use of materials in bulk reduces energy demands associated with preparation and transport of construction materials as well as transport and disposal of construction waste. (EA pp. 15-19)

Thus, the Project would not involve the inefficient, wasteful, unnecessary use of energy during construction, and accordingly, the construction-phase impact related to energy consumption would be less than significant. (DEIR, p. 5.5-20)

As summarized in Table 5.5-12 of the DEIR (p. 5.5-22), the total estimated annual fuel consumption from Project-generated VMT would be 555,065 gallons of fuel, which would be provided by current and future commercial vendors. Project trip generation and VMT generated by the Project are consistent with industrial uses of similar scale and configuration, as reflected in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, 2017, and CalEEMod. As such, the Project does not propose uses or operations that would inherently result in excessive and wasteful vehicle trips and VMT, nor associated excess and wasteful vehicle energy consumption. Moreover, the Project would be subject to any Federal and State regulatory actions regarding enhanced fuel economies and related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells), which would likely decrease future gasoline fuel demands per VMT. (EA pp. 20-22)

Additionally, the location of the Project proximate to regional and local roadway systems tends to reduce VMT within the region, which would act to reduce regional vehicle energy demands. Further, the Project would implement sidewalks and promote the use of bicycles as an alternative means of transportation, which would facilitate pedestrian and bicycle access and, accordingly, would reduce VMT and associated energy consumption. (DEIR, pp. 5.5-22- 23)

Uses proposed by the Project are not inherently energy intensive, and the Project's energy demands in total would be comparable to, or less than, other industrial projects of similar scale and configuration. Moreover, the Project proposes conventional industrial uses reflecting contemporary energy efficient/energy conserving designs and operational programs, and would comply with the 2019 Title 24

Standards, which include incorporating contemporary design features. Further, the Project's energy demands can be accommodated within the context of available resources and energy systems and would therefore not cause or result in the need for additional energy producing or transmission facilities. (EA pp. 22-23)

2. Conflict with State or Local Plan for Renewable Energy or Energy Efficiency

Threshold B: Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Finding: Less than significant. The Project's plans for renewable energy or energy efficiency are consistent with the State of California Energy Plan, California Code of Regulations, Title 24, Part 6, the State's Energy Efficiency Standards for Residential and Non-residential Buildings, and the California Integrated Waste Management Act of 1989 (AB 939). Project-applicable energy plans are also consistent with the objectives and policies of the GP 2025's Open Space and Conservation and Public Facilities and Infrastructure Elements, and the City's RRG-CAP and Green Action Plan.

Explanation:

Consistency with State of California Energy Plan: The Project site is located along major transportation corridors with proximate access to the Interstate freeway system. The site selected for the Project facilitates access takes advantage of existing infrastructure systems and promotes land use compatibilities through the introduction of industrial uses on a business/office park-designated site. The Project therefore supports urban design and planning processes identified under the State of California Energy Plan, is consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan. (EA pp. 27-28)

As conditioned, the Project will be required to comply with both California Building Code Title 24 Part 6 (Building Energy Efficiency Standards) and Part 11 (CALGreen Code). The Project's features include reusing and recycling construction and demolition waste, interior and exterior storage areas for recyclables and green waste, recycling containers in public areas, and education materials about reducing waste and available recycling services. As such the Project will not conflict with or obstruct implementation of California Integrated Waste Management Act of 1989 (AB 939).

Consistency with General Plan 2025: The Project is consistent with the objectives and policies in the Open Space and Open Space Element, including those that encourage efficient use of energy resources. The Project is consistent with the objectives and policies in the Public Facilities and Infrastructure Element, including those with the purpose of providing superior water service to customers, maintaining sufficient levels of wastewater and storm drainage service, and provide to the extent practical, environmentally sensitive energy resources. Refer to Appendix B for the analysis of the Project's consistency with applicable General Plan 2025 Open Space and Conservation and Public Facilities and Infrastructure Element policies. (DEIR, p. 5.5-24)

Consistency with the Riverside Restorative Growthprint and Climate Action Plan (RRG-CAP): In addition to meeting the SCAQMD screening thresholds, the Project was evaluated for consistency with the strategies and actions contained in the RRG-CAP (see Section 5.4.2.4). To achieve the City's GHG emission reductions, the City's RRG-CAP includes reduction measures for each category of GHG emissions: transportation, energy, water, and solid waste. The RRG-CAP reduction measures further support the

goals of SB 32 and the measures in the 2017 Scoping Plan. Table 5.7-8 further summarizes the Project's consistency with RRG-CAP measures. (DEIR, pp. 5.5-24- 5.5-32)

F. GEOLOGY AND SOILS

1. Faulting and Surface Rupture, Seismic Shaking, Landslides

Threshold A: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; ii) strong seismic ground shaking; iii) seismic-related ground failure, including liquefaction?

Finding: Less than significant. The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death. i) The potential hazards associated with fault rupture are considered less than significant; ii) Potential impacts associated with seismic ground shaking will be less than significant; iii) Potential impacts associated with seismic ground failure, including liquefaction, will be less than significant; iv) With compliance of applicable regulations as well as policies identified in the General Plan, impacts resulting in risk of loss, injury, or death due to landslides are considered less than significant. (DEIR, pp. 5.6-24- 5.6-28)

Explanation:

i) Fault Rupture: Unlike damage from ground shaking, which can occur at great distances from the fault, impacts from fault rupture are limited to the immediate area of the fault zone where the fault breaks along the surface. The Project site does not lie within or adjacent to an Alquist-Priolo Earthquake Fault Zone. The nearest known active or potentially active fault, San Jacinto Fault, is approximately 8.7 miles northeast of the Project site. The other known active or potentially active faults as described in Section 5.6.1 of the DEIR are further away from the Project site. Thus, the potential for damage due to fault rupture is considered remote. Nonetheless, the Project is required to comply with the building design standards of the CBC related to seismicity for construction of new buildings. (DEIR, pp. 5.6-24- 5.6-25)

ii) Strong Seismic Ground Shaking: The Project will be designed to resist seismic impacts in accordance with the applicable RMC Title 16 – Buildings and Construction standards. Title 16 of the RMC incorporates the California Building Code. As stated in Section 16.08.020, "The California Building Code, 2019 Edition, consisting of two volumes, including appendices and any related errata, and any amendments thereto by the State of California in the 2019 Edition of Title 24 of the California Code of Regulations, promulgated by the International Code Council, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and other structures, is adopted and by this reference is made a part of this Code with the force and effect as though set out herein in full, with the exception of those parts expressly excepted and deleted or as amended by this chapter." Such building code compliance is required for development of all structures in the City. Project plans will be reviewed during the plan check process to confirm seismic safety measures are incorporated. Moreover, there is nothing unique about the Project site that would require additional measures beyond compliance with the adopted building code. (DEIR, p. 5.6-25)

iii) Seismic-Related Ground Failure, Including Liquefaction: The site is not situated in an area of generalized liquefaction susceptibility. Moreover, the GP 2025 identifies the Project site and its immediate surrounding area with a very low susceptibility to liquefaction (GP 2025, Figure PS-2). The Project will be

designed to resist seismic impacts in accordance with RMC Title 16 – Buildings and Construction standards. Such building code compliance is required for development of all structures in the City. Project plans will be reviewed during the plan check process, which will ensure that these seismic safety measures are incorporated. These measures take into account ground shaking hazards that are typical to Southern California. (DEIR, pp. 5.6-25- 5.6-26)

iv) Landslides: The topography of the Project site consists of natural rolling terrain descending gradually from a west to east direction. The Project site is not located in an area with high susceptibility for landslides and rock falls. The grading exceptions needed for the Project site to allow installation of retaining walls to exceed 6 feet in vertical height would not substantially increase the risk of landslides. The grading exceptions and retaining walls were designed to follow the overall proposed grading plans and will contribute to the Project's land stabilization. The grading exception for Area 1 would be consistent with the general purpose and intent of Title 17 of the RMC to minimize the adverse effects of grading upon natural landforms, particularly in regard to water runoff. The grading exception in Area 2 would be consistent with the general purpose and intent of Title 17 of the RMC to preserve hydrologic features of public value. In addition, RMC 17.04.010(E), which requires the stabilization of steep hillsides and the prevention of erosion, would be enforced on all other portions of the site that do not require the grading exceptions. The City has included policies in its Public Safety Element to achieve the goal of minimizing the risk of injury, loss of life, and property damage caused by earthquake hazards or geologic disturbances (Policies PS-1.1-1.5 & Policy PS-9.8). (DEIR, pp. 5.6-26- 5.6-28)

2. Erosion or Loss of Topsoil

Threshold B: Would the Project result in substantial soil erosion or the loss of topsoil?

Finding: Less than significant. With implementation of an approved SWPPP as well as the Project's design considerations, potential impacts from erosion during construction or operation will be less than significant. (DEIR, p. 5.6-28)

Explanation: Construction activities such as grading may have the potential to cause soil erosion or the loss of topsoil. Short-term erosion effects during the construction phase of the Project will be prevented through the required implementation of a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the National Pollutant Discharge Elimination System (NPDES) program as well as the incorporation of best management practices (BMPs) intended to reduce soil erosion. BMPs can be found in the Hydrology and Water Quality section of the DEIR, Section 5.9.3 – Project Design Considerations. Also, as mentioned in section 5.6.4 of the DEIR, landscaped areas and groundcovers will be provided to help reduce erosion potential. (DEIR, p. 5.6-28)

3. Unstable Soil

Threshold C: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Finding: Less than significant. With the implementation of Project-specific geotechnical recommendations (as Project Design Considerations) and the adopted building code, potential impacts associated with seismically induced landslides, lateral spreading, subsidence, liquefaction or collapse will be less than significant.

Explanation: The nearest active or potentially active fault is San Jacinto and is approximately 8.7 miles from the Project site. However, the Project site is not susceptible to liquefaction or landslides (GP 2025,

Figure 5.6-3). The Project site is not within an area with soils identified as having a high shrink-swell potential (GP 2025, Figure PS-3), and the Project's geological investigation testing on-site soils and determined that the soils have a "very low" expansion potential (NorCal Engineering, p. 18); thus, collapse is unlikely. Additionally, the potential for lateral spreading at the Project site is considered low because the site is underlain by dense subsurface soil and bedrock. The Project site is also not within an area susceptible to subsidence (RCMMC). Thus, the Project site is not considered to be susceptible or located on a site or unit that is unstable. Nevertheless, the Project will incorporate the Project-specific geotechnical recommendations provided by NorCal Engineering and will conform to the adopted building code in Section 5.6.3 of the DEIR. (DEIR, p. 5.6-28)

4. Expansive Soil

Threshold D: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Finding: Less than significant. The Project's geological investigation testing on-site soils determined that the soils have a "very low" expansion potential. (DEIR, p. 5.6-29)

Explanation: Expansive soils are soils with a significant amount of clay particles that have the ability to give up water (shrink) or take on water (swell). Fine-grained soils, such as silts and clays, may contain variable amounts of expansive clay minerals. When these soils swell, the change in volume exerts significant pressures on loads that are placed on them. This shrink/swell movement can adversely affect building foundations, often causing them to crack or shift, with resulting damage to the buildings they support. An expansion index value between 0-20 is considered "very low" potential. (NorCal Engineering, Appendix B-Laboratory Tests). The expansion index for the Project site was 3 and 4, demonstrating that the soils have a classification of "very low". In addition, the Project will incorporate the Project-specific geotechnical recommendations provided during the geotechnical engineering investigation, which have been incorporated into the Project Design Considerations (Section 5.6.3 of the DEIR), such as the review of the Expansive Soil Guidelines, and will conform to the adopted building code. (DEIR, p. 5.6-29)

5. Use of Septic Tanks or Alternative Wastewater Disposal Systems

Threshold E: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Finding: Less than significant. The Project was determined to have the capability of having a sewer connection for Building A and soils capable of supporting septic for Building B. (DEIR, pp. 5.6-29- 30)

Explanation: Building A will be connected to the City's wastewater (sewer) collection system. Wastewater from Building A will be conveyed via pipeline from the building within the access road alignment to Alessandro Boulevard where there is an existing City wastewater line. Wastewater from Building A will have to be pumped up to a gravity flow lateral to be constructed across Alessandro Boulevard, as the elevation of Building A is lower than the existing wastewater line in Alessandro Boulevard. (DEIR, p. 5.6-29)

There is no existing City wastewater line in Barton Street to serve Building B. This is because Barton Road slopes down in elevation to the north and therefore a gravity fed wastewater line to serve Building B would not work to connect to Alessandro Boulevard at a higher elevation to the south. Due to this constraint, a seepage pit septic system is proposed for Building B. To determine septic feasibility for

Building B, Deep Percolation Testing (Appendix G) was conducted by GeoMat Testing Laboratories, Inc. Generally, septic tanks are to be located where the water table is deep, and the soil has favorable percolation rates. Two deep percolation tests were conducted for the proposed septic system. Based on percolation test results, the onsite soils have favorable percolation rates. Test results are appropriate to soil classification. (DEIR, pp. 5.6-29- 30)

Based on the data presented in the Deep Percolation Report, there is sufficient area on the Project site to support a primary and expansion of the onsite wastewater system that will meet the current standards of the Department of Environmental Health, County of Riverside and Regional Quality Control Board (RWQCB). According to the test elevations and minimum ten feet seepage, the inlet should be no deeper than one foot below grade to maintain 5 feet separation between groundwater and the bottom of the seepage pit. Based on the data in the Deep Percolation Report and the testing information accumulated, it is the judgment of GeoMat Testing Laboratories, Inc. that the groundwater table will not encroach within the current allowable limit of 5 feet set forth by County requirements. (DEIR, p. 5.6-30)

G. HAZARDS AND HAZARDOUS MATERIALS

1. Reasonably Foreseeable Accidents

Threshold B: Would the Project 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?

Finding: Less than significant. The Project will conform with the applicable Federal and State laws related to the transportation and storage of hazardous materials, and future use will be subject to Federal, State, and local regulations, (DEIR pp. 5.8-24- 5.8-25)

Explanation: The transportation of hazardous materials can result in accidental spills, leaks, toxic releases, fire, or explosion. It is possible that licensed vendors could bring some hazardous materials to and from the site as a result of the proposed Project. However, appropriate documentation for all hazardous waste that is transported in connection with specific Project-site activities would be provided in compliance with existing hazardous materials regulations codified in Titles 8, 22, and 26 of the CCR, and their enabling legislation set forth in Chapter 6.95 of the CHSC. In addition, future users would be required to comply with all applicable Federal, State, and local laws and regulations pertaining to the transport, use, disposal, handling, and storage of hazardous waste, including but not limited to the USDOT Office of Hazardous Materials Safety Title 49 of the CFR, and implemented by Title 13 of the CCR which prescribes strict regulations for the safe transportation of hazardous materials. Compliance with the applicable Federal and State laws related to the transportation of hazardous materials would reduce the likelihood and severity of accidents during transit. (DEIR p. 5.8-24)

Hazardous materials are required to be stored in designated areas designed to prevent accidental release to the environment. The CFC requirements prescribe safe accommodations for materials that present a moderate explosion hazard, high fire or physical hazard, or health hazards. Compliance with all applicable Federal and State laws related to the storage of hazardous materials would maximize containment and provide for prompt and effective clean-up if an accidental release occurs. (DEIR p. 5.8-24)

The Project's Environmental Site Assessment (ESA) found no potential hazardous substances or industrial hazardous waste impacts, nor was there any evidence that hazardous substances or petroleum products above *de minimus* quantities existed on the Project site. Further, the EDR report findings of Leaking

Underground Storage Tanks (LUSTs) within the vicinity of the Project site found no indication of problems or violations at 8 of the 14 sites, while the remaining 6 sites were listed as “Completed – Case Closed”, indicating satisfactory cleanup of the spill. Regardless, these sites are not within the Project’s property and none of the reports found by the EDR or Geotracker searches raise an environmental concern for the Project site. (DEIR p. 5.8-24)

2. Hazards Within One-Quarter Mile of Schools

Threshold C: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Finding: Less than significant. The Project site is not located within a quarter-mile of an existing or proposed school site. (DEIR p. 5.8-25)

Explanation: The schools nearest the Project site are: 1) Taft Elementary School, located at 959 Mission Grove Parkway North in the City of Riverside (approximately 1.2 miles northwest of the Project site); and 2) John F. Kennedy Elementary School, located at, 19125 Schoolhouse Lane, in the City of Riverside (approximately 1.9 miles southwest of the Project site). (DEIR p. 5.8-25)

3. Hazardous Materials Site

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

Finding: Less than significant. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (CalEPA 2020).

Explanation: The EDR report findings of LUSTs within the vicinity of, but not within, the Project site found no indication of problems or violations at eight of the 14 sites, while the remaining six sites were listed as “Completed – Case Closed” indicating satisfactory cleanup of the spill. None of the reports found by the EDR or Geotracker searches raise an environmental concern for the Project site. (DEIR p. 5.8-25)

4. Hazards to Airports

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

Finding: Less than significant. The Project is consistent with all requirements of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (MARB/IPA LUCP). In addition, the FAA staff has reviewed project information and issued determinations of *No Hazard to Air Navigation*. (DEIR, pp. 5.8-25- 5.8-26)

Explanation:

Site Consistency: The Project site is located within the MARB/IPA LUCP. Consistency is determined by each criterion of the applicable compatibility zone. The Project site is located within Zone C1 of the LUCP, as reflected on Figure 5.8-4 of the DEIR. The Project will consist of light industrial activities, which are uses permitted within Zone C1. Zone C1 discourages above ground storage of more than 6,000 gallons of

hazardous or flammable materials per tank. However, no above ground storage tanks are proposed as part of the Project. (DEIR p. 5.8-25)

Building Height: Zone C1 requires airspace review for structures over 70 feet in height (MARB/IPA LUCP, p. 10). Federal Aviation Regulations (FAR) Part 77 establishes standards for determining obstructions to navigable airspace and the effects of such obstructions on the safe and efficient use of that airspace. Objects exceeding FAR Part 77 height limits require an FAA obstruction evaluation review. According to the MARB/IPA LUCP, objects over 70 feet tall within Zone C1 require airspace review in accordance with FAR Part 77. Both Building A and Building B would have maximum building heights of 45 feet, including parapets. Thus, the proposed buildings would not exceed the FAR Part 77 height limits of structures over 70 feet in height. In addition, the FAA staff has reviewed project information under the provisions of Title 14 of the Code of Federal Regulations, part 77 for Buildings A and B and issued determinations of *No Hazard to Air Navigation* based on the following building heights: Building A, with 1596 feet site elevation (SE), 45 feet above ground level (AGL) and 1641 feet above mean sea level (AMSL); and Building B, with 1609 feet SE, 45 feet AGL, and 1654 AMSL. (DEIR p. 5.8-26)

Building Occupancy: Building A and Building B will be subject to the intensity requirements of Zone C1 of ALUC Per Person Average Acre Maximum Occupancy of 100 and ALUC Per Person Single Acre Maximum Occupancy of 250 for warehouse use. Occupancy calculations for the proposed Project utilized Appendix C¹, *Methods for Determining Concentrations of People*, of the *Riverside County Airport Land Use Compatibility Plan Policy Document*, Table C1-Occupancy Levels, *California Building Code*, adopted December 2004. The maximum occupancy requirements of the C1 Zone will not be exceeded. (DEIR p. 5.8-26)

H. HYDROLOGY AND WATER QUALITY

1. Water Quality Standards and Waste Discharge Requirements

Threshold A: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Finding: Less than significant.

Explanation:

Construction of the Project has the potential to result in discharges from soil disturbance, which could violate water quality standards if not adequately addressed. Therefore, the Project would be required to comply with the National Pollutant Discharge Elimination System (NPDES) Statewide General Construction Permit (Order No. 09-09-DWQ). The permit requires preparation of an effective Storm Water Pollution Prevention Plan (SWPPP), which describes erosion and sediment control Best Management Practices (BMPs) to prevent stormwater pollution during construction. The SWPPP must be prepared by a Qualified SWPPP Developer and implemented on site by a Qualified SWPPP Practitioner. Through compliance with the regulatory requirements of the NPDES Statewide General Construction Permit and on-site drainage facilities, the Project is not expected to violate any water quality standards or waste discharge

¹<http://www.rcaluc.org/Portals/13/PDFGeneral/plan/newplan/23-%20Appendix%20C.%20Determining%20Concentrations%20of%20People.pdf>

requirements during construction; thus impacts would be **less than significant** in this regard. (DEIR, pp. 5.9-23- 5.9-24)

Once the Project is constructed, operation of the site will have the potential to generate types of pollutants sourced from roof and parking lot runoff typical of a warehouse distribution center. These pollutants include: trash and debris, oil and grease, sediment/turbidity, nutrients, oxygen-demanding substances, pesticides, organic compounds (specifically petroleum hydrocarbons), bacteria and viruses, and metals. However, as discussed in Section 5.9.3 – Project Design Considerations, the Project will follow Site Control, Source Control, and Treatment Control BMPs. Additionally, the on-site tributary areas to point of discharge (POD) 1 and 5 will remain undisturbed in developed conditions and are considered self-treating. Similarly, the tributary areas to PODs 2 and 3 (not including sub-areas) are also considered self-treating (Project Water Quality Management Plan (PWQMP), p. 8). (DEIR, p. 5.9-24)

The PWQMP (Appendix J) has been reviewed and deemed approved by the City. The PWQMP identifies the BMPs that will be used to address hydrologic conditions of concern and water quality from site development. Prior to the issuance of a grading permit for the Project, a Final Project-Specific WQMP would be prepared and submitted to the City for review and approval. The Final WQMP will contain the same measures identified in the PWQMP that would effectively treat all pollutants of concern (from the Project's land use), and hydrologic conditions of concern, but it will also include some additional details related to operations, maintenance of the BMPs, and educational materials for site tenants. (DEIR, p. 5.9-24)

As described in Section 5.9.3 – Project Design Considerations, some on site runoff generated during operation will be captured by self-treating landscaping, which will facilitate settling of non-dissolved pollutants and some infiltration. Self-treating landscaping will consist of drought tolerant and undisturbed native vegetation (PWQMP, p. 13). Therefore, through compliance with the regulatory requirements of the NPDES permits and implementation of Site Control, Source Control, and Treatment Control BMPs as identified in the PWQMP, and the forthcoming Final WQMP, the Project's potential to violate water quality standards or waste-discharge requirements is considered to be **less than significant**. (DEIR, p. 5.9-24)

2. Groundwater Supplies

Threshold B: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Finding: Less than significant. The Project will not cause a net deficit in aquifer volume or a lowering of the local groundwater table level. (DEIR, p. 5.9-25)

Explanation: The Project will increase the amount of impervious surface on the Project site, which could indirectly affect the ability of groundwater to be recharged locally through infiltration. However, the subsurface condition has been described as fill, natural undisturbed soil, and granitic bedrock as a result of exploratory trenches. Due to the existing conditions, no groundwater was encountered during the geotechnical survey (NorCal, p. 3). Additionally, per the review of the City of Riverside Public Safety Element – Liquefaction Zones (2006), the site is not situated in an area of generalized liquefaction susceptibility. Therefore, the historical groundwater depth is greater than 50 feet. Additionally,

landscaping will consist of drought tolerant species and will be provided in designated areas. Given that the site is not used for groundwater recharge for water supply reasons, and because the site is not suited for groundwater recharge geologically, development of the Project will not impact local groundwater recharge conditions. (DEIR, p. 5.9-25)

3. Alteration to Existing Drainage Patterns

Threshold C: Would the Project 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 surface, in a manner which would: i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) 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; and/or iv) impede or redirect flood flows?

Finding: Less than significant. The Project will not result in substantial erosion or siltation, increase flood risk, exceed the capacity of existing or planned stormwater drainage systems, provide substantial additional sources of polluted runoff, or impede flood flows, on- or off-site. (DEIR, pp. 5.9-25- 5.9-27)

Explanation:

i) Result in substantial erosion or siltation on- or off-site: Increased peak flows could be potentially problematic for safety considerations of increased erosion. However, Project peak flows will be reduced to or below pre-development levels via routing as all developed runoff will be conveyed to proposed BMPs for treatment and detention (Drainage Study, p. 4). LID BMPs will also be implemented on site and off site to mitigate for potential erosion (PWQMP, p. 29). Preventative landscape erosion will be incorporated composing of fast-growing, dense ground covering plants (PWQMP, p. 31). In addition, implementation of a SWPPP will prevent runoff from the construction site and will prevent water degradation of water quality during storm events through erosion, siltation, and other contaminations. Erosion, siltation, and other possible pollutants are addressed as part of the PWQMP. (DEIR, p. 5.9-25)

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite: Runoff volume for each POD was analyzed under a 2-year 24-hour duration storm (Table 5.9-6 of the DEIR). The flows to PODs 1,3, and 5 are going to be lower in proposed conditions compared to existing conditions. Runoff volume will increase in PODs 2, 3A, 3B, and 4. Table 5.9-6 shows the peak flows rates are decreased in the proposed condition outflows with BMPs . The proposed BMPs and storm drain systems have been designed to mitigate the Hydrologic Conditions of Concern by matching, or reducing, the flowrates within the post-development hydrograph with the pre-development hydrographs peak rates for the 2-year 24-hour storm event. (PWQMP, p. 29) Therefore, flooding is not anticipated on- or off site. (DEIR, pp. 5.9-25- 5.9-26)

iii) 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: The Project is not anticipated to create additional runoff and existing runoff will be contained within the Project site. As outlined in the PWQMP, treatment for developed condition's runoff is to be provided by four (4) standard bioretention basins and four (4) volume-based treatment control BMP basins. BMPs 2B, 3A, 3B, and 4 are the standard bioretention basins. BMPs 2A, 2C, 2D, and 2E are the Filterra proprietary bioretention treatment control BMPs. (DEIR, p. 5.9-26)

Pollutant sources are projected to include on-site storm drain inlets, landscape/outdoor pesticide use, refuse areas, plazas, sidewalks, loading docks, and parking lots (PWQMP, p.9). With the implementation

of the BMPs, the Project will not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (DEIR, p. 5.9-26)

iv) Impede or redirect flood flows: There are no streams or rivers located within the Project site. Although the site will be graded and improved, the Project would not significantly alter drainage patterns currently developed on or off the site. The planned onsite storm drain system for the site will convey stormwater runoff that drains onto the site from upland areas, as well as stormwater runoff from the site itself, to existing natural drainage courses that extend north into the Sycamore Canyon Wilderness Park, and an existing low lying area that extends east to adjacent private property. As the Project's stormwater runoff is not conveyed uphill and towards Alessandro Boulevard or Barton Street, the Project site would not connect to the existing public storm drain system or require the construction of stormwater management facilities in the public right of way. (DEIR, p. 5.9-27)

4. Water Quality Control Plan

Threshold D: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Finding: Less than significant. The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (DEIR, p. 5.9-27)

Explanation: The Project is located within the Santa Ana RWQCB planning and management boundaries. Local water management plans must, at a minimum, comply with water quality thresholds and measures as defined by the Santa Ana Basin Plan. The Santa Ana Basin Plan has factors to be considered for establishing water quality objectives which includes the following (RWQCB(b); chapter 4; p.1): 1. Past, present, and probable future beneficial uses of water; 2. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto; 3. Water quality conditions that could reasonable be achieved through the coordinated control of all factors which affect water quality in the area; 4. Economic consideration; 5. The need for developing housing within the region; and 6. The need to develop and use recycled water. (DEIR, p. 5.9-27)

Per the County's WQMP template, future projects must submit a PWQMP to the City which contains BMPs, design the site to minimize imperviousness, cover or control sources of stormwater pollutants, use LID to infiltrate, ensure runoff does not create a hydrological condition of concern (HCOC). Implementation of the WQMP is enforceable under the City of Riverside Water Quality Ordinance (Municipal Code Section 14.12.315). With implementation of the Project's PWQMP, the Project is not anticipated to conflict with or obstruct implementation of the Santa Ana Basin Plan. (DEIR, p. 5.9-27)

The Project will not conflict or obstruct implementation of a sustainable groundwater management plan. Per the Sycamore Canyon Business Park Specific Plan, Western has stated that there is adequate water volume available to serve any potential industrial development within the Specific Plan Area. Additionally, per Metropolitan's 2015 UWMP report, Western will have sufficient water supply available to serve the Project including any reasonably foreseeable future development during normal, dry and multiple dry years (outlined in further detail in the DEIR, Utilities Section, 5.14.5 Environmental Impacts, Threshold B). Therefore, sufficient water supplies exist to serve the Project. (DEIR, p. 5.9-27)

I. LAND USE PLANNING

1. Conflict with Land Use Plans or Policies

Threshold A: Would the Project Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Finding: Less than significant. the Project is consistent with all goals, objectives, and design guidelines of the Sycamore Canyon Business Park Specific Plan and General Plan and other regional and local plans and policies. (DEIR, p. 5.10-32)

Explanation: Per the GP 2025, the Project site has a current land use designation of B/OP – Business Office Park and is zoned BMP-SP – Business Manufacturing Park and Specific Plan (Sycamore Canyon Business Park) Overlay Zones. The Project will be consistent with both the existing land use designation of the GP 2025 and the Sycamore Canyon Business Park Specific Plan (SCBPSP). The SCBPSP implements the GP 2025 and its intended purpose is to guide development within the SCBPSP boundaries while establishing high-quality industrial development for the City that would strengthen the City’s economic base. Therefore, the SCBPSP will guide this Project’s development through its design guidelines in order to assure that the objectives and standards and guidelines and requirements of the SCBPSP are being met. (DEIR, p. 5.10-20)

The Project is consistent with the objectives and policies in the Land Use and Urban Design Element, including those to mitigate any adverse impacts associated with urbanization, to preserve and protect significant areas of native wildlife and plant habitat, including endangered species, provide for continuing growth with land uses and intensities appropriately designed to meet the needs of anticipated growth and achieve the community’s objective, avoid land use/transportation decisions that would adversely impact the long-term viability of the March Air Reserve Base/March Inland Port, maximize the economic impact of industrial land, preserve and enhance the natural character and qualities of Sycamore Canyon Wilderness Park, and to establish Sycamore Canyon Business Park as a center for economic growth. Refer to Appendix B for the analysis of the Project’s consistency with applicable General Plan 2025 policies and the Sycamore Canyon Business Park Specific Plan objectives pertinent to this Project. (DEIR, p. 5.10-20)

The project was evaluated for consistency with the City’s *Good Neighbor Guidelines for Siting New and/or Modified Warehouse Distribution Facilities* (Good Neighbor Guidelines; City of Riverside 2008). The Good Neighbor Guidelines were designed to help minimize the impacts of DPM from on-road trucks associated with warehouses and distribution centers on existing communities and sensitive receptors located in the region. The City’s Good Neighbor Guidelines are tailored to the City’s unique characteristics and specific needs. The Project is consistent with the 2008 City of Riverside Good Neighbor Guidelines. (DEIR, pp. 5.10-28- 5.10-30)

J. NOISE

1. Groundborne Vibration

Threshold B: Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Finding: Less than significant. The Project would not result in generation of excessive groundborne vibration or groundborne noise levels. (DEIR, pp. 5.11-38- 5.11-39)

Explanation: A vibration impact would generally be considered significant if it involves any construction-related or operations-related impacts in excess of 0.2 PPV. This standard is reflective of Table 2 – Reaction of People and Damage to Buildings at Various Continuous Vibration Amplitudes from the Caltrans Transportation and Construction Vibration Guidance Manual (Caltrans 2020). Table 2 of the Guidance Manual identifies 0.2 PPV as “vibrations annoying to people in buildings” and the “threshold at which there is a risk of ‘architectural’ damage to normal dwellings – houses with plastered walls and ceilings.” (DEIR, pp. 5.11-38- 5.11-39)

Construction Vibration: The self-storage facility southwest of the Project site is the closest structure and is located approximately 50 feet from the Project boundary. The closest residential use is located approximately 280 feet from the southeast corner of the Project site. The groundborne vibration level at the self-storage facility due to a large bulldozer would be 0.031 PPV and the groundborne vibration level at the nearest residential use would be 0.002 PPV. As vibration levels from construction would not exceed 0.2 PPV, groundborne vibration impacts generated during construction would be less than significant. (DEIR, p. 5.11-38)

Operational Vibration: The main source of operational groundborne vibration would be from trucks. As shown in Table 5.11-9 above, trucks generate a vibration level of 0.076 PPV at 25 feet. This vibration would attenuate to 0.027 PPV at the self-storage facility and 0.002 PPV at the nearest residential use. As vibration levels from Project operation would not exceed 0.2 PPV, groundborne vibration generated during operations would be less than significant. (DEIR, p. 5.11-39)

K. TRANSPORTATION

1. Plans and Policies Addressing the Circulation System

Threshold A: *Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Finding: Less than significant. The Project will not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. (DEIR, pp. 5.12-37- 5.12-51)

Explanation:

General Plan: Although the General Plan target LOS will be exceeded at the Sycamore Canyon Boulevard and Alessandro Boulevard intersection, the intersection is currently built out to its General Plan ultimate cross-section and until additional right-of-way beyond those designated in the General Plan is obtained, there are no anticipated feasible improvements. (DEIR, p. 5.10-22 – 5.10-23)

Additionally, the DEIR was prepared while the State and City were transitioning from LOS to VMT as a CEQA impact. While the DEIR includes LOS and VMT impacts, the Office of Planning and Research confirms that auto delay, on its own, is no longer an environmental impact under CEQA. While Project would not be consistent with this policy, the Project would not have a significant impact related to LOS because LOS is not considered an environmental impact. (FEIR, p. 2.0-72)

Bicycle Master Plan: Alessandro Boulevard, along the Project’s frontage, has an existing Class II Bike Lane, which is identified in the City of Riverside Bicycle Master Plan. Barton Street, along the Project’s frontage, does not have an existing bike lane. The Project will modify curb-and-gutter and sidewalk improvements along the Project’s southern and western boundaries with Alessandro Boulevard accordingly based on the

proposed driveway locations. The Project will construct Barton Street between the Project's northern boundary and southern boundary at its ultimate full-section pavement width as a Local Street (66-foot right-of-way). The proposed street improvements along Alessandro Boulevard would not prohibit the Class II Bike Lane. (DEIR, p. 5.12-50)

The Project is required to provide sidewalk with the capability for RTA to install an Americans with Disabilities Act (ADA) compliant RTA bus stop bench and pole marker in the future along Alessandro Boulevard, near the Alessandro Boulevard/ Vista Grande Drive intersection. A trailhead parking lot is proposed on Parcel C for access to the Sycamore Canyon Wilderness Park, which will include improvements consisting of a parking lot, sidewalk, shade structure, bike rack, drinking fountain, fencing, and a Fire Department and access gate. The trailhead parking lot will help achieve the goals of the Bicycle Master Plan as it will provide a space for bicycle users that may want to park their vehicle carrying a bicycle or park their bicycle at one of the bicycle lock racks and utilize the Sycamore Canyon Wilderness Park trails. The trailhead parking lot helps plan for the needs of bicyclists by providing bicycle parking and helps eliminate barriers to bicycling by improving safety for bicyclists. The Project will not conflict with the Bicycle Master Plan or a program, plan, or policy addressing bicycle and pedestrian facilities. (DEIR, pp. 5.12-50- 5.12-51)

2. Air Traffic Patterns

Threshold C: Would the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Finding: Less than significant. As the Project would not conflict with the compatibility requirements of Zone C1 of the MARB/IPA LUCP, the Project is not expected to 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. (DEIR, p. 5.12-57)

Explanation: As discussed in Section 5.8 Hazards and Hazardous Materials of the DEIR, the Project is located approximately 3.4 miles northwest of the March Air Reserve Base (MARB) and is located within Zone C1 of the MARB/Inland Port Airport Land Use Compatibility Plan (MARB/IPA LUCP). The Project will consist of light industrial activities, which are uses permitted within Zone C1. Further, as discussed, the Project would not require Zone C1 airspace review for structures over 70 feet in height as both Building A and Building B would maximum building heights of 45 feet, including parapets. Moreover, the Project would not require Federal Aviation Administration (FAA) review for structures with top of roof exceeding 124 feet as the Project's maximum building height will be 45 feet. (DEIR, p. 5.12-57)

3. Hazards Due to Geometric Design Features

Threshold D: Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Finding: Less than significant. Project impacts with regard to increased hazards due to a geometric design feature or incompatible uses would be less than significant. (DEIR, p. 5.12-57)

Explanation: Vehicle access, including emergency vehicle access to the Project site would be accessible from Barton Street and Alessandro Boulevard. The Project would include the extension of Barton Street northward to connect Building B with two driveways (TA Driveway 1) with a fire department access gate. Access to Building A from Alessandro Boulevard would require the construction of an access

road/driveway (TA Driveway 2). The driveways and internal roadways would comply with California Building Code standards and would not include design features that would increase circulation hazards. The Project proposes a trailhead parking lot at Parcel C, which would include a decomposed granite parking lot, landscaping, shade structure with benches, bike rack, drinking fountain, ADA-compliant parking spaces, and sidewalk. As a condition of approval, the applicant will be required to provide signage, traffic control measures, and a protected route for park users during construction. Safe public access to Sycamore Canyon Wilderness Park during construction and any closures to park access at Barton Avenue must be approved by the City and posted 48-hours in advance and shall not exceed 1 week duration. The parking lot and trail will provide safe access for Park users reducing the potential conflict between Park users and commercial vehicles within the Project site. (DEIR, p. 5.12-57)

L. UTILITIES AND SERVICE SYSTEMS

1. New or Expanded Water, Wastewater Treatment, Storm Water Drainage, Electric Power, Natural Gas or Telecommunication Facilities

Threshold A: Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Finding: Less than significant The Project will 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 telecommunications facilities. No off-site storm water drainage facilities are required. Potential impacts would be less than significant. (DEIR, p. 5.14-15 & 5.14-16)

Explanation: As discussed in Section 5.9, Hydrology and Water Quality, the existing site is comprised of five (5) drainage management areas (DMAs) and two (2) sub areas which each drain to their respective points of discharge (POD). The Project site will contain ten DMAs and three (3) sub areas (PWQMP, p. 6). Per the site's geotechnical analysis (Appendix F) infiltration was determined to be infeasible and therefore four (4) standard bioretention basins and four (4) flow-based treatment basins will be constructed to remove pollutant sources (PWQMP, p. 9). Per the hydromodification study discussed in the PWQMP, first flush runoff will be treated via the bioretention basins which drain to one (1) combined underground detention system in accordance with standards set by the RWQCB and the County of Riverside's BMP Design Manual. (REC, p. 5). Bioretention basins will be constructed as BMPs within the Project site to address the Project's storm water runoff. No off-site storm water drainage facilities are required. (DEIR, p. 5.14-15 & 5.14-16)

As discussed in the IS (Appendix A), dry utility extensions will be constructed underground to serve the Project and will connect to existing utility lines in Alessandro Boulevard for Building A and Barton Street for Building B, respectively. Electricity will be provided by Riverside Public Utilities. Natural gas would be provided by Southern California Gas Company. Water to Buildings A and B will be provided by Western Municipal Water District via Project constructed connections or laterals to existing lines located in Alessandro Boulevard and Barton Street. (DEIR, p. 5.14-16)

Building A will connect to the City's wastewater (sewer) collection system via a gravity flow lateral to be constructed across Alessandro Boulevard. As Building A is at a lower elevation than the existing wastewater pipeline in Alessandro Boulevard, a pump is required to get wastewater from Building A up

to the gravity flow lateral connection. The wastewater flow factor for industrial land uses in the City's 2019 Update of the Integrated Master Plan for the Wastewater Collection and Treatment Facilities (Volume 3, Chapter 5, Table 5.4) is 670 gallons per day per acre (gpd/ac). Parcel 1 at 24.31 acres is anticipated to generate approximately 16,288 gallons per day (mgd) and Parcel 2 at 10.32 acres is anticipated to generate approximately 6,914 mgd. As outlined above in Section 5.14.1, the RWQCP has recently been expanded to have a capacity of 46 mgd, and the Project would not require RPU to expand wastewater treatment facilities.

It is not feasible for Building B to connect to the City's wastewater system. The elevation of Barton Street drops from Alessandro Boulevard going north to the Project site; as such, there is no existing gravity wastewater/ sewer pipeline in Barton Street or the option to construct one (the flows would be going away from Alessandro Boulevard, not towards it). Therefore, Building B will have a septic system and leach lines. To determine septic feasibility for Building B, Deep Percolation Testing (Appendix G) was conducted on July 18, 2019. Two deep percolation tests were conducted for the proposed septic system. Boreholes were tested at 20 feet and 15 feet below existing ground surface for test holes P-1 and P-2, respectively. Based on the percolation test results, the onsite soils have favorable percolation rates. Based on the Deep Percolation Report, there is sufficient area on the Project site to support a primary and expansion of the onsite wastewater system that will meet the current standards of the Department of Environmental Health, County of Riverside and Regional Quality Control Board (RWQCB). (DEIR, p. 5.14-16)

Per the Project's Energy Analysis (Appendix F), the Project proposes conventional industrial uses reflecting contemporary energy efficient/energy conserving designs and operational programs. Uses proposed by the Project would not be inherently energy intensive and Project energy demands would be comparable to, or less than, other industrial projects of similar scale and configuration. Further, per the Project's Energy Analysis, the energy demands of the Project can be accommodated within the context of available resources and delivery systems. The Project will 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 telecommunications facilities. Therefore, impacts are less than significant. (DEIR, p. 5.14-16)

2. Sufficient Water Supplies

Threshold B: Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Finding: Less than significant. The Project does not meet the threshold for requiring a Water Supply Assessment (WSA). Per the Metropolitan Water District of Southern California's (Metropolitan's) 2015 Urban Water Management Plan (UWMP) report, the Western Municipal Water District (Western) will have sufficient water supply available to serve the Project including any reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, sufficient water supplies exist to serve the Project, and impacts are less than significant. (DEIR, p. 5.14-17 through 5.14-21)

Explanation: As discussed in Section 5.14.3.1, State Regulations, certain types of development projects are required to provide detailed WSAs to planning agencies. The primary purpose of a WSA is to determine if the identified water supply or water supplier will be able to meet projected demands for the project, in addition to existing and planned future uses, over a 20-year projection and with consideration to normal, dry, and multi-dry water years. For industrial development, a WSA would be required if the "project" consists of a development larger than 650,000 square feet or 40 acres. The proposed Project entails the

construction and operation of a total of 603,100 square feet of warehouse space on approximately 34.49 acres. Therefore, the Project does not meet the threshold for requiring a WSA. (DEIR, p. 5.14-17)

As discussed in Section 5.14.1, Setting/Water Supply and Demand, Western is a member agency of the Metropolitan Water District which obtains water under normal water year conditions, and relies entirely on imported SWP and Colorado River (CRA) water supplies (GP 2025, p. 5.16-37). Water supplies from the SWP and CRA are increasingly constrained due to California's current drought situation and Metropolitan has developed a Water Supply Allocation Plan (WSAP) and Water Surplus and Demand Management Plan (WSDM) to provide guidance on managing regional water supply actions. When the WSAP is in effect Metropolitan member agencies, including Western, do not lose their ability to receive imported water but instead are limited in the amounts that they can purchase without being assessed a surcharge. Nevertheless, Western has developed a Drought Contingency Plan and an Emergency Response and Recovery Plan to address catastrophes (GP 2025 PEIR, p. 5.16-38). (DEIR, p. 5.14-17)

Metropolitan's 2015 RUWMP evaluated single dry-year and multiple dry-year hydrological conditions as well as average year hydrologic conditions. Metropolitan has supply capabilities to meet expected demands from 2020 through 2040 under single dry-year and multiple dry-year conditions as shown Tables 5.14-8, 5.14-9, and 5.14-10. (DEIR, p. 5.14-17 through 5.14-20)

Additionally, Metropolitan has comprehensive plans to address up to a 50 percent reduction in its water supplies and a catastrophic interruption in water supplies through its Water Surplus and Drought Management and Water Supply Allocation Plans (RUWMP, p. ES-5). (DEIR, p. 5.14-21)

Per the Sycamore Canyon Business Park Specific Plan, Western has stated that there is adequate water volume available to serve any potential industrial development within the Specific Plan Area. Additionally, per Metropolitan's 2015 UWMP report, Western will have sufficient water supply available to serve the Project including any reasonably foreseeable future development during normal, dry and multiple dry years. Therefore, sufficient water supplies exist to serve the Project, and impacts are less than significant. (DEIR, p. 5.14-21)

3. Adequate Wastewater Treatment Capacity

Threshold C: Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Finding: Less than significant. The Project would not require RPU to expand wastewater treatment facilities. Therefore, potential impacts would be less than significant. (DEIR, 5.12-20)

Explanation: The City's Public Works Department provides for the collection, treatment, and disposal of all wastewater generated within the Riverside Regional Water Quality Control Plant (RRWQCP). In 2015, RRWQCP's plant capacity expanded to 46 million gallons per day (mgd) (City of Riverside Public Works, 2016). Per the UWMP, the RRWQCP serves approximately 295,000 people, who generate approximately 18 mgd, indicating the RRWQCP currently has excess capacity. As outlined above under Threshold A, Parcel 1 is anticipated to generate approximately 16,288 gallons per day (mgd) and will connect to the City's wastewater/sewer collection system and will be treated at RRWQCP. Parcel 2 is anticipated to generate approximately 6,914 mgd but will not connect to City sewer, as it will be served by a septic system. As outlined above in Section 5.14.1, the RWQCP has recently been expanded to have a capacity

of 46 mgd, and the Project would not require RPU to expand wastewater treatment facilities. Therefore, impacts are less than significant. (DEIR, p. 5.14-21)

4. Solid Waste Generation

Threshold D: Would the Project 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?

Finding: Less than significant. With compliance with the 2019 CALGreen standards, the Project will 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. Therefore, potential impacts would be less than significant. (DEIR, p. 5.12-21)

Explanation: The proposed Project will generate solid waste during construction and operation. The Project's estimate construction waste is shown in DEIR Table 5.14-11. Table 5.14-11 shows the proposed Project is anticipated to generate approximately 1,173 tons of construction related solid waste. Given the limited contribution of construction related solid waste anticipated to be generated by the Project over and estimated 15-month construction period (a negligible percent of the annual landfill capacity), Project construction will not substantially contribute to the exceedance of the permitted capacity of the designated landfills. (DEIR, p. 5.14-21 & 5.14-22)

Additionally, should the construction-related solid waste be processed at the Robert A. Nelson Transfer Station before being sent to a landfill, the proposed Project's construction-related solid waste would constitute a negligible percent of the annual permitted intake capacity of the transfer station. Further, the California Green Building Standards Code (CalGreen) requires projects involving construction and demolition to recycle, reuse, compost, and/or salvage a minimum of 50 percent by weight of material or waste generated on site. Projects that have the potential to generate construction and demolition waste are required to complete a Waste Recycling Plan to identify the estimated quantity and location or recycling for construction and demolition waste resulting from the project to meet this goal. Thus, impacts to the existing landfills during construction are less than significant. (DEIR, p. 5.14-22)

After construction, the Project would generate 1,113.4 tons per year of operational solid waste over its lifetime. The estimated operational-related solid waste generation for the Project is reflected in DEIR Table 5.14-11 – Estimated Operational Project-Related Solid Waste Disposal. (DEIR, p. 5.14-22 & 5.14-23)

As shown in Table 5.14-12, the operation of the Project is anticipated to result in the disposal of approximately 1,113.4 tons of solid waste per year assuming 586 employees. Having calculated the anticipated solid waste to be disposed of by the proposed Project, implementation of the proposed Project would not substantially contribute to the exceedance of the permitted capacity of the designated landfills. Thus, operational impacts are less than significant. (DEIR, p. 5.14-22 & 5.14-23)

Further, the Project would be required to comply with all Federal, State, and Local solid waste-related statutes and regulations. If the Project participates in source reduction programs, the yearly solid waste generated by the Project could be reduced over time. Regardless, all three (3) landfills have the capacity to accommodate the Project's construction and operational related solid waste. Thus, the Project is served by a transfer station and landfill(s) with sufficient permitted capacity to accommodate the Project's solid waste disposal needs. Therefore, operational impacts are less than significant. (DEIR, p. 5.14-23)

5. Solid Waste Reduction

Threshold E: Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Finding: Less than significant. The Project will comply with Federal, State, and local statutes and regulations related to solid waste. The Project will comply with all regulatory requirements regarding solid waste including AB 939 and AB 341. Impacts are less than significant. (DEIR, p. 5.14-23 & 5.14-24)

Explanation: Federal, State, and local statutes and regulations regarding solid waste generation, transport, and disposal are intended to assure adequate landfill capacity through mandatory reductions in solid waste quantities (for example, through recycling and composting of green waste) and the safe and efficient transportation of solid waste. The Project will comply with all regulatory requirements regarding solid waste including AB 939 and AB 341. AB 939, which is administered by the California Department of Resources Recycling and Recovery required local governments to achieve a landfill diversion rate of at least 50 percent by January 1, 2000, through source reduction, recycling, and composting activities. Moreover, AB 341 increases the minimum solid waste diversion rate to 75 percent by 2020, and mandates multi-family residential uses of five dwelling units or more and commercial or public entities that generate more than four cubic yards of commercial solid waste per week to recycle. Since the passing of AB 341, California has seen a decrease in recycling rates from 49 percent (49%) in 2010 to 44 percent (44%) in 2016 (CalRecycle, <https://www.calrecycle.ca.gov/75percent/recyclerate>). However, such regulations will be applicable to this Project and compliance is mandatory. Further, mandates set forth by the California Green Building Standards Code (CALGreen Code) aim to reduce solid waste generation and promote recycling and diversion design and activities, to which this Project is required to comply (California Code of Regulations, Title 24, Part 11). As outlined above in 5.14.3 Project Design Considerations, the Project's features include: reusing and recycling construction and demolition waste; interior and exterior storage areas for recyclables and green waste; recycling containers in public areas; education materials about reducing waste and available recycling services. The Project will comply with Federal, State, and local statutes and regulations related to solid waste and impacts are less than significant. (DEIR, p. 5.14-23 & 5.14-24)

M. WILDFIRE

1. Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan

Threshold A: Would the Project Substantially impair an adopted emergency response plan or emergency evacuation plan?

Finding: Less than significant. The Project would not impair an adopted emergency response plan or evacuation plan and would comply with necessary procedures. The Project's surrounding roadways would continue to provide emergency access to the Project area and to surrounding properties during construction and operation of the Project. Therefore, the Project will have a less than significant impact directly or indirectly to an emergency response or evacuation plan. (DEIR, p. 5.15-11)

Explanation: The Project will be served by Alessandro Boulevard and Barton Street. No street closures are required during the Project's construction. Per the GP 2025, Public Safety Element, Figure-PS 8.1 Evacuation Routes, Alessandro Boulevard is an arterial evacuation route, and the I-215 is designated as a freeway evacuation route. Thus, the Project site is located adjacent to and has immediate access to the designated evacuation route. (DEIR, p. 5.15-10)

In the event of an accident or natural disaster, the increase in traffic in the City may impede the rate of evacuation for the residents. The City's Office of Emergency Management (OEM) is also known as the Riverside Fire Department's (RFD's) Emergency Service Division. The RFD operates and manages the OEM, a comprehensive all-hazards community-based emergency management program. According to the RFD's OEM, and per the GP 2025 FPEIR, in the event of a disaster, the location of a shelter will only be established if needed; otherwise, a "shelter-in-place" order will be enacted to provide protection. "Shelter-in-place" is intended to protect public safety by encouraging people to remain indoors. This order would keep unnecessary traffic off the roads to allow emergency vehicles to respond and/or direct an orderly evacuation, if needed. In certain circumstances, local officials may direct people to go to a community shelter for safety purposes. (DEIR, p. 5.15-10 & 5.15-11)

Emergency response and evacuation procedures would be coordinated through the City in coordination with the police and RFD. The Project would not impair an adopted emergency response plan or evacuation plan and would comply with necessary procedures. The Project's surrounding roadways would continue to provide emergency access to the Project area and to surrounding properties during construction and operation of the Project. Therefore, the Project will have a less than significant impact directly or indirectly to an emergency response or evacuation plan. (DEIR, p. 5.15-11)

2. Fire Protection Public Services

Threshold B: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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 Public Services?

Finding: Less than significant. As there are already two existing fire stations (# 9 and 13) within RFD's 5-minute initial action response time, construction of new fire stations would not be triggered by the Project. Potential impacts will be offset by the payment of development impact fees as required by Chapter 16.52 of the Riverside Municipal Code (RMC). With the Project design (including Fire Access Plan), the nearest Fire Station being within approximately 2 miles of the Project site, the Project's incremental impacts on fire protection services would be less than significant. (DEIR, p. 5.15-11)

Explanation: The Project site is within RFD's 5-minute initial action response time. The nearest fire stations are Fire Station 9 – Canyon Crest (6674 Alessandro Boulevard) approximately 2 miles northwest on Alessandro Boulevard and Fire Station 13 – Box Spring Station (6490 Sycamore Canyon Boulevard), which is approximately 2.5 miles northeast of the Project site, via Alessandro Boulevard and Sycamore Canyon Boulevard. Fire Station 9 would be the first engine to arrive on scene to the Project (about 4 minutes driving time depending on traffic). The second engine would be from Fire Station 13 – Box Springs (6490 Sycamore Canyon Boulevard) approximately 5 to 6 minutes driving time to the Project. Additional agencies such as Riverside County and nearby cities would also likely respond, but they would probably arrive after RFD. (Fire Protection Plan (FPP) p., 20) (DEIR, p. 5.15-11)

According to the GP 2025 FPEIR, the average time for on-site response to fire calls is 5 minutes, 30 seconds. Delivering and maintaining such a high level of service in the future as the City grows is a major concern to the RFD. The RFD's goal is to maintain a 5-minute response time for the first arriving units 90% of the time for all EMS and fire related incidents. As earlier mentioned, the Project is within the RFD's 5-minute

initial action response time, with the first fire engine arriving on scene from the Alessandro Boulevard station within three to four minutes depending on traffic. The first arriving unit can advance the first line for fire control, initiating rescue, or providing basic life support for medical incidents. Additionally, the RFD policy states that units will be located and staffed such that an effective response force of 4 units with 12 personnel minimum shall be available to all areas of the City within a maximum of 10 minutes (total response time). (DEIR, p. 5.15-11)

In the event of a fire, the Project provides a feasible fire access network that allows fire trucks to easily navigate through the planned development to reach all areas of potential wildfire impacts that include structures and open spaces. The standard width of a typical fire truck, especially as those used by the RPD, is 8 feet wide. The Project fire lanes will be 26 feet wide for Building A and Building B. The fire access would also allow for a typical apparatus turning radius that would allow a typical standard fire truck to navigate through. With the proposed development of Parcel 1 and associated fire lane and gate access along the parcel's eastern side, it would provide improved access for the Fire Department from Alessandro Boulevard to Sycamore Canyon Wilderness Park. (DEIR, p. 5.15-11)

Additionally, the Project does not propose to use substantially hazardous materials or engage in hazardous activities that will require new or expanded fire protection equipment to meet potential emergency demand. (DEIR, p. 5.15-12)

As there are already two existing fire stations (# 9 and 13) within RFD's 5-minute initial action response time, construction of new fire stations would not be triggered by the Project. Potential impacts will be offset by the payment of development impact fees as required by Chapter 16.52 of the Riverside Municipal Code (RMC) and from revenue generated for the City from property taxes. With the Project design (including Fire Access Plan), the nearest Fire Station being approximately 2 miles from the Project site, the Project's incremental impacts on fire protection services would be less than significant. (DEIR, p. 5.15-12)

3. Environmental Factors that May Exacerbate Fire Risk

Threshold C: Due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Finding: Less than significant. The Project site does not contain steep slopes in excess of 30 percent and is not surrounded by steep slopes that would increase the rate of fire spread. The Sycamore Canyon Wilderness Park does not contain steep slopes adjacent to the Project site. Thus, the Project will not be subject to significant wildfire risks in relation to slopes. The Project site is not within a Very High Fire Hazard Severity Zone (VHFHSZ), and the closest area within a VHFHSZ is 2.4 miles northwest on Alessandro Boulevard between Canyon Crest Drive and Via Vista Drive. The Project would be constructed and operated in compliance with the CFC and CBC, along with being compliant with the GP 2025 and would not exacerbate wildfire risks or the uncontrolled spread of a wildfire. (DEIR, p. 5.15-12 & 5.15-13)

Explanation: A fire will generally spread uphill due to the preheating of the fuel and the up-slope draft unless the general wind is strong enough to overcome these two forces. The flames are closer to the fuel on the uphill side, and they receive more radiant heat. This results in more preheating and faster igniting of the fuel. The heated air rises along the slope increasing the draft that further increases the rate of spread. As a result of winds blowing up-slope, more convective heat also reaches the fuel in front of the fire and it is pre-heated more quickly to the ignition temperature. The opposite is true at night. When the

slope becomes shaded, the surface generally loses heat rapidly and becomes cool. The air adjacent to the surface also cools and becomes denser thus heavier and it can begin to flow down-slope. (DEIR, p. 5.15-12)

In addition, as outlined in Section 5.15.3, Project Design Considerations above, the edge treatment between Building A in Parcel 1 and the Sycamore Canyon Wilderness Park includes an 8-foot-high concrete wall and landscaping with fire resistant groundcover, shrubs, and columnar trees, consistent with the requirements of the SCWP SKRMP. The edge treatment between Building B in Parcel 2 includes a 4-foot-high wall with 4-foot-high tubular steel fence on top along with landscaping that includes fire resistant groundcover, shrubs, and columnar trees, also consistent with the SCWP SKRMP. The proposed trailhead parking lot (Parcel C, approximately 1.18 acres) provides an additional setback with landscaping and buffer from the Sycamore Canyon Wilderness Park boundary. The concrete walls, fire resistant landscaping, and setbacks between the wilderness park boundary and the buildings all reduce the risk of fires spreading to the park from the Project site or from the Project site to the park. (DEIR, p. 5.15-12)

The major urban/wildland interface areas identified in GP Figure PS-7 closest to the Project site are from areas identified in the legend of the figure as Hills and Canyons, partially within the site, and Sycamore Canyon Wilderness Park adjacent to the project, directly to the north. The Project site is bordered by Alessandro Boulevard to the south, Barton Street to the west, Sycamore Canyon Wilderness Park to the north, and undeveloped private land to the east. The risk for the Project site to exacerbate wildfire risks for a wildfire spreading to or from the Project site to these roadways will be relatively unlikely because there is generally little wildfire fuel in the form of vegetation on paved roadways. The addition of 8-foot-high concrete walls, fire resistant landscaping, and set-backs between the wilderness park boundary and the buildings all reduce the risk of fires spreading to the park from the Project site or from the Project site to the park. The conservation areas within the Project site will be managed by a 3rd party and would not become overgrown with wildfire fuels. (DEIR, p. 5.15-13)

Prevailing daytime winds at the Project site are from west to east and nighttime winds are from east to west. As such, the most likely risk is that a fire from the Project site could be blown to the adjacent undeveloped property to the east from prevailing winds during the day and from the adjacent undeveloped property to the east to the Project site from prevailing winds during the night. The Project would be constructed and operated in compliance with the California Fire Code (CFC) and California Building Code (CBC). (DEIR, p. 5.15-13)

Project structures would be required to comply with the CFC with regard to emergency fire access and use of building materials that would limit the spread of wildfire to the greatest extent possible, and all proposed construction activities would be subject to compliance with all applicable State and local regulations in place to reduce risk of construction-related fire, such as installation of temporary construction fencing to restrict site access and maintenance of a clean construction site. This would reduce potential spread of a fire from the Project site to areas outside the Project site boundary, which would also reduce the potential of exacerbating wildfire risks. The proposed development will include fire suppression equipment such as alarm systems, fire extinguishers and sprinklers, which could assist in the quick suppression of a fire if it were to occur at the Project site and reduce the potential for spread to the Sycamore Canyon Wilderness Park to the north. (DEIR, p. 5.15-13)

The Project would be constructed and operated in compliance with the CFC and CBC, along with being compliant with the GP 2025 and would not exacerbate wildfire risks or the uncontrolled spread of a wildfire and as a result expose Project occupant to pollutant concentrations from wildfire. Impacts would be less than significant. (DEIR, p. 5.15-13)

4. Infrastructure Installation or Maintenance that May Exacerbate Fire Risk

Threshold D: Would the Project 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?

Finding: Less than significant. Implementation of the Project would not require installation of new or increased level of infrastructure maintenance that could exacerbate fire risk or result in temporary or ongoing impacts to the environment. The Project's potential to exacerbate wildfire risk from installation and maintenance of infrastructure would be less than significant. (DEIR, p. 5.15-13)

Explanation: The Project site is not within a Very High Fire Hazard Severity Zone (VHFHSZ), although it is partially located within a Hills and Canyons area (GP 2025 Figure PS-7, Fire Hazard Areas), and sits on a vacant land in a mostly developed area with roadways, residential units, and open space adjacent to the site and its surrounding area. There are existing utilities near the Project site, and utilities such as water and power will be installed underground via Alessandro Boulevard and Barton Street to access points to Building A and Building B. There would be no utilities crossing overhead over open space and fields where fires are more likely to occur. Implementation of the Project would not require installation of new or increased level of infrastructure maintenance that could exacerbate fire risk or result in temporary or ongoing impacts to the environment. There are no offsite improvements required to the west of the Project that would extend into the undeveloped wildland area. (DEIR, p. 5.15-13)

The Project would not require the installation or maintenance of other associated infrastructure to the north, or east, or beyond already existing developed conditions in Alessandro Boulevard and Barton Street to the west and south, where the Project would connect to existing utilities. Implementation of the Project would not require installation of new or increased level of infrastructure maintenance into wildland areas that could exacerbate fire risk or result in temporary or ongoing impacts to the environment. The Project's potential to exacerbate wildfire risk from installation and maintenance of infrastructure would be less than significant. (DEIR, p. 5.15-1)

5. Exposure to Post-Fire Risks

Threshold E: Would the Project 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?

Finding: Less than significant. The Project would not expose people or structures to significant downstream flooding impacts or landslides as a result of post-fire slope stability, runoff, or drainage changes. As outlined under Thresholds C and D above, the Project would not exacerbate wildfire risks or the uncontrolled spread of a wildfire. As identified in Section 5.6 Geology and Soils, Threshold A, the project site is not in an area of high susceptibility to landslides. Project impacts related to exposure of 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 would be less than significant.

Explanation: The Project site is bordered by a self-storage facility, Alessandro Boulevard, and commercial and residential uses across Alessandro Boulevard to the south, open space to the north, Barton Street to the west, and vacant land to the east. As mentioned in previous sections and the Geotechnical Evaluation, on-site topography consists of undeveloped land on natural rolling terrain descending gradually from a west to east direction. (DEIR, p. 5.15-14)

The Project site is not within a flooding hazard zone per the GP 2025. As outlined in Section 5.9 Hydrology and Water Quality, Threshold C, the Project would be required to comply with the NPDES Statewide General Construction Permit (Order No. 09-09-DWQ). The permit requires preparation of an effective Storm Water Pollution Prevention Plan (SWPPP), which describes erosion and sediment control BMPs to prevent stormwater runoff during construction. Post construction storm water runoff and erosion is minimized with proposed landscaping around the buildings (refer to Section 3.0 Project Description and Figures 3.0-10A and 3.0-10B) as well as Low Impact Development (LID) Best Management Practices (BMPs) to address storm water runoff as outlined in the project specific Water Quality Management Plan (Appendix J). (DEIR, p. 5.15-14)

Thus, the Project would not expose people or structures to significant downstream flooding impacts or landslides as a result of post-fire slope stability, runoff, or drainage changes. With all considered, Project impacts related to exposure of 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 would be less than significant. (DEIR, p. 5.15-14)

6. Exposure to Wildland Fire Risk

Threshold F: Would the Project expose peoples or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Finding: Less than significant. The Project would be required to comply with applicable CFC, GP 2025, and City Guideline requirements such as fire breaks, sprinklers, walls, emergency access roads, etc. The Project would also comply with all CBC and CFC fire safety codes and regulations to further minimize the potential risk for a wildfire. With adherence to RFD practices, Project design considerations, and the Project compliance existing codes and policies, impacts involving wildland fires would be less than significant.

Explanation: As discussed, the Project site is not within a VHFHSZ although it is partially located within a Hills and Canyons area. The Project site will be landscaped with fire-resistant landscape, drought-tolerant and climate appropriate trees, shrubs, and ground cover that will meet or exceed the City's requirements. Additionally, the Project site is within approximately 2.5 miles of two fire stations, Fire Station 9 – Canyon Crest (6674 Alessandro Boulevard) and Fire Station 13 – Box Spring Station (6490 Sycamore Canyon Boulevard), which would provide adequate response times to the Project site. (DEIR p. 5.15-14 & 5.15-15)

Although the Project is allowing more accessibility to areas with the potential for fire risk/hazard, the Project will include necessary and adequate fire access for RFD to access the site and adjacent Sycamore Canyon Wilderness Park and for occupants (workers/employees) to leave the site in case of a fire. With the proposed development of Parcel 1 and associated fire lane and gate access along the parcel's eastern side, it would provide improved access for the Fire Department from Alessandro Boulevard to Sycamore Canyon Wilderness Park. (DEIR, p. 5.15-15)

Additionally, the Project would comply with all CBC and CFC fire safety codes and regulations to further minimize the potential risk for a wildfire. The SCWP SKRMP also identifies appropriate edge treatments between the wilderness park and the Project site. Fencing and walls around the Project site have been designed to be compliant with requirements in the SCWP SKRMP. With adherence to RFD practices, Project design considerations, and the Project compliance existing codes and policies, impacts involving wildland fires would be less than significant. (DEIR, p. 5.15-15)

IV. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The City Council hereby finds that the following mitigation measures, which are identified in the EIR and these Findings, will reduce the following otherwise significant environmental impacts to a less than significant level, and have been required in or incorporated into the proposed Project. ***The findings below are for impacts where implementation of the proposed Project would result in significant environmental impacts that would be reduced to less than significant following mitigation. These findings are based on the discussion of impacts in the detailed impact analyses in Section 5.1 through 5.15 and Section 6 of the EIR, as well as relevant responses to comments in the Final EIR.***

Except where specifically otherwise noted below, the following statutory finding applies to all of the impacts described in this section (III):

Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate the significant effects on the environment (to less than significant levels). (See Pub. Resources Code § 21081(a)(1); State CEQA Guidelines § 15091(a)(1).)

The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

A. AESTHETICS

1. Scenic Resources

Threshold B: Would the Project damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Finding: Less than significant with mitigation. With the Project's avoidance and preservation of the most prominent and mature existing riparian woodland vegetation associated with Drainage B and implementation of MM BIO-6, impacts will be less than significant with mitigation incorporated. (DEIR p. 5.1-18)

Explanation: The Project site is not located adjacent to a scenic highway as there are no designated or eligible State scenic highways in the City; thus, no impacts will occur in this regard. Alessandro Boulevard, south of the Project site, is designated a Scenic Boulevard. The Project site is visible from Alessandro Boulevard from the south and southeast. The view of the Project site from Alessandro Boulevard is partially blocked by the existing Citywide Self-Storage development. Mission Grove Parkway, another designated Special Boulevard near the Project site, is located 0.75 mile to the northwest. The nearest designated Parkway is Canyon Crest Drive, also a designated Scenic Boulevard, located approximately 1.5 miles to the west. (GP 2025, Figure CCM-4) The Project site is not readily visible from Mission Grove

Parkway or Canyon Crest Drive due to the distance of these roadways from the Project site, the topography of the area, and existing development along these roadways. (DEIR p. 5.1-16)

The Project site is vacant and does not have any historic buildings or historic resources; therefore, it would not result in impacts to these resources. The topography consists of natural rolling terrain descending gradually from a west to east direction. There are granitic rock outcroppings throughout the property. The existing rock outcroppings at the site are low to the ground and are generally blocked from view from Alessandro Boulevard with existing onsite vegetation. Therefore, the onsite rock outcroppings are not considered a scenic resource and damage to these rock outcroppings during construction would not be considered a significant aesthetics impact. (DEIR p. 5.1-16)

The Project site contains low to moderate vegetation primarily consisting of non-native grasslands crossed by several drainages, some of which contain riparian woodland. The existing riparian woodland vegetation, approximately 5.16 acres in total, is considered a scenic resource. Driveway construction to provide access to Building A from Alessandro Boulevard will result in 0.57-acre of permanent impacts of the existing riparian vegetation in Area C. Area C has more sparse riparian vegetation, with less trees than Drainage B, and Area C is at a lower elevation than Alessandro Boulevard. Construction of Building B will result in permanent impacts to 0.35 acres of existing riparian vegetation in Drainage A. The riparian vegetation associated with Drainage A is also sparse and is generally blocked from view from Alessandro Boulevard by the more prominent Drainage B riparian vegetation and the Citywide Self-Storage facility. The 1.36 acres of riparian vegetation associated with Drainage B has more mature trees and taller trees than Drainage A and Area C and will not be permanently impacted but preserved in place. Although the project will result in permanent impacts to 0.57 acres of Area C and 0.35 acres of Drainage A riparian vegetation, this is not considered a significant impact because: 1) the views of these areas from Alessandro Boulevard are partially or completely blocked by topography relief, Drainage B vegetation, and the Citywide Self-Storage facility; 2) the most prominent riparian vegetation associated with Drainage B, that is visible from Alessandro Boulevard and has the most number of and the tallest trees, will be preserved; 3) a total of 4.24 acres of existing riparian vegetation will be preserved; 4) Mitigation Measure MM BIO-6 includes enhancement of a total of 1.58 acres of riparian habitat and creation (establishment) of 0.61 acre of in-kind riparian woodland in Area C and restoration of 0.02 acre of riparian habitat in Drainage B, all within the Restricted Property/Conservation Area that will be managed in perpetuity. (DEIR p. 5.1-17)

The following mitigation measure will be implemented:

MM BIO-6: Prior to issuance of occupancy permit, in order to reduce impacts to on-site Riparian/Riverine areas and suitable habitat for LBVI (least Bell's vireo), on-site mitigation shall include:

1. Enhancement of a total of 1.58 acres of riparian habitat: 0.01 acres in Drainage A, 1.34 acres in Drainage B, and 0.23-acre in Area C.
2. Create (establish) 0.61-acre of in-kind riparian woodland in Area C.
3. Restoration of 0.02-acre of riparian habitat in Drainage B.
4. The non-jurisdictional, non-riparian/riverine upland area of slopes associated with the access road will be restored/replanted with native seed mix.
5. The roadway/access to Parcel 1/Building A shall include culverts to provide a hydrological connection to the riparian habitat on the east side of the roadway and a corridor for small wildlife species.

6. Record lettered parcels A and B for portions of the site that will not be developed but includes the revised restricted property and is designed as a conservation area. Parcel A 7.19 acres and Parcel B 5.04 acres, with a combined total of 12.23 acres, shall be managed in perpetuity by a 3rd party, anticipated to be the Rivers and Lands Conservancy (RLC) or other CDFW approved entity, with an endowment funded by the developer.

The City finds that Mitigation Measure MM BIO-6 is feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With the Project's avoidance and preservation of the most prominent and mature existing riparian woodland vegetation associated with Drainage B and implementation of MM BIO-6, impacts will be less than significant with mitigation incorporated. (DEIR pp. 5.1-16 – 5.1-18)

2. Light or Glare

Threshold D: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Finding: Less than significant with mitigation. The Project lighting is required to comply with the City's Zoning Code and standard lighting conditions of approval. With implementation of these requirements and Mitigation Measure MM AES-1, which requires the Project's night light to be directed away from open spaces, and Mitigation Measure MM AES-2, which requires approval of the site's photometric study, and the proposed concrete screening walls on the northern, northeastern, and eastern perimeters of building drive aisles and parking and docking areas, will ensure that there is no light spillage from the Project into the Sycamore Canyon Wilderness Park, and potential lighting impacts from the Project would be less than significant with mitigation. (DEIR pp. 5.1-22 – 5.1-25)

Explanation: All Project lighting will comply with the development standards contained in the City's Zoning Code, the Sycamore Canyon Business Park Specific Plan guidelines, the RMC, the standards and specification of the City's Park, Recreation, and Community Service Department, and the Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan. Specifically, the RMC requires that on-site lighting be arranged to reflect away from the adjoining property or any public streets, and that lighting not be directed skyward or in a manner that interferes with aircraft operation (RMC Chapter 19.590). As discussed in Section 5.3 Biological Resources, the Project must be consistent with Section 6.1.4 – Guidelines Pertaining to the Urban/Wildlands Interface, of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Night light shall be directed downward away from natural open space areas and directed downwards and towards the center of the development. (DEIR p. 5.1-23)

A conceptual photometric study with manufacturer's cut sheets of all exterior lighting on buildings, in landscaped areas, and in parking lots was prepared and submitted to Planning Division staff for review, consistent with City standard lighting conditions. Per RMC Chapter 19.556.080, the Project must follow lighting restrictions for the maximum allowable light trespass to properties surrounding the Project which include the Sycamore Canyon Wilderness Park, the vacant property to the east, Barton Road, Alessandro

Boulevard, and the property to the south zoned CG – Commercial General. The maximum allowable light trespass to the Sycamore Canyon Wilderness Park is 0-foot candle and all other adjacent properties have a maximum allowable light trespass of 0.5-foot candle. Per the Photometric Plan the light sources from the Project site will be located only on Parcel 1 and Parcel 2. The light spillage from Parcel 1 and Parcel 2 to the other parcels (Parcel A, B, C, respectively) and the properties surrounding the Project site would be 0-foot candle. Thus, Parcel 1 and Parcel 2 would not have light spillage to the other parcels (Parcel A, B, C, respectively) and would not have light spillage to the properties surrounding the Project site. (DEIR pp. 5.1-23 – 5.1-24)

Implementation of the Project will add additional traffic to surrounding streets, including Barton Street and Alessandro Boulevard. Vehicle headlights are designed to direct light onto roadways so vehicles may be safely operated in low light conditions. When properly installed and aligned, vehicle lights do not constitute a significant source of spill light or glare. Additionally, the amount of traffic generated by the Project will not result in a significant new or increased source of light or glare as roadways within the Project already experience vehicular traffic and the use of headlights during evening and nighttime hours. Vehicle headlights will be prevented from spilling into the Sycamore Canyon Wilderness Park by an 8-foot high combination screen wall/retaining wall along the easterly side and an 8-foot high concrete screen wall located around the northern and western perimeter of Building A's drive aisles and parking and loading dock areas. Vehicle headlights will be prevented from spilling into the Sycamore Canyon Wilderness Park by an 8-foot high combination screen wall/retaining wall and an 8-foot high concrete screen wall located at the eastern and northeastern perimeter, and a 4-foot high concrete screen wall (with 4-foot metal fence on top) at the northern perimeter, of Building B's drive aisles and parking areas. The trailhead parking lot, which is located along the northern side of Building B, will also serve as a buffer between the warehouse operations and the wilderness park. Consistent with the operational hours of the Sycamore Canyon Wilderness Park, the trailhead parking lot will be open from dawn to dusk and an arm gate at the entrance will be used to restrict access when not open. Therefore, there would not be vehicle headlights at nighttime shining into the park from the trailhead parking lot.

Materials used for construction of the Project will be consistent with the materials and finishes used throughout the Sycamore Canyon Business Park and are subject to review and approval by the City's Planning Division. Because high-glare and reflective materials are not proposed to be used, Project implementation is not anticipated to create a new source of substantial glare that would adversely affect day or nighttime views in the area. (DEIR pp. 5.1-24 – 5.1-25.)

As outlined above, the Project lighting is required to comply with the City's Zoning Code and standard lighting conditions of approval. With implementation of these requirements and Mitigation Measure MM AES-1, which requires the Project's night light to be directed away from open spaces, and Mitigation Measure MM AES-2, which requires approval of the site's photometric study, and the proposed concrete screening walls on the northern, northeastern, and eastern perimeters of building drive aisles and parking and docking areas, will ensure that there is no light spillage from the Project into the Sycamore Canyon Wilderness Park, and potential lighting impacts from the Project would be less than significant with mitigation. (DEIR pp. 5.1-22 – 5.1-25)

The following mitigation measures will be implemented:

MM AES-1: To further reduce impacts related to light pollution, the Project’s night lighting shall be directed away from natural open space areas within and adjacent to the Project site and directed downward and towards the center of the development. Energy efficient Low Pressure Sodium (LPS) or High Pressure Sodium (HPS) lamps shall be used exclusively to dampen glare.

MM AES-2: Prior to the issuance of building permits, the applicant shall submit a photometric (lighting) plan for approval by the Community & Economic Development Department, Planning Division. The approved light design requirements shall be included on the final building plan sheets. The lighting plan shall incorporate the following requirements and shall show that there is no light spillage into the Sycamore Canyon Wilderness Park:

- The project shall be designed in such a manner as to prevent light spillage from the project to the adjacent and nearby open space areas
- Project lighting shall not exceed an intensity of one foot-candle
- Shielding shall be employed, where feasible
- Any night lighting shall be directed away from natural open space areas and directed downward and towards the center of the development
- No project lights shall blink, flash, oscillate, or be of unusually high intensity or brightness
- Energy-efficient LPS or HPS lamps shall be used exclusively throughout the project site to dampen glare
- Exterior lights shall be only “warm” LED lights (<3000K color temperature)

The City finds that Mitigation Measures MM AES-1 and MM AES-2 are feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM AES-1 and MM AES-2, impacts will be less than significant with mitigation incorporated. (DEIR p. 5.1-25)

B. AIR QUALITY

1. Conflict with the applicable air quality plan

Threshold A: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Finding: Less than significant with mitigation. The Project would not result in an air quality violation and would not conflict with or obstruct the implementation of the AQMP or applicable portions of the SIP. (DEIR p. 5.2-25)

Explanation: A project’s consistency with the AQMP is determined by two criteria: whether the project is consistent with the land use as designated in the local general plan; and if the project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards (NAAQS and CAAQS) or interim emissions reductions specified in the AQMP. Regarding the first criteria, the growth forecasting for the

AQMP is based in part on the land uses established by local general plans. Thus, if a project is consistent with land use as designated in the local general plan, it can normally be considered consistent with the AQMP. The Project would be consistent with the land use and zoning designations and would therefore be consistent with the growth assumptions of the 2016 AQMP. (DEIR p. 5.2-25)

Another factor used to determine if a project would conflict with implementation of the AQMP is determining if the project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards (NAAQS and CAAQS) or interim emissions reductions specified in the AQMP. NAAQS and CAAQS violations could occur if project emissions would exceed regional significance thresholds or localized significance thresholds (LSTs). DEIR Table 5.2-6 shows the total emissions in tons per year over the one-year construction period and compares emissions to the General Conformity de minimus levels. DEIR Table 5.2-7 summarizes the total projected construction maximum daily emission levels for each criteria pollutant and compares the emissions to the SCAQMD regional significance thresholds. As shown in Tables DEIR 5.2-6 and 5.2-7, construction and operational emissions would be less than the regional significance thresholds. Additionally, as shown in DEIR Tables 5.2-8 and 5.2-9, construction and operational emissions would be less than the LSTs. Therefore, the Project would not result in an air quality violation and would not conflict with or obstruct the implementation of the AQMP or applicable portions of the SIP and potential impacts would be less than significant with Mitigation Measure MM AIR-1.

Additionally, the Project is consistent with the City's General Plan 2025 with the implementation of Mitigation Measure AIR-1 and is also consistent with the City's Good Neighbor Guidelines for Siting New and/or Modified Warehouse Distribution Facilities (Good Neighbor Guidelines; City of Riverside 2008). (DEIR, pp. 5.2-26 – 5.2-27.)

The following mitigation measure will be implemented:

MM AIR-1: The Project applicant is required to record a covenant on the property (Parcels 1 and 2) that prohibit manufacturing, fulfillment center, and use of Transportation Refrigeration Units (TRUs). Proof of the record of covenant shall be submitted to the City of Riverside Planning Division prior to issuance of Building Permits.

The City finds that Mitigation Measure MM AIR-1 is feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM AIR-1, requiring a recorded covenant prohibiting manufacturing, fulfillment center and TRU use, impacts will be less than significant with mitigation incorporated. (DEIR pp. 5.2-24 – 5.2-30)

2. Cumulatively Considerable Increase of Criteria Pollutants

Threshold B: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal and state ambient air quality standard?

Finding: Less than significant with mitigation. The Project construction and operational emissions would not result in a project-specific or cumulatively considerable net increase in emissions of ozone, PM₁₀, or PM_{2.5}, and impacts would be less than significant with Mitigation Measure MM AIR-1.

Explanation: As discussed in DEIR Section 5.2, the South Coast Air Basin is classified as in attainment for all criterion pollutants except for ozone, PM₁₀, and PM_{2.5}. Emissions of ozone precursors, PM₁₀, and PM_{2.5} from construction and operation of the Project would be below the South Coast Air Quality Management District (SCAQMD) thresholds of significance. As shown in Tables 5.2-7 and 5.2-8, maximum localized construction and operational emissions would not exceed any of the SCAQMD recommended localized screening thresholds. The SCAQMD considers the thresholds for project-specific impacts and cumulative impacts to be the same. Therefore, the Project construction and operational emissions would not result in a project-specific or cumulatively considerable net increase in emissions of ozone, PM₁₀, or PM_{2.5}, and impacts would be less than significant with Mitigation Measure MM AIR-1. (DEIR pp. 5.2-30 - 5.2-31)

The City finds that Mitigation Measure MM AIR-1 is feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM AIR-1, requiring a recorded covenant prohibiting manufacturing, fulfillment center, and TRU use, impacts will be less than significant with mitigation incorporated. (DEIR pp. 5.2-30 – 5.2-31)

3. Sensitive Receptor Exposure to Pollutant Concentrations

Threshold C: Would the Project expose sensitive receptors to substantial pollutant concentrations?

Finding: Less than significant with mitigation. Construction and operational activity would not result in an exceedance of the SCAQMD's diesel particulate matter (DPM) cancer risk exposure threshold of 10 in one million, or non-cancer risk threshold of 1.0, sensitive receptors would not be exposed to substantial DPM pollutant concentrations during Project construction or operation, and impacts would be less than significant with Mitigation Measure MM AIR-1. (DEIR p. 5.2-35)

Explanation:

The sensitive receptors nearest to the Project site include single and multi-family residences approximately 300 feet south and southeast of the Project site across Alessandro Boulevard. The Project was analyzed for its potential to result in significant health risk impacts resulting from short-term construction and long-term operational emissions. Results of the LST analysis indicate that the project would not exceed the SCAQMD LSTs during construction (see DEIR Table 5.2-9, Localized Construction Emissions). Results of the LST analysis also indicate that the project would not exceed the SCAQMD LSTs during operational activity (see DEIR Table 5.2-10, Localized Operational Emissions). The LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable NAAQS or CAAQS at the nearest residence or sensitive receptor. The SCAQMD states that lead agencies can use the LSTs as another indicator of significance in its air quality impact analyses. Because construction and operational activity would not result in an exceedance of the SCAQMD's LSTs,

sensitive receptors would not be exposed to substantial criteria pollutant concentrations during Project construction or operation and impacts would be less than significant

The Project-specific HRA includes an evaluation of diesel particulate matter (DPM) emissions associated with diesel truck traffic traveling along Alessandro Boulevard, a designated truck route, and three new driveways, proposed to be constructed, one on Alessandro Boulevard and two on Barton Street, in the vicinity of the proposed Project, and potential cancer risks to existing nearby sensitive receptors, including residents and/or adjacent workers. SCAQMD identifies that if a proposed Project is expected to generate/attract heavy-duty diesel trucks, which emit DPM, preparation of a mobile source HRA is recommended. The purpose of the Project specific HRA is to document the increased cancer and noncancer health risk levels from project-related emissions of toxic air contaminants (TACs) on existing nearby sensitive receptors, including residents and/or adjacent workers. The SCAQMD CEQA Air Quality Handbook (1993) states that emissions of TACs are considered significant if an HRA shows an increased risk of greater than 10 in one million. The SCAQMD has established an incidence rate of ten (10) persons per million as the maximum acceptable incremental cancer risk due to DPM exposure. This threshold serves to determine whether a given project has a potentially significant project-specific and cumulative impact. The SCAQMD has also established non-carcinogenic risk parameters for use in HRAs. Non-carcinogenic risks are quantified by calculating a "hazard index," expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). An REL is a concentration at or below which health effects are not likely to occur. A hazard index less of than one (1.0) means that adverse health effects are not expected. Non-carcinogenic exposures of less than 1.0 are considered less-than-significant. (DEIR p. 3.2-33)

At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project DPM source emissions is estimated at 0.49 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be 0.0002, which would not exceed the applicable threshold of 1.0. As such, the Project will not cause a significant human health or cancer risk to adjacent residences. All other residential uses located farther away from the Project would be exposed to less emissions and therefore less risk than the MEIR identified in the DEIR. As DPM generally dissipates with distance from the source, all other residential receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk than the MEIR. As such, the Project will not cause a significant human health or cancer risk to nearby residences. The worker receptor land use with the greatest potential exposure to Project DPM source emissions is located immediately adjacent to the Project site at the adjacent industrial use/wastewater treatment plant approximately 145 feet to the west. At the maximally exposed individual worker (MEIW), the maximum incremental cancer risk impact at this location is 0.08 in one million which is less than the threshold of 10 in one million. Maximum non-cancer risks at this same location were estimated to be 0.0003, which would not exceed the applicable threshold of 1.0. As such, the Project will not cause a significant human health or cancer risk to adjacent workers. All other modeled worker sites located farther away from the Project would be exposed to less emissions and therefore less risk than the MEIW. As such, the Project will not cause a significant human health or cancer risk to adjacent workers. The school site land use with the greatest potential exposure to Project DPM source emissions is at the Taft Elementary School located approximately 1.1-mile (6,027 feet) northwest of the Project site. At the maximally exposed individual school child (MEISC), the maximum incremental cancer risk impact attributable to the Project at this location is calculated to be an estimated 0.003 in one million which is less than the significance threshold of 10 in one million. At this same location,

non-cancer risks attributable to the Project were calculated to be 0.000006, which would not exceed the applicable significance threshold of 1.0. Any other schools located at a farther distance from the Project site would be exposed to less emissions and consequently less impacts than what is disclosed for the MEISC. As such, the Project will not cause a significant human health or cancer risk to nearby school children. (DEIR, p. 5.2-34.)

Because construction and operational activity would not result in an exceedance of the SCAQMD's diesel particulate matter (DPM) cancer risk exposure threshold of 10 in one million, or non-cancer risk threshold of 1.0, sensitive receptors would not be exposed to substantial DPM pollutant concentrations during Project construction or operation, and impacts would be less than significant with Mitigation Measure MM AIR-1.

The City finds that Mitigation Measure MM AIR-1 is feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM AIR-1, requiring a recorded covenant prohibiting manufacturing, fulfillment center, and TRU use, impacts will be less than significant with mitigation incorporated. (DEIR pp. 5.2-31 – 5.2-35)

C. BIOLOGICAL RESOURCES

1. Special Status Wildlife Species

Threshold A: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Wildlife Service?

Finding: Less than significant with mitigation. Project impacts to species identified as a candidate, sensitive, or special status species will be less than significant with mitigation measures MM BIO-1 through MM BIO-10 and MM NOI-1.

Explanation:

Special-Status Plant Species

As mentioned in DEIR Section 5.3.1, several individuals of paniculate tarplant were found throughout the "non-native grassland" areas of the Biological Study Area (BSA) [the project site]. Paniculate tarplant is not a MSHCP-covered species and only has a CRPR of 4.2. CNPS List 4 plants have the lowest sensitivity ranking in the CNPS system, "Plants of Limited Distribution - A Watch List." The Project site also contains suitable habitat for Parry's spineflower and Robinson's peppergrass, although they have not been observed on site. As Parry's spineflower is MSHCP-covered species, potential impacts are mitigated through compliance with the Plan and payment of the MSHCP fee. Like paniculate tarplant, Robinson's peppergrass is not covered by the MSHCP. Robinson's peppergrass is not state or federally listed as threatened or endangered, and CNPS List 4 plants have the lowest sensitivity ranking in the CNPS system as "Plants of Limited Distribution - a Watch List." Impacts from the Project on paniculate tarplant are not

expected to be significant as it is not expected to substantially reduce the habitat for this species throughout its range. To further reduce impacts to this species, MM BIO-1 will be implemented which will require a qualified biologist collect seed for paniculate tarplant and Robinson's peppergrass throughout the proposed development footprint of the Project. The seeds shall be stored in accordance with the biologist's recommendations. On site restoration efforts shall incorporate the collected seed or salvaged topsoil. With the implementation of MM BIO-1 potential impacts to these sensitive plant species would be less than significant with mitigation. (DEIR p. 5.3-28)

Threatened and Endangered Wildlife

LBVI is a Federally and State listed species and covered by the MSHCP. The focused study conducted between April 21 and August 9, 2020, resulted in the observation of two LBVI males within the riparian habitat on-site. Focused surveys conducted in 2014 also resulted in observations of LBVI. Therefore, the on-site riparian woodland habitat is deemed occupied by LBVI. Noise from construction activities could adversely impact LBVI if construction were to occur while LBVI is present in the on-site riparian habitat. Implementation of Mitigation Measure MM NOI-1, which requires a temporary noise barrier between the construction activities and the adjacent Sycamore Canyon Wilderness Park, and between construction activities and on-site conservation areas, would reduce potential impacts from construction activities on LBVI to less than significant with mitigation. The Project will result in 0.80-acre of permanent impacts and 0.02-acre temporary impacts to riparian/riverine areas, which serve as habitat for LBVI. Potential direct and indirect impacts to LBVI will be reduced to less than significant with implementation of Mitigation Measures MM BIO-2 through MM BIO-7. (DEIR pp. 5.3-28 – 5.3-29)

SKR is a Federally endangered, State threatened species and covered by the SKRHCP and the MSHCP. Suitable habitat is found on the Project site. SKR burrows, scat, and tracks were observed throughout the grassland areas. To reduce potential impacts to SKR, MM BIO-8 requires the payment of the SKRHCP fee be provided to the City prior to issuance of a grading permit. With implementation of MM BIO-8 potential impacts to SKR to are reduced to less than significant with mitigation. (DEIR p. 5.3-29)

Special-Status Wildlife Species

Several special-status wildlife species have been observed at the Project site and include:

- *Circus hudsonius*, northern harrier
- *Accipiter cooperii*, Cooper's hawk
- *Lepus californicus bennettii*, San Diego black-tailed jackrabbit
- *Neotoma* sp., wood rat middens
- *Crotalus ruber*, red-diamond rattlesnake
- *Selsphorus rufus/sasin*, rufous/Allen's hummingbird
- *Phalacrocorax auratus*, double-crested cormorant
- *Empidonax traillii*, willow flycatcher
- *Eremophila alpestris actia*, California horned lark
- *Spinus lawrencei*, Lawrence's goldfinch
- *Setophaga petechia brewsteri*, yellow warbler
- *Aimophila ruficeps canescens*, southern California rufous-crowned sparrow

The MSHCP covers most of these special status wildlife species. Rufous hummingbird and Lawrence's goldfinch are not covered by the MSHCP. However, they are protected by the Federal Migratory Bird Treaty Act (MBTA) (MM BIO-9). Compliance with the MSHCP (outlined in detail in Threshold A) and payment of the MSHCP fee (MM BIO-7), are required to reduce potential impacts to these observed MSHCP-covered sensitive wildlife species to less than significant levels with mitigation. (DEIR p. 5.3-30)

CNDDDB records of additional special status species recorded in the past within two miles of the Project site are shown on DEIR Figure 5.3-2. These records include many of the species already recorded in the BSA listed above, but also the following:

- *Aspidoscelis hyperythra*, orange-throated whiptail. Habitat present in the BSA.
- *Agelaius tricolor*, tricolored blackbird. No habitat is present in the BSA.
- *Chaetodipus fallax fallax*, northwestern San Diego pocket mouse. Habitat present in the BSA.
- *Spea hammondi*, western spadefoot. Like fairy shrimp, this species requires temporary pools to breed. No breeding habitat is present.
- *Onychomys torridus ramona*, southern grasshopper mouse. Habitat present in the BSA.
- *Lanius ludovicianus*, loggerhead shrike. Habitat present in the BSA.
- *Athene cunicularia*, burrowing owl. This species has a designated survey area in the MSHCP, and the project is within it. 2018 and 2020 surveys did not detect the species.
- *Dipodomys merriami parvus*, San Bernardino kangaroo rat. This species has a designated survey area in the MSHCP, and the project is not within that survey area.
- *Phrynosoma blainvillii*, coast horned lizard. Habitat present in the BSA.
- *Nyctinomops femorosaccus*, pocketed free-tailed bat. No roosting habitat in the BSA could forage.
- *Perognathus longimembris brevinasus*, Los Angeles pocket mouse. This species has a designated survey area in the MSHCP, and the project is not within that survey area.

Compliance with the MSHCP and payment of the MSHCP fee (MM BIO-7), are required to reduce potential impacts to MSHCP-covered sensitive wildlife species with the potential to occur on site to less than significant with mitigation. (DEIR pp. 5.3-30 – 5.3-31)

No BUOW were identified in the Project site during the 2018 and 2020 focused surveys. BUOW is a MSHCP covered species. Although no individual BUOW were identified, as the site contains suitable BUOW habitat, a 30-day BUOW pre-construction clearance survey (MM BIO-10) is required pursuant to the MSHCP and to ensure BUOW are not utilizing the site for nesting prior to construction start. Implementation will ensure potential impacts to BUOW are less than significant with mitigation. (DEIR p. 5.3-31)

The Project site may support nests utilized by birds protected under MBTA of 1918 (Code of Federal Regulations Section 10.13) or the California Fish and Game Code, as discussed under DEIR Section 5.2.2 – Related Regulations. Thus, the potential exists for construction-related disturbance to nesting birds. All migratory non-game native bird species are protected by the international treaty under the MBTA. Pursuant to the MBTA, it is unlawful to “take” (i.e., harass, harm, pursue, hunt, shoot, wound, kill, trap,

capture, or collect) migratory birds or their nests. Many native bird species are covered under the MBTA. Impacts can be minimized or eliminated by avoiding impacts to potential nest sites present on the Project site. While there is no established protocol for nest avoidance, when consulted, CDFW recommends avoidance buffers of about 500 feet for birds-of-prey, and 100 to 300 feet for songbirds. Mitigation measure MM BIO-9 is required to reduce potential impacts to these special-status bird species and any active nests to less than significant levels with mitigation. (DEIR p. 5.3-32)

In summary, impacts to species identified as a candidate, sensitive, or special status species will be less than significant with mitigation measures MM BIO-1 through MM BIO-10 and MM NOI-1. (DEIR p. 5.3-32)

The following mitigation measures will be implemented:

MM BIO-1: Prior to issuance of a grading permit, a qualified biologist shall collect seed during the blooming period for paniculate tarplant and Robinson's pepper-grass throughout the proposed development footprint of the project, if they occur. The seeds shall be stored in accordance with the biologist's recommendations until restoration efforts are commenced within the existing and additional Restricted Property/conservation area. If seed is not collected prior to grading permit issuance then topsoil, where identified by the qualified biologist, shall be salvaged and temporarily stored in accordance with the qualified biologists' recommendations until restoration efforts are commenced. On site restoration efforts shall incorporate the collected seed or salvaged topsoil.

MM NOI-1: Prior to issuance of grading and construction activities, should least Bell's vireo be present in the Sycamore Canyon Wilderness Park within 300 feet of the Project site, in Parcel A on-site conservation area, or within Parcel B on-site conservation area within 100 feet of the development footprint, construction noise impacts shall be minimized through implementation of the following measure:

1. A 12-foot high temporary noise barrier shall be installed at the perimeter of the limits of disturbance between the construction activities and the adjacent Sycamore Canyon Wilderness Park to the north and east, and the on-site conservation areas as shown in Figure 5.11-5 – Construction Barrier. The barrier shall be continuous without openings, holes, or cracks, and shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a reduction of at least 10 dB(A) to ensure noise levels do not exceed 65 dB(A) L_{eq} at the Sycamore Canyon Wilderness Park and on-site conservation areas. Other barrier materials providing the same reduction shall also be permitted.
2. Heavy grade rubber mats/pads shall be used within the bed of the trucks. These mats will help attenuate initial impact noise generated when an excavator drops rock and debris into the bed of the truck. These mats must be maintained and/or replaced as necessary.
3. During all Project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.
4. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site.
5. Equipment shall be shut off and not left to idle when not in use.
6. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the Project site during all Project construction.

7. The Project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the Project site during construction.
8. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (7:00 a.m. to 6:00 p.m. on weekdays, and 8:00 a.m. to 5:00 p.m. on Saturdays).
9. The use of heavy equipment or vibratory rollers and soil compressors shall be limited along the Project boundaries to the greatest degree possible. It is acknowledged that some soil compression may be necessary along the Project boundaries.
10. Any jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded, and noise shall be directed away from sensitive receptors.
11. For the duration of construction activities, the construction manager shall serve as the contact person should noise levels become disruptive to local residents. A sign should be posted at the Project site with the contact phone number. This sign shall be posted at the Alessandro Boulevard frontage as well as the Barton Street frontage.

MM BIO-2: The Project has been designed to avoid direct construction impacts to riparian plant communities to the greatest extent feasible. Avoidance and minimization measures shall be included in the Project specifications for implementation during construction to further reduce the potential for any temporary, indirect impacts to occur to these areas during construction activities, including the following:

- Trash and other debris shall be properly disposed of and not left on-site in areas where it could fall into protected habitat.
- Project boundaries shall be clearly marked with fencing, or other suitable type of marking material as directed by a qualified biologist. Vehicles and other Project construction personnel shall stay within these delineated Project boundaries.
- Sensitive areas (i.e., jurisdictional drainage features, riparian habitats, and MSHCP Conservation Areas) in proximity to the construction footprint shall be clearly marked, with fencing or other suitable type of marking material as directed by a qualified biologist, for awareness and avoidance.
- Refueling, washing, or other vehicular maintenance activities shall occur a minimum of 100 feet away from riparian areas, including the conserved riparian habitat.
- Equipment would be maintained and checked at least on a daily basis for leaks.
- All vehicle leaks or other hazardous material leaks shall be contained and cleaned up immediately. All contaminated soil shall be removed from the site and disposed of properly.

MM BIO-3: During soil excavation, grading, or other subsurface disturbances, the construction contractor shall supervise provision and maintenance of all standard dust control BMPs to reduce fugitive dust emissions, including but not limited to the following actions:

- Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site, additional water shall be applied at a frequency to be determined by the on-site construction superintendent.

- Pave, periodically water, or apply chemical stabilizer to construction access/egress points.
- Minimize the amount of area disturbed by clearing, grading, earthmoving, or excavation operations at all times.
- Operate all vehicles on graded areas at speeds less than 15 miles per hour.
- Cover all stockpiles that would not be utilized within three days with plastic or equivalent material, to be determined by the on-site construction superintendent, or spray them with a non-toxic chemical stabilizer.

MM BIO-4: During construction, to address potential short-term impacts to water quality within the on-site drainages from construction runoff that may carry storm water pollutants, a SWPPP shall be implemented by the construction contractor as required by the California General Construction Storm Water Permit pursuant the Regional Board regulations. The SWPPP shall identify BMPs related to the control of toxic substances, including construction fuels, oils, and other liquids. These BMPs would be implemented by the construction contractor prior to the start of any ground clearing activity, shall be subject to periodic inspections by the City and the Project's hydrological consultant, shall be maintained throughout the construction period and remain in place until all landscape and permanent BMPs are in place. BMPs shall be monitored and repaired if necessary, to ensure maximum erosion, sediment, and pollution control.

- The use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within and adjacent to conserved riparian habitat shall be prohibited.
- All fiber rolls,² straw waddles, and/or hay bales utilized within and adjacent to the Project site shall be free of non-native plant materials.
- Construction contractor shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws.
- Water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities shall not be allowed to enter the conserved riparian habitat or be placed in locations that may be subjected to high storm flows.
- Spoil sites shall not be located within jurisdictional areas and MSHCP Conservation Areas or locations that may be subjected to high storm flows, where spoil shall be washed back into the conserved riparian habitat where it would impact streambed habitat and aquatic or riparian vegetation.
- Raw cement/concrete or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish and wildlife resources resulting from Project related activities shall be prevented from contaminating the soil and/or entering the conserved riparian habitat. These materials, placed within or where they may

² Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

enter the conserved riparian habitat or any party working under contract to the construction contractor, shall be removed immediately.

- No equipment maintenance shall be done within or near the conserved riparian habitat where petroleum products or other pollutants from the equipment may enter these areas under any flow.
- No broken concrete, cement, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or washings thereof, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the conserved riparian habitat. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the conserved riparian habitat.

MM BIO-5: Prior to issuance of grading permit, the following measures shall be incorporated into the construction documents and specifications, and implemented by the contractor, to avoid potential construction-related impacts to the conserved riparian habitat outside of the approved disturbance limits:

- Construction worker training shall be provided by a qualified biologist at the first on-site construction meeting;
- Project boundaries shall be clearly marked and or signs shall be erected near the top of slope adjacent to the conserved riparian habitat to prevent accidental/unauthorized intrusions during construction; and
- Staging areas for storage of materials and heavy equipment, and for fueling, cleaning, or maintenance of construction vehicles or equipment, shall be prohibited within 20 feet from the top of slope adjacent to the conserved riparian habitat.

MM BIO-6: Prior to issuance of occupancy permit, in order to reduce impacts to on-site Riparian/Riverine areas and suitable habitat for LBVI, on-site mitigation shall include:

1. Enhancement of a total of 1.58 acres of riparian habitat: 0.01 acre in Drainages A, 1.34 acres in B, and 0.23 acre in Area C.
2. Create (establish) 0.61 acre of in-kind riparian woodland in Area C.
3. Restoration of 0.02 acre of riparian habitat in Drainage B.
4. The non-jurisdictional, non-riparian/riverine upland areas of slopes associated with the access road will be restored/replanted with native seed mix.
5. The roadway/access to Parcel 1/Building A shall include culverts to provide a hydrological connection to the riparian habitat on the east side of the roadway and a corridor for small wildlife species.
6. Revise the existing Restricted Property to include Parcel A (7.19 acres) and Parcel B (5.04 acres), with a combined area of 12.23 acres. The revised 12.23 Restricted Property shall be managed in perpetuity with an endowment funded by the developer and by a CDFW approved 3rd party (such as Rivers and Lands Conservancy "RLC").

MM BIO-7: In order to reduce potential impacts to MSHCP covered species and to comply with the MSHCP, payment of the MSHCP mitigation fee shall be provided to the City of Riverside prior to issuance of a building permit for the project.

MM BIO-8: Payment of the SKRHCP fee shall be provided to the City of Riverside prior to issuance of a grading permit for the Project.

MM BIO-9: If construction activity is conducted between September 1st and January 31st, then this mitigation measure is required prior to issuance of a grading permit. Federal Migratory Bird Treaty Act (MBTA) and/or state code protect all native bird species - both common and special status. In most scenarios, MSHCP coverage does not override the nesting bird protections provided by these. Impacts to nesting birds, both direct and indirect, can be minimized or eliminated by conducting work activities outside of the local breeding season. Although nesting can occur in any month in southern California for some species, breeding in the study area, given the habitat, would primarily be expected from about 1 February through 31 August. Work from about 1 September through 31 January would avoid most negative effects to birds and nesting activity. If work must be done during the breeding season, surveys for nesting birds shall occur no more than three (3) days prior to all vegetation clearing and ground disturbance. If active nests are found, they shall be avoided until young have fledged. While there is no established protocol for nest avoidance, when consulted the CDFW generally recommends avoidance buffers of about 500 feet for raptors and threatened/endangered species and 100 – 300 feet for non-raptors. Adherence to these nesting bird recommendations will also avoid and/or mitigate impacts to special status bird species known from the project site which are not covered by the MSHCP.

MM BIO-10: A focused BUOW survey must be conducted during the breeding season (four visits between 1 March - 31 August). Regardless of the result of those surveys, because of the presence of suitable habitat that could be occupied at any time, a one-day preconstruction survey must also be conducted 30 days or less before groundbreaking.

The City finds that Mitigation Measures MM BIO-1 through MM BIO-10 and MM NOI-1 are feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM BIO-1 through MM BIO-10 and MM NOI-1, impacts on special status species will be less than significant with mitigation incorporated. (DEIR pp. 5.3-27 – 5.3-32)

2. Sensitive Habitats

Threshold B: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service?

Finding: Less than significant with mitigation. Impacts to Waters of the US (WUS), Waters of the State of California (WSC), riparian habitat and other sensitive natural communities will be less than significant with implementation of mitigation measures MM BIO-2 through MM BIO-7.

Explanation: The Project site is dominated by disturbed non-native grassland with two drainages containing some riparian vegetation labeled as Drainage A and Drainage B, and a third area labeled as Area C which exhibits riparian features but does not exhibit a channel or other signs of confined water flow.

Drainage A contains sparsely vegetated sections and areas of dense riparian vegetation dominated by short-pod mustard (*Hirschfeldia incana*) western marsh cudweed (*Gnaphalium palustre*), and pygmy-weed (*Crassula connata*). The patches of riparian vegetation were dominated by mulefat (*Baccharis salicifolia*), willow baccharis, (*Baccharis salicina*), Goodding's black willow (*Salix gooddingii*), arroyo willow (*Salix lasiolepis*), red willow (*Salix laevigata*) and blue elderberry (*Sambucus nigra* subsp. *caerulea*). (DEIR p. 5.3-13)

Drainage B contains dense riparian vegetation throughout the entire on-site extent. The canopy layer is dominated by Fremont cottonwood (*Populus fremontii* subsp. *fremontii*) and red willow. The understory was dominated by mulefat (*Baccharis salicifolia*), willow (*Baccharis salicina*) hoary nettle (*Urtica dioica* subsp. *holosericea*), saltgrass (*Distichlis spicata*), and emergent grasses. (DEIR p., 5.3-13)

Area C is located in the southeastern portion of the Project site. Area C contains dense riparian vegetation dominated by mulefat (*Baccharis salicifolia*), hoary nettle (*Urtica dioica* subsp. *holosericea*), willow (*Baccharis salicina*), branching phacelia (*Phacelia ramosissima*), and Goodding's black willow (*Salix gooddingii*). The presence of USACE wetlands was investigated and although the sampling point exhibited hydrophytic vegetation it lacked hydric soils and wetland hydrology. There is no USACE WUS associated with Area C due to lack of Ordinary High Water Mark (OHWM). The extent of CDFW jurisdiction/riparian area on-site for Area C is 3.45 acres based on the extent of riparian vegetation. (DEIR p. 5.3-34)

Table 5.3-2 in the DEIR outlines the impacts to jurisdictional areas onsite, WUS, and WSC from the Project. Drainage A would have 0.08 acre or 1,083 linear feet (LF) of permanent impacts to WUS and 0.23 acre of permanent impact to WSC. Drainage B would have 0.002 acres or 21 linear feet of temporary impacts to WUS and 0.017 acre of temporary impacts to WSC due to a temporary use of crossing over the drainage during construction. Area C is expected to have 0.57 acre of permanent impacts to WSC due to construction of the access road/driveway to building A. (DEIR p. 5.3-34)

The Project proposes to mitigate permanent and temporary impacts with creation and restoration on-site, as further detailed in the Determination of Biologically Equivalent or Superior Preservation (DBESP) Report and Mitigation Plan (Appendix C of DEIR) and in mitigation measure MM BIO-6. On-site mitigation will include creation of 0.61 acre of riparian woodland, of a type jurisdictional to CDFW, adjacent to the existing CDFW riparian woodland area south of the project area and north of Alessandro Blvd. In addition, the Project will enhance a total of 1.58 acres of riparian habitat within Drainage A and B and Area C, within the on-site Restricted Property/Conservation Area. Temporary impacts to riparian habitat in Drainage B will be restored. The DBESP determined that the riparian/riverine resources proposed to be enhanced and conserved in perpetuity would provide a biologically superior riparian habitat for riparian species, including LBVI. The creation of riparian habitat in Area C on the southernmost portion of the Project site would provide biologically superior habitat by connecting two patches of riparian habitats allowing for

more acreage of habitat and movement opportunities for small wildlife species. No other sensitive natural communities were identified at the Project site. As mentioned previously, most vegetation in the Project site is non-native grasslands. Impacts to WUS, WSC, riparian habitat and other sensitive natural communities will be less than significant with mitigation measures MM BIO-2 through MM BIO-7. (DEIR pp. 5.3-35)

The City finds that Mitigation Measures MM BIO-2 through MM BIO-7 are feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM BIO-2 through MM BIO-7, impacts on riparian habitat will be less than significant with mitigation incorporated. (DEIR pp. 5.3-34 – 5.3-35)

Threshold C: Would the Project have substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Finding: Less than significant with mitigation. Impacts on protected wetlands will be less than significant with mitigation measures MM BIO-2 through MM BIO-7.

Explanation: The Project site contains three jurisdictional features, identified as Drainage A and Drainage B and a riparian area identified as Area C. None of these features are defined as “wetlands” per Section 404. The Project will not result in impacts to protected wetlands. Impacts to WUS, WSC, riparian habitat and other sensitive natural communities will be less than significant with mitigation measures MM BIO-2 through MM BIO-7. (DEIR p. 5.3-37)

The City finds that Mitigation Measures MM BIO-2 through MM BIO-7 are feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM BIO-2 through MM BIO-7, impacts on protected wetlands will be less than significant with mitigation incorporated. (DEIR p. 5.3-37.)

Threshold F: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Finding: Less than significant with mitigation. The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan and impacts are considered less than significant with mitigation incorporated.

Explanation:

Western Riverside County Multiple Species Habitat Conservation Plan

The Project site is located within the MSHCP Plan Area. The site is not located in a Criteria Cell. The Project site is flanked by Public Quasi-Public (PQP) Lands within the Sycamore Canyon Wilderness Park, which is located directly north of the site. The MSHCP requires that projects comply with its Sections 6.1.2 (Protection of Species within Riparian/Riverine Areas and Vernal Pools), 6.1.3 (Protection of Narrow Endemic Plant Species), 6.1.4 (Urban and Wildlands Interface), 6.3.2 (Additional Survey Needs and Procedures), Appendix C (Standard Best Management Practices), and Section 7.5.3 (Construction Guidelines). The Project's consistency with each of these sections is discussed below. (DEIR p. 5.3-40)

MSHCP Section 6.1.2 Protection of Species within Riparian/Riverine Areas and Vernal Pools

The Project site was found to have suitable habitat for wildlife species that commonly occur in riparian/riverine habitats associated with Section 6.1.2 of the MSHCP such as LBVI. Mitigation Measure MM BIO-6 includes the enhancement and creation of in-kind riparian woodland in Area C as well as the restoration of Drainage B. Non-jurisdictional and non-riparian/riverine slopes will be restored with native seed mix. A culvert will be installed to provide a hydrological connection and for use as a wildlife corridor. The conservation area will be managed by the Rivers and Lands Conservancy or other CDFW approved entity. With implementation of MM BIO-6 the Project is consistent with Section 6.1.2. (DEIR p. 5.3-40)

MSHCP Section 6.1.3 Protection of Narrow Endemic Plant Species

The Project site is not located in a Narrow Endemic Species Survey Area, or in a Criteria Area Species Survey Area for plants, and no focused surveys for these species are required. As such, the Project is consistent with Section 6.1.3 of the MSHCP. (DEIR p. 5.3-40)

MSHCP Section 6.1.4 Guidelines Pertaining to Urban Wildlands Interface

The MSHCP Urban/Wildland Interface Guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area. The Project is adjacent to the Sycamore Canyon Wilderness Park, identified in the MSHCP as Existing Core D. To minimize Edge Effects MSHCP Section 6.1.4 identifies guidelines applicable to Projects adjacent to Conservation Areas. The City, as the MSHCP Permittee, is to consider these guidelines in reviewing the Project. The MSHCP Urban/Wildland Interface Guidelines address: drainage, toxics, lighting, noise, invasive, barriers, and grading as discussed in DEIR Table 5.3-3 – Project Compliance with MSHCP Urban/Wildlands Interface Guidelines. With implementation of mitigation measures MM AES-1, MM AES-2, and MM NOI-1, the Project will be compliant with Section 6.1.4 of the MSHCP. (DEIR pp. 5.3-41 – 5.3-47)

MSHCP Section 6.3.2 Additional Survey Needs and Procedure

The Project is in an Additional Survey Area for BUOW. Previous surveys have determined suitable habitat for BUOW on the Project site. Focused surveys in 2018 and 2020 demonstrated that no BUOW were identified in the Project site. A preconstruction survey for BUOW will be conducted 30 days prior to ground disturbing activities per MM BIO-10. The Project will be compliant with Section 6.3.2 of the MSHCP with implementation of mitigation measure MM BIO-10. (DEIR p. 5.3-47)

MSHCP Appendix C Standard Best Management Practices

The MSHCP (Appendix C) identifies standard BMPs to be implemented during construction of projects in proximity to the MSHCP Conservation Area. The BMPs cover issues such as biological monitoring, water pollution and erosion, defining the Project's limits to minimizing the footprint of disturbance, identification, and avoidance of jurisdictional resources, and if feasible, equipment storage. With implementation of mitigation measure MM BIO-11, the Project will be compliant with BMPs in Appendix C. (DEIR p. 5.3-47)

MSHCP Section 7.5.3 Construction Guidelines

Section 7.5 of the MSHCP sets forth Guidelines for Facilities Within the Criteria Area and PQP Lands. Section 7.5.3 outlines construction guidelines. Because the Project does not propose any construction within an MSHCP Criteria Area or PQP lands, the construction guidelines in Section 7.5.3 are not applicable. (DEIR p. 5.3-48)

Stephen's Kangaroo Rat Habitat Conservation Plan

The Project site is not within an SKRHCP Core Reserve. For compliance with SKRHCP, MM BIO-8 will require the Project proponent to pay the SKR mitigation fee in effect at the time a grading permit is issued. With implementation of mitigation measure MM BIO-8 potential impacts are less than significant. (DEIR p. 5.3-49)

The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan and impacts are considered less than significant with mitigation incorporated. (DEIR p. 5.3-49)

The following mitigation measures will be implemented in addition to those set forth above:

MM BIO-11: During construction standard BMPs from Volume I, Appendix C of the MSHCP shall be implemented to avoid impacts to biological resources of the MSHCP. The following standard BMPs shall be included as Environmental Requirement Notes on the final grading plans to be reviewed and approved by City Staff prior to issuance of a grading permit. The measures are as follows:

1. A condition shall be placed on grading permits requiring a qualified biologist to conduct a training session for project personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished.
2. Water pollution and erosion control plans shall be developed and implemented in accordance with RWQCB requirements.

3. The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.
4. The upstream and downstream limits of projects disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work.
5. Projects should be designed to avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern.
6. Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian species identified in MSHCP Global Species Objective No. 7.
7. When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing or other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments offsite. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from reentering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.
8. Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, USFWS, and CDFW, RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.
9. Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.
10. The qualified project biologist shall monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.
11. The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species.
12. Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible.

13. To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).
14. Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.

The City finds that Mitigation Measures MM BIO-6, MM AES-1, MM AES-2, MM NOI-1, MM BIO-8, MM BIO-10 and MM BIO-11 are feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM BIO-6, MM AES-1, MM AES-2, MM NOI-1, MM BIO-8, MM BIO-10 and MM BIO-11, conflicts with conservation plans will be less than significant with mitigation incorporated. (DEIR pp. 5.3-39 – 5.3-48)

D. CULTURAL RESOURCES

1. Archeological Resources

Threshold B: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 of the CEQA Guidelines?

Findings: Less than significant with mitigation. The Project would not result in a substantial adverse change in the significance of an archaeological resource and impacts would be less than significant with mitigation.

Explanation: As discussed in Section 5.3.1 of the DEIR, the intensive pedestrian survey conducted in October 2018 resulted in the re-identification of four archaeological resources that had previously been recorded within the Project site: CA-RIV-2486, -2487, -2488, and -2489. Three newly identified resources were also documented during the survey: CA-RIV-11772, -11770, and 11769. The 2018 report that evaluated these seven resources found that none of the resources appeared to meet eligibility requirements for listing on the California Register of Historic Resources (CRHR), National Register of Historic Places (NRHP), or as a City Cultural Resource, as discussed in the following paragraphs. As outlined in DEIR 5.4.4, a total of eight out of fourteen bedrock outcrops within Parcels 2 (Building B), A, and C will be avoided and remain intact. Based on feedback from the consulting tribes appropriate design features to avoid indirect impacts to these resources have also been incorporated into the design, including setbacks, retaining walls, fencing, re-directed runoff, etc. (DEIR p. 5.4-26)

The on-site archaeological sites were determined ineligible for listing on the NRHP, CRHR, or as a City Designated Cultural Resource. While impacts to these sites would thus be less than significant due to their ineligibility, to minimize and/or avoid possible impacts to potentially undiscovered/unknown

archaeological resources, the Project would implement the mitigation measures MM CUL-1 through MM CUL-9. As none of the sites are eligible for listing, with the avoidance of bedrock outcrops where possible, and with the implementation of mitigation measures MM CUL-1 through MM CUL-9, the Project would not result in a substantial adverse change in the significance of an archaeological resource and impacts would be less than significant with mitigation. (DEIR p. 5.4-32)

The following mitigation measures will be implemented:

MM CUL-1: Prior to grading permit issuance, if there are any changes to project site design and/or proposed grades, the Applicant and the City shall contact consulting tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City, developer/applicant, and consulting tribes to discuss any proposed changes and review any new impacts and/or potential avoidance/preservation of the cultural resources on the project site. The City and the developer/applicant shall make all attempts to avoid and/or preserve in place as many cultural resources and paleontological resources as possible that are located on the project site if the site design and/or proposed grades should be revised. In the event of inadvertent discoveries of archaeological resources, work shall temporarily halt until agreements are executed with consulting tribe, to provide tribal monitoring for ground disturbing activities.

MM CUL-2 Archaeological Monitoring: At least 30 days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities take place, the developer/applicant shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

1. The project archaeologist, in consultation with consulting tribes, the Developer, and the City, shall develop an Archaeological Monitoring Plan to address the details, timing, and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the plan shall include:
 - a. Project grading and development scheduling;
 - b. The development of a schedule in coordination with the developer/applicant, the project archaeologist, and for designated Native American Tribal Monitors from the consulting tribes for grading, excavation, and ground-disturbing activities on the site, including the scheduling, safety requirements, duties, scope of work, and project archeologist and Native American Tribal Monitors' authority to stop and redirect grading activities;
 - c. The protocols and stipulations that the Applicant, tribes, and project archaeologist/paleontologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits, or nonrenewable paleontological resources that shall be subject to a cultural resources evaluation;
 - d. In conjunction with the Archeological Monitor(s), the Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.

- e. Treatment and final disposition of any archeological and cultural and paleontological resources, sacred sites, if discovered on the project site; and
- f. The scheduling and timing of the Cultural Sensitivity Training noted in mitigation measure MM-CUL-5.

MM CUL-3: Native American Monitor: Prior to issuance of grading permit, the developer/permit applicant shall engage each of the consulting tribe(s) regarding Native American Monitoring. The developer/permit applicant shall provide evidence to the City that they have reached an agreement with each of the consulting tribe(s) regarding the following:

- a. The treatment of known cultural resources;
- b. The treatment and final disposition of any tribal cultural resources, sacred sites, human remains or archaeological and cultural resources inadvertently discovered on the Project site;
- c. Project grading, ground disturbance (including but not limited to excavation, trenching, cleaning, grubbing, tree removals, grading and trenching) and development scheduling; and
- d. The designation, responsibilities, and participation of professional Tribal Monitor(s) during grading, excavation and ground disturbing activities.

If the developer/permit applicant and the consulting tribe(s) are unable to reach an agreement, the mitigation measure shall be considered satisfied if the developer/permit applicant provides sufficient documented evidence that they have made a reasonable good faith effort to reach an agreement, as determined by the City, with the consulting tribes with regards to items a-d, as listed above).

MM CUL-4 Treatment and Disposition of Cultural Resources: In the event that Native American cultural resources are inadvertently discovered during the course of grading for this project, the following procedures will be carried out for treatment and disposition of the discoveries:

1. Consulting Tribes Notified: Within 24 hours of discovery, the consulting tribe(s) shall be notified via email and phone. Consulting tribe(s) will be allowed access to the discovery, in order to assist with the significance evaluation.
2. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location on site. The removal of any artifacts from the project site shall require the approval of the Consulting Tribes and all resources subject to such removal must be thoroughly inventoried with a tribal monitor from each consulting tribe to oversee the process; and
3. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The Applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Riverside Community and Economic Development Department with evidence of same:

- a. Preservation-In-Place of the cultural resources, if feasible as determined through coordination between the project archeologist, developer/applicant, and consulting tribal monitor(s). 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 in perpetuity.
- b. Accommodate the process for on-site reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed, with an exception that sacred items, burial goods and Native American human remains are excluded. No cataloguing, analysis, or other studies may occur on sacred items, human remains, and grave goods. Any reburial process shall be culturally appropriate. List of contents and location of the reburial shall be included in the confidential Phase IV Report. The Phase IV report shall be prepared by the project archeologist and shall be filed with the City under a confidential cover and not subject to a Public Records Request. The Tribe(s) should be able to access these areas in the future through enforceable agreement;
- c. If reburial is not feasible, a curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation;
- d. At the completion of grading, excavation, and ground-disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the project archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City of Riverside, Eastern Information Center, and consulting tribes.

MM CUL-5 Cultural Sensitivity Training: The Secretary of Interior Standards County certified archaeologist and Native American monitors shall attend the pre-grading meeting with the developer/permit holder's contractors to provide Cultural Sensitivity Training for all construction personnel. This shall include the procedures to be followed during ground disturbance in sensitive areas and protocols that apply in the

event that unanticipated resources are discovered. Only construction personnel who have received this training can conduct construction and disturbance activities in sensitive areas. A sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.

MM CUL-6 Fencing of the Avoided Sites: Prior to any earthmoving activities, the current boundaries of the avoided sites (CA-RIV-11770, CA-RIV-11772, CA-RIV-2486, two milling slicks within CA-RIV-2488, and CA-RIV-2489) will be fenced and identified as an Environmental Sensitive Area (ESA). The project applicant will ensure that appropriate temporary fencing is installed i.e., orange fabric/barrier fencing) to prevent any unintentional disturbances to CA-RIV-11770, CA-RIV-11772, CA-RIV-2486, two milling slicks within CA-RIV-2488, and CA-RIV-2489 during any earthmoving activities on the project site. The fencing will be installed before clearing and grubbing and will not be removed until all earthmoving activities have been completed and the wall in Parcel 4 has been constructed. The project archaeologist and Tribal Monitor(s) will be on site to monitor the fence installation and removal and will conduct daily inspections of the fencing to make sure that it is intact and has not been breached.

If the project archaeologist and/or Tribal Monitor(s) identify a breach of the fence, i.e., removal, cut, depressed, driven over or intentionally breached in any way, all work within a 25-foot buffer shall cease and the Project Applicant, City, project archaeologist and the Monitoring Tribe(s) shall meet and confer as to the best method to repair the fencing. The person(s) responsible for the breach and the Construction Supervisor (or appropriate supervisory personnel) shall be required to retake the sensitivity training provided at the beginning of construction, in addition to any other remedies considered appropriate.

MM CUL-7 Relocation of Impacted Sites: Prior to any grading in the associated areas, the Project Applicant shall meet with the Project Archaeologist and the Consulting Tribe(s) in order to assess CA-RIV-11769, CA-RIV-2487, and two milling slicks within CA-RIV-2488 to determine the suitability for relocation to a permanent open space area. The Consulting Tribe(s) shall work with the Project Archaeologist, Project Applicant, and the grading contractor or appropriate personnel to ensure that every effort is made to relocate the Features safely and to discuss the most appropriate methods for relocation. Using professional archaeological methods, the milling slicks associated with Sites CA-RIV-11769, CA-RIV-2487, and CA-RIV-2488 shall be relocated to the planned open space area in the northern portion of the Project site. The Tribe(s) should be able to access these areas in the future through enforceable agreement. Before construction activities may resume in the affected area, any visible artifacts shall be recovered and recorded, and the features recorded using professional archaeological methods. The current Department of Parks and Recreation forms for the sites shall be updated, detailing which features were relocated, the process taken, and updated maps using sub meter GIS technology to document the new location of each feature. The relocation information shall be included in a Phase IV Monitoring Report. The site record should clearly indicate that the Features are not in their original location and why they were relocated.

MM CUL-8 Long-Term Preservation Plan: Prior to occupancy, a Long-Term Preservation Plan (LTPP) shall be prepared among the City, Land Owner, and Consulting Tribe(s). The LTPP should include the following:

- a. Description of archaeological resources
- b. Documentation of resources of concern, such as high-resolution photographs or similar
- c. Listing of Preservation Actions to Date

- d. The determination of responsibility for care, maintenance, and guidance in the event preserved resources [CA-RIV-11770, CA-RIV-11772, CA-RIV-2486, two milling slicks within CA-RIV-2488, and CA-RIV-2489] should be vandalized or damaged. This section should also address responsibility for regular site condition assessments to determine if resources are being affected by project construction and later operations.

MM CUL-9 Controlled Grade: Sites CA-RIV-11769, CA-RIV-11770, CA-RIV-11772, CA-RIV-2486, CA-RIV-2487, CA-RIV-2488, and CA-RIV-2489 will be impacted during grading and construction activities and the soils surrounding them will be disturbed. Prior to any grading in the associated areas, the Project Applicant, the Consulting Tribes, and the City will formalize a written agreement to identify the area that will be subject to “Controlled Grading” during construction of the Project. The Pechanga Tribe, the Project Applicant, and the City will develop an exhibit that outlines the area subject to controlled grading, and that area will be highlighted on the rough grading plans, precise grading plans or other off-site improvement plans that may impact this site. “Controlled Grading” shall include, without limitation, the slow and deliberate excavation and removal of soils employing the smallest reasonable cuts in certain areas using light scrapers (for example Caterpillar 623 or 627), dozers (for example D6- D8), front end loaders, excavators, skip loaders, dump trucks, and motor graders. A controlled grading plan will be monitored by the Project Archeologist and Tribal Monitor(s) to ensure the systematic removal of the ground surface surrounding these features are monitored to allow for the identification of resources. Results of all controlled grading activities shall be included in the Phase IV monitoring report.

The City finds that Mitigation Measures MM CUL-1 through MM CUL-9 are feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM CUL-1 through MM CUL-9, impacts on archeological resources will be less than significant with mitigation incorporated. (DEIR pp. 5.4-26 – 5.4-32)

E. GEOLOGY AND SOILS

1. Paleontological Resources or Unique Geologic Features

Threshold F: Will the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding: Less than significant with mitigation. If an unanticipated on-site fossil is discovered during construction, implementation of mitigation measure MM GEO-1 is required to ensure potential impacts will be less than significant with mitigation. (DEIR pp. 5.6-32)

Explanation: According to the Paleontological Resource Assessment, published geologic maps indicate the ground surface of the Project area consists of plutonic and medium- to high-grade metamorphic bedrock, both of which do not normally yield fossils. Museum records indicate no previously recorded vertebrate fossil localities within the Project area or from the types of rocks mapped within its boundaries. As a result, the County assigned a Low level of paleontological sensitivity to the entire Project area. Since no paleontological resources were found in or nearby the Project area during the field survey, the assessment

concur with the County's Low paleontological sensitivity ranking. Project related ground disturbance is not likely to impact significant paleontological resources in the Project area. Mitigation is not recommended unless a fossil is encountered during grading and other construction activities. If an unanticipated on-site fossil is discovered during construction, implementation of mitigation measure MM GEO-1 is required to ensure potential impacts will be less than significant with mitigation. (DEIR p. 5.6-32)

The following mitigation measure will be implemented:

MM GEO-1: If one or more fossils are discovered during construction, all ground disturbing activities within 50 feet of the area of the find shall be ceased and the applicant shall retain a paleontologist who meets the Society of Vertebrate Paleontology (SVP) qualifications standards for Project Paleontologist to oversee the documentation of the extent and potential significance of the finds as well as recovery efforts. Ground-disturbing activities may resume in the area of the finds at the discretion of the Project Paleontologist. If the fossils are significant per the SVP's 2010 criteria, then paleontological monitoring shall be conducted on an as-needed basis for further ground-disturbing activities in the Project Area.

The City finds that Mitigation Measure MM GEO-1 is feasible, is adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM GEO-1, impacts related to paleontological resources will be less than significant with mitigation incorporated. (DEIR p. 5.6-32)

F. GREENHOUSE GAS EMISSIONS

1. Greenhouse Gas Emissions

Threshold A: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Less than significant with mitigation. As Project emissions would be less than the 10,000 MT CO₂E screening level, GHG emissions impacts would be less than significant with implementation of mitigation measure MM AIR-1. (DEIR p. 5.7-26)

Explanation: The Project's GHG emissions were calculated using the CalEEMod Version 2016.3.2 (California Air Pollution Control Officers Association [CAPCOA] 2017). The CalEEMod program is a tool used to estimate air emissions resulting from land development projects based on California-specific emission factors. CalEEMod can be used to calculate emissions from mobile (on-road vehicles), area (fireplaces, consumer products [cleansers, aerosols, and solvents], landscape maintenance equipment, architectural coatings), water and wastewater, and solid waste sources. GHG emissions are estimated in terms of total MT CO₂E. (DEIR p. 5.7-21)

Although the proposed Project is for high cube transload short-term warehouse use, which is the use analyzed in the Greenhouse Gas Analysis for the Sycamore Hills Distribution Project prepared by RECON (Appendix H, October 2020), manufacturing is a permitted use in the SCBPSP and the Zone. As outlined in the Project Description, the Project is a speculative development, and the tenants are unknown at this time. Therefore, in order to ensure future use of the site is consistent with high cube transload short-term warehouse use, and the analysis contained herein, Mitigation Measure MM AIR-1 is required, which

requires the applicant record a covenant on the property (Parcels 1 and 2) that prohibits manufacturing and fulfillment center use and use of Transportation Refrigeration Units (TRUs) and to provide proof of recording the covenant to the City prior to issuance of Occupancy Permits. (DEIR pp. 5.7-23 – 5.7-24)

The Project's GHG analysis utilizes the SCAQMD's Interim CEQA GHG Significance Thresholds for Stationary Sources, Rules, and Plans. The interim thresholds are a tiered approach; project impacts may be determined to be less than significant under each tier or require further analysis under subsequent tiers. Because the Project is subject to CEQA and is not subject to a regional GHG emissions reduction plan, the Project does not fall under Tiers 1 or 2. As shown in DEIR Table 5.7-7 – Summary of Project GHG Emissions, construction and operation of the Project would result in the annual equivalent emission of 7,587 MT CO₂E in 2023. Project GHG emissions would be less than the applicable SCAQMD screening level of 10,000 MT CO₂E for industrial uses. As Project emissions would be less than the 10,000 MT CO₂E screening level, GHG emissions impacts would be less than significant with Mitigation Measure MM AIR-1. (DEIR p. 5.7-26) In addition, Mitigation Measure MM BIO-6 includes enhancement of a total of 1.58 acres of riparian habitat and creation (establishment) of 0.61 acre of in-kind riparian woodland in Area C and restoration of 0.02 acre of riparian habitat in Drainage B, all within the Restricted Property/Conservation Area that will be managed in perpetuity. By preserving and enhancing onsite natural vegetation this mitigation measure would also reduce the Project's overall GHG impact as vegetation absorbs carbon dioxide and releases oxygen.

The City finds that Mitigation Measures MM AIR-1 and MM BIO-6 are feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM AIR-1, requiring a recorded covenant prohibiting manufacturing, fulfillment center, and TRU use, as well as MM BIO-6, impacts will be less than significant with mitigation incorporated. (DEIR pp. 5.7-21 – 5.2-27, FEIR p. 3.0-6)

2. Adopted Greenhouse Gases Plans, Policies, or Regulations

Threshold B: Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Finding: Less than significant with mitigation. The Project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. (DEIR pp. 5.7-27 - 5.7-40)

Explanation: As listed in DEIR Section 5.7.2 Related Regulations, Project-applicable plans, policies, and/or regulations adopted for the purpose of reducing GHG emissions include objectives and policies of the GP 2025 Air Quality Element, the City's Good Neighbor Guidelines, the Climate Change Scoping Plan, and the RRG-CAP. Discussions of the Project's consistency with each of these other plans/policies/regulations is provided below. (DEIR p. 5.7-27)

General Plan 2025

The Project is consistent with the objectives and policies in the Open Space and Conservation Element, including those that encourage efficient use of energy resources. The Project is consistent with the objectives and policies in the Air Quality Element, including those to improve job-housing balance, reduce

vehicle miles traveled and length of work trips, improve flow of traffic, reduce air pollution by reducing emissions from mobile sources, reduce pollution from stationary sources, reduce particulate matter, and increase energy efficiency and conservation. Appendix B of the DEIR contains the analysis of the Project's consistency with applicable General Plan 2025 Air Quality Element policies. (DEIR pp. 5.7-27 - 5.7-28)

Good Neighbor Guidelines

The Project was evaluated for consistency with the City's Good Neighbor Guidelines for Siting New and/or Modified Warehouse Distribution Facilities (Good Neighbor Guidelines; City of Riverside 2008) and was found to be consistent with all recommended strategies. On November 10, 2020, the Riverside City Council adopted updates to the Good Neighbor Guidelines, in addition to associated amendments to Title 19 – Zoning Code of the Riverside Municipal Code (RMC), the Hunter Business Park Specific Plan, and the Sycamore Canyon Business Park Specific Plan related to siting industrial uses in the City when located adjacent to sensitive receptors, including residential neighborhoods, schools, parks, playgrounds, day care centers, nursing homes, hospitals, and other public spaces. City Council action also allowed any project achieving substantial completion within 90 days of the effective date of the implementing ordinance to continue to be subject to the 2008 GNG. As this Project was deemed complete prior to adoption of the updated GNG, it does not need to comply with the updated GNG. Nevertheless, the Project is consistent with the updated GNG. The Project is consistent with and would not conflict with the implementation of the applicable 2008 Good Neighbor Guidelines and recommended strategies; potential impacts would be less than significant with implementation of Mitigation Measure MM AIR-1. (DEIR pp. 5.7-28 - 5.7-31)

Climate Change Scoping Plan

As discussed in DEIR Section 5.7.2.2, State Climate Change Regulations, EO S-3-05 established GHG emission reduction targets for the State, and AB 32 launched the CARB Climate Change Scoping Plan that outlined the reduction measures needed to reach the 2020 target. Project GHG emissions would be less than the applicable SCAQMD screening level of 10,000 MT CO₂E for industrial uses. Further, Project emissions would decline beyond the buildout year of the Project, 2023, as a result of continued implementation of federal, state, and local reduction measures such as increased federal and state vehicle efficiency standards, and Riverside Public Utilities' increased renewable sources of energy in accordance with RPS goals. Based on currently available models and regulatory forecasting, Project emissions would continue to decline through at least 2050. Given the reasonably anticipated decline in Project emissions, once fully constructed and operational, the Project is in line with the GHG reductions needed to achieve the 2050 GHG emission reduction targets identified by EO S-3-05. The 2017 Scoping Plan identifies state strategies for achieving the state's 2030 interim GHG emissions reduction target codified by SB 32. Measures under the 2017 Scoping Plan scenario build on existing programs such as the Low Carbon Fuel Standard, Advanced Clean Cars Program, RPS, Sustainable Communities Strategy, Short-Lived Climate Pollutant Reduction Strategy, and the Cap-and-Trade Program. The project would comply with all applicable provisions contained in the 2017 Scoping Plan since the adopted regulations would apply to new development or the emission sectors associated with new development. (DEIR pp. 5.7-32 - 5.7-33)

Riverside Restorative Growthprint and Climate Action Plan (RRG-CAP)

In addition to meeting the SCAQMD screening thresholds, the Project was evaluated for consistency with the strategies and actions contained in the RRG-CAP (see DEIR Section 5.4.2.4). To achieve the City's GHG emission reductions, the City's RRG-CAP includes reduction measures for each category of GHG emissions:

transportation, energy, water, and solid waste. The RRG-CAP reduction measures further support the goals of SB 32 and the measures in the 2017 Scoping Plan. DEIR Table 5.7-8 summarizes the Project's consistency with RRG-CAP measures. As discussed in DEIR Table 5.7-8, the Project would be consistent with applicable RRG-CAP measures. The Project would be required to comply with the regulations discussed above that have been adopted to implement the Scoping Plan and to achieve the SB 32 2030 target. As a result, the Project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Impacts would be less than significant with Mitigation Measure MM AIR-1. (DEIR pp. 5.7-33 – 5.7-40)

The City finds that Mitigation Measure MM AIR-1 is feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM AIR-1, requiring a recorded covenant prohibiting manufacturing, fulfillment center, and TRU use, impacts will be less than significant with mitigation incorporated. (DEIR pp. 5.7-27 – 5.7-40)

G. HAZARDS & HAZARDOUS MATERIALS

1. Routine Transport, Use, or Disposal of Hazardous Materials

Threshold A: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Finding: Less than significant with mitigation. As a result of oversight by the appropriate Federal, State, and local agencies, and compliance with applicable regulations related to the handling and storage of hazardous materials by the proposed warehouse, the risk of the public's potential exposure to hazardous substances are less than significant with implementation of mitigation measure MM-AIR 1. (DEIR p. 5.8-24)

Explanation: Construction of the Project may involve the limited transport of fuels, lubricants, and various other liquids for operation of construction equipment. Deliveries to the Project site would likely come from the Ports of Long Beach and Los Angeles as well as other locations. Overall construction is anticipated to last approximately 15 months, so any hazardous materials used in construction would not be onsite for more than approximately 15 months. The construction contractor would be required to dispose of construction waste in accordance with all federal, state and local regulations. Due to the limited quantities used in construction and the limited timing or nature of construction, use of hazardous materials including fuels, lubricants, paint products and solvents during construction is not anticipated to create a significant hazard to the public or the environment through transport, use, or disposal of these materials.

The proposed use of the Project's warehouses is not for manufacturing. Manufacturing uses could include the manufacturing of chemical products that due to either the nature of the chemical or in large quantities could be hazardous if accidentally spilled or released. A manufacturing use of the site, if the manufacturing was of chemical products, could increase the risk of potential hazards to the public or the environment due to the increased volumes on site, as compared to warehouse uses with minimal. As manufacturing uses are permitted under the provisions of the Zoning Code and Specific Plan, implementation of Mitigation Measure MM AIR-1 would not allow this use and reduce the higher risk of hazardous materials

associated with a manufacturing use. Mitigation Measure MM AIR-1 states the project applicant is required to record a covenant on the property (Parcels 1 and 2) that prohibits manufacturing use and that proof of the record of covenant shall be submitted to the City of Riverside Planning Division prior to issuance of Building Permits. (DEIR p. 5.8-22)

Both the Federal and State governments require all businesses that handle more than a specified amount of hazardous materials to submit a hazardous material business plan (HMBP) for business operations to a regulating agency. HMBPs are designed to be used by responding agencies for a quick and accurate evaluation of each situation for an appropriate response and would include an inventory of the hazardous materials used in the facility as well as emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. (DEIR p. 5.8-23)

As a result of oversight by the appropriate Federal, State, and local agencies, and compliance with applicable regulations related to the handling and storage of hazardous materials by the proposed warehouses, the risk of the public's potential exposure to hazardous substances are less than significant with mitigation. To ensure that manufacturing uses are not permitted, because they have not been analyzed, Mitigation Measure MM AIR-1 is required. (DEIR p. 5.8-24)

The City finds that Mitigation Measure MM AIR-1 is feasible, is adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM AIR-1, requiring a recorded covenant prohibiting manufacturing, fulfillment center and TRU use, impacts will be less than significant with mitigation incorporated. (DEIR pp. 5.8-22 – 5.8-24)

H. NOISE

1. Ambient Noise

Threshold A: Would the Project result in the generation of 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?

Finding: Less than significant with mitigation. Construction noise levels would not exceed the Federal Transit Administration (FTA) recommended threshold of 80 dB(A) Leq at the residential uses and would not be considered a substantial increase in noise. (DEIR pp. 5.11-19 – 5.11-23) With the implementation of MM NOI-1, construction noise impacts at the Sycamore Canyon Wilderness Park and on-site conservation areas would be reduced to less than significant with mitigation. (DEIR p. 5.11-25)

First-floor exterior noise levels at the proposed buildings are projected to be less than the City's normally acceptable compatibility standard of 70 CNEL. (DEIR p. 5.11-27) The project-related increases in ambient noise would not be audible and would not exceed thresholds. Impacts would be less than significant without mitigation. (DEIR p. 5.11-27)

Explanation:

Construction Noise

Project construction noise would be generated by diesel engine-driven construction equipment used for site preparation and grading, building construction, loading, unloading, and placing materials and paving. No blasting is proposed for the Project. Construction noise is exempt from the noise level limits established in Title 7. However, construction noise was calculated in an abundance of caution. Neither the City of Riverside General Plan nor Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers for CEQA analysis purposes. For the purposes of analysis, the FTA recommended threshold of 80 dB(A) Leq (A-weighted decibels one-hour equivalent noise level) at noise sensitive residential land uses was used. Further, the Western Riverside County Regional Conservation Authority applies a noise level limit of 65 dB(A) Leq. This limit was analyzed at the boundary between the Project site and the Sycamore Canyon Wilderness Park and at the edge of the on-site conservation areas. Construction noise levels were modeled at the residential uses, Sycamore Canyon Wilderness Park, and on-site conservation area for comparison to these limits. To reflect the nature of grading and construction activities, equipment was modeled as an area source distributed over each building footprint and the temporary access road between the two building sites. The total sound energy of the area source was modeled with all pieces of equipment operating simultaneously, which would be a worst-case scenario. Noise levels were modeled at a series of 45 receivers located at the adjacent uses. As shown in DEIR Table 5.11-6, construction noise levels would range from 54 to 60 dB(A) Leq at the adjacent residential land uses. Construction noise levels would not exceed 80 dB(A) Leq at any adjacent residential property lines. Thus, construction noise levels would not exceed the FTA recommended threshold of 80 dB(A) Leq at the residential uses and would not be considered a substantial increase in noise. (DEIR pp. 5.11-19 – 5.11-23)

Sensitive least Bell's vireo habitat is located within the Sycamore Canyon Wilderness Park and on-site conservation areas. For construction noise, the Western Riverside County Regional Conservation Authority applies a noise level limit of 65 dB(A) Leq (Western Riverside County Regional Conservation Authority, personal communication 2019). This limit was analyzed at the boundary between the Project site and the Sycamore Canyon Wilderness Park and at the edge of the on-site conservation areas. As shown in Table 5.11-6, construction noise levels at the adjacent Sycamore Canyon Wilderness Park and on-site conservation areas would range from 68 to 74 dB(A) Leq. Based on the construction noise contours shown in Figure 5.11-4, construction noise levels would exceed 65 dB(A) Leq within a majority of the Parcel A conservation area, the portion of Parcel B conservation area that is approximately 100 feet or closer to the development footprint, and within the portion of the Sycamore Canyon Wilderness Park that is within up to 300 feet of the project boundary. Should sensitive species be present within the Sycamore Canyon Wilderness Park and on-site conservation areas, construction noise impacts to sensitive species would be potentially significant. The implementation of mitigation measure MM NOI-1 would be required should least Bell's vireo be present within 300 feet of the Project site from the Sycamore Canyon Wilderness Park or within 100 feet of the Project site from the conservation areas that are Parcel A and B. (DEIR p. 5.11-23)

The implementation of MM NOI-1 would reduce construction noise impacts to a level less than significant. Mitigation measure MM NOI-1 will require that work be conducted outside of nesting season whenever possible and/or ensure the adjacent habitat is unoccupied prior to the initiation of breeding season. If least Bell's vireo should be present within the parameters mentioned above, the measure would require the installation of a 12-foot temporary noise barrier at the perimeter of the limits of disturbance between construction activities and the adjacent Sycamore Canyon Wilderness Park to the north and east and the

on-site conservation areas (see DEIR Figure 5.11-5 – Construction Barrier) to provide a reduction of at least 10 dB(A) to ensure noise levels do not exceed the 65 dB(A) limit at the Sycamore Canyon Wilderness Park and on-site conservation areas. With the implementation of MM NOI-1, construction noise impacts at the Sycamore Canyon Wilderness Park and on-site conservation areas would be reduced to less than significant with mitigation. (DEIR p. 5.11-25)

Operational Noise

Traffic Noise

On-Site Noise/Land Use Compatibility

On-site traffic noise contours were developed using the SoundPLAN program. Noise level contours were modeled at the first-floor level. These contours consider shielding provided by proposed and adjacent buildings, topography, and proposed grading. Future vehicle traffic noise-level contours are shown in DEIR Figure 5.11-6. The main source of noise at the Project site is vehicle traffic on Alessandro Boulevard. As shown in Figure 5.11-6, first-floor exterior noise levels at the proposed buildings are projected to be less than the City's normally acceptable compatibility standard of 70 CNEL. (DEIR p. 5.11-27)

Off-Site Traffic Noise

The primary factor affecting off-site noise levels would be increased traffic volumes. The Project would increase traffic volumes on Alessandro Boulevard but would not substantially alter the vehicle classifications mix on local or regional roadways or alter the speed on an existing roadway or create a new roadway. Impacts related to a noise level increase from traffic are considered significant if the Project-generated traffic would result in exposure of sensitive receptors to an unacceptable increase in noise levels. According to the Project's Traffic Operations Analysis, the Project would generate 847 trips. DEIR Table 5.11-7 – Traffic Noise Levels with and without Project and Ambient Noise Increase presents a conservative assessment of traffic noise levels based on the existing conditions, year 2023, and year 2040 cumulative traffic volumes with and without the Project along various segments of Alessandro Boulevard. As shown in DEIR Table 5.11-7, Project-related traffic would increase ambient noise levels by 0.2 dB(A) or less in existing, year 2023, and year 2040 conditions. The project-related increases in ambient noise would not be audible and would not exceed thresholds. Impacts would be less than significant without mitigation. (DEIR p. 5.11-27)

On-Site Generated Noise

On-site generated noise levels in the City are regulated by Chapter 7.25 of Title 7 of the City's Municipal Code (see DEIR Table 5.11-5). The Project is located adjacent to the boundary between the City of Riverside and the County of Riverside, and residential uses near the Project site are located within the County of Riverside. However, the residential noise ordinance limits in the County are the same as those in the City. In addition, according to the MSHCP, the residential noise level limits are also applicable to the Sycamore Canyon Wilderness Park and on-site conservation areas. The primary noise sources on-site would be truck activity (idling trucks, truck trailer hitching and unhitching, back up warning beepers), parking lot activities, trash compactors, and roof-mounted HVAC units. Noise levels were modeled at a series of 45 receivers located at the adjacent residential, commercial, and public facility properties, Sycamore Canyon Wilderness Park, and on-site conservation areas. Modeled noise levels considered grading and shielding provided by the proposed buildings as well as the existing self-storage building south

of the Project site. The Project would include a number of perimeter walls and screening walls throughout the Project site. The perimeter fences and walls were incorporated into the Project's design as part of standard practices for this type of development for security and visual screening and where necessary retaining walls for the Project's proposed grading. Therefore, as the perimeter walls are part of the design, they are not considered noise mitigation. (DEIR p. 5.11-30)

Daytime on-site generated noise contours without and with the 4-foot-high barrier are shown in DEIR Figures 5.11-7A and 5.11-7B, respectively, and nighttime contours without and with the 4-foot-high barrier are shown in DEIR Figures 5.11-8A and 5.11-8B, respectively. Future noise levels are summarized in DEIR Table 5.11-8. As shown in Table 5.11-8, daytime noise levels at the residential, commercial, and public facilities land uses (Receivers 1 through 22) and business and manufacturing zone (Receivers 28 and 29) would range from 32 to 48 dB(A) Leq and nighttime noise levels would range from 25 to 42 dB(A) Leq. Backup beeper noise levels at the nearby residential uses would range from 19 to 37 dB(A) Leq and would not exceed the Title 7 nighttime Noise Ordinance limit of 45 dB(A) Leq. Thus, noise levels would be less than the applicable daytime and nighttime Title 7 Noise Ordinance limits at the nearby residential property lines. As operation noise levels within the Sycamore Canyon Wilderness Park and on-site conservation areas would not exceed the applicable Title 7 residential noise level limits of 55 dB(A) Leq during the daytime hours and 45 dB(A) Leq during the nighttime hours, noise impacts due to on-site generated noise would be less than significant without mitigation. (DEIR pp. 5.11-30 – 5.11-38)

The City finds that Mitigation Measure MM NOI-1 is feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM NOI-1, construction noise impacts will be less than significant with mitigation incorporated. (DEIR pp. 5.11-19 – 5.11-38)

I. TRIBAL CULTURAL RESOURCES

Threshold A: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe that is:

- listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?
- a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, would the lead agency consider the significance of the resource to a California Native American tribe?

Finding: Less than significant with mitigation. The Project will impact the Tribal Cultural Landscape (TCL) and Tribal Cultural Resource and Traditional Cultural Property (TCR/TCP) by developing two warehouse buildings and associated improvements within the overall TCL and TCP/TCR and converting vacant/undeveloped natural land to developed land. However, the Project's development footprint of

35.81 acres is a relatively small area within the larger TCP/TCR/TCL and is located on the periphery of the TCP/TCR/TCL. The Project has also been designed to avoid the majority of bedrock milling sites within the project site, preserving them in perpetuity. The number of bedrock milling sites affected by the Project (three out of the seven located on-site) is small in relation to the other outcroppings within the much larger TCP/TCR/TCL. Additionally, Parcels A and B within the Project encompass 12.23 acres and include onsite preserved bedrock milling sites as well as a drainage course and associated habitat that will be preserved under a conservation easement and managed in perpetuity. Therefore, this 12.23-acre conservation area would retain and preserve undeveloped natural land within the TCP/TCR/TCL. Therefore, the Project's impacts to the identified TCP/TCR and TCL are considered less than significant with the Project design considerations as well as the Project's small size and location on the periphery of the TCP/TCR/TCL. Nonetheless, mitigation measures MM CUL-1 through MM CUL-9 are required to further reduce potential impacts to tribal cultural resources, including to potentially undiscovered/unknown tribal cultural resources. Soboba and Pechanga have reviewed the proposed mitigation measures and are in agreement with them. (DEIR, p. 5.13-24)

Explanation:

Bedrock Milling Sites

Four previously recorded archaeological sites were re-identified, and three newly identified resources were documented during the 2018 survey. The Project's site plan has been designed to avoid to the greatest extent possible, both directly and indirectly, the boulder outcrops with milling features. A total of eight out of fourteen bedrock outcrops, 22 of 36 milling slicks, and four of seven complete milling sites will be avoided and preserved. These seven sites individually were not found to be eligible for listing under NRHP Criterion A-D, CRHR criterion 1-4, or as a City Cultural Resource, and impacts to these tribal cultural resources individually would not have significant impacts. (DEIR pp. 5.13-21 – 5.13-22)

Traditional Cultural Property (TCP), Tribal Cultural Resource (TCR), and Traditional Cultural Landscape (TCL)

Pursuant to AB 52, representatives of nine Native American tribes were contacted on October 18, 2019, to initiate the consultation process. See DEIR Table 5.13-1 – AB 52 Response Log for a summary of the consultation process for all nine tribes. The following is a summary of the more extensive consultation process with the Pechanga Tribe Band of Luiseño Indians and the Soboba Band of Luiseño Indians. (DEIR p. 5.13-22)

The Pechanga Band of Luiseño Indians consulted with the City through multiple virtual consultation and email updates. Through consultation, the Tribe indicated that the Project area lies within '*Atáaxum* (Luiseño), and therefore the Tribe's aboriginal territory, as evidenced by the existence of cultural resources, place names, *tóota yixélval* (rock art, pictographs, petroglyphs), and an extensive '*Atáaxum* artifact record in the vicinity of the undertaking. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as an extensive documentation of the Tribe's ancestors living in the Riverside area." Based on this history, the Tribe requested tribal monitoring be conducted, an EIR be prepared, and later requested a Traditional Cultural Property (TCP) Study be prepared. A TCP is defined as a property that is eligible for inclusion in the National Register of Historic Places (NRHP) based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community. (DEIR p. 5.13-22)

A TCP Study was prepared (March 2021, confidential) to identify the resources within the Project site and determine the eligibility for listing under the state and national registers of historic places. The study determined that the project site is within the general boundary of the TCP/TCR, and that the bedrock milling features on the site are collectively considered contributing features. The study also found that the TCP/TCR is potentially eligible for listing in the CRHR and NRHP under Criterion 1 (CRHR)/A (NRHP), 3/C, and 4/D and retains sufficient integrity for listing (criteria are listed in sections DEIR 5.13.2.1 and 5.13.2.2). For the purpose of analysis of impacts in the EIR, and to be conservative, it is assumed that the TCP/TCR is eligible for CRHR and NRHP listing. However, based on the information included in the TCP/TCR Study, it was determined that listing of the TCP/TCR is not required as a mitigation measure for the Project, as the Project affects a relatively small area (35.81 acres) of the TCP/TCR, and listing would be outside the scope of the Project. (DEIR pp. 5.13-22 – 5.13-23)

The Soboba Band of Luiseño Indians indicated that the Project area falls within what the Tribe considers to be a Traditional Cultural Landscape (TCL) with religious and cultural significance to the Tribe, and is defined as a TCR under AB 52. The Tribe formally requested preparation of a City Historic District Study and a TCL Study. A TCL is defined as “any place in which a relationship, past or present, exists between a spatial area, resource, and an associated group of indigenous people whose cultural practices, beliefs, or identity connects them to that place. A TCL is determined by and known to a culturally related group of indigenous people with relationships to that place.” The Tribe asserts that, while none of the bedrock milling sites on or adjacent to the Project site qualify individually as historic properties, collectively they are part of an unevaluated archaeological district and TCL. The bedrock milling sites and Sycamore Canyon are “part of a TCP known as *Q’axall’pah* (Cahuilla word for ‘Quail Place’) and the Cahuilla people attach specific oral histories to said landscape. These oral histories specific to this TCP are kept in the stories and song,” (Soboba Tribe Formal Comments to the Phase I and Phase II Cultural Resource Investigations for the Sycamore Hills Distribution Center Project, May 20, 2020). A TCL Study was prepared (March 2021, confidential). However, a City Historic District Study, was not prepared as it was determined the TCL Study and previously completed Cultural Resources Assessment (Appendix E), were adequate to address potential impacts to tribal cultural resources found on the site. Results of the TCL Study found that the TCL is potentially eligible for listing in the CRHR and NRHP under Criterion 1 (CRHR)/A (NRHP) and 4/D and retains sufficient integrity for listing. (DEIR p. 5.13-23)

For the purpose of the analysis of impacts in the EIR, it is assumed that the TCL is eligible for CRHR and NRHP listing. However, based on the information included in the TCL Study, it was determined that listing of the TCL is not required as a mitigation measure for the Project, as the Project affects a relatively small area (35.812 acres) of the TCL, and listing would be outside the scope of the Project. Although the specific area or location of the TCL and TCP/TCR is confidential, for context, the TCL roughly stretches from the Box Springs area in Riverside, south into the City of Perris. The TCP/TCR is smaller in area than the TCL, but they generally overlap in their central portions. Large portions of the TCL and TCP/TCR have already been impacted with development. However, regional development has not removed or impacted the tribes’ connections to these TCL and TCP/TCR. (DEIR p. 5.13-23)

The proposed Project will impact the TCL and TCP/TCR by developing two warehouse buildings and associated improvements within the overall TCL and TCP/TCR and converting vacant/undeveloped natural land to developed land. However, the Project’s development footprint of 35.81 acres is a relatively small area within the larger TCP/TCR/TCL and is located on the periphery of the TCP/TCR/TCL. The Project has

also been designed to avoid most of the bedrock milling sites within the project site, preserving them in perpetuity. The number of bedrock milling sites affected by the Project (three, out of the seven located on-site) is small in relation to the other outcroppings within the much larger TCP/TCR/TCL. Additionally, Parcels A and B within the Project encompass 12.23 acres and include onsite preserved bedrock milling sites as well as a drainage course and associated habitat that will be preserved under a conservation easement and managed in perpetuity. Therefore, this 12.23 conservation area would retain and preserve undeveloped natural land within the TCP/TCR/TCL. Therefore, the Project's impacts to the identified TCP/TCR and TCL are considered less than significant with the Project design considerations outlined above as well as the Project's small size and location on the periphery of the TCP/TCR/TCL. Nonetheless, mitigation measures MM CUL-1 through MM CUL-9, are required to further reduce potential impacts to tribal cultural resources, including to potentially undiscovered/unknown tribal cultural resources. Soboba and Pechanga have reviewed the proposed mitigation measures and agree with them. Impacts to onsite tribal cultural resources will be less than significant with Project design considerations. (DEIR p. 5.13-24)

The City finds that Mitigation Measures MM CUL-1 through MM CUL-9 are feasible, can be adopted, and will further reduce impacts associated with this issue to a level of less than significance. Accordingly, the City finds that pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project related to this issue, as identified in the EIR. With implementation of MM CUL-1 through MM CUL-9, impacts on tribal cultural resources will be less than significant with mitigation incorporated. (DEIR pp. 5.13-21 – 5.13-24)

V. FINDINGS FOR IMPACTS THAT ARE SIGNIFICANT AND UNAVOIDABLE

The City Council hereby finds that the mitigation measures discussed below, which are identified in the EIR and will lessen the following significant environmental impacts but not to a less than significant level, have been required in or incorporated into the Project. ***The findings below are for impacts where implementation of the Project may result in significant, unavoidable environmental impacts. These findings are based on the discussion of impacts in the detailed impact analyses in Section 5.1 through Section 5.15 and Section 6 of the EIR, as well as relevant responses to comments in the Final EIR.***

The following impacts from the Project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein.

A. TRANSPORTATION

1. Vehicle Miles Traveled (VMT)

Threshold B: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Finding: Significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

The Project is estimated to exceed the current City of Riverside VMT per employee by 18.66% in base year (2012) and 30.97% in cumulative year (2040). Given that the maximum percent reduction is 15% through feasible TDM measures, the Project cannot reduce the Project-generated VMT to below the threshold of

15% below the current City of Riverside VMT per employee. The Project VMT impact is therefore considered significant and unavoidable. (DEIR p. 5.12-56)

Explanation: Based on the adopted VMT thresholds applicable to the Project, a significant impact for VMT would occur if the following condition is met: For new office and industrial projects, utilizing a threshold consistent with 15% below the City's current baseline VMT Per Worker/Employee is required. (DEIR p. 5.12-51)

The City Guidelines identifies RIVTAM as the appropriate tool for conducting VMT analysis for land use projects in the City of Riverside. Project VMT has been calculated using the most current version of RIVTAM, which includes a 2012 base year model and a 2040 horizon year model. Adjustments in socio-economic data (SED) (i.e., employment) for the Project have been made to a separate traffic analysis zone (TAZ) within the RIVTAM model to reflect the Project's proposed land use (i.e., industrial/warehouse type use). A separate TAZ has been utilized to isolate trips to/from the Project. DEIR Table 5.12-18 summarizes the employment factors and employment estimates for the Project. (DEIR p. 5.12-52)

As shown in DEIR Table 5.12-19, the Project base year VMT per employee is 15.71 and the Project cumulative year VMT per employee is 17.34. DEIR Table 5.12-20 includes the comparison between the Project generated VMT per employee to the City's current baseline VMT per employee. The Project would exceed the threshold of 15% below the current City of Riverside VMT per employee for both the baseline and cumulative Project generated VMT. As such, the Project's impact based on VMT is significant and unavoidable. (DEIR p. 5.12-53)

Consistent with City Guidelines, projects that are found to have a potentially significant impact using efficiency-based metrics (such as VMT per employee) should also provide an additional assessment to evaluate a project's effect on VMT. The Project would have a significant impact to VMT if the Project were to increase VMT per employee under baseline and cumulative scenarios when compared to VMT conditions without the Project. This varies from the City's VMT threshold that requires a Project to be 15% below the City's current baseline VMT per worker/employee. As noted in the City Guidelines, this analysis is performed using the boundary method, which includes all vehicle trips with one or both trip-ends within a specific geographic area of interest (i.e., the City of Riverside). As shown on DEIR Table 5.12-21, the Project is anticipated to result in a base year (2012) net decrease of 0.200 VMT per employee and a cumulative year (2040) net decrease of 0.091 VMT per employee. The Project's effect on the City's VMT is less than significant. (DEIR pp. 5.12-53 – 5.12-54)

Transportation demand management (TDM) strategies have been evaluated for the purpose of reducing VMT. The purpose of TDM strategies is to reduce the need for single occupancy automobile trips. The effectiveness of TDM measures would be dependent in large part on future Project occupancies, which are unknown at this time. Beyond Project tenancy considerations, land use context is a major factor relevant to the potential application and effectiveness of TDM measures. More specifically, the land use context of the Project is characteristically suburban center. Of itself, the Project's suburban center context acts to limit the range of feasible TDM measures and moderates their potential effectiveness. (DEIR pp. 5.12-54 – 5.12-56)

Even under the most favorable circumstances, projects located within a suburban center context, such as the proposed Project evaluated here, could realize a maximum 15 percent reduction in VMT through implementation of feasible TDM measures. The Project is estimated to exceed the current City of Riverside

VMT per employee by 18.66% in base year (2012) and 30.97% in cumulative year (2040). Given that the maximum percent reduction is 15% through feasible TDM measures, the Project cannot reduce the Project-generated VMT to below the threshold of 15% below the current City of Riverside VMT per employee. The Project VMT impact is therefore considered significant and unavoidable. (DEIR p. 5.12-56)

VI. FINDINGS REGARDING CUMULATIVE IMPACTS

Consistent with CEQA's requirements, the EIR includes an analysis of cumulative impacts, which include the impacts of the proposed Project plus all other pending or approved projects within the affected area for each resource. Where evaluation of potential cumulative impacts are located (e.g., noise, traffic, visual quality, biological, cultural resources, and public utilities) the analysis is based on a list of past, present, and probable future projects producing related or cumulative impacts. Currently planned and pending projects in Riverside and surrounding areas, including in the City of Moreno Valley and County of Riverside are included in Table 4.0-1 and shown on Figure 4.0-1 of the DEIR. Cumulative projects in the vicinity of this proposed Project include residential (single-family and multifamily), warehouse, commercial, hotel, office and industrial developments. (DEIR p. 4.0-2 – 4.0-6) Regarding the Project's potential to result in cumulative impacts, the City hereby finds as follows:

1. AESTHETICS

Cumulative development in the City and the surrounding area would modify the visual characteristic of the surrounding area through the development of vacant lots or through redevelopment. The planned and pending projects in the area of the Project, listed in DEIR Table 4.0-1 include development projects consisting of residential (approximately 525 single family and multifamily residential dwelling units), hotel (110 rooms), commercial/retail, warehouse, general office, gas station and convenience market, gas station with carwash and commercial development, fast food drive-thru, and health/fitness club. Those in the immediate vicinity of the Project include warehouses, warehouse and commercial, and an industrial park. Cumulatively the Project does not have a substantial adverse effect on a scenic resource itself in the City or when considered alongside nearby cumulative projects. Like the Project, visual quality impacts associated with other cumulative projects would be addressed on a case-by-case basis in order to determine their consistency with applicable plans and policies. Light and glare impacts shall be mitigated via Mitigation Measure MM AES-1 which will require all night lighting to be directed away from natural open spaces and directed downwards and within the development parcels. In addition, as referenced in the Photometric Plan, light spillage is not expected to occur into areas of the Sycamore Canyon Wilderness Park or into Parcel A, Parcel B, and Parcel C (internal conservation areas). Therefore, the Project would have a less than significant impact cumulatively with mitigation as it relates to aesthetics. (DEIR p. 5.1-25 – 5.1-26)

2. AIR QUALITY

Due to the defining geographic and meteorological characteristics of the South Coast Air Basin, the cumulative area for air quality impacts is the Basin itself. As discussed in DEIR Section 5.2.6, the portion of the Basin within which the City is located is designated as a nonattainment area for ozone, PM_{2.5}, and PM₁₀ under state standards; and for ozone and PM_{2.5} under both federal standards. Project emissions within the context of SCAQMD's regional emissions thresholds provide an indicator of potential cumulative impacts within the Basin. Cumulative localized impacts for pollutants are also considered and reflect Project air pollutant emissions in the context of ambient conditions in the Project vicinity. (DEIR p. 5.2-37)

SCAQMD considers the thresholds for project-specific impacts and cumulative impacts to be the same. Therefore, projects that exceed project-specific significance thresholds are considered by SCAQMD to be cumulatively considerable. Based on SCAQMD's regulatory jurisdiction over regional air quality, it is reasonable to rely on its thresholds to determine whether there is a cumulative air quality impact. None of the SCAQMD mass daily significance thresholds are exceeded during Project construction and operation of proposed high cube transload short-term use warehouses. Therefore, the Project would not have a cumulatively considerable increase in emissions. Moreover, in terms of localized air quality impacts, construction and operation of the Project would not have a cumulatively considerable impact due to criteria pollutant emissions, nor would the Project result in significant and unavoidable cumulative impacts to air quality with implementation of Mitigation Measure MM AIR-1. (DEIR p. 5.2-37)

3. BIOLOGICAL RESOURCES

The Project site and cumulative development projects are located within the MSHCP; thus, the geographic scope for cumulative impacts to biological resources are the MSHCP plan area. As stated in DEIR Section 5.3.3.2 (Biological Resources, Related Regulations), the overall biological goal of the MSHCP is to conserve covered species and their habitats, as well as to maintain biological diversity and ecological processes while allowing for future economic growth within a rapidly urbanizing region. (DEIR p. 5.3-55)

Because the City and all cities within western Riverside County are signatories to the MSHCP, all projects within the City are required to comply with the MSHCP and conduct biological habitat assessments/focused surveys as necessary and to pay the MSHCP mitigation fee. Compliance with the MSHCP provides mitigation for direct, indirect, and cumulative impacts to covered species. As required by the MSHCP, a Habitat Assessment and MSHCP Compliance Report, jurisdictional delineation, and focused surveys for LBVI and BUOW were conducted to assess potential impacts associated with the Project. Additionally, because the Project will impact riparian/riverine resources and occupied LBVI habitat a DBESP was prepared that includes on-site mitigation that will result in superior riparian habitat conditions than currently occur on the site. (DEIR pp. 5.3-55 – 5.3-56)

The Project is required to adhere to mitigation measures MM BIO-1 through MM BIO-11 to reduce impacts to less than significant and ensure compliance with the MSHCP and the SKR HCP. Cumulative development projects within the MSHCP plan area and SKR HCP area will also be required to pay mitigation fees and implement additional mitigation measures will be identified on a project-specific level as they are proposed and approved. Because compliance with the MSHCP is intended to address all projects within the Western Riverside County region, it addresses and provides mitigation for cumulative impacts to biological resources for the area of coverage. (GP2025 FPEIR, p. 7-10) Therefore, because the Project and cumulative development projects are required to comply with the MSHCP and the MSHCP provides mitigation for direct, indirect, and cumulative impacts to covered species, cumulative impacts are less than significant with mitigation. (DEIR p. 5.3-56)

4. CULTURAL RESOURCES

The geographic scope for cumulative impacts to cultural resources is defined by the cultural setting and territory of the prehistoric and historic people who occupied the area of southern California in which the City is located. Western Riverside County was part of the territory of the Cahuilla and perhaps Luiseno people. Cumulative projects in the Project area and other development in western Riverside County could result in the progressive loss of as-yet unrecorded archaeological resources. This loss, without proper mitigation, would be an adverse cumulative impact. (DEIR p. 5.4-37)

Cumulative projects within the City have the potential to impact cultural resources; however, to reduce impacts to significant historical and archeological resources, the City's General Plan and General Plan EIR incorporate policies and programs to protect and/or document these resources as part of the City's development review process and mitigation measures that require preparation of technical studies, coordination with native American tribes, and the presence of monitors if necessary. Therefore, the General Plan EIR concluded that with adherence to and implementation of General Plan policies, mitigation measures, and standard Federal, State, and City regulations, cumulative impacts to historical resources, archaeological resources, and paleontological resources will be less than significant with mitigation. (DEIR p. 5.4-37)

No historical resources, or archaeological resources eligible for listing, were found within the Project site. Should any resources be discovered during construction activities, potential impacts to resources will be minimized or avoided with the implementation of recommended mitigation measures. With implementation of the mitigation measures MM CUL-1 through MM CUL-9, the Project will have a less than significant impacts on cultural resources. Although the bedrock outcrops with milling sites are not archaeological resources deemed eligible for listing, the Project was designed to avoid, and allow to remain intact, eight out of fourteen bedrock outcrops within Parcels 2, A, and C. Based on feedback from the consulting tribes appropriate design features to avoid indirect impacts to these resources have also been incorporated into the design, including setbacks, retaining walls, fencing, re-directed runoff, etc. As Project specific impacts to six archaeological resources not eligible for listing are less than significant and eight resources are being avoided and left in place, the Project will have a less than significant cumulative impact on cultural resources. Likewise, as discussed in the City's General Plan EIR, cumulative development projects within the City (and the project is consistent with the General Plan) will have a less than significant impact on cultural resources. Therefore, cumulative impacts will be less than significant with mitigation incorporated. (DEIR pp. 5.4-37 – 5.4-38)

5. ENERGY

The planned and pending cumulative development projects near the Project site include residential development, warehouses, commercial, office, and public facilities. Each of the proposed developments would increase the consumption of energy and energy demand in the region. Energy consumption by the cumulative projects would be regulated by Energy Efficiency Standards embodied in Title 24 of the California Building Code, which apply to new construction of both residential and non-residential buildings, and indirect energy reduction measures from GHG reduction policies. Thus, because the Project and the cumulative development are required to comply with Title 24 of the California Building Code, they would not result in the wasteful use of energy. Therefore, cumulative impacts are less than significant. (DEIR p. 5.5-33)

6. GEOLOGY AND SOILS

The planned and pending projects near the Project site include residential development, warehouses, commercial, office, and public facilities. These planned and pending projects would increase structural development near the Project site, and in turn exposing new residents, employees, customers, and property to potential risks from seismic hazards or soil instability in the area. Like the Project, all new planned and pending development in the City and adjacent jurisdictions would be subject to current seismic and erosion control standards. Although new development would be exposed to existing geologic and seismic hazards, it would not increase the potential for such hazards to occur. Geologic hazards are

site-specific, and individual developments would not create additive impacts that would affect geologic conditions on another site. Therefore, because the Project and cumulative development projects will comply with current seismic and erosion control standards, cumulative impacts are less than significant. (DEIR p. 5.6-33)

Cumulative projects within the City have the potential to impact paleontological resources, the City's General Plan and General Plan EIR incorporate policies and programs to protect and/or document these resources as part of the City's development review process and mitigation measures that require preparation of technical studies, and the presence of monitors if necessary. Therefore, the General Plan EIR concluded that with adherence to and implementation of General Plan policies, mitigation measures, and standard Federal, State, and City regulations, cumulative impacts to historical resources, archaeological resources, and paleontological resources will be less than significant with mitigation. With implementation of mitigation measure MM GEO-1 the potential for the Project to contribute to a cumulative impact is reduced to less than significant levels. (DEIR p. 5.6-33)

7. GREENHOUSE GAS EMISSIONS

GHG emissions would result from construction and operation of the Project. Construction activities emit GHGs primarily through the combustion of fuels in on- and off-road equipment and vehicles. Operational emissions include mobile, energy (electricity and natural gas), area (landscape maintenance equipment), water and wastewater, and solid waste sources. (DEIR p. 5.7-41)

GHG emission associated with construction and operation of the Project were calculated and compared to the SCAQMD annual screening threshold of 10,000 MT CO₂E for industrial uses. This threshold is based on the concept of establishing a GHG emission market capture rate. Following rationale presented in the CAPCOA Guidance, the aggregate emissions from all projects with individual annual emissions that are equal to or less than the identified market capture rate would not impede achievement of the state GHG emissions reduction targets codified by AB 32 (2006) and SB 32 (2016). Therefore, impacts under CEQA would be less than significant cumulatively with Mitigation Measure MM AIR-1. (DEIR p. 5.7-41)

As shown in DEIR Table 5.7-7, the Project would result in a net increase of 7,587MT CO₂E per year, which would be less than the 10,000 MT CO₂E screening level. Additionally, the Project would be consistent with applicable RRG-CAP measures and is in line with the GHG reductions needed to achieve the 2050 GHG emission reduction targets identified by EO S-3-05. Therefore, the Project would not generate GHG emissions that would cause a significant impact on the environment and the impacts are less than significant with Mitigation Measure MM AIR-1. (DEIR p. 5.7-41)

Additional cumulative development projects will also be subject to consistency analysis with the City's CAP as well as state and sub-regional policies that restrict GHG production. As these buildings, roads, or other cumulative developments are updated or replaced over time, they will be subject to the then-existing requirements for GHG emissions reductions, including those set forth to ensure compliance with Executive Orders S-3-05 and B-30-15, as described in DEIR Section 5.4.2.3, as well as then-existing technologies employed to achieve deep reductions in GHG emissions. Therefore, cumulative impacts to GHG emissions will be less than significant with Mitigation Measure MM AIR-1 from the Project and other cumulative development projects within the City of Riverside. (DEIR p. 5.7-41)

8. HAZARDS & HAZARDOUS MATERIALS

Hazardous Materials

The geographic context for cumulative impacts relative to the use of hazardous materials is considered to be the city limits and the surrounding areas, in the City of Moreno Valley and the County of Riverside, in which listed cumulative development projects are located. The Project, along with the cumulative development projects, may routinely transport, use, store, or dispose of hazardous materials and universal wastes. However, even though at this time no specific or known end user has been identified for the Project, Riverside Municipal Code, Chapter 9.48 requires businesses to disclose storage and handling of hazardous materials and hazardous waste, to establish and implement emergency response plans, and to cooperate in periodic reporting and inspections. Although the overall quantity of hazardous materials and waste generated in the City and the areas in which cumulative projects are located may increase as a result of implementation of the Project in combination with the cumulative development projects, all new development that will handle or use hazardous materials and all existing development that handles or uses hazardous materials are required to comply with the regulations, standards, and guidelines established by the EPA, the State of California, County of Riverside, and the City of Riverside related to storage, use, and disposal of hazardous materials. (DEIR p. 5.8-29)

Because the Project follows federal, State, and local regulations, standards, and guidelines, the Project would have less than significant impacts related to hazardous material, it would not contribute to cumulatively considerable impacts. With respect to the cumulative development projects (See DEIR Table 4.0-1 Summary of Cumulative Projects and Figure 4.0-1 Cumulative Development Location Map), each of these projects will be required to evaluate its own project-specific potential impacts and will also be required to comply with all applicable Federal, State, and local regulations governing the use, handling, storage and transport of hazardous materials and other hazards. Since hazardous materials and risk of upset conditions are largely site-specific, this would occur for each individual project affected, in conjunction with development proposals on these properties, and develop project specific mitigation measures to reduce potential impacts to less than significant levels, and as such would not contribute to cumulatively considerable impacts either. In light of the existing regulatory framework governing the storage and use of hazardous materials and waste, the Project's cumulative impact related to hazard and hazardous materials is less than significant, and the Project's contribution is not considered cumulatively considerable. Therefore, cumulative impacts with regard to hazardous materials are less than significant. (DEIR pp. 5.8-29 – 5.8-30)

Airport Land Use Compatibility

Cumulative development projects that do not meet all criteria set forth in the LUCP would be anticipated to contribute to a cumulative aviation hazard impact, and cumulative development projects within the Compatibility Zones, that do not meet all criteria set forth in the LUCP are subject to review by the Riverside County ALUC. ALUC may, as part of its review, impose height, use and lighting restrictions on development to reduce the potential impacts associated with aviation use the MARB/IPA from individual development projects to less than significant levels. Other cumulative projects (as listed in DEIR Table 4.0-1 and shown on Figure 4.0-1) proposed within the MARB/IPA LUCP would meet all criteria set forth in the LUCP, and if not, would be independently reviewed by ALUC and additional project design features or mitigation to ensure compliance with MARB/IPA LUCP policies would be imposed. (DEIR p. 5.8-30)

Because the Project is consistent with the MARB/IPA LUCP and would implement and additional safety design features to reduce project specific impacts to less than significant levels, implementation of the proposed Project would not contribute to cumulatively considerable impacts associated with operations

at MARB and would not result in a safety hazard to people meeting or working in the Project area. The other cumulative projects would either meet the criteria set forth in the LUCP or be required to implement design features or mitigation measures for compliance with LUCP policies, and therefore, would not be anticipated to contribute to cumulatively considerable impacts either. For these reasons, the Project's contribution is not considered cumulatively considerable and cumulative impacts about a safety hazard associated with an airport would be less than significant. (DEIR p. 5.8-30)

Wildfire

The Project site is not within a VHFHSZ, although it is partially located within a Hills and Canyons area. With compliance with applicable CBC and CFC standards and General Plan policies, implementation of the Project, combined with other development in the City and County, would not result in increased exposure to wildfire risks. Furthermore, cumulative projects would not result in permanent road closures, nor impede an established emergency or evacuation access route, or interfere with emergency response requirements, such as fire protection response time standards established by GP 2025. The Project is surrounded by mostly urban development and served by existing infrastructure. It would not contribute incrementally with other projects in the Cities of Riverside and Moreno Valley and Riverside County to create an environment that could exacerbate wildfire risks. Cumulative wildfire hazard impacts would be less than significant. (DEIR p. 5.8-30)

9. HYDROLOGY AND WATER QUALITY

The cumulative impact area for hydrology and water quality impacts is the Santa Ana River watershed hydrologic unit. The City is located within the Santa Ana Region (Region 8) of the Regional Water Quality Control Board and Reach 3 of the Santa Ana River is the ultimate receiving water body for runoff from the Project site. (DEIR p. 5.9-28)

Cumulative impacts to water quality could be significant with the addition of substantial increases in development and temporary construction activities in the Santa Ana River watershed. These cumulative effects include increasing the amount of flow, sedimentation, and urban pollutants that are transmitted via storm flows to the Santa Ana River and its tributaries. The Project, along with all of the cumulative development projects, are required to comply with current storm water requirements for construction-related activities and operation of the site. Erosion and sediment control BMPs will be implemented during construction of the Project in compliance with the NPDES General Permit for Construction Activities. After construction, the Project would implement the permanent treatment systems identified in the PWQMP. As noted in DEIR Section 5.9.3 Project Design Considerations, the PWQMP identifies site design, source control, and treatment control BMPs to be implemented as part of the proposed Project. These include minimization of impervious area at the Project site as well as depressed landscape for infiltration, when appropriate, at the Project site. Permanent Structural Source Control BMPs include but are not limited to onsite storm drain inlet markings, interior floor drains, and regular maintenance of refuse areas, as well as standard bioretention basins, volume-based treatment control BMP basins. BMPs 2B, 3A, 3B, and 4 are the standard bioretention basins, and Filterra proprietary bioretention treatment control BMPs. Therefore, Project construction and operation would not considerably contribute to a significant cumulative water quality impact. (DEIR p. 5.9-28)

Because the Project is not located within a groundwater recharge area, the increase in the amount of impermeable surfaces within the watershed resulting from the proposed Project has only the nominal

potential to affect groundwater recharge and there would be no cumulative impacts in this regard. Per the Sycamore Canyon Business Park Specific Plan, Western has stated that there is adequate water volume available to serve any potential industrial development within the Specific Plan Area. Additionally, per Metropolitan's 2015 UWMP report, Western will have sufficient water supply available to serve the Project including any reasonably foreseeable future development during normal, dry and multiple dry years (outlined in further detail in the DEIR Utilities Section, 5.14.5 Environmental Impacts, Threshold B). Therefore, sufficient water supplies exist to serve the Project and the Project's water demand is not considered cumulatively considerable. For these reasons, cumulative impacts about groundwater are less than significant. (DEIR p. 5.9-29)

The proposed Project will alter Drainage A due to the construction of Building B (see DEIR Figure 5.3-5 Drainages Map). The proposed Project will install a 48-inch pipe which will cross through Building A and capture runoff which will then discharge to POD-2. The remainder of the runoff will be collected by other PODs and a proposed brow-ditch/pipe system. No substantial erosion or siltation is expected either during Project operation or construction considering the proposed Project and erosion control methods that will be in place during construction. Through compliance with the terms of the NPDES general construction permit and the City's MS4 permit, the Project's impact to altering existing drainage patterns is not cumulatively considerable. Therefore, cumulative impacts regarding alteration of existing drainage patterns are less than significant. (DEIR p. 5.9-29)

The Project site is not located within a flood hazard area or dam inundation zone; therefore, the Project would not contribute to cumulative flood or dam inundation hazards. Through implementation of the final PWQMP, SWPPP, and compliance with NPDES permit requirements, the Project's contribution to cumulative flood or dam inundation hazards is not cumulatively considerable. Therefore, cumulative impacts about flood or dam inundation hazards are less than significant. (DEIR p. 5.9-29)

10. LAND USE AND PLANNING

As discussed in DEIR Section 4.0 Environmental Setting, cumulative development in the City and in surrounding cities and the County would include residential development, warehouses, commercial, office, and public facilities. The planned and pending Projects around the Project, listed in DEIR Table 4.0-1, include about 27 Projects. Cumulative development in the City and the surrounding area would modify existing land use patterns through the development of vacant lots or through redevelopment. Proposed projects that are consistent with the designated land use and zoning and comply with Citywide Design Guidelines and Sign Guidelines are not considered to have impacts related to land use and planning. Like the Project, land use regulations and policy consistency impacts associated with other cumulative Projects would be addressed on a case-by-case basis in order to determine their consistency with applicable plans and policies. As the Project is consistent with the underlying land use regulations, the City's design and sign guidelines, and applicable policies of the GP 2025 and SCBPSP, it would not have a cumulative land use or planning impact. Therefore, cumulative impacts are less than significant. (DEIR p. 5.10-32)

11. NOISE

As discussed in DEIR Section 4.0 Environmental Setting, cumulative development in the City and in surrounding cities and the County would include residential development, warehouses, commercial, office, and public facilities. Each of the proposed developments would generate temporary noise during construction. Construction activities at the related projects and developments in the area would generate similar noise levels as the Project. It would be speculative to determine noise levels from construction

from nearby projects because construction schedules are not known for all projects. However, construction noise and vibration are localized and rapidly attenuate within an urban environment. With implementation of mitigation measure MM NOI-1, the Project would not contribute to temporary cumulative construction noise impacts. (DEIR p. 5.11-41)

Because noise dissipates as it travels away from its sources, noise impacts associated with on-site activities and sources, including on-site truck and vehicle activity, and other stationary sources would be limited to the Project site and vicinity. Operational noise from the Project would not exceed applicable standards or significance thresholds. Therefore, on-site operation activities at the Project site, in combination with other planned and pending development, would not contribute considerable to long-term, cumulative noise or vibration impact. (DEIR p. 5.11-41)

Further, the primary factor affecting off-site noise levels would be increased traffic volumes, which the Project would increase on Alessandro Boulevard. However, as earlier discussed and as shown in DEIR Table 5.11-7 in Section 5.11.5 above, in opening year 2023 and horizon year 2040, direct off-site noise level increases due to the Project would be less than 1 dB in existing, year 2023, and year 2040 conditions. Thus, Project-related increases in ambient noise would not be audible and would not exceed the thresholds outlined in Section 5.11.5 as they relate to off-site traffic noise. As such, the Project would not contribute to considerable long-term cumulative noise impacts. Because the Project and cumulative development projects will comply with current temporary and operational noise standards as identified in RMC Title 7, cumulative impacts would be less than significant with mitigation. (DEIR p. 5.11-41)

12. TRANSPORTATION

The Project will not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; cumulatively considerable potential impacts are less than significant, and no mitigation is required. (DEIR p. 5.12-67)

Even with implementation of feasible Transportation Demand Management (TDM) measures, Project VMT cannot be reduced to less than significant levels and thus, the Project's VMT would also contribute to cumulative impacts and are considered significant and unavoidable. (DEIR p. 5.12-67)

13. TRIBAL CULTURAL RESOURCES

Similar to cultural resources, the geographic scope for cumulative impacts to tribal cultural resources is defined by the cultural setting and territory of the prehistoric and historic people who occupied the area of southern California in which the City is located. Western Riverside County was part of the territory of the Cahuilla and Luiseno people. Cumulative projects in the Project area and other development in western Riverside County could result in the progressive loss of as-yet unrecorded archaeological resources. This loss, without proper mitigation, would be an adverse cumulative impact. (DEIR p. 5.13-29)

Cumulative projects within the City have the potential to impact tribal cultural resources; however, to reduce impacts to significant historical, archeological, and tribal cultural resources, the City's General Plan and General Plan EIR incorporate policies and programs to protect and/or document these resources as part of the City's development review process and mitigation measures that require preparation of technical studies, coordination with native American tribes, and the presence of monitors if necessary. (DEIR p. 5.13-29)

As outlined in DEIR Section 5.13.6, the bedrock milling sites individually do not meet all of the four criteria for listing on the NRHP or the CRHR. Therefore, as none of the sites are eligible for listing, impacts to each site individually from implementation of the Project would be less than significant. (DEIR p. 5.13-29)

Results of the TCP Study found that the TCP/TCR is potentially eligible for listing in the CRHR and NRHP under Criterion 1 (CRHR)/A (NRHP), 3/C, and 4/D and retains sufficient integrity for listing. Similarly, the TCL Study found that the TCL is potentially eligible for listing under the CRHR and NRHP under Criterion 1 (CRHR)/A (NRHP) and 4/D and retains sufficient integrity for listing. (DEIR p. 5.13-29)

The studies determined that the Project site is within the general boundary of the respective TCP/TCR and TCL and the bedrock milling features on the site are considered contributing features. For the purpose of analysis of impacts in this EIR, and to be conservative, it is assumed that the TCP/TCR and TCL are eligible for CRHR and NRHR listing. However, based on the information included in the TCP/TCR and TCL Studies, it was determined that listing of the TCP/TCR and TCL are not required as a mitigation measure for the Project, as the Project affects a relatively small area (35.81 acres) of the TCP/TCR and TCL, and listing would be outside the scope of the Project. (DEIR p. 5.13-30)

The City and the Pechanga and Soboba Tribes, respectively, have agreed on mitigation measures (MM CUL-1 through MM CUL-9) for the Project in addition to the avoidance and preservation of resources outlined in Section 5.13.3 Project Design Considerations. (DEIR p. 5.13-30)

Although the specific area or location of the TCL and TCP/TCR is confidential, for context, the TCL roughly stretches from the Box Springs area in Riverside, south into the City of Perris. The TCP/TCR is smaller in area than the TCL, but they generally overlap in their central portions. Large portions of the TCL and TCP/TCR have already been impacted with development. However, regional development has not removed or impacted the tribes' connections to these TCL and TCP/TCR. (DEIR p. 5.13-30)

The proposed Project will impact the TCL and TCP/TCR by developing two warehouse buildings and associated improvements within the overall TCL and TCP/TCR and converting vacant/undeveloped natural land to developed land. However, the Project's development footprint of 35.81 acres is a relatively small area within the larger TCP/TCR/TCL and is located on the periphery of the TCP/TCR/TCL. The Project has also been designed to avoid the majority of bedrock milling sites within the project site, preserving them in perpetuity. The number of bedrock milling sites affected by the Project (three, out of the seven located on-site) is small in relation to the other outcroppings within the much larger TCP/TCR/TCL. (DEIR p. 5.13-30)

Additionally, Parcels A and B within the Project encompass 12.23 acres and include onsite preserved bedrock milling sites as well as a drainage course and associated habitat that will be preserved under a conservation easement and managed in perpetuity. Therefore, this 12.23 conservation area would retain and preserve undeveloped natural land within the TCP/TCR/TCL. (DEIR p. 5.13-30)

Finally, the Sycamore Canyon Wilderness Park is a 1,500-acre open space park and core reserve for the federally endangered, state threatened Stephens' kangaroo rat. Both the TCL and TCP/TCR encompass the entire Sycamore Canyon Wilderness Park. As an open space park and endangered species reserve, the park will not be developed and will be preserved and maintained in perpetuity. Thus, a large area of the TCL and TCP/TCR will be protected in place and would not be impacted by future development. (DEIR p. 5.13-30)

Although the project will result in an incremental impact to the TCL and TCP/TCR, these impacts are not considered cumulative considerable based on the following reasons:

- 1) Individually the bedrock milling sites are not eligible for listing on the CRHR or NRHP and are not significant losses.
- 2) More bedrock milling sites are being avoided and preserved onsite in perpetuity than are being adversely impacted or lost (a total of eight out of fourteen bedrock outcrops, 22 of 36 milling slicks, and four of seven complete milling sites).
- 3) The City and the Pechanga and Soboba Tribes have agreed on mitigation measures to further reduce potential adverse impacts to known onsite tribal cultural resources (including the fencing of avoided sites, relocation of impacted sites, controlled grading, and implementation of a Long-Term Preservation Plan), and those to reduce potential adverse impacts to unknown resources (including archaeological and native American monitoring, treatment and disposition procedures, and cultural sensitivity training).
- 4) The Project's development footprint of 35.81 acres is a relatively small land area within a larger TCL and TCR/TCP and impacts to a small number (six) of bedrock milling slicks within a larger TCL and TCR/TCP that could potentially include up to thousands of bedrock milling slicks would not be significant.
- 5) In addition to there being many more resources in the area, all resources within 2 miles of the Project site are bedrock milling sites, so those impacted are not unique, and many more of the same type are being preserved.
- 6) Onsite preservation of 12.23-acre area of undeveloped natural land protects the TCP/TCR/TCL; and
- 7) The City's 1,500-acre Sycamore Canyon Wilderness Park is located within the TCL and TCP/TCR and will also protect tribal cultural resources within it from future development and associated cumulative losses.

With the project designed to avoid the majority of bedrock milling sites, both directly and indirectly, and with implementation of the mitigation measures MM CUL-1 through MM CUL-9 described above, the Project will have a less than significant cumulative impacts on tribal cultural resources. Cumulative impacts will be less than significant with mitigation incorporated. (DEIR p. 5.13-31)

14. UTILITIES AND SERVICE SYSTEMS

Utilities and service systems include water, wastewater, storm drains, landfills, and solid waste disposal services. Drainage is discussed in Hydrology and Water Quality. (DEIR p. 5.14-24)

Water Supply

Potable water service to the Sycamore Canyon Business Park, which includes the Project site, is provided by Western Municipal Water District (Western); thus, the geographic scope for water service is Western's Riverside Retail Area. As described in Section 3 – Project Description, the proposed Project will include water-efficient landscaping to conserve water, thus reducing the amount of water required and the amount of wastewater generated. Although the Project will have water efficient landscaping, the proposed Project when combined with the cumulative development projects within Western's Riverside Retail Area will increase the demand for water. Pursuant to SB 610 a Water Supply Assessment is prepared for certain projects to determine the project water supply. As the proposed Project is less than 650,000

square feet of industrial use, a WSA is not required and was not conducted. Email communication with Western in January 2020 confirmed no WSA was required. (DEIR p. 5.14-24)

According to DEIR Table 5.14-1 through 5.14-6 Western will be able to provide a sufficient amount of water to its service area based on current and project future water use. Thus, Western has the ability to serve the proposed Project, as well as the cumulative development projects for the next 15 years. Because cumulative water supplies exceed water demand, cumulative impacts to water supply are less than significant and the proposed Project will not contribute to a cumulatively considerable impact on water supply. (DEIR p. 5.14-24)

Wastewater Services

The City's Public Works Department provides for the collection, treatment, and disposal of all wastewater; thus, the geographic scope for these services is the City. The Riverside Public Works Department operates a comprehensive wastewater collection, treatment, and disposal system. Wastewater generated by the proposed Project and the cumulative development projects will be collected in facilities owned and maintained by the Public Works Department and conveyed to the Riverside Regional Water Quality Control Plant (RWQCP). In January 2020 the City prepared an Update of the Integrated Master Plan for the Wastewater Collection and Treatment Facilities for to facilitate planning through a 20-year horizon for the City's RWQCP and collection system. The recommended plan is intended to enable the RWQCP to continue to reliably provide wastewater treatment for the City and surrounding communities as the wastewater flow and loading increase due to projected population growth. The RWQCP has a capacity of 40 million gallons per day (MGD) and can provide sufficient capacity to treat the wastewater generated by Parcel 1/Building A of the proposed Project, as well as cumulative development projects, and overall buildout in the City per the GP 2025. Parcel 2/Building B will be on septic with leach lines and will not need to be treated at the RWQCP. For these reasons, cumulative impacts to wastewater collection and treatment are less than significant and the proposed Project will not contribute to a cumulatively considerable impact in this regard. (DEIR pp. 5.14-24 – 5.14-25)

Solid Waste

The geographic context for cumulative impacts regarding solid waste collection and disposal is Riverside County. Development of the proposed Project and cumulative development projects will increase the amount of solid waste entering the waste stream. All non-hazardous solid waste collected in the City is transported to the Robert A. Nelson Transfer Station, which is owned by the County of Riverside and operated under a 20-year franchise agreement by a private company. Waste is then transferred to the Badlands, El Sobrante, or Lamb Canyon landfills for disposal; however, local trash haulers may use other Riverside County landfills. All Riverside County landfills are Class II disposal sites that are permitted to receive nonhazardous municipal solid waste. (DEIR p. 5.14-25)

the predicted total maximum load is 1,113.4 tons per year at buildout of which a maximum of 556.7 tons per year would be conveyed to local landfills for disposal, as at least 50% is required to be recycled. This projected Project contribution of yearly intake ranges between approximately 0.02% - 0.61% for the 3 local landfills. Due to the Project's small percentage of total yearly intake for each landfill, the Project's operational impacts associated with solid waste would be less than cumulatively considerable. Additionally, the Project and other cumulative developments in the landfills' service areas would be required to comply with all applicable solid waste statutes and regulations, including the requirement to

divert at least 50 percent of solid waste materials from landfills. Accordingly, the Project and other cumulative developments have are not expected to conflict with federal, state, and local statutes and regulations related to solid waste, and impacts would be less than significant on a cumulative basis, and the Project's contribution would be less than cumulatively considerable. (DEIR p. 5.14-25)

15. WILDFIRE

The Project site is not within a VHFHSZ, although it is partially located within a Hills and Canyons area. The area for cumulative impacts consists of lands within the Cities of Riverside and Moreno Valley and Riverside County that are categorized as VHFHSZ since wildfire can spread rapidly across City and County limits. Urban development projects that are constructed in compliance with applicable CBC and CFC would ensure that appropriate measures, including fire prevention and fuel modification features, are provided so that urban development do not expose project occupants to increased and uncontrolled wildfire hazards. Applicable CBC and CFC standards are designed to minimize the potential for uncontrolled fires. With compliance with applicable CBC and CFC standards and General Plan policies, implementation of the Project, combined with other development in the City and County, would not result in increased exposure to wildfire risks. Furthermore, cumulative projects would not result in permanent road closures, nor impede an established emergency or evacuation access route, or interfere with emergency response requirements, such as fire protection response time standards established by GP 2025. The Project is surrounded by mostly urban development and served by existing infrastructure. It would not contribute incrementally with other projects in the Cities of Riverside and Moreno Valley and Riverside County to create an environment that could exacerbate wildfire risks. Cumulative wildfire hazard impacts would be less than significant. (DEIR pp. 5.15-16 – 5.15-17)

VII. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Sections 15126(c) and 15126.2(d) of the CEQA Guidelines requires EIRs to contain a discussion of significant irreversible environmental changes which would be caused by the proposed Project should it be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The proposed Project would involve a large commitment of non-renewable resources.
- The primary and secondary impacts of the proposed Project would generally commit future generations to similar uses.
- The proposed Project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources is not justified.

This section addresses the use of non-renewable resources during initial and continued phases of the proposed Project, the commitment of future generations to environmental changes or impacts because of the proposed Project, and any irreversible damage from environmental accidents associated with the proposed Project.

Non-renewable resources: The Project would involve an irreversible commitment of building materials and energy resources, some of which are non-renewable, to construct 603,100 square feet of planned high cube transload short-term warehouse use within two buildings. The Project additionally proposes a trailhead parking lot, improved with decomposed granite parking, landscaping, shade structure with benches, a bike rack, drinking fountain (including for pets), and ADA compliant parking spaces and

sidewalk. Consumption of resources for this development would also occur with any development of the Project site and are not unique to the Project. (DEIR p. 6.0-4)

Operation of the Project would irreversibly increase local demand for non-renewable energy resources, such as petroleum products and natural gas. However, increasingly efficient building design would offset this demand to some degree by reducing energy demands of the Project. The Project would be subject to the energy conservation requirements of the California Energy Code (Title 24, Part 6, of the California Code of Regulations, California's Energy Efficiency Standards for Residential and Nonresidential Buildings) and the California Green Building Standards Code (Title 24, Part 11 of the California Code of Regulations). The California Green Building Standards Code functions to:

- Reduce GHG emissions from buildings
- Promote environmentally responsible, cost-effective, healthy places to live and work
- Reduce energy and water consumption
- Respond to the environmental directives of the administration

The California Energy Code provides energy conservation standards for all new and renovated commercial and residential buildings constructed in California, and the Green Building Standards Code requires solar access, natural ventilation, and stormwater capture. With adherence to these standards, the Project would not use unusual amounts of energy or construction materials, and impacts related to consumption of non-renewable and slowly renewable resources would be less than significant. Consumption of these resources would occur with any development of the Project site and would not be unique to the Project. DEIR Section 5.5, Energy, includes a discussion of the potential energy consumption and/or conservation impacts of the Project. (DEIR pp. 6.0-4 – 6.0-5)

Future Generations: Approval of the Project would result in environmental changes or impacts that commit future generations to new environmental circumstances. The Project would require an irreversible commitment of law enforcement, fire protection, water supply, wastewater treatment, and solid waste disposal services. However, as discussed in the Initial Study (DEIR Appendix A) and in DEIR Sections 5.14 Utilities, and 5.15 Wildfire, impacts to these services and systems would not be significant. (DEIR p. 6.0-5)

VIII. FINDINGS REGARDING GROWTH INDUCING IMPACTS

Section 15126.2(e) of the CEQA Guidelines requires a discussion of a proposed Project's potential to foster economic or population growth, including ways in which a project could remove an obstacle to growth. Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. The proposed Project's growth inducing potential is therefore considered significant if project-induced growth could result in significant physical effects in one or more environmental issue areas (DEIR, pp. 6.0-5).

Population Growth: The Project does not include residential development, but rather would consist of the construction of two warehouse buildings that may indirectly induce population growth through the provision of new employment opportunities within the City if those employment opportunities were filled by people moving to the City of Riverside from other areas. While construction of the Project would generate the demand for temporary construction jobs, given the availability of labor in the Riverside

County and San Bernardino County region, and the southern California region as a whole, it is reasonable to assume that the construction of the Project will be completed by existing companies already doing business in the area with employees already residing in the area. Thus, construction-related growth inducement would not result from implementation of the Project. (DEIR, p. 6.0-5).

Because the Project is consistent with the GP 2025 Typical Growth Scenario and population growth impacts that were previously evaluated in the GP 2025 FPEIR, the Project does not result in new impacts beyond those previously evaluated in the GP 2025 FPEIR. The employment opportunities anticipated to be generated by the Project are relatively minor and within the Southern California Association of Governments (SCAG) population, housing, and employment forecasts. As discussed in the Project's Initial Study (Appendix A), SCAG prepares population, housing, and employment estimates as part of its Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). As of September 3, 2020, SCAG has fully adopted the Connect SoCal 2020-2045 RTP/SCS, from which forecasts for employment, population, and households for the City of Riverside were obtained. The Project is a speculative development and, as such, the number of employees, shifts, and days and hours of operation are not known at this time. However, the anticipated number of employees for both buildings was calculated using the County of Riverside generation rate to be approximately 586. This number represents approximately 1.3 percent of the expected opportunities within the City by 2045. Thus, the Project will not induce substantial population growth and impacts will be less than significant. (DEIR, pp. 6.0-5 – 6.0-6).

Economic Growth: The Project is a speculative development and the tenants are unknown at this time, so the number of employees, shifts, days, and hours of operation are not known at this time. However, for the purposes of the analysis in the Initial Study and EIR, conservative assumptions utilizing the worst-case/most intensive use is assumed as operating three 8-hour shifts, 24 hours a day, 7 days a week. The estimated number of employees, using the County of Riverside General Plan Appendix E-2: Socioeconomic Build-Out Assumptions and Methodology, which uses a factor of 1,030 SF per employee, would be 388.3 employees for Building A and 197.2 employees for Building B, for a total of 586 (rounded to the nearest whole number) for both buildings. The employment opportunities anticipated to be generated by the Project are relatively minor and within SCAG population, housing, and employment forecasts. (DEIR, p. 6.0-6).

The 586 employment opportunities represent approximately 1.3 percent of the expected opportunities within the City by 2045. Therefore, as Project employment opportunities are both within SCAG population, housing, and employment forecasts as well as within expected opportunities within the City, the Project would not be expected to induce substantial economic expansion to the extent that direct physical environmental effects would result. Moreover, the environmental effects associated with any future development in or around Riverside would be addressed as part of the CEQA environmental review for each of those development projects. (DEIR, pp. 6.0-6).

IX. FINDINGS REGARDING ALTERNATIVES

A. LEGAL REQUIREMENTS FOR ALTERNATIVES

Section 15126.6 of the CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

(a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially

lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

(b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. In subsection 15126.6(c), the CEQA Guidelines describe the selection process for a range of reasonable alternatives:

(c) The range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the proposed Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the proposed Project. "Feasible" means "capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social and technological factors" (CEQA Guidelines §15364). The concept of feasibility also encompasses whether a particular alternative promotes the proposed Project's underlying goals and objectives, and whether an alternative is impractical or undesirable from a policy standpoint. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (CNPS).)

The issue of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is "potentially" feasible. Potentially feasible alternatives are suggestions by the EIR preparers that may or may not be adopted by lead agency decision makers. When CEQA findings are made, the lead agency decision making body independently evaluates whether the alternatives are actually feasible based on all the evidence in the record, including whether an alternative is impractical or undesirable from a policy standpoint. (See *CNPS*, supra, 177 Cal.App.4th at p. 999.)

If a significant impact can be avoided or substantially lessened (i.e., mitigated to a less than significant level) by adoption of mitigation measures, lead agency findings need not focus on the feasibility of alternatives to reduce that impact. (See *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521.) Nevertheless, Section 8 of the DEIR and these Findings of Fact do consider the effectiveness of the potentially feasible alternatives set forth in the EIR to substantially reduce all of the proposed Project's significant impacts.

B. PROJECT OBJECTIVES

State CEQA Guidelines Section 15124(b) requires that a project description contain a statement of objectives including the purpose of the project. The objectives of the Sycamore Hills Distribution Center Project include:

- Develop the site with two warehouse buildings with a total of 603,100 square feet of building space, a conservation easement, and trailhead improvements.
- Modify the Restrictive Covenant (RC) to allow access to Building A on Parcel 1, which is currently landlocked by the RC.
- Provide trailhead improvements consistent with the Sycamore Canyon Wilderness Park *Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan* including:
 - A parking lot
 - Sidewalk
 - Shade structure with benches
 - Bike rack
 - Drinking fountains
 - Fencing, gates, signage, and a fire department access gate
- Develop and operate warehouse buildings that:
 - Take advantage of existing City infrastructure
 - Are adjacent to similar industrial logistics and distribution centers
 - Are in close proximity to March Inland Port, State Route 60/Interstate 215, and Interstate 10 to support the distribution of goods throughout the region and that also limit traffic truck disruption to residential areas within the City and neighboring jurisdictions.
 - Will attract quality tenants and will be competitive with other similar facilities in the region
 - Meet industry standards for operational design criteria

- Implement the Sycamore Canyon Business Park Specific Plan through development of a land use allowed by the industrial land use designation and consistent with the development standards and criteria relevant to the site and proposed use.
- Facilitate the development of underutilized land currently planned for industrial uses that maximizes the use of the site and responds to market demand within the *Sycamore Canyon Business Park Specific Plan* area for warehouse buildings.
- Provide and expand on-site conservation to mitigate for the loss of riparian/riverine resources.
- Positively contribute to the economy of the City through new capital investment, creation of new employment opportunities, including opportunities for highly trained workers, and expansion of the tax base.

C. ALTERNATIVES CONSIDERED AND REJECTED FROM FURTHER CONSIDERATION

The CEQA Guidelines state that the EIR needs to examine in detail only the alternatives the lead agency determines could feasibly attain most of the basic objectives of the proposed Project. Further, the EIR should identify any alternatives that were considered by the lead agency but were rejected and briefly explain the reasons underlying the lead agency’s determination. Among the factors used to eliminate alternatives from detailed consideration in the EIR are failure to meet most of the basic project objectives; technical, legal, or economic infeasibility; and inability to avoid or lessen the significant environmental effects of the Project. (State CEQA Guidelines, § 15126.6(c)). The *Original Project Design*, *Other March JPA-Owned Property*, and *Other Vacant Properties within SCBPSP*, were alternatives considered and rejected by the City and are discussed in the DEIR pp. 8.0-3 through 8.0-5.

The Original Project Design

The Project applicant originally proposed a two-building logistics center totaling 603,100 square feet (Building A – 400,000 square feet; Building B – 203,100 square feet) similar to the currently proposed project. However, the original configuration of Building B featured a more rectangular and symmetrical building. Based on feedback from City Staff and discussion with consulting Native American tribes, the Parcel 2/Building B

- Pulled back northwest building corner to avoid and preserve two bedrock milling sites
- Parking and landscaping along the west side of Building B have been designed to avoid and preserve one bedrock milling site
- The detention basin area at the southeast side of Building B has been designed to avoid and preserve two bedrock milling sites
- Parcel 2 and Parcel C were configured to avoid and preserve 100 linear feet of streambed with riparian/riverine resources (Drainage A as shown in DEIR Figure 5.3-5 Drainages) and one bedrock milling site

Trailhead Parking Lot

- Drive aisle curbed and parking designed to avoid and preserve two bedrock milling sites

Based on the benefits of the redesigned Project, the Original Project site plan was withdrawn from further consideration by the Project applicant. The Original Project Conceptual Site Plan is shown in DEIR Figure 8.0-1. (DEIR pp. 8.0-3 – 8.0-4)

Other March JPA-Owned Property

As outlined in DEIR Section 3.1.2 Project Site Background, the Project site was formerly owned by the Grove Community Church that planned to build a new church. However, as the site is located within the C-1 Primary Approach/Departure Zone of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and due to restrictions regarding the height of the building and the maximum number of people allowed to congregate at any time, it was not conducive to the church's plans. March Joint Powers Authority (MJPA) assisted the church in finding a new location for the church, approximately one mile to the southwest at 19900 Grove Community Drive, Riverside. To mitigate for impacts caused by construction of the church, a portion of the Project Site at Alessandro Boulevard and Barton Street was set aside and preserved in a legally designated "Restricted Property". (DEIR p. 8.0-4)

MJPA purchased the Project site property from the church with the intent to sell and to convey title of the "Restricted Property" area to the City of Riverside. However, a parcel map was not created, and the title transfer did not take place. MJPA is still the owner of the entire Project site property. The Project applicant has entered into an agreement with MJPA to purchase the property and develop it consistent with the City of Riverside General Plan and Sycamore Canyon Business Park Specific Plan. MJPA does not have other property available and for sale in the SCBPSP area, therefore, no further analysis of MJPA-owned alternative sites is possible. (DEIR 8.0-4)

Other Vacant Properties within Sycamore Canyon Business Park Specific Plan (SCBPSP)

As outlined in Section 3.0 Project Description, the SCBPSP encompasses approximately 1,500 acres, consisting of a 920-acre planned industrial park with industrial and commercial uses, and a 480-acre wilderness park (Sycamore Canyon Wilderness Park) within the City of Riverside. The SCBPSP is the primary industrial area on the east side of the City of Riverside with direct access to the I-215 and SR-60 freeways. Most of the SCBPSP has been built out and there are only a few undeveloped areas remaining in the SCBPSP that are designated as *Industrial or Industrial Support*, which are identified in DEIR Figure 8.0-2 SCBPSP Industrial Undeveloped Land. These sites range in size from approximately 2.37 acres up to 39.58 acres. The largest of these sites is located directly east of the Project Site. This is the only site within the SCBPSP comparable in size to the Project Site, and capable for supporting a warehouse development comparable to the proposed Project. As the smaller undeveloped parcels are not large enough to support the proposed Project or a project of comparable size (approximately 600,000 square feet), they are rejected from further consideration. (DEIR p. 8.0-5)

The property directly east of the Project is privately owned and the current property owner has no intention to sell the property at the time of preparation of this EIR. Therefore, an alternative site is not considered feasible as the proposed Project's applicant does not own or control another site of comparable size within an area planned for industrial development in the SCBPSP, a major business park in the City of Riverside, and an alternative site would likely fail to achieve the underlying purpose and objectives of the Project. In addition, an alternative site would not likely avoid the Project's significant impacts with regard to vehicle miles traveled because these impacts are a function of the Project's use and size and are not location-specific. An alternative site in proximity to the Project would also not likely avoid impacts to Tribal Cultural Resources as there is a high probability that they would occur on nearby properties as well. (DEIR p. 8.0-5)

D. ALTERNATIVES CARRIED FORWARD FOR FURTHER ANALYSIS

The proposed alternatives to the Sycamore Hills Distribution Center Project were selected for review in the EIR because of their potential to avoid or substantially lessen certain project impacts, or because they were required under CEQA Guidelines (e.g., the No Project alternative). The proposed Project and

alternatives are described in more detail in the Sycamore Hills Distribution Center EIR and Appendices thereto.

The three alternatives considered for the proposed Sycamore Hills Distribution Center Project are:

Alternative 1: No Project/No Development. As the Project is consistent with designated land use and zoning and the Sycamore Canyon Business Park Specific Plan, the “no project” alternative is no project development or no change from the existing use (vacant land). This alternative was selected based on CEQA requirements (Section 15126.6(e)). (DEIR p. 8.0-8)

Alternative 2: Other Permitted Use/Manufacturing. Manufacturing is also a permitted use within the BMP-SP - Business Manufacturing Park and Specific Plan (Sycamore Canyon Business Park) Overlay Zone. Alternative 2 consists of the same Project design, with manufacturing instead of warehousing as the use for the site. This alternative was selected as it is an allowable use under the existing land use, zoning, specific plan, and was anticipated to reduce potential impacts associated with trucks, including trip generation and VMT, and also associated air quality and greenhouse gas emissions. Other types of uses such as institutional (educational or religious), retail/commercial, or residential would not meet the density/intensity standards of the compatibility Zone C1 of the MARB/IPA LUCP, resulting in an increase in potential impacts related to hazards, safety and land use compatibility, as compared to the proposed Project. (DEIR p. 8.0-8)

Alternative 3: Reduced Development. Alternative 3 would not develop Parcel 2/Building B or Parcel C. The development footprint for Parcel 1/Building A would remain the same as the Project as well as the proposed Parcels A & B for the conservation areas. This alternative would result in the construction of approximately 400,000 square feet of warehouse/distribution center use. The walls, fencing, landscaping, parking, security lighting, and other design features for Building A would be with the same as the Project. The proposed revision to the existing Restrictive Property and the Conservation Easement would be required for Alternative 3, as is required for the Project.

1. Alternative 1: No Project/No Development

Description

Pursuant to State CEQA Guidelines Section 15126.6(e)(3)(B), the No Project Alternative for a development project on identifiable property is the circumstance under which the Project does not proceed, and the discussion of the No Project Alternative must compare the environmental effects from the Project site remaining in its existing state, versus the environmental effects that would occur if the Project is approved. Accordingly, under the No Build Alternative, the site would remain in its existing condition (vacant land) and no development would occur. Thus, assessor parcels, 263-060-022-7, 263-060-024-9, and 263-060-026-1 would remain vacant and undeveloped. (DEIR p. 8.0-8)

Summary of Impacts

Alternative 1 would have reduced impacts as compared to the proposed Project in the following areas: aesthetics, air quality, biological resources, cultural resources, energy, GHG emissions, hazards and hazardous materials, hydrology and water quality, noise, transportation, tribal cultural resources, and

utilities. The majority of the environmental impacts from Alternative 1 would be less than the Project, with the exception of those related to Geology and Soils, Land Use and Planning, and Wildfire. (DEIR pp. 8.0-29 – 8.0-30)

Relationship to Project Objectives

Under Alternative 1, no development would occur. The proposed buildings, conservation easement, and trailhead parking lot and associated improvements would not be realized. DEIR Table 8.0-1 – Ability to Achieve Project Objectives, Alternative 1 – No Project/No Development identifies the Project objectives and that Alternative 1 does not meet any of the objectives. (DEIR pp. 8.0-12 – 8.0-13)

Finding

The City Council rejects Alternative 1 (No Project/ No Development) as a project alternative on the basis that Alternative 1 does not fulfill any of the project objectives. (DEIR p. 8.0-12 – 8.0-13) CEQA does not require a lead agency to select an alternative which does not meet most of the project objectives (CEQA Guidelines Section 15126.6); while the No Project alternative has no impacts, it also accomplishes none of the project objectives, and it therefore is properly not selected. The purpose of a “No Project” alternative is to allow a comparison of the environmental impacts of approving the Project with the effects of not approving it. (CEQA Guidelines Section 15126.6(e)(1))

2. Alternative 2: Other Permitted Use/Manufacturing

Description

The City of Riverside’s General Plan (GP 2025) designates the Project site as B/OP (Business/Office Park). The Project site is zoned BMP-SP – Business and Manufacturing Park and Specific Plan (Sycamore Canyon Business Park) Overlay Zones. The SCBPSP designates the Project site as Industrial. The land use designation, zoning, and Specific Plan permit the warehouse/distribution center use proposed by the Project, as well as manufacturing and other uses. This alternative was selected as manufacturing is also a permitted use within the BMP-SP – Business Manufacturing Park and Specific Plan (Sycamore Canyon Business Park) Overlay Zone and was anticipated to reduce potential impacts associated with trucks, including trip generation and VMT, and associated air quality and greenhouse gas emissions, while utilizing the same site plan. Other types of uses such as institutional (educational or religious), retail/commercial, or residential would not meet the density/intensity standards of the compatibility Zone C1 of the MARB/IPA LUCP, resulting in an increase in potential impacts related to hazards, safety, and land use compatibility, as compared to the proposed Project. Under Alternative 2, the Project site would be developed with approximately 603,100 square feet of manufacturing uses. This alternative is assumed to be developed with the same site plan as the proposed Project for Buildings A and B, with the only changes being additional parking, as required parking for manufacturing use is greater than warehouse/distribution use. Alternative 2 would also include the on-site conservation areas and a trailhead parking lot. (DEIR pp. 8.0-13 – 8.0-14)

Summary of Impacts

While Alternative 2 – Other Permitted Use/Manufacturing would meet some of the Project’s objectives, it does not meet all of the objectives, and a number of this alternative’s environmental impacts have the potential to be greater in comparison to those of the Project. This alternative was selected as it is an allowable use under the existing land use, zoning, specific plan, and was initially anticipated to reduce

potential impacts associated with trucks, including trip generation and VMT, and also associated air quality and greenhouse gas emissions. Although this alternative was chosen, in good faith effort to reduce potential impacts, as a result of the analysis above, it actually would have greater impacts than the proposed Project in the following areas: air quality, energy, GHG emissions, noise, transportation, and utilities. (DEIR p. 8.0-20)

Relationship to Project Objectives

Under Alternative 2 - Other Permitted Use/Manufacturing, the Project site would be developed with two manufacturing buildings and supporting infrastructure and would be constructed according to the land use and zoning for the Project site identified in the City's GP 2025 and Sycamore Canyon Business Park Specific Plan. DEIR Table 8.0-2 – Alternative 2 (Other Permitted Use/Manufacturing Alternative) Ability to Meet Project Objectives identifies the Project objectives and whether or not Alternative 2 meets each objective. Alternative 2 fails to meet the following Project objectives: development of two warehouse buildings, development of underutilized land currently planned for industrial uses that maximizes the use of the site and responds to market demand within the SCBPSP, operation of warehouse buildings that take advantage of existing City infrastructure, are adjacent to similar industrial logistics and distribution centers, are in close proximity to March Inland Port and nearby freeways, will attract tenants and will be competitive with other similar facilities in the region, and meet industry standards for operational design criteria.

Finding

The City Council finds that Alternative 2 actually would have greater impacts than the proposed Project in the following areas: air quality, energy, GHG emissions, noise, transportation, and utilities. The City Council rejects Alternative 2 as a proposed Project alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) inability to avoid environmental impacts, and (2) failure to meet the proposed Project objectives regarding operation of warehouse buildings taking advantage of existing City infrastructure and adjacent to similar industrial logistics and distribution centers.

3. Alternative 3: Reduced Development

Description

Alternative 3, Reduced Development, would not develop Parcel 2/ Building B or Parcel C, refer to Figure 8.0-3, Reduced Development Site Plan. The development footprint for Parcel 1/ Building A would remain the same as the Project as well as the proposed Parcels A & B for the conservation areas. This alternative would result in the construction of approximately 400,000 square feet of warehouse/distribution center use. The walls, fencing, landscaping, parking, security lighting, and other design features for Building A would be with the same as the Project. The proposed revision to the existing Restrictive Property and the Conservation Easement would be required for Alternative 3, as is required for the Project. (DEIR pp. 8.0-20 – 8.0-21)

Summary of Impacts

Under Alternative 3, Reduced Development, Parcel 2/Building B and Parcel C would not be developed, and thus all impacts to individual Tribal Cultural Resources would be avoided, and the impact to the larger TCL and TCP/TCR would be reduced. This alternative will still impact the TCL and TCP/TCR by developing

one warehouse building and associated improvements within the overall TCL and TCP/TCR and converting vacant/undeveloped natural land to developed land. However, this alternative's development footprint of 24.31 acres is relatively small area within the larger TCP/TCR/TCL and is located on the periphery of the TCP/TCR/TCL. Impacts to Tribal Cultural Resources under Alternative 3 would be less than the Project. As this alternative fails to reduce significant and unavoidable impacts to less than significant levels associated with Vehicle Miles Traveled (VMT), Alternative 3 is considered infeasible and rejected accordingly. (DEIR pp. 8.0-25 – 8.0-28)

Relationship to Project Objectives

Alternative 3 – Reduced Development would not develop Parcel 2/ Building B and Parcel C but the development footprint for Parcel 1/ Building A and the conservation area parcels A & B would remain the same as the Project. While Alternative 3 meets some of the Project objectives, it does not meet all of the objectives. Alternative 3 would partially develop underutilized land currently planned for industrial uses, but the reduced development under this alternative would not maximize use of available land on the site. This in turn results in a decreased response to market demand within the Sycamore Canyon Business Park Specific Plan for warehouse buildings as only one warehouse building would be developed in lieu of the two proposed under the Project. Further, while the development of Building A on Parcel 1 under Alternative 3 would still contribute to the economy of the City, these objectives are similarly only partially met. (DEIR pp. 8.0-26 – 8.0-28)

Finding

The City Council finds that while Alternative 3 further reduces impacts to Tribal Cultural Resources and reduces VMT impacts, it would still result in significant and unavoidable VMT impacts. The City Council rejects Alternative 3 as a proposed Project alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) inability to avoid significant environmental impacts, (2) failure to fully satisfy Project objectives; and (3) infeasibility due to decreased market demand.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires the identification of the environmentally superior alternative among the options studied. The environmentally superior alternative must be an alternative to the proposed project that reduces some of the environmental impacts of the proposed project, regardless of the financial costs associated with that alternative. Identification of the environmentally superior alternative is an informational procedure and the alternative identified as environmentally superior may not be the one that best meets the goals or needs of the proposed project.

Table 8.0-4 of the DEIR indicates whether each alternative's environmental impact is greater than, less than, or similar to that of the proposed project for each of the issue areas studied. Based on the alternatives analysis provided above, Alternative 1: No Project/ No Development, would be the environmentally superior alternative. The No Project/No Development Alternative would avoid or lessen the severity of all significant impacts of the proposed project. However, the No Project/No Development Alternative would not fulfill the objectives of the proposed project.

When the "No Project" alternative is determined to be environmentally superior, CEQA Guidelines also require identification of the environmentally superior alternative among the development options. Of the

other alternatives evaluated in the EIR, Alternative 3: Reduced Development, is determined to be the environmentally superior alternative among the development options. Alternative 3 is environmentally superior to the project with respect to twelve resource topics, including to significant and unavoidable VMT impacts, however it would not be reduced to less than significant levels.

While Alternative 3 meets some of the Project objectives, it does not meet all of the objectives. Alternative 3 would partially develop underutilized land currently planned for industrial uses, but the reduced development under this alternative would not maximize use of available land on the site. This in turn results in a decreased response to market demand within the Sycamore Canyon Business Park Specific Plan for warehouse buildings as only one warehouse building would be developed in lieu of the two proposed under the Project. Further, while the development of Building A on Parcel 1 under Alternative 3 would still contribute to the economy of the City, these objectives are similarly only partially met. (DEIR pp. 8.0-26 – 8.0-28) While Alternative 3 reduces impacts to Tribal Cultural Resources and reduces VMT impacts, it would still result in significant and unavoidable VMT impacts. Alternative 3 is deemed infeasible as a project alternative due to its inability to avoid significant environmental impacts.

IX. FINDINGS REGARDING NO NEED FOR RECIRCULATION

Section 3 of the Final EIR includes the comments received on the DEIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines Section 15088(b), as well as to provide clarification regarding environmental issues raised. Volume II (DEIR) and Volume III (DEIR Appendices) of the Final EIR also incorporates information obtained after publication of the DEIR and revisions made for clarification and to provide additional detail.

CEQA Guidelines 15088.5 provides that recirculation of an EIR is only required in limited circumstances where new or substantially increased significant impacts are identified; where a new feasible mitigation measure or alternative is needed to reduce or avoid significant impacts but is not adopted; or where the EIR circulated for review was so fundamentally inadequate that environmental review was precluded. However, Section 15088.5 confirms that “recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” It is for those reasons, that recirculation is the exception, not the rule. (*Laurel Heights Improvement Ass’n of S.F.v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1132.)

Here, the minor revisions shown in the Final EIR merely clarify and amplify the already-adequate discussions and mitigation previously presented in the Draft EIR, and do not identify or demonstrate any new significant impacts or substantially increased environmental impacts. Similarly, no new mitigation measures for new significant impacts or alternatives are necessary because no new significant impacts exist. Thus, recirculation is not required under Guidelines 15088.5.

Specifically, as the clarifications addressing Building B side yard setbacks, discretionary actions, air quality compliance with regulations, construction emission calculations and mitigation measures, biological mitigation measures, greenhouse gas emissions, and employment percentage of City 2045 opportunities are mere clarifications and amplifications of the information and conclusions already presented for public review in the fully adequate Draft EIR. Thus, recirculation is not required under CEQA Guidelines 15088.5.

Therefore, the City Council finds that responses to comments made on the Draft EIR and revisions to the Final EIR merely clarify, amplify or make insignificant modifications to the analysis presented in the EIR

document and do not trigger the need to recirculate per CEQA Guidelines Section 15088.5(b). Revisions made to the Draft EIR are shown throughout the Final EIR in ~~strikethrough~~ and underline text to denote deletions and additions, respectively.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Riverside adopts and makes this statement of overriding considerations concerning the project's significant and unavoidable impacts to explain why the project's benefits override and outweigh its unavoidable impacts. In the City's judgment, the project and its benefits outweigh its potentially significant vehicle miles traveled impacts. The following statement identifies the specific reasons why, in the City's judgment, the benefits of the project outweigh its unavoidable significant effect. Any one of these reasons, standing alone, is sufficient to justify approval of the project, and each and every one of the project's benefits outweighs each and every one of the potentially significant and unavoidable impacts both individually and collectively. Thus, even if one or more overriding considerations was no longer supported by substantial evidence, the City would stand by its determination that each individual reason is sufficient.

The EIR has identified and discussed significant effects that may occur as a result of the project. As set forth in these CEQA Findings, the City has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project and has made specific findings on each of the project's significant impacts and on mitigation measures and alternatives. However, the project will result in a significant and unavoidable project-level and cumulative impact as follows.

1. **Vehicle Miles Traveled (VMT) Impact.** Even under the most favorable circumstances, projects located within a suburban center context, such as the proposed Project evaluated here, could realize a maximum 15% reduction in VMT through implementation of feasible Transportation Demand Management (TDM) measures. The Project is estimated to exceed the current City of Riverside VMT per employee by 18.55% in base year (2012). Given that the maximum percent reduction is 15% through feasible TDM measures, the Project cannot reduce the Project-generated VMT to below the threshold of 15% below the current City of Riverside VMT per employee. The Project VMT impact is therefore significant and unavoidable. (DEIR p. 5.12-56)
2. **Cumulative Vehicle Miles Traveled (VMT) Impact.** The Project is estimated to exceed the current City of Riverside VMT per employee by 30.97% in cumulative year 2040. The project and cumulative project in the area would still result in a cumulatively considerable increase in VMT. Therefore, cumulative impacts would be significant and unavoidable. (DEIR p. 5.12-67)

In accordance with CEQA Guidelines Section 15093, and having reduced the adverse significant environmental effects of the project to the extent feasible, having considered the entire administrative record on the project, and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, the City hereby finds that the following legal, economic, social, environmental, and other benefits of the project outweigh its unavoidable adverse impacts and render them acceptable based upon the following considerations. Each benefit set for the below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact, and each of these benefits are supported by the substantial evidence contained in the Draft and Final EIRs, the Project plans, the City's conditions, and elsewhere in the administrative record.

- a) The Project would develop underutilized land that has been planned for industrial uses since 1984, that maximizes the use of the site, and that responds to market demand within the *Sycamore Business Park Specific Plan* area for warehouse buildings.
- b) The Project would develop a vacant lot with a well-planned infill development in a location that is strategic for development, pursuant to General Plan Policy LU-8.1, and in a location that is currently landlocked by an existing Restrictive Covenant while expanding the size of the Restrictive Covenant and recording a Conservation Easement to preserve existing sensitive biological resources onsite in perpetuity.
- c) The Project will provide a development that is allowable and compatible with intensity (maximum occupancy) requirements of the Zone C1 Primary Approach/Departure Zone of the *March Air Reserve Base Land Use Compatibility Plan*.
- d) The Project will implement the *Sycamore Canyon Business Park Specific Plan* through a development allowed by the industrial land use designation and consistent with the development standards and criteria relevant to the site and proposed use.
- e) Although not required, the Project will provide a 1.18-acre trailhead parking lot, as an amenity to the Sycamore Canyon Wilderness Park in Parcel C that will be dedicated to the City and operated and managed by the City's Parks, Recreation & Community Services Department. The trailhead parking lot improvements include decomposed granite parking lot, landscaping, shade structure with benches, bike rack, drinking fountain (including for pets), and ADA (Americans with Disabilities Act) compliant parking spaces and sidewalk, trail fencing, gates and signage. The trailhead parking lot is not required but is being provided as an amenity for the public adjacent to the park and an important entrance to the park at Barton Street.
- f) The Project would positively contribute to the economy of the City through new capital investment, creation of new employment opportunities, including opportunities for highly trained workers and expand the tax base.

These findings are supported by substantial evidence and the data to support these overriding considerations are found throughout the FEIR, the supporting comments and responses section of the FEIR, and by information throughout the administrative record.

XI. MITIGATION MONITORING AND REPORTING PROGRAM

The City of Riverside finds that a Mitigation Monitoring and Reporting Program (MMRP) for the Sycamore Hills Distribution Center Project has been prepared for the proposed Project and hereby adopts the MMRP concurrently with these Findings of Fact and Statement of Overriding Considerations (Public Resources Code, §21081.6(a)(1)).

CEQA requires that an agency adopt an MMRP that includes mitigation measures prior to approving a project. The MMRP for the proposed Project has been prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Sections 15091(d) and 15097 of the CEQA Guidelines.

The purpose of the MMRP is to ensure the implementation, in accordance with CEQA requirements, of the mitigation measures adopted by the City and under its control. The mitigation measures adopted in the Sycamore Hills Distribution Center Project EIR Findings are listed in Sections III, IV, and V of this

document. The MMRP is bound separately as Section 4 of the Final EIR and hereby incorporated by reference.

Mitigation Monitoring and Reporting Program

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Final Environmental Impact Report (Final EIR), specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in this Mitigation Monitoring and Reporting Program (MMRP).

EXHIBIT "C"

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

CEQA requires the adoption of feasible mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with Project development. The Project's Draft EIR (DEIR) includes mitigation measures to reduce the potential environmental effects of the Project. CEQA also requires reporting on, and monitoring of, mitigation measures adopted as part of the environmental review process (Public Resources Code 21081.6). This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City in its implementation and monitoring of measures adopted for the Project.

Pursuant to State CEQA Guidelines Section 15097, a written MMRP has been compiled to verify implementation of adopted mitigation measures. "Monitoring" refers to the ongoing or periodic process of Project oversight provided by the "Responsible Party" listed in the following table. "Reporting" refers to written compliance review that will be presented to the decision-making body or authorized staff person identified in the table below. A report can be required at various stages throughout the Project implementation or upon completion of the mitigation measure. For each mitigation measure contained in the EIR, specifications are made herein that identify the action required and the monitoring that must occur.

The mitigation measures contain several acronyms that are defined in the DEIR but may not be defined in the following mitigation monitoring table. As used in the mitigation measures and consistent with the DEIR, these acronyms are defined as follows:

BMPs	Best Management Practices
BUOW	Burrowing Owl
CA-RIV-####	Trinomial Cultural Resource Numbering
CDFW	California Department of Fish and Wildlife
CFR	Code of Federal Regulations
dBA	A-weighted system decibel
GIS	Geographic Information System
LED	Light Emitting Diode
MSHCP	Western Riverside County Multiple Species Habitat Conservation Plan
RWQCB	Regional Water Quality Control Board
SKRHCP	Stephens' Kangaroo Rat Habitat Conservation Plan
SWPPP	Storm Water Pollution Prevention Plan
USFWS	United States Fish and Wildlife Service

Sycamore Hills Distribution Center Project FEIR

Mitigation Measure/ Condition of Approval	Action Required/ Monitoring Method	Implementation Timing	Responsible Monitoring Party/Agency	Compliance Verification	
				Initial	Date Comments
Aesthetics					
MM AES-1					
To further reduce impacts related to light pollution, the Project's night lighting shall be directed away from natural open space areas within and adjacent to the Project site and directed downward and towards the center of the development. Energy efficient Low-Pressure Sodium (LPS) or High-Pressure Sodium (HPS) lamps shall be used exclusively to dampen glare.	Approval of Photometric Plan	Prior to the issuance of building permits	Community & Economic Development Department - Planning Division		
MM AES-2					
Prior to the issuance of building permits, the Applicant shall submit a photometric (lighting) plan for approval by the Community & Economic Development Department, Planning Division. The approved light design requirements shall be included on the final building plan sheets. The lighting plan shall incorporate the following requirements:	Approval of Photometric Plan	Prior to the issuance of building permits	Community & Economic Development Department - Planning Division and Building & Safety Division Project Applicant		
<ul style="list-style-type: none"> The project shall be designed in such a manner as to prevent light spillage from the project to the adjacent and nearby open space areas Project lighting shall not exceed an intensity of one foot-candle Shielding shall be employed, where feasible Any night lighting shall be directed away from natural open space areas and directed downward and towards the center of the development 					

Sycamore Hills Distribution Center Project FEIR

Mitigation Measure/ Condition of Approval	Action Required/ Monitoring Method	Implementation Timing	Responsible Monitoring Party/Agency	Compliance Verification	
				Initial	Date Comments
<ul style="list-style-type: none"> No project lights shall blink, flash, oscillate, or be of unusually high intensity or brightness Energy-efficient LPS or HPS lamps shall be used exclusively throughout the project site to dampen glare Exterior lights shall be only "warm" LED lights (<3000K color temperature). 					
Air Quality					
MM AIR-1					
The Project Applicant is required to record a covenant on the property (Parcels 1 and 2) that prohibit manufacturing, fulfillment center, and use of Transportation Refrigeration Units (TRUs). Proof of the record of covenant shall be submitted to the City of Riverside Planning Division prior to issuance of building permits.	Provide Copy of Recorded Covenant to the City	Prior to the issuance of building permits	Community & Economic Development Department - Planning Division Project Applicant		
MM AIR-2					
The Project applicant shall provide electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors and use of electric tools whenever feasible.	Provide photo documentation to the City	During construction activities	Community & Economic Development Department - Planning Division Project Applicant		
MM AIR-3					
The Project applicant shall provide information on transit and ridesharing programs and services to construction employees.	Provide copy of materials provided to construction employees to the City	During construction activities	Community & Economic Development Department - Planning Division Project Applicant		

Mitigation Monitoring and Reporting Program

City of Riverside

Sycamore Hills Distribution Center Project FEIR

Mitigation Measure/ Condition of Approval	Action Required/ Monitoring Method	Implementation Timing	Responsible Monitoring Party/Agency	Compliance Verification	
				Initial Date	Comments
MM AIR-4					
The Project applicant shall post both interior and exterior facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to the California Air Resources Board (CARB), the South Coast Air Quality Management District (AQMD), and the building manager.	Photo documentation provided to the City	Prior to issuance of Certificate of Occupancy	Community & Economic Development Department - Planning Division Project Applicant		
MM AIR-5					
The Project applicant shall post signs at every truck exit driveway providing directional information to the truck route.	Photo documentation provided to the City	Prior to issuance of Certificate of Occupancy	Community & Economic Development Department - Planning Division Project Applicant		
MM AIR-6					
The Project applicant shall provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.	Provide copy of materials provided to tenants to the City	Within 60 days of tenant lease agreement execution	Community & Economic Development Department - Planning Division Project Applicant		
MM AIR-7					
The Project applicant shall include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission.	Copy of tenant lease agreement	Within 60 days of tenant lease agreement execution	Community & Economic Development Department - Planning Division Project Applicant		
MM AIR-8					
The Project applicant shall include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than 5 minutes while on site.	Copy of tenant lease agreement	Within 60 days of tenant lease agreement execution	Community & Economic Development Department - Planning Division		



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MM AIR-9					
The Project applicant shall include contractual language in tenant lease agreements that prohibit cold storage operations unless a health risk assessment is conducted and the health impacts are mitigated, if found significant.	Copy of tenant lease agreement	Within 60 days of tenant lease agreement execution	Community & Economic Development Department - Planning Division Project Applicant		
MM AIR-10					
Include rooftop solar panels to the extent feasible, with a capacity to supply 15% of the entire Project's electrical demand.	Provide proof of purchase and installation of solar panels to the City	Prior to issuance of Certificate of Occupancy	Community & Economic Development Department - Planning Division Project Applicant		
Biological Resources					
MM BIO-1					
Prior to issuance of a grading permit, a Qualified Biologist shall collect seed during the blooming period for paniculate tarplant and Robinson's pepper grass throughout the proposed development footprint of the project, if they occur. The seeds shall be stored in accordance with the biologist's recommendations until restoration efforts are commenced within the existing and additional Restricted Property/conservation area. If seed is not collected prior to grading permit issuance then topsoil, where identified by the qualified biologist, shall be salvaged, and temporarily stored in accordance with the qualified biologist's recommendations until restoration efforts are commenced. On site restoration efforts shall incorporate the collected seed or salvaged topsoil.	Submittal of an email report prepared by Qualified Biologist to the City	Prior to the issuance of grading permits	Community & Economic Development Department - Planning Division Project Applicant Qualified Biologist		

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MM NOI-1						
MM BIO-2						
<p>The Project has been designed to avoid direct construction impacts to riparian plant communities to the greatest extent feasible. Avoidance and minimization measures shall be included in the Project Specifications for the implementation during construction to further reduce the potential for any temporary, indirect impacts to occur to these areas during construction activities, including the following:</p> <ul style="list-style-type: none"> • Trash and other debris shall be properly disposed of and not left on-site in areas where it could fall into protected habitat. • Project boundaries shall be clearly marked with fencing, or other suitable type of marking material as directed by a qualified biologist. Vehicles and other Project construction personnel shall stay within these delineated Project boundaries. • Sensitive areas (i.e. jurisdictional drainage features, riparian habitats, and MSHCP Conservation Areas) in proximity to the construction footprint shall be clearly marked, with fencing or other suitable type of marking material as directed by a qualified biologist, for awareness and avoidance. • Refueling, washing, or other vehicular maintenance activities shall occur a 	<p>Approval of Grading Plan. Plans must be in compliance with the required specifications of the mitigation measure, and Biological Monitoring Report.</p>	<p>During any ground-disturbing and construction activities</p>	<p>Community & Economic Development Department - Planning Division Public Works Project Applicant/Qualified Biologist Project Contractor</p>			

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<p>minimum of 100 feet away from riparian areas, including the conserved riparian habitat.</p> <ul style="list-style-type: none"> Equipment would be maintained and checked at least daily for leaks. All vehicle leaks or other hazardous material leaks shall be contained and cleaned up immediately. All contaminated soil shall be removed from the site and disposed of properly. 					
<p>MM BIO-3</p>					
<p>During soil excavation, grading, or other subsurface disturbances, the construction contractor shall supervise provision and maintenance of all standard dust control BMPs to reduce fugitive dust emissions, including but not limited to the following actions:</p> <ul style="list-style-type: none"> Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site, additional water shall be applied at a frequency to be determined by the on-site construction superintendent. Pave, periodically water, or apply chemical stabilizer to construction access/egress points. 	<p>Approval of Erosion Control Plan showing location of equipment and staging areas.</p> <p>Periodic inspections</p>	<p>During soil excavation, grading, or subsurface disturbance activities</p>	<p>Public Works Department Project Applicant Construction Contractor</p>		



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<ul style="list-style-type: none"> Minimize the amount of area disturbed by clearing, grading, earthmoving, or excavation operations always. Operate all vehicles on graded areas at speeds less than 15 miles per hour. Cover all stockpiles that would not be utilized within three days with plastic or equivalent material, to be determined by the on-site construction superintendent, or spray them with a non-toxic chemical stabilizer. 					
MM BIO-4					
<p>During construction, to address potential short-term impacts to water quality within the on-site drainages from construction runoff that may carry storm water pollutants, a SWPPP shall be implemented by the construction contractor as required by the California General Construction Storm Water Permit pursuant the Regional Board regulations. The SWPPP shall identify BMPs related to the control of toxic substances, including construction fuels, oils, and other liquids. These BMPs would be implemented by the construction contractor prior to the start of any ground clearing activity, shall be subject to periodic inspections by the City and the Project's hydrological consultant, shall be maintained throughout the construction period and remain in place until all landscape and permanent BMPs are in</p>	<p>Inspection of Implemented BMPs identified on the SWPPP. Approval of Erosion Control Plan showing location of equipment storage, fueling, and staging areas. Periodic Inspections.</p>	<p>Prior to initiation of and during construction activities</p>	<p>Public Works Department Project Applicant Construction Contractor Project's Hydrological Consultant</p>		

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<p>place. BMPs shall be monitored and repaired if necessary, to ensure maximum erosion, sediment, and pollution control.</p> <ul style="list-style-type: none"> The use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within and adjacent to conserved riparian habitat shall be prohibited. All fiber roles, straw waddles, and/or hay bales utilized within and adjacent to the Project site shall be free of non-native plant materials. Construction contractor shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws. Water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities shall not be allowed to enter the conserved riparian habitat or be placed in locations that may be subjected to high storm flows. Spoil sites shall not be located within jurisdictional areas and MSHCP Conservation Areas or locations that may be subjected to high storm flows, where spoil shall be washed back into the conserved riparian habitat where it would impact streambed habitat and aquatic or riparian vegetation. 					



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<ul style="list-style-type: none"> Raw cement/concrete or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish and wildlife resources resulting from Project related activities shall be prevented from contaminating the soil and/or entering the conserved riparian habitat. These materials, placed within or where they may enter the conserved riparian habitat or any party working under contract to the construction contractor, shall be removed immediately. No equipment maintenance shall be done within or near the conserved riparian habitat where petroleum products or other pollutants from the equipment may enter these areas under any flow. No broken concrete, cement, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or washings thereof, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the conserved riparian habitat. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be 					

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deposited within 150 feet of the conserved riparian habitat.					
MM BIO-5					
<p>Prior to issuance of grading permit, the following measures shall be incorporated into the construction documents and specifications, and implemented by the contractor, to avoid potential construction-related impacts to the conserved riparian habitat outside of the approved disturbance limits:</p> <ul style="list-style-type: none"> • Construction worker training shall be provided by a qualified biologist at the first on-site construction meeting • Project boundaries shall be clearly marked and or signs shall be erected near the top of slope adjacent to the conserved riparian habitat to prevent accidental/unauthorized intrusions during construction; and • Staging areas for storage of materials and heavy equipment, and for fueling, cleaning, or maintenance of construction vehicles or equipment, shall be prohibited within 20 feet from the top of slope adjacent to the conserved riparian habitat. 	<p>Approval of Grading Plan. Plans must be in compliance with the required specifications of the mitigation measure.</p> <p>Provide the sign in/attendance sheet to the City demonstrating the Workers' Environmental Awareness Program was conducted by a qualified Biologist.</p> <p>Mark project boundaries.</p> <p>Mark staging areas.</p>	<p>Prior to and during grading and construction activities</p>	<p>Community & Economic Development Department - Planning Division</p> <p>Public Works Department</p> <p>Project Applicant</p> <p>Construction Contractor</p> <p>Qualified Biologist/Biological Monitor</p>		



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<p>MM BIO-6</p> <p>Prior to issuance of occupancy permit, to reduce impacts to on-site riparian/riverine areas and suitable habitat for least Bell's vireo (LBV), on-site mitigation shall include:</p> <ol style="list-style-type: none"> 1. Enhancement of a total of 1.58 acres of riparian habitat: 0.01-acre in Drainage A, 1.34 acres in Drainage B, and 0.23-acre in Area C. 2. Create (establish) 0.61-acre of in-kind riparian woodland in Area C. 3. Restoration of 0.02-acre of riparian habitat in Drainage B. 4. The non-jurisdictional, non-riparian/riverine upland areas of slopes associated with the access road will be restored/replanted with native seed mix. 5. The roadway/access to Parcel 1/Building A shall include culverts to provide a hydrological connection to the riparian habitat on the east side of the roadway and a corridor for small wildlife species. 6. Revise the existing Restricted Property to include Parcel A (7.19 acres) and Parcel B (5.04 acres), with a combined area of 12.23 acres. The revised 12.23 acres 	<p>Inspection of implemented enhancements, creation, and restoration of on-site riparian/riverine and non riparian/rivering areas, including culverts.</p> <p>Recorded Parcel Map showing modifications to the Restricted Property</p> <p>Provide evidence the Restricted Property will be managed by a third party.</p>	<p>Prior to issuance of occupancy permit</p>	<p>Community & Economic Development Department - Planning Division</p> <p>Regional Conservation Authority (RCA)</p> <p>California Department of Fish and Wildlife (CDFW)</p> <p>Project Applicant</p> <p>Construction Contractor</p>		

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Restricted Property shall be managed in perpetuity with an endowment funded by the developer and by a CDFW approved 3 rd party (such as Rivers and Lands Conservancy "RLC").					
MM BIO-7					
To reduce potential impacts to MSHCP covered species and to comply with the MSHCP, payment of the MSHCP mitigation fee shall be provided to the City of Riverside prior to issuance of a building permit for the project.	Proof of MSHCP mitigation fee payment	Prior to issuance of building permit	Community & Economic Development Department - Planning Division Project Applicant		
MM BIO-8					
Payment of the SKRHCP fee shall be provided to the City of Riverside prior to issuance of a grading permit for the project.	Proof of SKRHCP fee payment	Prior to issuance of grading permit	Community & Economic Development Department - Planning Division Project Applicant		
MM BIO-9					
If construction activity is conducted between September 1 st and January 31 st , then this mitigation measure is required prior to issuance of a grading permit. Federal Migratory Bird Treaty Act (MBTA) and/or state code protect all native bird species - both common and special status. In most scenarios, MSHCP coverage does not override the nesting bird protections provided by these. Impacts to nesting birds, both direct and indirect, can be minimized or eliminated by conducting	Preconstruction nesting bird survey report submitted to City by Qualified Biologist	Prior to issuance of grading permit for any ground disturbance between February 1 and August 31	Community & Economic Development Department - Planning Division Project Applicant Qualified Biologist		

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<p>work activities outside of the local breeding season.</p> <p>Although nesting can occur in any month in southern California for some species, breeding in the study area, given the habitat, would primarily be expected from about February 1 through August 31. Work from about September 1 through January 31 would avoid most negative affects to birds and nesting activity. If work must be done during the breeding season, surveys for nesting birds should occur no more than three (3) days prior to all vegetation clearing and ground disturbance.</p> <p>If active nests are found, they should be avoided until young have fledged. While there is no established protocol for nest avoidance, when consulted the CDFW generally recommends avoidance buffers of about 500 feet for raptors and threatened/endangered species and 100 – 300 feet for non-raptors. Adherence to these nesting bird recommendations will also avoid and/or mitigate impacts to special status bird species known from the project site which are not covered by the MSHCP.</p>						
<p>MM BIO-10</p> <p>A focused BUOW survey must be conducted during the breeding season (four visits between March 1st – August 31st). Regardless of the result of those surveys, because of the presence of suitable habitat that could be occupied at</p>	<p>Submittal of a Preconstruction Survey, prepared by a Qualified Biologist, for burrowing owls to the City. If negative</p>	<p>Thirty days prior to any vegetation removal or ground disturbing activities</p>	<p>Community & Economic Development Department - Planning Division Project Applicant</p>			



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any time, a one-day preconstruction survey must also be conducted 30 days or less before groundbreaking.	findings, no further action required.		Qualified Biologist California Department of Fish and Wildlife (CDFW) if relocation of owls is required			
MM BIO-11						
<p>During construction standard BMPs from Volume I, Appendix C of the MSHCP shall be implemented to avoid impacts to biological resources of the MSHCP. The following standard BMPs shall be included as Environmental Requirement Notes on the final grading plans to be reviewed and approved by City staff prior to issuance of a grading permit. The measures are as follows:</p> <ol style="list-style-type: none"> 1. A condition shall be placed on grading permits requiring a qualified biologist to conduct a training session for project personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access 	<p>Approval of Grading Plan. Plans must be in compliance with the required specifications of the mitigation measure and note BMPs.</p> <p>Provide the sign in/attendance sheet to the City demonstrating the Workers' Environmental Awareness Program was conducted by a qualified Biologist.</p> <p>Mark project boundaries.</p> <p>Mark staging areas.</p> <p>Inspection of Implemented BMPs</p>	Prior to issuance of grading permit	<p>Community and Economic Development Department – Planning Division</p> <p>Public Works Department</p> <p>Project Applicant</p> <p>Construction Contractor</p> <p>Qualified Biologist</p>			



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<p>routes to and project site boundaries within which the project activities must be accomplished.</p> <p>2. Water pollution and erosion control plans shall be developed and implemented in accordance with RWQCB requirements.</p> <p>3. The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.</p> <p>4. The upstream and downstream limits of projects disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work.</p> <p>5. Projects should be designed to avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern.</p> <p>6. Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian species identified in MSHCP Global Species Objective No. 7.</p> <p>7. When stream flows must be diverted, the diversions shall be</p>	<p>identified on the SWPPP.</p> <p>Approval of Erosion Control Plan showing location of equipment storage, fueling, and staging areas.</p> <p>Periodic Inspections</p>				

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<p>conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing or other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments offsite. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from reentering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.</p> <p>8. Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, USFWS, and CDFW, RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.</p>						

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<p>9. Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.</p> <p>10. The qualified project biologist shall monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.</p> <p>11. The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species.</p> <p>12. Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible.</p> <p>13. To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).</p> <p>14. Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the</p>						



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<p>proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.</p>					
Cultural Resources					
MM CUL-1					
<p>Prior to grading permit issuance if there are any changes to project site design and/or proposed grades, the Applicant and the City shall contact consulting tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City, developer/applicant, and consulting tribes to discuss any proposed changes and review any new impacts and/or potential avoidance/preservation of the cultural resources on the project site.</p> <p>The City and the developer/applicant shall make all attempts to avoid and/or preserve in place as many cultural resources and paleontological resources as possible that are located on the project site if the site</p>	<p>Provide copy of consultation logs showing Applicant's effort to contact interested tribes and the outcome of any such consultation</p> <p>Halt any work in the event of inadvertent archeological resources</p>	<p>Prior to issuance of grading permits.</p>	<p>Community & Economic Development Division and Historic Preservation Officer</p> <p>Project Developer/Applicant</p> <p>Consulting Tribes(s)</p>		

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<p>design and/or proposed grades should be revised.</p> <p>In the event of inadvertent discoveries of archaeological resources, work shall temporarily halt until agreements are executed with consulting tribes, to provide tribal monitoring for ground disturbing activities.</p>					
MM CUL-2: Archaeological Monitoring					
<p>At least 30 days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities take place, the developer/applicant shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities to identify any unknown archaeological resources.</p> <p>1. The project archaeologist, in consultation with consulting tribes, the Developer, and the City, shall develop an Archaeological Monitoring Plan to address the details, timing, and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the plan shall include:</p> <ul style="list-style-type: none"> a. Project grading and development scheduling. b. The development of a schedule in coordination with the developer/applicant, the 	<p>Provide evidence to the City that a qualified Archeological Monitor has been retained.</p> <p>Submit the approved Archaeological Monitoring Plan.</p> <p>Provide copy of consultation logs showing Applicant's effort to contact interested tribes and outcome of each consultation.</p>	<p>At least thirty (30) days prior to issuance of grading permits and before any ground-disturbing activities.</p>	<p>Community & Economic Development Department - Planning Division and Historic Preservation Officer</p> <p>Project Developer/Applicant</p> <p>Qualified Archaeologist</p> <p>Consulting Tribe(s)</p>		

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<p>project archaeologist, and for designated Native American Tribal Monitors from the consulting tribes for grading, excavation, and ground-disturbing activities on the site, including the scheduling, safety requirements, duties, scope of work, and project archeologist and Native American Tribal Monitors' authority to stop and redirect grading activities;</p> <p>c. The protocols and stipulations that the Applicant, tribes, and project archaeologist/paleontologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits, or nonrenewable paleontological resources that shall be subject to a cultural resource evaluation.</p> <p>d. In conjunction with the Archeological Monitor(s), the Native American Monitor(s) shall have the authority to temporarily divert, redirect, or halt the</p>					

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<p>ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.</p> <p>e. Treatment and final disposition of any archeological and cultural and paleontological resources, sacred sites, if discovered on the project site; and</p> <p>f. The scheduling and timing of the Cultural Sensitivity Training noted in mitigation measure MM-CUL-5.</p>					
MM CUL-3: Native American Monitor					
<p>Prior to issuance of grading permit, the developer/permit applicant shall engage each of the consulting tribe(s) regarding Native American Monitoring. The developer/permit applicant shall provide evidence to the City that they have reached an agreement with each consulting tribe(s) regarding the following:</p> <p>a. The treatment of known cultural resources.</p> <p>b. The treatment and final disposition of any tribal cultural resources, sacred sites, human remains, or archaeological and cultural resources inadvertently discovered on the Project site.</p>	<p>Provide evidence to the City that a qualified Archeological Monitor has been retained.</p> <p>Submit the approved Archeological Monitoring Plan.</p> <p>Submit report that documents the finding and disposition of any Native American cultural resources</p>	<p>Prior to issuance of grading permit</p>	<p>Community & Economic Development Department - Planning Division and Historic Preservation Officer</p> <p>Qualified Archaeologist</p> <p>Applicant</p> <p>Project Applicant</p> <p>Consulting Tribe(s) /Native American Monitors</p>		

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<p>c. Project grading, ground disturbance (including but not limited to excavation, trenching, cleaning, grubbing, tree removals, grading and trenching) and development scheduling; and</p> <p>d. The designation, responsibilities, and participation of professional Tribal Monitor(s) during grading, excavation, and ground disturbing activities.</p> <p>If the developer/permit applicant and the consulting tribe(s) are unable to reach an agreement, the mitigation measure shall be considered satisfied if the developer/permit applicant provides sufficient documented evidence that they have made a reasonable good faith effort to reach an agreement, as determined by the City, with the consulting tribes with regards to items a-d, as listed above.</p>						
<p>MM CUL-4: Treatment and Disposition of Cultural Resources</p>						
<p>In the event the Native American cultural resources are inadvertently discovered during grading for this project, the following procedures will be carried out for treatment and disposition of the discoveries:</p> <ol style="list-style-type: none"> 1. Consulting Tribes Notified: within 24 hours of discovery, the consulting tribe(s) shall be notified via email and phone. Consulting tribe(s) will be allowed access to the discovery, to assist with the significance evaluation. 	<p>Provide the City evidence that consulting tribes have been notified within 24 hours of discovery</p> <p>Submittal of report that documents the finding and disposition of any Native American</p>	<p>During construction activities (grading)</p>	<p>Community & Economic Development Department - Planning Division and Historic Preservation Officer</p> <p>Consulting Tribe(s)</p> <p>Construction Contractor</p> <p>Landowner</p>			

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<p>2. Temporary Curation and Storage: During construction, all discovered resources shall be temporarily curated in a secure location on site. The removal of any artifacts from the project site shall require the approval of the Consulting Tribes and all resources subject to such removal must be thoroughly inventoried with a tribal monitor from each consulting tribe to oversee the process; and</p> <p>3. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The Applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Riverside Community and Economic Development Department with evidence of same:</p> <p>a. Preservation-In-Place of the cultural resources, if feasible as determined through coordination between the project archeologist, developer/applicant, and consulting tribal monitor(s). Preservation in place means avoiding the</p>	<p>Cultural Resources to the City</p> <p>If resources are found and curated, provide a copy of the curation agreement to the City</p> <p>Submittal of a Phase IV Monitoring Report to City</p>		Project Applicant		

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<p>resources, leaving them in the place where they were found with no development affecting the integrity of the resources in perpetuity.</p> <p>b. Accommodate the process for on-site reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed, with an exception that sacred items, burial goods, and Native American human remains are excluded. No cataloguing, analysis, or other studies may occur on sacred items, human remains, and grave goods. Any reburial process shall be culturally appropriate. List of contents and location of the reburial shall be included in the confidential Phase IV Report. The Phase IV report shall be prepared</p>					

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<p>by the project archeologist and shall be filed with the City under a confidential cover and not subject to a Public Records Request. The Tribe(s) should be able to access these areas in the future through enforceable agreement.</p> <p>c. If reburial is not feasible, a curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation.</p> <p>d. At the completion of grading, excavation, and ground-disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting</p>					



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<p>monitoring activities conducted by the project archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and in a confidential appendix include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City of Riverside, Eastern Information Center, and consulting tribes.</p>					
MM CUL-5 Cultural Sensitivity Training					
<p>The Secretary of Interior Standards County certified archaeologist and Native American monitors shall attend the pre-grading meeting with the developer/permit holder's contractors to provide Cultural Sensitivity</p>	<p>Provide City with sign-in sheet for cultural and archaeological sensitivity training.</p>	<p>Prior to issuance of grading permit</p>	<p>Community & Economic Development Department – Planning Division</p>		



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<p>Training for all construction personnel. This shall include the procedures to be followed during ground disturbance in sensitive areas and protocols that apply if unanticipated resources are discovered. Only construction personnel who have received this training can conduct construction and disturbance activities in sensitive areas. A sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.</p>	<p>conducted by a qualified archaeologist, for all construction site personnel.</p>		<p>Historic Preservation Officer Project Developer/Applicant Qualified Archaeologist Consulting Tribe(s)</p>		
<p>MM CUL-6 Fencing of the Avoided Sites</p> <p>Prior to any earthmoving activities, the current boundaries of the avoided sites (CA-RIV-11770, CA-RIV-11772, CA-RIV-2486, two milling slicks within CA-RIV-2488, and CA-RIV-2489) will be fenced and identified as an Environmental Sensitive Area (ESA). The project applicant will ensure that appropriate temporary fencing is installed i.e., orange fabric/barrier fencing) to prevent any unintentional disturbances to CA-RIV-11770, CA-RIV-11772, CA-RIV-2486, two milling slicks within CA-RIV-2488, and CA-RIV-2489 during any earthmoving activities on the project site. The fencing will be installed before clearing and grubbing and will not be removed until all earthmoving activities have been completed and the wall in Parcel 4 has been constructed. The project archaeologist and Tribal Monitor(s) will be on site to monitor the fence installation and removal and will conduct daily inspections of the fencing to make sure that it is intact and has not been breached.</p>					
<p>Submittal of plans showing installation of temporary construction fencing around identified sites to be avoided.</p> <p>Tribal Monitoring agreed upon in approved Archeological Monitoring Plan</p> <p>Inspection of installed temporary fencing</p> <p>Periodic inspections during construction</p>	<p>Prior to issuance of grading permit and any ground disturbing activities</p>	<p>Community & Economic Development Department – Planning Division and Building & Safety Division Historic Preservation Officer Project Applicant Qualified Archaeologist Consulting Tribe(s)/ Tribal Monitor(s) Construction Contractor</p>			

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<p>If the project archaeologist and/or Tribal Monitor(s) identify a breach of the fence, i.e., removal, cut, depressed, driven over or intentionally breached in any way, all work within a 25-foot buffer shall cease and the Project Applicant, City, project archaeologist and the Monitoring Tribe(s) shall meet and confer as to the best method to repair the fencing. The person(s) responsible for the breach and the Construction Supervisor (or appropriate supervisory personnel) shall be required to retake the sensitivity training provided at the beginning of construction, in addition to any other remedies considered appropriate.</p>					
<p>MM CUL-7 Relocation of Impacted Sites</p>					
<p>Prior to any grading in the associated areas, the Project Applicant shall meet with the Project Archaeologist and the Consulting Tribe(s) in order to assess CA-RIV-11769, CA-RIV-2487, and two milling slicks within CA-RIV-2488 to determine the suitability for relocation to a permanent open space area. The Consulting Tribe(s) shall work with the Project Archaeologist, Project Applicant, and the grading contractor or appropriate personnel to ensure that every effort is made to relocate the Features safely and to discuss the most appropriate methods for relocation.</p> <p>Using professional archaeological methods, the milling slicks associated with Sites CA-RIV-11769, CA-RIV-2487, and CA-RIV-2488 shall be relocated to the planned open space area in the northern</p>	<p>Provide evidence to the City that the Project applicant has met with a qualified Project archaeologist and the Consulting Tribe(s) to assess cultural resources for relocation.</p> <p>Provide City with report prepared by Qualified Archaeologist detailing methods to be used for relocation.</p>	<p>Prior to issuance of grading permit and grading activities.</p>	<p>Community & Economic Development Department - Planning Division</p> <p>Historic Preservation Officer</p> <p>Project Applicant</p> <p>Qualified Archaeologist</p> <p>Consulting Tribe(s)</p> <p>Construction Contractor</p>		

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<p>portion of the Project site. The Tribe(s) should be able to access these areas in the future through enforceable agreement.</p> <p>Before construction activities may resume in the affected area, any visible artifacts shall be recovered and recorded, and the features recorded using professional archaeological methods. The current Department of Parks and Recreation forms for the sites shall be updated, detailing which features were relocated, the process taken, and updated maps using sub meter GIS technology to document the new location of each feature.</p> <p>The relocation information shall be included in a Phase IV Monitoring Report. The site record should clearly indicate that the Features are not in their original location and why they were relocated.</p>	<p>Recordation of enforceable access agreement with Consulting Tribe (s) to relocated resources.</p> <p>Provide evidence to the City of recovery and recordation of visible artifacts.</p> <p>Provide evidence to the City that Department of Parks and Recreation forms for the sites have been updated.</p> <p>Submittal of a completed Phase IV Monitoring Report.</p>				
<p>MM CUL-8 Long-Term Preservation Plan</p>					
<p>Prior to occupancy, a Long-Term Preservation Plan (LTPP) shall be prepared among the City, Landowner, and Consulting Tribe(s). The LTPP should include the following:</p> <ul style="list-style-type: none"> a) Description of archeological resources. b) Documentation of resources of concern, such as high- 	<p>Provide copy of consultation logs showing Applicant's effort to contact interested tribes and the outcome of any such consultation regarding the LTPP</p>	<p>Prior to occupancy</p>	<p>Community & Economic Development Department - Planning Division</p> <p>Historic Preservation Officer</p> <p>Qualified Archaeologist</p> <p>Consulting Tribe(s)</p>		



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<p>resolution photographs or similar</p> <p>c) Listing of Preservation Actions to Date</p> <p>d) The determination of responsibility for care, maintenance, and guidance in the event preserved resources [CA-RIV-11770, CA-RIV-11772, CA-RIV-2486, two milling slicks within CA-RIV-2488, and CA-RIV-2489] should be vandalized or damaged. This section should also address responsibility for regular site condition assessments to determine if resources are being affected by project construction and later operations.</p>	<p>Provide copy of LTPP, prepared by a qualified archaeologist, to the City.</p>		<p>Project Applicant</p> <p>Construction Contractor</p>		
MM CUL-9 Controlled Grade					
<p>Sites CA-RIV-11769, CA-RIV-11770, CA-RIV-11772, CA-RIV-2486, CA-RIV-2487, CA-RIV-2488, and CA-RIV-2489 will be impacted during grading and construction activities and the soils surrounding them will be disturbed. Prior to any grading in the associated areas, the Project Applicant, the Consulting Tribes, and the City will formalize a written agreement to identify the area that will be subject to "Controlled Grading" during construction of the Project. The Pechanga and Soboba Tribes, the Project Applicant, and the City will develop an exhibit that outlines the area subject to</p>	<p>Provide copy of consultation logs showing Applicant's effort to contact interested tribes and the outcome of any such consultation regarding the controlled grading plan.</p> <p>Provide Controlled Grading Plan to City</p>	<p>Prior to issuance of grading permit and grading/construction activities</p>	<p>Community & Economic Development Department - Planning Division</p> <p>Public Works Department</p> <p>Historic Preservation Officer</p> <p>Qualified Archeologist</p> <p>Consulting Tribe(s)</p>		

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controlled grading, and that area will be highlighted on the rough grading plans, precise grading plans or other off-site improvement plans that may impact this site. "Controlled Grading" shall include, without limitation, the slow and deliberate excavation and removal of soils employing the smallest reasonable cuts in certain areas using light scrapers (for example Caterpillar 623 or 627), dozers (for example D6- D8), front end loaders, excavators, skip loaders, dump trucks, and motor graders. A controlled grading plan will be monitored by the Project Archeologist and Tribal Monitor(s) to ensure the systematic removal of the ground surface surrounding these features are monitored to allow for the identification of resources. Results of all controlled grading activities shall be included in the Phase IV monitoring report.	for review and approval Tribal Monitoring Periodic Inspections Submittal of a completed Phase IV Monitoring Report.		Project Applicant Project Contractor		
Geology and Soils					
MM GEO-1					
If one or more fossils are discovered during construction, all ground disturbing activities within 50 feet of the area of the find shall be ceased and the applicant shall retain a paleontologist who meets the Society of Vertebrate Paleontology (SVP) qualifications standards for the Project Paleontologist to oversee the documentation of the extent and potential significance of the find as well as recovery efforts. Ground-disturbing activities may resume around the finds at the discretion of the Project Paleontologist. If the fossils are significant pre the SVP's 2010 criteria, then	Submit report prepared by qualified paleontologist to to the City	During Construction activities	Community & Economic Development Department - Planning Division Qualified Paleontologist Project Contractor		



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paleontological monitoring shall be conducted on an as-needed bases for further ground-disturbing activities in the Project area.					
Greenhouse Gases					
MM AIR-1					
Same as above					
Hazards & Hazardous Materials					
MM AIR-1					
Same as above					
Noise					
MM NOI-1					
Prior to issuance of grading and construction activities, should least Bell's vireo (LBVI) be present in the Sycamore Canyon Wilderness Park within 300 feet of the Project site, in Parcel 'A' on-site conservation area, or within Parcel B on-site conservation area within 100 feet of the development footprint, construction noise impacts shall be minimized through implementation of the following measure:	Submittal of a Preconstruction survey for LBVI to the City. Approval of Grading Plans. Plans must be in compliance with the required specifications of the mitigation measure.	Thirty (30) days prior to the issuance of grading permits and during any construction and ground-disturbing activities.	Community & Economic Development Department - Planning Division Public Works Department Project Applicant Qualified Biologist Regional Conservation Authority (RCA) California Department of Fish and Wildlife (CDFW) Construction Manager		
1. A 12-foot-high temporary noise barrier shall be installed at the perimeter of the limits of disturbance between the construction activities and the adjacent Sycamore Canyon Wilderness Park to the north and east, and the on-site conservation areas as shown in DEIR Figure 5.11-5 – Construction Barrier. The barrier shall be continuous without openings, holes, or cracks, and					

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<p>shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a reduction of at least 10 dB(A) to ensure noise levels do not exceed 65 dB(A) L_{eq} at the Sycamore Canyon Wilderness Park and on-site conservation areas. Other barrier materials providing the same reduction shall also be permitted.</p> <p>2. Heavy grade rubber mats/pads shall be used within the bed of the trucks. These mats will help attenuate initial impact noise generated when an excavator drops rock and debris into the bed of the truck. These mats must be maintained and/or replaced as necessary.</p> <p>3. During all Project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.</p> <p>4. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site.</p> <p>5. Equipment shall be shut off and not left to idle when not in use.</p> <p>6. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related</p>						

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<p>noise/vibration sources and sensitive receptors nearest the Project site during all Project construction.</p> <p>7. The Project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the Project site during construction.</p> <p>8. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (7:00 a.m. to 6:00 p.m. on weekdays, and 8:00 a.m. to 5:00 p.m. on Saturdays).</p> <p>9. The use of heavy equipment or vibratory rollers and soil compressors shall be limited along the Project boundaries to the greatest degree possible. It is acknowledged that some soil compression may be necessary along the Project boundaries.</p> <p>10. Any jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded, and noise shall be directed away from sensitive receptors.</p> <p>For the duration of construction activities, the construction manager shall serve as the contact person should noise levels become disruptive to residents. A sign should be posted at the Project site with the contact phone number. This sign shall be posted at the Alessandro Boulevard</p>					



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frontage as well as the Barton Street frontage.					
Tribal Cultural Resources					
MM CUL-1					
Same as above					
MM CUL-2: Archaeological and Paleontological Monitoring					
Same as above					
MM CUL-3: Native American Monitor					
Same as above					
MM CUL-4: Treatment and Disposition of Cultural Resources					
Same as above					
MM CUL-5: Cultural Sensitivity Training					
Same as above					
MM CUL-6: Fencing of the Avoided Sites					
Same as above					
MM CUL-7: Relocation of Impacted Sites					
Same as above					
MM CUL-8: Long-Term Preservation Plan					
Same as above					
MM CUL-9: Controlled Grade					
Same as above					

