

Consistency Evaluation Pursuant to Public Resources Code Section 21166

PALOMA DEL SOL Villages at Paseo del Sol

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1.0 PURPOSE AND BACKGROUND

1.1 PURPOSE

Section 65457 of the Government Code provides an exemption from the requirements of Division 13 of the Public Resources Code (commencing with Section 21000—Legislative Update or the California Environmental Quality Act) (CEQA) for a residential development project “. . . that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980.” However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with CEQA.¹

The proposed Project is implementing a residential development provided for in an approved Specific Plan for which an Environmental Impact Report (EIR) has been prepared. Therefore, the purpose of this evaluation is to assess, in light of the requirements of Section 21166, the consistency of the residential development proposed by Tentative Tract Map (TTM) 36483 (proposed Project or Project) for Planning Area-4 (PA-4) of the Paloma del Sol Specific Plan, Villages at Paseo del Sol with the previous environmental documentation prepared in compliance with CEQA.² PA-4 is the last undeveloped portion of the Paloma del Sol Specific Plan area, located in the City of Temecula. The proposed TTM for the 42.64-acre PA-4 consists of 168 single-family residential lots, a community park, open space/trails, and drainage and water quality improvements.

The Project site has been addressed in previous environmental documents, including the Certified Final Environmental Impact Report 235 (Certified FEIR 235), State Clearinghouse (SCH) No. 36483, approved by the County of Riverside on September 6, 1988 and Addendum No. 4 to the Certified FEIR 235, which included changes to the development in PA-4 and was approved by the City of Temecula on January 8, 2002. It should be noted that the proposed Project was additionally analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND), which was distributed for public review in July 2019 but was not finalized or approved by the City of Temecula. This evaluation assesses whether the existing documents adequately addressed the potential environmental impacts associated with the Project; if substantial changes are proposed in the Project that would require major revisions of the original EIR; if substantial changes have occurred in the circumstances under which the project is being undertaken that would require major revisions of the original EIR; or if new information, which was not known and could not have been known at the time, becomes available.

1.2 BACKGROUND

As indicated above and discussed in the following sections, there have been a number of CEQA environmental documents that include discussion and analysis pertaining to the Paloma del Sol Specific Plan site. This evaluation incorporates information from the said documents to demonstrate that none of the events specified in Section 21166 for determining if subsequent environmental

¹ Section 65457 of the Government Code and Section 21166 of the Public Resources Code are further discussed in Section 2.1, Regulatory Setting.

² The full name of Specific Plan 219 is Paloma Del Sol, Villages at Paseo del Sol. For brevity, this evaluation refers to the name as the Paloma del Sol Specific Plan. There are past documents that use the name Paseo del Sol. Additionally, at the time FEIR 235 was certified, it was also called The Meadows at Rancho California.

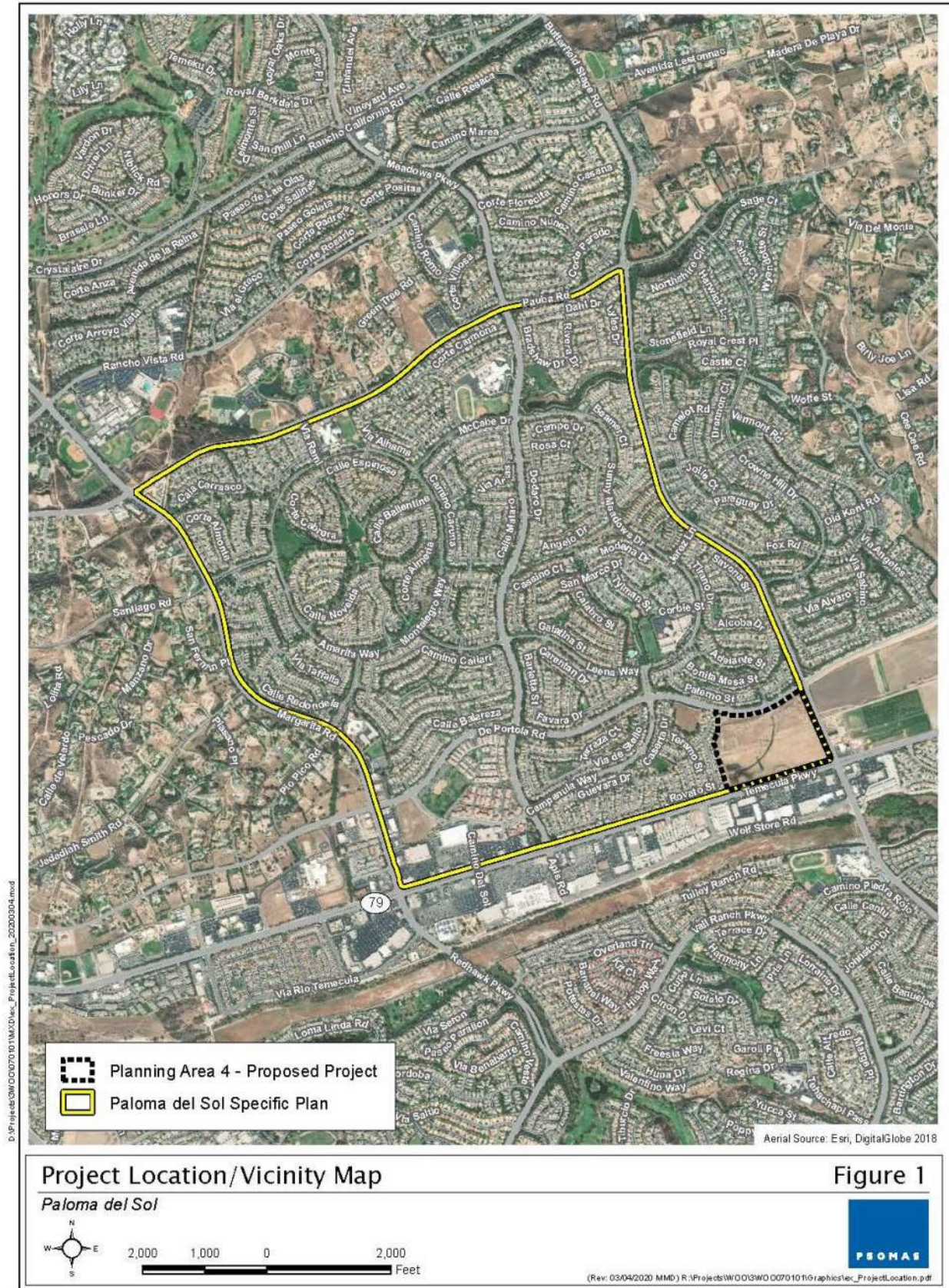
documentation is required have occurred. The following information provides context to the Paloma del Sol Specific Plan approval process, which has spanned multiple years.

1.2.1 PALOMA DEL SOL SPECIFIC PLAN AND CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT 235 (STATE CLEARINGHOUSE NO. 8707003)

The approximate 1,391.5-acre Paloma del Sol Specific Plan (Specific Plan 219) area is located in the City of Temecula, to the south of Pauba Road, north of Temecula Parkway (Highway 79), west of Butterfield Stage Road, and east of Margarita Road, as identified on Figure 1. The Specific Plan offers a mix of uses and residential densities to accommodate the diverse needs of the community. The Specific Plan, as initially approved, includes 38 planning areas supporting a total of 5,611 residential units. The residential densities range from Medium to Very High Density. Commercial uses are provided in the Specific Plan, predominately in the southwestern portion of the community, along Temecula Parkway. This includes both Community/Neighborhood Commercial and Neighborhood Commercial uses (Table 1, provided below in Section 1.2.2 shows the distribution of the development by category). Supportive infrastructure includes schools, recreation areas/parks, greenbelt paseos, roadways, and utility improvements as part of the Specific Plan, which were evaluated in the Certified FEIR 235. Through the amendment process, discussed below, there have been minor adjustments in the total number of units and development densities.

As an EIR prepared for a large-scale development project, FEIR 235 was intended to be used as the basis for subsequent approvals associated with implementation of the Paloma del Sol Specific Plan. CEQA encourages the use of more comprehensive documents that evaluate one large project with several phases that require a series of implementing actions. This allows a more comprehensive evaluation of impacts and the context of land uses, rather than evaluating smaller projects. As each of the subsequent activities have been submitted for implementation, the City of Temecula has evaluated the proposed development in light of the Certified FEIR 235 to determine whether an additional environmental document must be prepared. At the time the Specific Plan was approved, the site was in the unincorporated portion of the County of Riverside. Therefore, the County of Riverside Board of Supervisors, as the decision-makers for the lead agency, was the entity that approved the Paloma del Sol Specific Plan and certified the FEIR 235 on September 6, 1988. Additionally, the County of Riverside approved three amendments to the Specific Plan. Records are not available that clearly define what these three amendments to the Specific Plan entailed.

In 1989, subsequent to the approval of the Specific Plan and certification of the associated FEIR, the City of Temecula was incorporated; thereby making the City the lead agency on local land use approvals. Since incorporation, the City has processed an additional five Specific Plan Amendments, and four Addenda to Certified FEIR 235 have been prepared. These amendments are briefly discussed below to provide context of the build-out of the Paloma del Sol Specific Plan area.



1.2.2 SPECIFIC PLAN AMENDMENTS 4 THROUGH 8 AND ADDENDA 1 THROUGH 4 TO FINAL ENVIRONMENTAL IMPACT REPORT 235

As noted above, the City of Temecula has processed five amendments to the Specific Plan and prepared four Addenda to Certified FEIR 235. The following provides a brief overview of the previous approvals and associated CEQA documentation (T&B Planning, 2002a).

- Amendment No. 4 to the Specific Plan added 6.5 acres of Very High density residential to Planning Area 6 (PA-6). It also added 1.5 acres of park to Planning Area 37 (PA-37), reduced community/neighborhood commercial area in Planning Area 1 (PA-1) by 4.9 acres and reduced major roads by 3.1 acres. Addendum No. 1 to the Certified FEIR 235 was prepared in conjunction with Amendment No. 4 and was approved by the Temecula City Council in 1994. In addition to the changes to the Specific Plan, Addendum No. 1 added a Development Agreement, which did not change the physical impacts identified in the Certified FEIR 235 since it only dealt with collection of fees, improvements to parks and dedication of parks to the City for maintenance.
- Amendment No. 5 to the Specific Plan was approved in January of 1997. It resulted in a change in the allocation of units between the density levels. There was an increase in the Medium density category and reduction in Medium-High and Multi-Family designations. This resulted in an overall reduction of 20 units in the Specific Plan. Other changes included an increase in community/neighborhood commercial acreage, the designation of a park/recreation site, and reduction in roadside landscape requirements. The City Council determined Amendment No. 5 was consistent with the project evaluated in Certified FEIR 235. Therefore, no further environmental analysis was required for this amendment.
- Amendment No. 6 to the Specific Plan was approved by the City of Temecula in January of 1998. This amendment resulted in several minor changes to the Specific Plan, including minor changes in acreage of the several planning areas. Other changes would be characterized as “clean up” measures, such as updating roadway cross-sections and standards to conform to the City's General Plan and reflecting minor access points changes to conform to the approved Tentative Tract Maps. Specific Plan Amendment No. 6 did not result in any total acreage or dwelling unit changes. The City Council determined Amendment No. 6 was consistent with the project evaluated in Certified FEIR 235. Therefore, no further environmental analysis was required for this amendment.
- Addendum No. 2 to the Certified FEIR 235 was adopted on March 17, 1999 by the City of Temecula. Planning Area 8 (PA-8), designated in Amendment No. 6 as Medium Density Residential, was revised to allow a Medium Density Senior Community. The size and number of dwelling units remained the same. Addendum No. 2 evaluated institutions such as facilities for the aged, congregate care residential facilities, information center and nursery schools.
- Amendment No. 7 to the Specific Plan encompassed minor land use changes and alterations to roadway standards. In conjunction with Amendment No. 7, a Development Plan and a Development Agreement for a portion of PA-1 was processed to permit the construction of a community commercial center of focused retail villages. Although the Specific Plan Amendment did make minor revisions to the allowed development provided in the Paloma del Sol Specific plan, Addendum No. 3 to the Certified FEIR 235 was prepared in conjunction with the processing of Amendment No. 7 and documented that, (1) the proposed changes would not result in substantial revisions to the Paloma del Sol Specific Plan; (2) no substantial changes in circumstances occurred that would require major revisions to Certified FEIR 235;

and (3) no new information of substantial importance has been revealed since the certification of FEIR 235.

- Amendment No. 8 to the Specific Plan was the last Specific Plan Amendment processed; and therefore, represents the currently approved Specific Plan and would serve as a baseline for the consistency evaluation provided for in Section 4 of this evaluation. Addendum No. 4 to Certified FEIR 235 evaluated each environmental factor originally analyzed in the Certified FEIR 235 and previous three EIR Addenda and determined that none of the environmental impacts increased beyond what had already been documented. Amendment No. 8 resulted in the relocation of a number of uses within the Specific Plan area and a reduction of the total number of residential dwelling units within the Paloma del Sol Specific Plan (T&B 2002b). The allowed number of units was reduced from 5,246 dwelling units to no more than 5,137 units and as few as 5,072 units.³ Additionally, the elementary school proposed for Planning Area 29B (PA-29B) was removed since the Temecula Valley Unified School District (TVUSD) indicated that the site was no longer needed. Amendment No. 8 identified 188 units in PA-4. Amendment No. 8, and the associated Addendum No. 4, were approved by the City of Temecula in 2002.

Table 1 provides a comparison of the land uses approved in 1988 as part of the original Specific Plan and the uses currently approved based on Amendment No. 8.

³ The 5,072 dwelling units was based on without a senior community option and 5,137 units if the senior community option is implemented. Addendum 4 assumed a worst-case scenario and evaluated the impacts associated with a 5,137-unit project. PA-8 was constructed with single-family units.

TABLE 1
COMPARISON OF ORIGINAL SPECIFIC PLAN APPROVALS
AND AMENDMENT NO. 8 APPROVALS

Specific Plan No. 219 (Original)			Specific Plan No. 219 Amendment No. 8		
Land Use	Acres	D.U.s	Land Use	Acres	D.U.s
Medium	536.0	2,366	Medium	610.7	2,551
			Medium (Senior)	89.0	335 (400)*
Medium High	437.5	2,406	Medium High	303.8	1,678
			High	22.3	268
Very High	56	840	Very High	12.0	240
Community/ Neighborhood Commercial	39.0		Community/ Neighborhood Commercial	43.0	
Neighborhood Commercial	15.0		Neighborhood Commercial	2.5	
Day Care	2.0		Day Care	2.0	
Junior High School	20.0		Junior High School	20.0	
Elementary School	41.0		Elementary School	31.0	
Parks or Recreation Areas	15.4		Parks or Recreation Areas	30.6	
Greenbelt Paseos	28.0		Greenbelt Paseos	31.9	
Roadway Paseos	87.6		Roadway Paseos	81.5	
			Open Space	9.0	
Major Streets	114.0		Major Streets	102.2	
Project Total	1,391.5	5,611	Project Total	1,391.5	5,072 (5,137)*
* Implementation of the adult retirement option for PA-8 increases the total dwelling unit allocation for PA-8 to 400 du, raises the total medium density dwelling unit allocation to 2,951 du, and would raise the total dwelling units allowed in the Specific Plan to 5,137.					
Source: Paloma del Sol Specific Plan, Villages at Paseo del Sol, Environmental Impact Report No. 235, Addendum #4 to Specific Plan No. 219, Amendment No. 8 (Specific Plan No. SP-4), 2002.					

1.2.3 TTM 36483 FOR PLANNING AREA 4 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

In 2019, the City of Temecula, as the lead agency, circulated a Draft Mitigated Negative Declaration (MND) for the proposed Project (TTM 36483). The MND for the Project was titled “Paseo del Sol Specific Plan, PA-4/TTM 36483, Initial Study/Mitigated Negative Declaration.” The Initial Study (IS)/MND was prepared to evaluate the potential environmental effects associated with implementation of the 42.64-acre residential development in PA-4. The IS/MND tiered off of the 1988 Certified FEIR 235 and the four subsequent addenda. The Draft IS/MND was circulated for public review in July 2019 and received public comments pertaining to environmental topics of air quality, biological resources, energy, geology and soils, greenhouse gas (GHG) emissions, hydrology and water quality, land use and planning, noise, public services, and transportation. As previously noted, the City did not take action to adopt the MND.

The IS/ MND included provisions labeled as Project Design Features (PDFs)⁴ and Mitigation Measures in the areas of Biological Resources, Cultural Resources, Geology and Soils, Hydrology, Noise, and Tribal Cultural Resources. However, based on a review these measures do not constitute true PDFs and mitigation measures, but are citing regulatory requirements or City requirements that would be applicable to the Project outside of the CEQA process. Furthermore, as discussed below in Section 2.1, Regulatory Setting, the State CEQA Guidelines, Section 15162, which provides guidance on the assessment of when a Subsequent EIR or MND is required, specifically addresses mitigation measures. Section 15162(a)(3)(C) and (D) state:

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

A discussion of the suitability of presenting these provisions as new mitigation is provided as part of this consistency evaluation under each of the applicable topical areas in Section 4. A complete listing of the PDFs and mitigation measures included in the IS/MND are provided in Attachment A.

1.2.4 REGULATORY PERMITS AND APPROVALS

Regulatory agency permits/agreements for the proposed Project already have been approved by other responsible agencies for development on the Project site. These permits/agreements which were included as Appendices B1 through B8 of the Draft IS/MND for the Project, were prepared between 2015 and 2018. There have been minor modifications to the Project since the issuance of the permits(i.e., a minor reduction in the number of units); the assumption that the entirety of the site would be disturbance is consistent. , Therefore, it would not be anticipated that amendments to the permits would be necessary prior to construction. The need for approvals by the regulatory agencies was identified in Certified FEIR 235 and Addendum No. 4.

- A Section 404 Permit was issued for the Project by the U.S. Army Corps of Engineers (USACE) on July 17, 2017. The permit authorizes a total discharge of clean soil of 0.71-acre, of which 0.10 acre (1,350 linear feet) is non-wetland waters of the U.S. and 0.61 acre is wetland waters of the U.S. The permit conditions pertain to the general project, pre-construction, construction, cultural resources, and post- construction. The permit notes that the proposed Project had previously been entitled and received approvals from both the city of Temecula and the regulatory agencies during 1996-1998 for a residential and commercial mixed-use project. The time limit for the completion of the authorized activities is June 30, 2022; however, the permit does state the USACE will normally give favorable consideration to a request for a time extension.
- A Streambed Alteration Agreement has been prepared for the Project by the California Department of Fish and Wildlife (CDFW). The Agreement was initially prepared in 2015. CDFW has prepared a revision to the Agreement based on minor modifications to the Project since the original Agreement was prepared. The Agreement involves two parts, (1) replacing

⁴ Project Design Features (PDFs) are specific design elements proposed by the applicant that have been incorporated into the project to prevent the occurrence of, or reduce the significance of, potential environmental effects. Because PDFs have been incorporated into the project, they do not constitute mitigation measures as defined by CEQA. However, PDFs are often tracked similar to mitigation measures to ensure they are fully implemented.

the current stormwater channel and detention basin, and (2) creation of a channel and associated habitat. The Agreement provides for onsite and offsite habitat restoration. The offsite restoration would be rehabilitation of 0.69 acre at the San Luis Rey Mitigation Bank. Onsite improvements would be constructed along the outer edges on either side of the low-flow channel and would contain 2.97 acres of wetland/riparian scrub. The Agreement includes other avoidance and minimization measures. The Agreement expires October 1, 2022.

- A Letter of Intent (LOI) for a Conservation Easement Agreement was issued for the Project by the Rivers & Lands Conservancy (RLC) on March 15, 2018. The LOI states the Project site will be evaluated by the RLC by way of a baseline survey and baseline report to accept the Project site as a conservation easement. The conservation easement would comprise approximately 3.3 acres in the southern portion of the Project site. The LOI includes details and funding pertaining to preparation of the baseline survey and baseline report as well as ongoing maintenance of the property.
- A Section 401 Water Quality Certification was issued for the project by the San Diego Regional Water Quality Control Board on June 15, 2016. The 401 certification includes various requirements to be implemented on site, including conditions, best management practices (BMPs), compensatory mitigation, and monitoring and reporting requirements.
- A Joint Project Review (JPR) was issued for the Project by the Western Riverside County Regional Conservation Authority (RCA) on April 25, 2016 and updated on April 6, 2018. The JPR determined consistency of the project with the Multi-Species Habitat Conservation Plan (MSHCP). The RCA also included a plan requirements section that detailed requirements to be implemented on the Project site in addition to what was already proposed.

1.2.5 ASSESSMENT DISTRICT 159

In June 1987, the Riverside County Board of Supervisors approved a petition by a number of area developers to form the Assessment District 159 (AD 159). The purpose of AD 159 was “to fund through property assessments major infrastructure projects in the Highway 79 corridor near Rancho California.” The County of Riverside prepared drainage studies for the Temecula Valley backbone drainage system for the AD 159, which was created to mitigate potential flooding impacts to Temecula Creek and downstream land uses. The evaluation for AD 159 was prepared for a larger study area and was done independent of the Paloma del Sol Specific Plan, but the studies for AD 159 were prepared concurrently with the Paloma del Sol Specific Plan drainage report. Implementation of AD 159 improvements included construction of Temecula Creek Channel, Temecula Parkway, and Butterfield Stage Road in addition to backbone drainage facilities. The original drainage report indicated that the westerly drainage basins north of De Portola Road, which drained toward Butterfield Stage Road, would be captured and the off-site flow would be conveyed through Paseo del Sol in storm drains. Per the original *Paseo del Sol Tract 24185 Drainage Plan*, drainage flows into PA-4 at the 78-inch reinforced concrete pipe stubbed into the site south of De Portola.

In 1991, a Supplemental District was formed to fund cost overruns on the original improvements and to fund additional improvements. Among additional proposed facilities was “[t]he construction of flood control facilities at three points along and northerly of Highway 79 all to facilitate the drainage of the northern portion of the District to Temecula Creek.” The Engineer’s Report for AD 159-Supplemental stated that the projects proposed to be completed by the supplemental assessment district included “[t]he construction of Butterfield Stage Road between Rancho California Road and State Highway 79.” AD 159-Supplemental also proposed construction of a floodwater interceptor facility, the Butterfield East Interceptor. “The Butterfield East Interceptor was intended to be an open channel located at the eastern Assessment District boundary to intercept the tributary drainage flows

and provide flood protection to Butterfield Stage Road, State Route 79 South, and downstream properties.” *Corona Family Limited Partnership v. City of Temecula* (Feb. 8, 2005) 2005 WL 290209.

The City concluded in previous Specific Plan amendments that the Certified FEIR 235 did not address the drainage flows east of Butterfield Stage Road because it was addressed and mitigated within the AD 159 EIR. AD 159 mitigated this by building Butterfield Stage Road with two 120-inch pipes under the roadway to handle the stormflows and stubbed a 72- inch pipe into the property (APN 965-540-001) east of Butterfield Stage Road to pick up a small portion of the larger east west drainage. The County and City required Paloma del Sol to construct an interim detention stormwater collection and basin on PA-4 until the County approves and constructs an up stream drainage facility. The Project in PA-4 proposes construction of permanent improvements that will replace the existing on-site temporary drainage facilities with an improved stormwater conveyance and surface water quality system.

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2.0 PROJECT SETTING

2.1 REGULATORY SETTING

Section 65457 of the Government Code provides an exemption from CEQA for a residential development project “that is undertake to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980.” The applicable portion of the code states:

(a) Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.

(Amended by Stats. 2006, Ch. 643, Sec. 18. Effective January 1, 2007.)

As discussed above, the Certified FEIR 235 for the Paloma del Sol Specific Plan (Specific Plan 219) was certified after January 1, 1980 (September 6, 1988) by the County of Riverside. Therefore, the proposed 168-unit residential development would be exempt from requirements of CEQA provided none of the provisions of Section 21166 of the Public Resources Code has occurred.

Section 21166 of the Public Resources Code states:

“When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs”:

1. Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
2. Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
3. New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

If any of these three conditions apply, then subsequent environmental documentation would be required. The State CEQA Guidelines, specifically, Section 15162, provides more detail on how to assess the applicability of these standards. These parameters, summarized as follows, have been applied in the consistency evaluation provided in Section 4 of this evaluation.

- (a) Substantial changes are proposed in the project which will require major revisions of the EIR.

The following four conditions must be found to exist for a finding that the first part of the test applies:

- The change in the project is substantial;
- The change involves new significant environmental impacts or a substantial increase in the severity of previously identified significant environmental impacts;
- The change will require major revisions to the previous EIR based on the new or more severe significant environmental impacts; and
- The new or more severe impacts were not considered in the previous EIR

- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR.

Four conditions must be found to exist for a finding that the second part of the test applies:

- The change in circumstances is substantial;
- The change involves new significant environmental impacts or a substantial increase in the severity of previously identified significant environmental impacts;
- The change will require major revisions to the previous EIR based on the new or more severe significant environmental impacts; and
- The new or more severe impacts were not considered in the previous EIR

- (c) New information of substantial importance, which was not known and could not have been known at the time the EIR was certified, becomes available.

New information must show one of the following for the third part of the test to apply:

- The project will have significant effects not evaluated in the prior EIR;
- Significant effects previously examined will be substantially more severe than shown in the prior EIR;
- Mitigation measures or alternatives previously found infeasible are in fact feasible and would substantially reduce significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative; or
- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative.

2.2 ENVIRONMENTAL SETTING

The 1,391.5-acre Paloma del Sol Specific Plan area is located in the City of Temecula, to the south of Pauba Road, north of Temecula Parkway (Highway 79), west of Butterfield Stage Road, and east of Margarita Road. PA-4 is located at the corner of Butterfield Stage Road and Temecula Parkway, south of De Portola Road. The Project site is surrounded by residential uses to the north and west (Paloma del Sol Specific Plan), retail (Big Horse Feed and Mercantile) to the east across Butterfield Stage Road, and commercial/retail/restaurant uses to the south across Temecula Parkway.

The Paloma del Sol Specific Plan is divided into 38 planning areas, with a total of 5,137 residential units. The proposed Project (TTM 36483) consists of the 42.64-acre PA-4, which is the last undeveloped portion of the Paloma del Sol Specific Plan. The Specific Plan designates PA-4 as Medium Density Residential (2 to 5 dwelling units per gross acre [du/ac]) with a target unit count of 188. The Zoning designation is Specific Plan, and the General Plan designation is LM-Low Medium Residential, which will not change with implementation of the proposed Project.

The site is located within the Temecula Creek watershed, near the confluence of Temecula Creek and Murrieta Creek. The site generally drains in an east to west direction and is tributary to Temecula Creek through a number of existing culvert crossings of Temecula Parkway. The Project site has been graded and includes a number of temporary drainage facilities (i.e., earthen channels, basins and erosion control features) to convey stormwater through the site, with only major storm flows leaving the site. It was intended that the temporary facilities would remain until construction of permanent facilities occur. Due to the disturbed nature of the site, there is minimal vegetation. The site primarily supports non-native grassland and disturbed area. The only sensitive vegetation is emergent freshwater marsh, located along the drainage channel that traverses the site. There is a pond in the southwest portion of the Project site where the channel enters an outlet pipe and is carried underground to Temecula Creek. This is further discussed in Section 4.4, Biological Resources.

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3.0 PROJECT DESCRIPTION

3.1 PROJECT ELEMENTS

The Paloma del Sol Specific Plan (Specific Plan 219) was originally prepared and approved as a master planned community within the unincorporated County of Riverside, and subsequent phases have been processed through the City of Temecula, within the framework of a detailed and comprehensive multi-disciplinary planning program. The Paloma del Sol Specific Plan divides the development into 38 planning areas. As previously noted, the Project is TTM 36483 and associated improvements in PA-4.

3.1.1 TENTATIVE TRACT MAP 36483

TTM 36483 proposes 168 residential lots, public streets, a community park, open space/trails and drainage/water quality improvements on the 42.64-acre PA-4 site.⁵ The proposed gross density of approximately 3.9 du/ac is consistent with the medium density residential identified in the Specific Plan density range for PA-4 (2 du/ac–5 du/ac). It is slightly less than the target density of 4.4 du/ac evaluated in Addendum No. 4 (prepared for Amendment No. 8 to the Specific Plan), which would allow for the development of up to 188 dwelling units.⁶ However, because it is within the established density range, the Project would be consistent with the Specific Plan. Minimum residential lot size is 5,000 square feet, with an average lot size of 5,800 square feet. Additionally, the Project proposes approximately 2.1 acres of community park located central to the Project, and 5.7 acres of open space along the southern edge of the Project site. The Project would be consistent with the existing Paloma del Sol Specific Plan and General Plan land use designations.

The stormwater/water quality improvements are designed to convey stormwater through the Project site and replace the existing temporary on-site drainage facilities. In addition, the Project proposes to create habitat on site within the proposed drainage and water quality facilities, in accordance with resource agency permit requirements. The drainage improvements are discussed in more detail below.

3.1.2 DRAINAGE

The Project site is located within the Temecula Creek watershed, near the confluence of Temecula Creek and Murrieta Creek. The site generally drains in an east to west direction and is eventually tributary to Temecula Creek through a number of existing culvert crossings of Temecula Parkway. The total off-site tributary area is approximately 192 acres from Butterfield Stage Road to the east and north of the site. The Project site currently has been graded to control and detain storm water on site within earthen drainage facilities, with only major storm flows leaving the site. The proposed

⁵ TTM 36483 identifies 174 numbered lots and 10 lettered lots. Lots 1 through 168 are for single-family residential development. Lots 169 and 171 through 174 would be developed with Drainage Channel/Habitat Restoration/Open Space. Lot 170 is a community park. The lettered lots are for roadways and not considered buildable lots.

⁶ The reduction of 20 units compared to the target density identified in the Specific Plan represents a slightly less than 11 percent density reduction of allocation for PA-4 and a 0.4 percent density reduction for the overall Specific Plan. As noted in Section 1.2.2 (See Table 1), through the Specific Plan Amendment process the City of Temecula has reduced the overall density of the Paloma Specific Plan from 5,611 units to 5,072 units, a reduction of slightly more than 10 percent.

Project will replace the existing on-site temporary drainage facilities with an improved stormwater conveyance and surface water quality system.

To address current surface water quality treatment requirements, the Project proposes a multi-functional drainage and water quality system, including a major channel and two water quality basins along the southern portion of the PA-4 site adjacent to Temecula Parkway.

Drainage and water quality improvements are divided into two separate systems: (1) off-site stormwater conveyance through the Project site to downstream facilities and (2) on-site stormwater collection and conveyance through the Project site to on-site and downstream drainage and water quality facilities. Improvements consist of a major drainage channel to convey regional storm water through the Project site; two water quality basins to treat on-site-generated storm water, an 84-inch diameter storm drain (Line S) and a 96-inch-diameter storm drain parallel to the existing Line S storm drain; an extension of the existing 78-inch Line S-1 storm drain from De Portola through the site to the Channel; and in-tract local drainage system improvements.

The proposed channel has been designed to convey storm water from areas east and north of the Project site through a soft bottom channel and water quality basins to the existing culvert under Temecula Parkway in the south west corner of the Project site. These improvements effectively protect the Paloma del Sol Specific Plan and downstream areas from flooding from the off-site watershed, and at the same time maintain the existing level of flood protection to the existing developments and property near the Project site. Channel and water quality basin areas are proposed to be fenced and have all weather access for maintenance purposes. In addition, the primary drainage channel is proposed to be restored utilizing native wetland plant materials.

3.1.3 CONDITIONS OF APPROVAL

By utilizing the CEQA exemption provided for in Section 65457 of the Government Code, the mitigation measures outlined in Certified FEIR 235 would apply to the Project. In addition, the following conditions of approval would apply to the Project:

- All conditions associated with regulatory permits and agreements (e.g., USACE Section 404 permit, CDFW Streambed Alteration Agreement, Section 401 Certification by the RWQCB)
- Requirements outlined in the Joint Project Review by the Regional Conservancy Authority
- Rivers and Lands Conservancy obligations
- Terms and conditions approved by the Temecula City Council Associated with the Paloma del Sol Specific Plan Amendment No. 8 (approved January 16, 2002)
- Conditions of approval associated with Planning Application No. 01-0117 for Vesting Tentative Tract Map No. 24188, Amendment 4 approved by the Temecula City Council on January 16, 2002
- Conditions of approval required by the City of Temecula, which would include standard conditions of approval.
- Compliance with current codes and regulations (e.g., Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings [California Code of Regulations [CCR], Title 24, Part 6] and the California Green Building Standards [CALGreen Code, 24 CCR 11].

4.0 EVALUATION PURSUANT TO SECTION 21166

The discussion and analysis in this consistency document evaluates if the proposed Project would result in any of the conditions identified in the three-part test in Section 21166 of the Public Resources Code (see Section 2.1 of this evaluation for the discussion of this section). To ensure this analysis is comprehensive, the topical areas identified in the most recent updates to the CEQA Guidelines Environmental Checklist (Checklist) are used as guidance for this evaluation. This comparative analysis provides the City of Temecula with the factual basis for determining whether any changes in the Project, any changes in circumstances, or any new information since FEIR 235 was certified, rise to the level that would require substantial revisions to the Certified FEIR 235.

The analysis in this document will include a brief discussion of the environmental topics provided in the 1988 EIR and subsequent Addenda and how and if major revisions of the Certified FEIR 235 are required in light of modifications to the Project description, changed circumstances, and availability of information that was not known before. In addition to this discussion, the proposed Project will be evaluated in light of the criteria outlined in Section 21166 of Public Resources Code. Findings will be made as to the significance of changes to the Project and if those changes would require significant revisions of the Certified FEIR 235; if there have been significant changes in circumstance under which the Project is implemented that would require major revisions in the Certified FEIR 235; and if there is new information that was not known before that would become available.

4.1 AESTHETICS

Certified Final EIR 235 and Subsequent Addenda

The previous analyses determined that while the Project site is not directly bordered by any designated scenic highways, Highway 79 is eligible for designation as a County scenic highway. Additionally, Highway 79 is on the Master Plan of State Highways Eligible for Official Scenic Highway Designation list, although it is not currently designated a State Scenic Highway. The Certified FEIR and Addendum No. 4 identified that to further enhance the Project's visual quality and buffer the site from traffic, the Landscape Guidelines and Community Elements of the Paloma del Sol Specific Plan provided for a special setback and landscaping concept to be incorporated upon Specific Plan buildout.

Consistency Evaluation

a) Have a substantial adverse effect on a scenic vista?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The City of Temecula highly values the City's scenic vistas and viewsheds, and as such the southern, eastern, and western rolling hills surrounding the City, in addition to Murrieta and Temecula Creeks are designated as significant natural features in the Community Design Element of the City's General Plan. To protect public views of these features, the City requires review of all development projects to make sure public views of scenic resources are not blocked, and if they are, the City may require redesign or enforce height limitations.

The Project proposes development of 168 single-family residential units, a community park, open space/trails, streets, and drainage and water quality improvements on the 42.64-acre PA-4 site, which is the last undeveloped portion of the Paloma del Sol Specific Plan. PA-4 is surrounded by residential uses to the north and west (Paloma del Sol Specific Plan), retail (Big Horse Feed and Mercantile) to the east across Butterfield Stage Road, and commercial/retail/ restaurant uses to the south across Temecula Parkway (Highway 79). Even though the site is currently undeveloped, the Project, as proposed, would be aesthetically compatible with the surrounding uses. Additionally, the Project provides for an approximately 5.7-acre open space corridor along the southern boundary of the site, allowing for existing distant views of the rolling hills unobstructed for motorists driving east-bound on Highway 79. Therefore, the Project's potential impact on scenic vistas would be less than significant and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project has not significantly changed since analysis in the Certified FEIR 235 and Addendum No. 4. The Project reduces the number of residential units from 188 to 168, which would reduce the density and intensity throughout the site. No changes above and beyond what was analyzed in the Certified FEIR 235 and Addendum No. 4 are proposed that would result in significant new or more severe impacts on a scenic vista requiring mitigation. Thus, major revisions of the Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The proposed Project in PA-4 is the development of the last undeveloped planning area within Paloma del Sol Specific Plan. Development of Paloma del Sol has occurred and progressed in accordance with the provisions of the Specific Plan. No changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts pertaining to scenic vistas. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

The Project results in a reduction of 20 residential units, which is a change from the total units of 188 identified in Addendum No. 4. This change and resultant reduction in density and intensity has the potential to reduce some impacts and not create new impacts that would adversely affect scenic vistas. No new information that was not known before is available that would change the findings of the previous analyses or render the significant impacts more severe, as no significant impacts were identified. Therefore, the proposed changes would not result in new or more severe impacts requiring major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

As discussed above, Highway 79 is on the Master Plan of State Highways Eligible for Official Scenic Highway Designation list, although it is not currently designated a State Scenic Highway. The proposed Project includes an approximately 5.7-acre open space area along the southern boundary

of the site abutting Highway 79. This area would meet the intent of the policies and the Certified FEIR 235 mitigation of creating a setback buffer along the highway to enhance the scenic and visual quality for the motorists driving on Highway 79. Additionally, no scenic resources, including trees, rock outcroppings, and historic buildings occur along the portion of the Highway 79 abutting the Project site, and therefore, no impacts to scenic resources within a scenic highway would result with implementation of the Project, and no new mitigation measures are required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project has not significantly changed above and beyond what was analyzed in the Certified FEIR 235 and Addendum No. 4 resulting in new or more severe impacts pertaining to scenic resources within a State scenic highway. The Project includes an open space area along the southern boundary of that site that creates a buffer along Highway 79. No new or more severe impacts would occur beyond what was analyzed in the previous CEQA documentation that would require major revisions to the Certified FEIR 235 and previously approved Addenda, and no new mitigation measures are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

As indicated in the discussion above, the proposed Project in PA-4 is the development of the last undeveloped planning area within the Specific Plan, in accordance with the Paloma del Sol Specific Plan. No changes in the Project context or circumstances have been anticipated or identified resulting in new or worsened impacts on scenic resources within a State scenic highway, beyond what was analyzed in the previous CEQA analyses. In the absence of impacts, no major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

The Project results in a reduction of residential units from 188 to 168 units. This reduction in units and density would create more open space and unobstructed views. Additionally, the proposed open space along the southern portion of the site creates a buffer reducing potential visual impacts for motorists driving on Highway 79. No other new information that was not known before, other than reduction in number of units, has become available that would result in new or worsened impacts requiring mitigation.

- c) In non-urbanized areas, 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 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?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The Project site has been graded and is currently undeveloped with the exception of the existing temporary drainage basin. Although the parcel to the east has a rural visual character (i.e., farm), the site is located in a suburban visual context. Project implementation would result in the development of 168 residential units, a community park, open space/trails, streets, and permanent drainage and water quality improvements. This level of development is consistent with the Paloma del Sol Specific Plan, which provides the zoning regulations applicable to the Project site. The proposed development would change the visual character of the currently undeveloped site. However, in light of

compatibility with the surrounding uses and the fact that the change in aesthetic character of the site was anticipated and discussed in the previous CEQA analyses, no new impacts pertaining to visual character and degradation of the quality of the site would occur. As discussed above, the Project has incorporated an open space buffer along the southern and a portion of the eastern site boundary. This would soften the views from the public roadways adjacent to the Project site. The visual character from the roadways would be consistent with the visual quality and character of the surrounding development. Other than roadways, the closest public vantage point to the site is the Paseo Del Sol Park 0.35 mile northwest of the site; however, due to substantial intervening development, there are no direct views of the Project site. Thus, no new impact is anticipated, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project has not significantly changed since analysis in the Certified FEIR 235 and Addendum No. 4. The Project reduces the number of residential units from 188 to 168 and development would be in conformance with the provisions of the Paloma del Sol Specific Plan requirements. No changes above and beyond what was analyzed in the Certified FEIR 235 and Addendum No. 4 that would degrade the existing visual character or quality of the views are proposed that would result in significant new or more severe impacts on the visual quality of the site, requiring mitigation. Thus, major revisions of the Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The proposed Project in PA-4 is the development of the last undeveloped planning area within the Paloma del Sol Specific Plan. Development of Paloma del Sol has occurred and progressed in accordance with the provisions of the Specific Plan. No changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts pertaining degradation of the visual quality of the site. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information pertaining to the visual character of the area that was not known before is available that would change the findings of the previous analyses or render the significant impacts more severe, as no significant impacts were identified. Therefore, the proposed changes would not result in new or more severe impacts requiring major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The Project site is currently undeveloped with no sources of lighting. The proposed Project's 168 residential units, the community park, and other outdoor facilities would introduce new light sources, including exterior security lighting, pedestrian-scaled fixtures, lower-scale pedestrian fixtures, accent and decorative lighting, interior lighting, parking lot lighting, and headlights from

vehicles coming to and from the Project site that would increase ambient lighting levels on the Project site.

While the Project site currently has no source of lighting, the existing residential and non-residential uses around the site include multiple sources of interior and exterior lighting. Proposed lighting would be compatible with the type and intensity of lighting in the adjacent developed areas. Proposed exterior lighting would be implemented consistent with the design guidelines of the Paloma del Sol Specific Plan (Amendment No. 8), City of Temecula Development Code, Community Design Element of the General Plan, and Temecula's City-Wide Design Guidelines. Proposed lighting would be indirect, shielded, and low voltage to avoid glare and spilling over onto adjacent properties and would conform to applicable Mt. Palomar Observatory lighting regulations. The Project's exterior lighting would also conform with all City codes and ordinances and California Title 24 requirements. No new lighting impacts would occur, and no mitigation is required.

The Project may also result in glare in the area in light of the undeveloped condition of the site. Glare is caused by light reflections from vehicles and building materials such as reflective glass and polished surfaces. Glare also results from lighting during the nighttime hours. However, besides the windows, the proposed Project would not have any reflective surfaces, such as glass or metal that would produce excessive glare. Similar to other residential units in the adjacent areas, it is anticipated that proposed windows would have the potential to generate some glare; however, not to an intensity that would significantly impact the surrounding uses. Additionally, during nighttime, the proposed lighting would not be more intense than the surrounding uses and would not cause substantial nighttime glare. Even though the community park would include a volleyball court and basketball courts, they would not be lit, and no other lit ballfields are proposed as part of the Project. Therefore, no significant impacts from glare during the daytime or nighttime would occur, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed development in PA-4 would introduce new sources of light and glare that would increase lighting levels on the Project site. However, the light and glare from the proposed development was anticipated and analyzed in the previous CEQA documentation. The Project does not result in new or more severe impacts beyond what was analyzed previously that would require major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The proposed Project in PA-4 is the development of the last undeveloped planning area within Paloma del Sol Specific Plan. Development of Paloma del Sol has occurred and progressed in accordance with the provisions of the Specific Plan. No changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts pertaining to light and glare. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information that was not known before is available that would change the findings of the previous analyses or render the significant impacts more severe, as no significant impacts were

identified. Therefore, the proposed changes would not result in new or more severe impacts requiring major revisions to the Certified FEIR 235 or new mitigation.

4.2 AGRICULTURAL AND FORESTRY RESOURCES

Certified Final EIR 235 and Subsequent Addenda

As discussed in the Certified FEIR 235, the Paloma del Sol Specific Plan was previously used for dryland farming and grazing by sheep and cattle. Some of the soils on site, in isolated pockets and primarily along drainage washes, fall into the Class I and Class II categories, which are considered “Prime” agricultural soils being suitable for all crops. However, the Environmental Hazards and Resources Element of the Riverside County Comprehensive General Plan did not designate the site as prime, statewide important, unique or locally important farmland. Therefore, the discontinuation of farming on the site was not considered significant due to lack of prime, statewide important, or unique or locally important farmland designation and minimal Class I and Class II soils. No mitigation was required.

Consistency Evaluation

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The proposed Project site is not designated as prime farmland, unique farmland, or farmland of statewide importance in the State Farmland Mapping and Monitoring Program. While the Project would convert the undeveloped land to non-agricultural use, no farming activities currently occur on the site and dryland farming has been discontinued, as indicated above. Therefore, no new impacts pertaining to conversion of farmland to non-agricultural use would occur with implementation of the proposed Project, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The Project is substantially the same as was previously proposed with the exception of a reduction in residential units from 188 to 168 units. No substantial changes beyond what was analyzed pertaining to conversion of farmland to non-agricultural use have occurred that would result in significant impact requiring mitigation. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The proposed Project in PA-4 is the development of the last undeveloped planning area within Paloma del Sol Specific Plan. Development of Paloma del Sol has occurred and progressed in accordance with the provisions of the Specific Plan. No changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts pertaining to conversion of farmland to non-agricultural use. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

The Project results in a reduction of residential units from 188 units to 168 units. No new information has become available that was not known before that would change the findings of the previous analyses or render the significant impacts pertaining to conversion of farmland to non-agricultural use more severe. Therefore, the proposed changes would not result in new or more severe impacts requiring major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The Project site, being the last undeveloped planning area within the Paloma del Sol Specific Plan, is not zoned for agricultural use and is not under a Williamson Act contract. The site is designated as “Other Land” under the Department of Conservation classification. Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. Implementation of the Project would not result in a new impact, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The Project is substantially the same as was previously proposed with the exception of a reduction in residential units from 188 to 168 units. As indicated above, the site is not zoned for agricultural use, and no substantial changes beyond what was analyzed pertaining to existing zoning of the site have occurred that would result in significant impact requiring mitigation. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The proposed Project in PA-4 is the development of the last undeveloped planning area within Paloma del Sol Specific Plan. Development of Paloma del Sol has occurred and progressed in accordance with the provisions of the Specific Plan. No changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts pertaining to existing zoning of the site. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information has become available that was not known before that would change the findings of the previous analyses or result in more severe impacts pertaining to existing zoning of the site. Therefore, the proposed changes would not result in new or more severe impacts requiring major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

At the time Certified FEIR 235 and Addendum No. 4 were prepared, the CEQA checklist did not include questions pertaining to forest land or timberland, the Project would not result in any impacts to forest land or timberland. The Project site was previously used for dryland farming and grazing activities; however, it has never been used as forest land (as defined in Public Resources Code Section 1222(g)) or timberland (as defined in Public Resources Code Section 4526) nor is it adjacent to such lands. The site has been graded and is currently undeveloped with the exception of a temporary drainage basin and is devoid of trees. Therefore, the Project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland. Implementation of the Project would not result in a new impact, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The Project is substantially the same as was previously proposed with the exception of a reduction in residential units from 188 to 168 units. As discussed above, the site is not zoned for forest land or timberland, and no substantial changes beyond what was analyzed pertaining to zoning of the site have occurred that would result in significant impact or more severe impact requiring mitigation. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The proposed Project in PA-4 is the development of the last undeveloped planning area within Paloma del Sol Specific Plan. As indicated above, the site is not zoned for forest land or timberland, no circumstances around which have changed such that would result in new or more severe impacts. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As noted above, the evaluation of forest land and timberland was not required at the time Certified FEIR 235 and Addendum No. 4 were prepared. However, there are no such lands on the Project site or immediately adjacent to the site. No new information has become available that was not known before that would change the findings of the previous analyses or result in more severe impacts pertaining to conflict with the existing zoning or result in rezoning of forest land or timberland. Therefore, no new information that was not known before has become available that would result in new or more severe impacts requiring major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

As discussed above, the Project site has been graded and undeveloped with the exception of a temporary drainage basin and is devoid of trees. The site is not considered forest land, and it would not convert forest land to non-forest use. Implementation of the Project would not result in a new impact, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The Project is substantially the same as was previously proposed with the exception of a reduction in residential units from 188 to 168 units. As indicated above, the site is not zoned for forest land, and no substantial changes would occur that would result in significant impact or more severe impact requiring mitigation. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The proposed Project in PA-4 is the development of the last undeveloped planning area within Paloma del Sol Specific Plan. As indicated above, the site is not zoned for forest land, and no changes to the context and circumstances of the Project have occurred that would result in new or more severe impacts. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information has become available that was not known before that would result in more severe impacts pertaining to conversion of forest land to non-forest use. Therefore, no new information that was not known before has become available that would result in new or more severe impacts requiring major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

As identified in the above discussions, the Project site is designated as “Other Land” and not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Additionally, the site is devoid of trees and is not designated as forest land. The Project is development of a 168-unit residential community and no changes have occurred that would convert farmland to non-agricultural use or forest land to non-forest land. Implementation of the Project would not result in a new impact, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

As indicated in all the above discussion, the Project is substantially the same as was previously proposed. No substantial changes beyond what was analyzed have occurred that would result in a significant impact or more severe impact regarding changes to farmland and forest land. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The proposed Project in PA-4 is the development of the last undeveloped planning area within Paloma del Sol Specific Plan. As indicated above, the site is not zoned for farmland or forest land, and no changes to the context and circumstances of the Project have occurred that would result in new or more severe impacts. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information has become available that was not known before that would change the findings of the previous analyses or result in more severe impacts pertaining to conversion of farmland or forest land. Therefore, no new information that was not known before has become available that would result in new or more severe impacts requiring major revisions to the Certified EIR 235 and previously approved Addenda or new mitigation.

4.3 AIR QUALITY

Certified Final EIR 235 and Subsequent Addenda

The Project site is located within the South Coast Air Basin (SoCAB), which is under the jurisdiction of the South Coast Air Quality Management District (South Coast AQMD). The South Coast AQMD maintains monitoring stations throughout the air basin. At the time the FEIR 235 was certified in 1988, the monitoring station that was nearest to the Project site with published data available was the Perris Air Quality Monitoring Station. During this time, only quantities of ozone were measured at the monitoring station. The Certified FEIR 235 found that ozone was the most serious issue in the Specific Plan area. Ozone is formed by a multi-step photochemical reaction between oxides of nitrogen (NO_x) and reactive hydrocarbons (reactive organic gases [ROGs] or volatile organic compounds [VOCs]). Extended periods of intense sunlight, which are characteristic of the Specific Plan area, contributed to the high ozone levels. Total suspended particulates also continued to be a major problem in the SoCAB.

The Certified FEIR 235 stated that heavy-duty trucks, earth movers, air compressors and generators would be used during site preparation and construction of the development allowed under Paloma del Sol Specific Plan. Various pollutants, including exhaust emissions, dust and particulates, would be emitted on a short-term and temporary basis during construction of the project. The amount of pollutants emitted during site preparation and construction could not be determined, due to a lack of specific information, including the location, extent, and techniques of grading and construction. The Certified FEIR 235 recognized that approximately 100 pounds of fugitive dust per acre per day of construction activity could be generated by project development. However, the Certified FEIR 235

determined that, through mitigation, fugitive dust could be controlled by revegetation of graded surfaces and watering of graded surfaces.

The Certified FEIR 235 also found that with full buildout of the Paloma del Sol Specific Plan, air quality in the project area would be: (1) directly affected by mobile emissions from project traffic and (2) indirectly influenced by pollutants emitted by power generation plants, which serve the project in the SoCAB.

As described in the Certified FEIR 235, the greatest project-related air quality impact would result from the daily vehicle trips the project would generate at full build-out of the Specific Plan. The amount of mobile emissions associated with the project was calculated based upon the total vehicle miles traveled (VMT) at various phases of development.

As described in Addendum No. 4, the Paloma del Sol Specific Plan was evaluated for potential environmental impacts to air quality resulting from development in the Specific Plan area, which included the proposed Project site (PA-4). Air quality impacts associated with the Paloma del Sol Specific Plan included short-term impacts from project construction grading and long-term operational impacts from buildout of the project. Short-term air quality impacts would result from construction equipment emissions and the dust generated during site grading and preparation. In Addendum No. 4, the short-term construction impacts were deemed less than significant as the air pollutant emissions were below the significance thresholds established by the South Coast AQMD. According to the South Coast AQMD, construction-related significance thresholds are based on exceeding any of the following maximum daily amounts of criteria pollutants: 550 pounds per day (lbs/day) of CO, 75 lbs/day of VOCs, 100 lbs/day of NO_x, 150 lbs/day of oxides of SO_x, and 150 lbs/day of particulate matter (PM). Long-term operational emissions included the proposed energy use and consumption of natural gas from the operation of the development, and project-generated mobile trip emissions. Long-term air quality impacts were deemed significant and unavoidable with respect to CO, NO_x, PM, and VOC emissions.

Because most of the project-related air pollution emissions are produced by vehicles, there is a very limited potential for any effective mitigation on the part of any single developer. However, where feasible, the Certified FEIR 235 determined that the project will integrate the following features into the project design:

- Transit facilities, such as benches, shelters, and turnouts;
- Energy efficient buildings;
- Solar access orientation of structures;
- Solar heated and cooled structures and swimming pools

Mitigation measures to reduce impacts from the Paloma del Sol Specific Plan were provided in the Certified FEIR 235.

Consistency Evaluation

a) Conflict with or obstruct implementation of the applicable air quality plan?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The South Coast AQMD develops rules and regulations, establishes permitting requirements for stationary sources, inspects emissions sources, and enforces such measures through educational programs or fines, when necessary. It is directly responsible for reducing emissions from stationary (area and point), mobile, and indirect sources and has prepared an Air Quality Management Plan (AQMP) that establishes a program of rules and regulations directed at attaining the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS).

The main purpose of an AQMP is to bring an area into compliance with the requirements of federal and State air quality standards. For a project to be consistent with the AQMP, the pollutants emitted from the project should not (1) exceed the SCAQMD CEQA air quality significance thresholds or (2) conflict with or exceed the assumptions in the AQMP.

As noted above, the Certified FEIR 235 stated that short-term air quality impacts would result from construction equipment emissions and the dust generated during site grading and preparation, but that the impacts would be mitigated to less than significant. In Addendum No. 4, the short-term construction impacts are also deemed less than significant as they are below the significance thresholds established by the South Coast AQMD. The South Coast AQMD construction-related significance thresholds have not changed since Certified FEIR 235 and Addendum No. 4 were prepared (the quantitative value for each pollutant is provided above).

As previously noted, TTM 36483 would result in a slight reduction (20 units) in the overall number of units to be constructed in PA-4 compared to what was identified in the current Specific Plan. The reduction in dwelling units would potentially result in an incremental decrease in construction emissions. However, the reduction attributable to the decrease in units would be relatively minor because the same site area would be developed. As noted above, the majority of short-term air quality impacts results from construction equipment emissions and the dust generated during site grading and preparation. Other factors that would further reduce the emissions compared to the previous analysis is the Project would use cleaner and newer off-road equipment than what was commercially available during preparation of the Certified EIR 235 and subsequent Addenda. Therefore, the Project would not cause new or more severe impacts for construction air quality emissions and would not conflict with the provisions of the AQMP.

The growth associated with the Project is also consistent with the assumptions of the AQMP. The proposed Project is designed to comply with applicable zoning requirements that are in place to implement the Specific Plan and General Plan. The Zoning designation for the Project site is Specific Plan, and the General Plan designation is LM-Low Medium Residential, which would not change with implementation of the proposed Project. Because the General Plans of the local jurisdictions within the SoCAB are used to determine the regional emissions of the SoCAB, emissions related to the development of the Project site are therefore consistent with the growth projections for the region. TTM 36483 would result in a slight reduction (20 units) in the overall number of units to be constructed in PA-4 compared to what was identified in the current Specific Plan. As such, the Project would not exceed the anticipated growth accounted for within the Specific Plan and General Plan, which forms the basis of the AQMP.

The long-term operational emissions associated with the Project would also be comparable or less than what was previously evaluated in Certified FEIR 235 and Addendum No. 4; and therefore, would not conflict with the assumptions of the AQMP. As previously noted, TTM 36483 would result in a slight reduction (20 units) in the overall number of units to be constructed in PA-4 compared to what was identified in the current Specific Plan. This would result in a 16 percent reduction in daily vehicle trips (Psomas 2020). As stated in Certified FEIR 235, the primary source of long-term impacts to air quality would be from vehicle emissions from full buildout of the Specific Plan. The reduction in trips due to the reduced number of units in PA-4 would also result in a reduction of mobile emissions associated with the Project. Consequently, a 16 percent reduction in daily vehicle trips would ultimately reduce the primary source of long-term impacts and would therefore not cause new or more severe operational air quality impacts than what was analyzed in the Certified FEIR 235 and subsequent Addenda. Furthermore, for the entirety of the Specific Plan, through project changes (as described in Addenda No. 1 through No. 4) there has been a reduction of 474 dwelling units (with senior community option) not including the reduction of 20 units under the proposed Project, which has resulted in less daily trips than was originally assumed in the Certified FEIR 235. Additionally, since certification of the FEIR 235 and subsequent Addenda, new programs have been adopted to reduce mobile emissions throughout the SoCAB and the State. This is further discussed below under CEQA Checklist Question 4.3b.

Consequently, the Project would result in less air pollutants than was previously disclosed in the Certified FEIR 235 and associated Addenda. Overall, air quality in the SoCAB has improved as a result of local, State, and federal regulations, and cleaner on-road and off-road vehicles commercially available in the present day when compared to what was available at the time the previous environmental documents were prepared. As such, the Project would not cause new or more severe impacts than what was previously analyzed in the Certified FEIR 235 and subsequent Addenda and would not obstruct implementation of the AQMP. No major revisions to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project has not significantly changed since analysis in the Certified FEIR 235 and Addendum No. 4. The Project reduces the number of residential units from 188 to 168, which would reduce the density and intensity throughout the site; this would also reduce the air pollutant emissions for construction and operation of the Project. The reduction in dwelling units would also be within the anticipated growth accounted for in the Specific Plan and General Plan projections, which forms the basis of the AQMP. No changes above and beyond what was analyzed in the Certified FEIR 235 and Addendum No. 4 are proposed that would result in significant new or more severe impacts pertaining to obstruction of AQMP implementation. Thus, major revisions of the Certified EIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The advancement of technology and adoption of State programs, standards, and regulations, have reduced air pollutant emissions from short-term (construction) and long-term (operational) activities, and therefore, construction and operation of the Project would emit less criteria pollutants than previously assumed. No changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts pertaining to implementation of the applicable AQMP. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

There is no new information, which was not known and could not have been known at the time the EIR was certified, that would change the findings of the previous analyses or render the significant impacts more severe. Improvements in the off-road equipment fleet over time and technological advances to clean vehicle emissions have reduced the overall emissions associated with development compared to Certified FEIR 235 and previously approved Addenda. The Project would not cause new or more severe impacts pertaining to obstruction of AQMP implementation.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

A project may have a significant impact where project-related emissions would exceed federal, State, or regional standards or thresholds, or where project-related emissions would substantially contribute to an existing or projected air quality violation. The Riverside County portion of the SoCAB is currently a nonattainment area for O₃, PM₁₀, and PM_{2.5}. It should be noted that, at the time of preparation of the Certified FEIR 235 and subsequent Addenda, the California Air Resources Board (CARB) had not adopted a State standard for PM_{2.5}. CARB first designated areas for PM_{2.5} in 2003 for the State standards. The SoCAB was designated as nonattainment for PM_{2.5} in 2003 and has retained its nonattainment status through the present day for the State standards (CARB 2019a). PM₁₀ and O₃ have been designated as nonattainment from 1989 through the present day for the State standards (CARB 2019b, 2019c). However, as discussed below, air quality has greatly improved within the SoCAB since certification of the Certified FEIR 235 and subsequent Addenda.

The Project would generate emissions of PM₁₀, PM_{2.5}, NO₂, and O₃ precursors (NO_x and VOC) during short-term construction and long-term operations. As stated in response to CEQA Checklist Question 4.3a above, the proposed Project's reduction in dwelling units would result in an incremental reduction of short-term air pollutant emissions from what was previously analyzed in Addendum No. 4. For the entirety of the Specific Plan, there has been a total reduction in 474 dwelling units (with senior community option) not including the reduction of 20 units under the proposed Project, from 5,611 dwelling units as approved in the Certified FEIR 235, to 5,137 dwelling units from implementation of Addendum No. 1 through No. 4. Additionally, since certification of the Certified FEIR 235 and approval of the subsequent Addenda, new regulations have been enforced to reduce emissions from construction equipment (i.e., off-road equipment). For example, CARB adopted standards for off-road diesel engines of 130 kilowatts and greater in 1992. These standards, implemented beginning in 1996, targeted a reduction in NO_x emissions. In 2007, CARB developed in-use fleet regulations for compression-ignited engines powering on-road and off-road vehicles and portable and mobile equipment that reduce DPM and NO_x emissions. These off-road, in-use fleet regulations require existing fleets to reduce their emissions by retiring, replacing, or repowering older engines. This included off-road construction vehicles. In addition to the off-road fleet regulations, regulations targeting at-berth emissions from marine vessels, truck and off-road and marine low-sulfur fuel, and off-road vehicle idling were also adopted. These have all led to improvements in the off-road equipment fleet over time. The proposed Project would use cleaner and newer off-road equipment than what was commercially available during preparation of the Certified FEIR 235 and subsequent Addenda. The Project would not cause new or more severe impacts to cumulatively considerable net increases of any criteria pollutant from construction activities that would require major revisions to the Certified FEIR 235.

As identified in Addendum No. 4, the primary source of long-term impacts to air quality was from vehicle emissions. The reduction in dwelling units would result in 16 percent reduction in daily vehicle trips, as compared to the trips Addendum No. 4. Due to the reduction in dwelling units and trips, and therefore, overall development, the proposed Project would not result in a cumulatively considerable net increase of any criteria pollutants from what was previously analyzed or have new or more severe impacts than what was previously analyzed for cumulative impacts.

In addition, the proposed Project would result in less air pollutants than was previously disclosed in the Certified FEIR 235 and subsequent Addenda due to substantial improvements in emission rates for construction equipment (as discussed above), roadway vehicles, and building energy efficiency standards. Regarding roadway vehicle emission-rate improvements, CARB has introduced programs that have aimed to reduce mobile emissions for light and medium duty vehicles through vehicle emissions controls and cleaner fuel. In addition to CARB's Advanced Clean Cars Program since 1996, light-duty vehicles sold in California are equipped with California's second-generation On-Board Diagnostic (OBD-II) system because about half of total car emissions stem from emissions control device malfunctions. CARB's phase II Reformulated Gasoline (RFG-2) regulation, adopted in 1996, also led to a reduction of mobile source emissions. Through such regulations, benzene levels declined 88 percent from 1990 to 2012 and 1,3-Butadiene concentrations have declined 85 percent from 1990 to 2012 as a result of the motor vehicle regulations (Propper et al. 2015). In 2000, CARB's Diesel Risk Reduction Plan (DRRP) recommended the replacement and retrofit of diesel-fueled engines and the use of ultra-low-sulfur (<15ppm) diesel fuel. As a result of these measures, DPM concentrations have declined by 68 percent even though the State's population increased by 31 percent, and the amount of diesel vehicles miles traveled increased by 81 percent. With the implementation of these diesel-related control regulations, CARB expects a DPM decline of 71 percent during 2000 to 2020 timeframe (CARB 2020c). More recently, CARB approved the Advanced Clean Cars Program, a new emissions-control program for model year 2017 through 2025. The program combines the control of smog (i.e., criteria pollutants), soot and GHGs with requirements for greater numbers of zero-emission vehicles. By 2025, when the rules will be fully implemented, the new automobiles will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions. This program has reduced smog-forming pollution by 75 percent (as compared to 2014). As stated by CARB, the State's vehicle rules have directly resulted in the development of major technological advances to clean vehicle emissions. As a result, in terms of smog-forming pollution the average new car sold in California, and nationwide, is more than 99 percent cleaner than a car from the 1970s (CARB 2020b). This has led to substantial regional air quality improvements throughout the SoCAB.

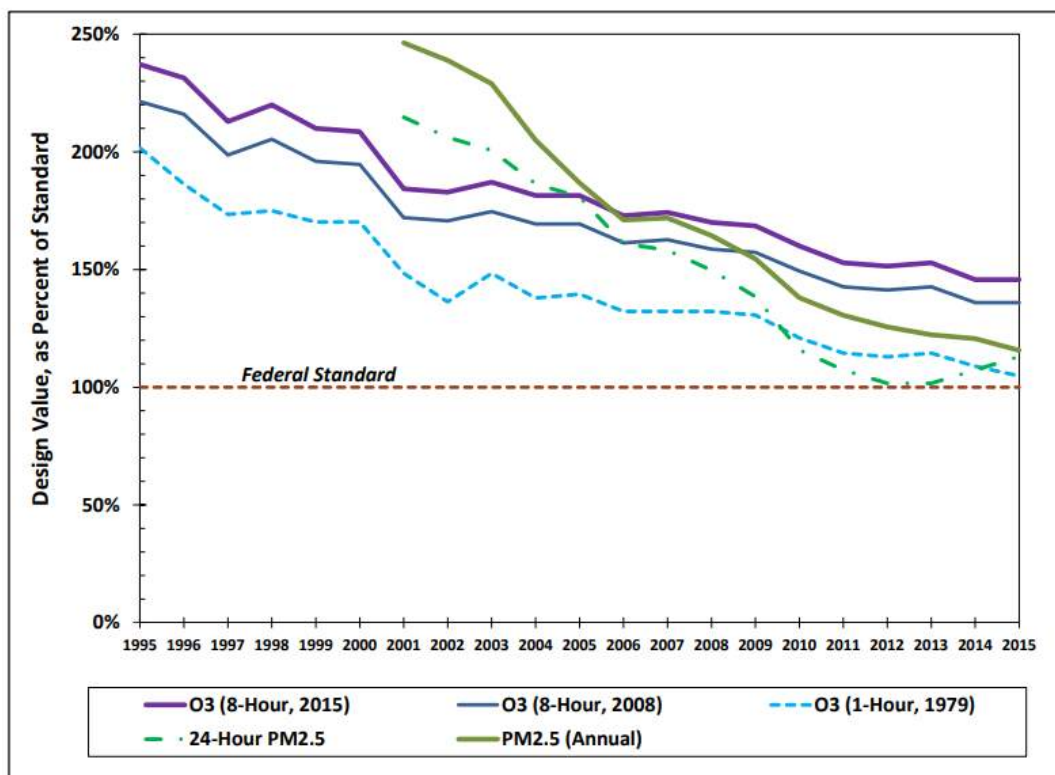
Improvements in building energy efficiency standards are primarily due to increasingly stringent air pollutant controls for new buildings. An example of this is California's 2019 Title 24 Energy Efficiency Standards, which requires single-family homes built with the 2019 standards to incorporate rooftop solar electricity generation and highly efficient air filters to trap hazardous particulates from both indoor and outdoor air (CEC 2018).

Since the certification of the Certified FEIR 235 and subsequent Addenda (from a period between 1988 and 2002), air quality has improved in the SoCAB. Generally, because of air quality control programs at the local, State, and federal levels, as described above, concentrations of ambient PM_{2.5} and ozone in the SoCAB have improved dramatically over the previous decades. Figure 2⁷ shows the trend of the SoCAB's with maximum 3-year design value concentrations for ozone (1-hour and

⁷ Source: South Coast Air Quality Management District, (South Coast AQMD). 2017 (March). Final Air Quality Management Plan— Trends of South Coast Air Basin Maximum 3-Year Design Values for Ozone (2015 8-Hour, 2008 8-Hour, And 1979 1-Hour NAAQS) And PM_{2.5} (24-Hour and Annual), 1995–2015 (As Percentages of Current Federal Standards). Diamond Bar, CA: South Coast AQMD. <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>.

8-hour) and PM2.5 (24-hour and annual) since 1995, as percentages of the corresponding current federal standards. It should be noted that PM2.5 monitoring began in 1999, so the first 3-year design value was in 2001. Although there is some year-to-year variability, these pollutants show significant improvement over the years, with PM2.5 showing the most dramatic decreases (South Coast AQMD 2017).

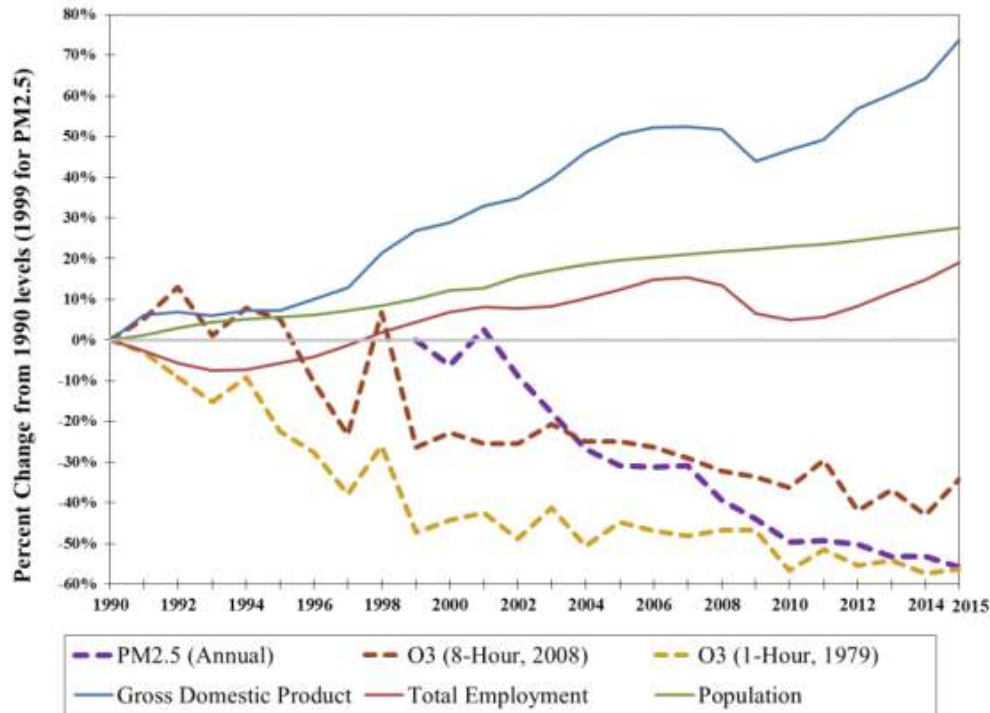
FIGURE 2
TRENDS OF SOUTH COAST AIR BASIN MAXIMUM 3-YEAR DESIGN VALUES FOR OZONE (2015 8-HOUR, 2008 8-HOUR, AND 1979 1-HOUR NAAQS) AND PM2.5 (24-HOUR AND ANNUAL), 1995–2015 (AS PERCENTAGES OF CURRENT FEDERAL STANDARDS)



Additionally, as shown in Figure 3,⁸ compared to the increases in regional gross domestic product (GDP), total employment, and population, the region has experienced overall air quality improvements in the SoCAB from 1990 to 2015 due to technological advances in pollution controls, pollution prevention, clean fuels, alternative energy, and combustion processes implemented in recent years (South Coast AQMD 2017). Annual PM2.5, 8-hour ozone, and 1-hour ozone have decreased significantly since 1990.

⁸ Source: South Coast Air Quality Management District, (South Coast AQMD). 2017 (March). Final Air Quality Management Plan—Figure 1-4: Percent Change in Air Quality Along with Demographic Data for the 4-County Region (1990-2015). Diamond Bar, CA: South Coast AQMD. <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>.

FIGURE 3
FINAL AIR QUALITY MANAGEMENT PLAN: PERCENT CHANGE IN AIR QUALITY ALONG WITH
DEMOGRAPHIC DATA FOR THE 4-COUNTY REGION (1990-2015)



As shown in Figures 2 and 3, regional air quality in the SoCAB has improved overall in the past few decades, and regional mobile emissions have been reduced since adoption of the Certified FEIR 235.

Consequently, the Project would result in less air pollutants than was previously disclosed in the Certified FEIR 235 and subsequent Addenda. Overall, air quality in the SoCAB has improved as a result of local, State, and federal regulations, and cleaner on-road and off-road vehicles are commercially available in the present day, especially when compared to what was available at the time the previously environmental documents were prepared. As such, the Project would not cause new or more severe impacts pertaining to cumulatively considerable impacts than what was analyzed that would require major revisions to the Certified FEIR 235.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project has not substantially changed from what was evaluated in Addendum No 4, with the exception of a reduction in residential units from 188 to 168, which would reduce the density and intensity throughout the site, resulting in comparable or less emissions from construction and operation of the proposed Project. There would be no new areas of grading proposed as part of the Project. As stated above, air quality has greatly improved within the SoCAB. Programs and standards adopted by the State have reduced on-road and off-road vehicle emissions through enforcement and regulation. No changes above and beyond what was analyzed in the Certified FEIR 235 and Addendum No. 4 are proposed that would result in significant new or more severe impacts on cumulatively considerable criteria pollutant emissions that would require major revisions to the Certified FEIR 235.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Development of Paloma del Sol has occurred in accordance with the provisions of the Specific Plan. Overall, the advancement of technology and adoption of State programs, standards, and regulations, have reduced air pollutant emissions from short-term and long-term activities, and therefore, construction and operation of the Project would emit less criteria pollutants than previously projected in the Certified FEIR 235 and subsequent Addenda. No changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts pertaining to cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or State ambient air quality standard. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As discussed above, stricter regulations have been adopted that have resulted in improvements to both short-term and long-term operational emissions since FEIR 235 was certified. There are no mitigation measures or alternatives that were found infeasible at the time FEIR 235 was certified that now feasible and would substantially reduce the significant operation impacts associated with the Project. Therefore, no new information that was not known before is available that would change the findings of the previous analyses or render the significant impacts more severe. Therefore, there are no major revisions to Certified FEIR 235 and previously approved Addenda or new mitigation are required.

c) Expose sensitive receptors to substantial pollutant concentrations?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The proposed Project would not expose sensitive receptors to new or more severe impacts from substantial pollutant concentrations than what was assumed in the Certified FEIR 235 and subsequent Addenda. In Addendum No. 4, the short-term construction impacts are deemed less than significant as they are below the significance thresholds established by the South Coast AQMD. The proposed Project would result in a reduction of dwelling units in PA-4. To adjust for a reduction in dwelling units, there would either be a reduction in duration of construction activities, or a reduction in intensity of construction activities per day from what was previously analyzed. The reduction in construction duration or intensity of construction activities would result in comparable or less construction air pollutant emissions from the proposed Project. As such, the construction air pollutant emissions would be comparable to or less than what was previously analyzed for PA-4, and the Project would not cause new or more severe impacts for construction air quality emissions than what was previously analyzed. Additionally, the construction footprint for the Project would remain the same or would be reduced compared to what was previously proposed due to less overall development as part of PA-4. Construction activities for the proposed Project would therefore not be located any closer to sensitive receptors than was originally assumed. The sensitive receptors nearest the Project site are from the previously planned and constructed Specific Plan development (i.e., single family residences located adjacent to the Project's western and northern boundaries). As identified in the Certified FEIR 235, the project would not place sensitive land uses adjacent to sources of heavy air pollution, such as major roadways or heavy industrial land uses. Thus, the proposed Project is consistent with the sensitive land use approach of the Certified FEIR 235.

The uses directly south and east of the Project site are commercial uses, which are not sensitive receptors. Sensitive receptors include, but are not limited to, schools, parks, hospitals, high-density residential areas, and convalescent homes. The proposed Project would be required to comply with the mitigation measures outline in the Certified FEIR 235. The proposed Project would not result in new or more severe impacts to sensitive receptors than what was previously analyzed in the Certified FEIR 235 and subsequent Addenda. In addition, the Project would result in less air pollutants than was previously disclosed in the Certified FEIR 235 and subsequent Addenda due to substantial improvements in emission rates for construction equipment, roadway vehicles, and building energy efficiency standards, as discussed in responses to CEQA Checklist Question (b). Thus, major revisions to the Certified FEIR 235 are not required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project has not significantly changed, with the exception of a reduction in the number of residential units from 188 to 168, which would reduce the density and intensity throughout the site. There would be no new areas of grading proposed as part of the Project. As stated in responses to CEQA Checklist Questions 4.3a and 4.3b, air quality has substantially improved within the SoCAB over the past several decades. Programs and standards adopted by the State have reduced on-road and off-road vehicle emissions through enforcement and regulation. No changes above and beyond what was analyzed in the Certified FEIR 235 and Addendum No. 4 are proposed that would result in significant new or more severe impacts on sensitive receptors requiring mitigation. Thus, major revisions of the Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Development of Paloma del Sol has occurred in accordance with the provisions of the Specific Plan. Overall, the advancement of technology and adoption of State programs, standards, and regulations, have reduced air pollutant emissions from construction and operational activities, and therefore, construction and operation of the Project would emit less criteria pollutants than previously projected. No changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts pertaining to sensitive receptors. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information that was not known before pertaining to sensitive receptors is available that would change the findings of the previous analyses or render the significant impacts more severe. Therefore, the proposed changes would not result in new or more severe impacts requiring major revisions to Certified FEIR and previously approved Addenda or new mitigation.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

There is nothing about single-family residential units that would create odors that would affect a substantial number of people. Since the land uses of the proposed Project have not changed from the uses analyzed in the Certified FEIR 235 and subsequent Addenda, there would not be new or more

severe impacts regarding potential odors. Furthermore, according to the SCAQMD's CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding (South Coast AQMD 1993). The Project does not include any uses identified by the South Coast AQMD as being associated with odors and, therefore, would not produce objectionable odors. The Project uses are also regulated from nuisance odors or other objectionable emissions by SCAQMD Rule 402. Rule 402 prohibits any the discharge from any source of air contaminants or other material which would cause injury, detriment, nuisance, or annoyance to people or the public.

Substantial changes proposed in Project, which will require Major revisions to the EIR?

The proposed Project has not significantly changed with the exception of a reduction in the number of residential units from 188 to 168. No changes above and beyond what was analyzed in the Certified FEIR 235 and Addendum No. 4 are proposed that would result in significant new or more severe impacts that would result in other emissions leading to odors that would adversely affect a substantial number of people, requiring mitigation. Thus, major revisions to the Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Generation of odors affecting a substantial number of people is not identified as an impact associated with the Paloma del Sol Specific Plan. However, a change in circumstances pertaining to air emissions that contribute to the regional air quality, is the overall, the advancement of technology and adoption of State programs, standards, and regulations. Enforcement of these stricter regulations has reduced air pollutant emissions from short-term (construction) and long-term (operational) activities, and therefore, construction and operation of the Project would emit less criteria pollutants than previously assumed. No other changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts that would result in odor causing emissions affecting a substantial number of people. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information that was not known before is available that would change the findings of the previous analyses or render the significant impacts more severe. Therefore, the proposed changes would not result in new or more severe impacts requiring major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation.

4.4 BIOLOGICAL RESOURCES

Certified Final EIR 235 and Subsequent Addenda

The Certified FEIR 235 determined that the Project site consisted of grassland, coastal sage scrub, and recharge ponds. The Certified FEIR 235 stated that the Project site did not contain habitat for rare and Endangered species. However, the site was determined to have potential habitat to support Stephens' kangaroo rat (*Dipodomys stephensi*, SKR).

Addendum No. 4 determined that no native habitat existed on the Project site as a result of past disking and grading activities. The Addendum concluded that mitigation included in the Certified FEIR 235 pertaining to Stephens' kangaroo rat was sufficient to comply with the SKR Habitat Conservation Plan (HCP). The Addendum also stated that the site provided habitat for several "Blue-line" [riparian] avian species and was considered an important raptor wintering area.

Addendum No. 4 identified four blueline streams as depicted on U.S. Geological Survey (USGS) topographic maps in the Paloma del Sol Specific Plan area. Measures, in compliance with applicable permit would be required for disturbance of these resources. The Addendum identified 7.1 acres of the project as within the jurisdiction of the USACE, of which 1.32 acres was determined to be jurisdictional wetland. The Addendum concluded that the proposed preservation of this 7.1 acres of open space would avoid impacts to 2.18 acres of drainage area (including 0.84 acre of wetlands) under the USACE jurisdiction. No mitigation was proposed in Addendum No. 4 to reduce impacts on biological resources.

Subsequent Approvals and Permits

An updated Habitat Assessment, Determination of Biologically Equivalent or Superior Preservation (DBESP), and a Jurisdictional Delineation were performed by MBI (MBI 2016, MBI 2017, RBF 2014) in compliance with the MSHCP and to support the regulatory permitting efforts (this is discussed in Section 1.2.4, of this Consistency Evaluation). Consistent with Addendum No. 4, the analysis found that the Project site was heavily disturbed and composed of non-native grassland. These assessments identified the habitat in the man-made channel as emergent freshwater marsh dominated by broad-leaf cattail (*Typha latifolia*) and patches of sandbar willow (*Salix exigua*). The Habitat Assessment, DBESP, and Regional Conservation Authority (RCA) Joint Project Review (JPR) concluded that the wetland pond was a flow-through system that was always wet due to nuisance flows. The documents stated that there was no evidence of astatic ponding (i.e., a pond that changes in extent or dries seasonally), in which case there would be no potential for fairy shrimp.

The Project would impact 0.79 acre of riparian habitat, consisting of 0.69 acre of wetland and 0.10 acre of surface waters. Avoidance of the riparian habitat was not considered feasible so the project proposed to establish 3.3 acres of biologically superior habitat along the southern portion of the Project site. The analysis found that no special status plant species have potential to occur. However, it was determined that SKR could potentially occur; no surveys were necessary because the Project site is in a Fee Area under the SKR HCP and the mitigation fee could be paid to compensate for impacts. Focused surveys for burrowing owl (*Athene cunicularia*) were conducted in 2015; no burrowing owls were observed. As required by the MSHCP, pre-construction surveys for burrowing owl are required regardless of the outcome of focused surveys. Other special status wildlife species, which also have coverage under the MSHCP, were also determined to have potential to occur, including Cooper's hawk (*Accipiter cooperii*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), and western pond turtle (*Emys marmorata*). This analysis determined that there were no wildlife corridors on the Project site, but that the project could indirectly affect Proposed Constrained Linkage 24 (Temecula Creek) through sedimentation or an altered drainage regime. The analysis found that the project would be consistent with MSHCP and that Urban-Wildlands Interface Guidelines would be followed.

Consistency Evaluation

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service ?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

As noted above, consistent with the findings presented in Addendum No. 4, the majority of the site consists of disturbed areas and non-native grasslands; however, the Habitat Assessment and MSHCP Consistency Determination (MBI 2016) (hereinafter referred to as the "Habitat Assessment") identified emergent freshwater marsh habitat in the man-made channel. Based on aerial photography, the drainage was created the year Addendum No. 4 was approved and subsequently developed riparian habitat. However, as discussed below the impacts do not rise to the level of requiring preparation of an EIR because all impacts would be less than significant.

The Project is consistent with the Western Riverside MSHCP, which provides coverage for species with potential to occur on the Project site. Although willow scrub habitat is more mature than when the Habitat Assessment was conducted, the habitat is not extensive enough to provide habitat for least Bell's vireo (*Vireo bellii pusillus*). Consistent with the analysis in the Habitat Assessment, no focused surveys would be required. The Project contains suitable habitat for burrowing owl; none were observed during the site visit (Psomas, February 2020). Consistent with the MSHCP, the Habitat Assessment requires a pre-construction survey for burrowing owl and protective measures if a burrowing owl is observed.

Substantial changes proposed in Project that will require major revisions to the EIR?

The refinements to the Project (slight decrease in number of units and reduced density) would not require major revisions to Certified FEIR 235 and previously approved Addenda. As evaluated in Certified FEIR 235 and the subsequent Addenda, the Project would impact the entire site. All existing biological resources would be impacted. Through compliance with the MSHCP protective measures and permit conditions no new significant or substantially more severe impact would occur that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Since the certification of FEIR 235 and approval of Addendum No. 4, the MSHCP was approved and emergent freshwater marsh habitat has grown in the man-made channel located onsite. The RCA, in conjunction with the cities and the County of Riverside have developed a process for determining consistency with the MSHCP. As described above, the Habitat Assessment was prepared and the Project was reviewed by the RCA JPR, which found the Project to be consistent with the MSHCP, with the implementation of the standard MSHCP protective measures and implementation of the DBESP. The Western Riverside MSHCP will provide coverage for species with potential to occur on the Project site. Therefore, although there has been a change in circumstances (i.e., adoption of the MSHCP), the change would not result in a new significant or substantially more severe impact. Therefore, based on the three-part test for determining when an update to the Certified EIR and subsequent Addenda is required (see Section 2.1), no major revisions to the Certified FEIR 235 and subsequent Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

In April 2018, the tricolored blackbird (*Agelaius tricolor*) was listed as State Threatened. The tricolored blackbird has potential to occur on the Project site in the emergent freshwater marsh habitat and could be impacted by the Project. The MSHCP provides coverage for take of this species (Section 6.1.2, Riparian/Riverine). Therefore, no further surveys or mitigation would be required as the Project is consistent with the MSHCP and is implementing the DBESP. Pre-construction nesting bird surveys are required and would ensure that if the species is nesting onsite, it would be protected with a sufficient buffer.

In July 2019, Crotch bumblebee (*Bombus crotchii*) was proposed as a State Endangered species; the State has 12 months to consider whether it will list the species. The Crotch bumblebee is a ground nester and often makes its nest in abandoned mammal burrows and can be found in most native habitat types. The Crotch bumblebee prefers plant genera of *Antirrhinum*, *Phacelia*, *Clarkia*, *Dendromecon*, *Escholzia*, and *Eriogonum* (Koch et al. 2012). Very little native habitat is present and none of the preferred plant genera were observed during the site visit (Psomas 2020). Additionally, the Project site is surrounded by development and not by native scrub habitats. Therefore, the Crotch bumblebee is not expected to occur on the Project site. No new significant or substantially more severe impacts would result requiring major revisions to the Certified FEIR 235 and subsequent Addenda.

As noted above, the Habitat Assessment, DBESP, and RCA JPR (prepared in 2016 and updated in 2018) concluded that the wetland pond was a flow-through system that was always wet due to nuisance flows. The documents stated that there was no evidence of astatic ponding (i.e., a pond that changes in extent or dries seasonally), in which case there would be no potential for fairy shrimp.

The Draft IS/MND prepared by the City of Temecula for the Project (see Section 1.2.3), concluded impacts to biological resources were unchanged from Certified FEIR 235 and Addendum No. 4 and no additional mitigation measures are required (page 31). However, regardless of this determination, the Draft IS/MND included five mitigation measures under Environmental Checklist Question 4.4(a). The measures identified for to reduce potential construction impacts. The identification of the mitigation measures in the Draft IS/MND is not in response to a new significant or substantially greater impact, nor do they constitute new information.

Three of the mitigation measures in the Draft IS/MND, cite compliance with an existing regulation. Therefore, these are not project specific mitigation measures designed to reduce impacts associated with the Project, rather they are reiteration of the need to comply with existing regulations. Mitigation Measure BIO-1 addresses compliance with the Migratory Bird Treaty Act and California Fish and Game Code to protect nesting avian species. Mitigation Measure BIO-2 cites compliance with the 2006 Western Riverside County Multiple Species Habitat Conservation Plan Burrowing Owl Survey Requirements and the requirement of the CDFW Streambed Alteration Agreement (Notification #11600-2015-0174-R6). BIO-5 requires the applicant pay the required fee pursuant to the Riverside County Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) (County Ordinance No. 663.10). These measures would be applicable to the Project as a result of other regulation requirements outside of the CEQA process.

The other two mitigation measures require pre-construction surveys for the San Diego black-tailed jackrabbit (BIO-3) and the western pond-turtle (BIO-4). The San Diego black-tailed jackrabbit is present on site. The habitat assessment concluded there was a low potential for the western pond turtle to be onsite given the extensive urbanization surrounding the site. Both of these species have coverage under the MSHCP; therefore, the impact of the Project is less than significant and no

mitigation is required. These measures are not required by the MSHCP and were not identified as necessary for by the RCA as part of the JPR when identifying the DBESP.⁹

These measures do not constitute new information or mitigation measures or alternatives that previously found not to be feasible would in fact be feasible. Impacts to biological resources are less than significant and all the regulatory requirements would be complied with. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

As noted above, riparian habitat has grown in the man-made channel on site. This was identified in the Habitat Assessment conducted for the RCA JPR. While the riparian habitat along the drainage is more mature than it was at the time of preparation of the Habitat Assessment, it is the same types that were mapped/described in the previous analysis. One small area along the drainage (0.25 acre) of sandbar willow could now be mapped as southern willow scrub. However, it is within the jurisdictional area previously mapped (the drainage in this location is somewhat incised and the willows are within the channel); therefore, it would not change the extent of Riparian/Riverine or the jurisdictional area mapped in the Habitat Assessment and the Delineation of State and Federal Jurisdictional Waters hereinafter referred to as “Jurisdictional Delineation” (MBI 2014). The Habitat Assessment and Jurisdictional Delineation also mentioned that the drainage included sandbar willow. The willow scrub does not provide habitat for least Bell’s vireo because of its small size and isolation from larger areas of habitat. No focused surveys for riparian birds would be needed per Section 6.1.2 of the MSHCP, and the impacts would be less than significant. Since there would be no new significant or substantially more severe impact, based on the three-part test for determining when an update to the Certified EIR is required (see Section 2.1), this change in circumstances related to riparian habitat would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes proposed in Project that will require major revisions to the EIR?

As assumed in Certified FEIR 235 and Addendum No. 4, the Project would impact all habitat on the Project site. As noted above, the changes in the Project are minimal (i.e., limited to a reduction of 20 units) compared to the density evaluated in Addendum No. 4. The change to the Project would not result in any new significant or substantially more severe impacts; therefore, no major revisions to Certified FEIR 235 and the previously approved Addenda would be required.

⁹ BIO-3 would require pre-construction surveys for the San Diego black-tailed jackrabbit and trapping and relocation to habitat suitable. As noted above, in determining the DBESP, the JPR conducted by the RCA did not identify the need for the surveys and trapping. It should be noted, once animals are moved off their territory into a MSHCP Reserve, they have to establish a new territory in an unfamiliar area and have to compete with the jackrabbits that are already there. Moving them is stressful and may or may not be successful. Jackrabbits are fairly mobile and there is open space to the east, so once the construction starts, they will likely move out of the site on their own. By flushing them to the adjacent site, they may have a better chance at finding a new territory because they are likely to be somewhat familiar with the area.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

As described above, the Habitat Assessment prepared for the RCA JPR process identified riparian habitat in the man-made channel located in PA-4. This is a change in circumstances since the certification of FEIR 235 and the previously approved Addenda. However, the Project has been designed to incorporate onsite replacement habitat in compliance with applicable permit conditions. Furthermore, compliance with the MSHCP protective measures described in the DBESP would ensure impacts would be less than significant. As previously noted, since there would be no new significant or substantially more severe impact, based on the three-part test for determining when an update to the Certified EIR is required (see Section 2.1), this change in circumstances would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

Although the development of the riparian habitat in the man-made drainage channel was not identified in Certified FEIR 235 and the previously approved Addenda, the need to comply with USACE, CDFW, and RWQCB requirements are regulatory requirements and are identified in the City of Temecula Conditions of Approval (Condition 40). Through the compliance with the USACE, CDFW, and RWQCB permit conditions, all impacts would be less than significant. The Project's impacts on Riparian/Riverine have been evaluated under the Western Riverside MSHCP requirements through the Habitat Assessment/DBESP process. No new significant or substantially more severe impacts were identified; therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

The Draft IS/MND identified seven PDFs, which "are based on MSHCP provisions that would avoid or minimize indirect project-related impacts to newly created riparian/riverine habitat on site and adjacent riparian habitat located south of the project site. The PDFs would reduce potential impacts to riparian/riverine habitat from toxics, lighting, noise, invasive plant species, barriers, grading, and land development." The PDFs reflect applicable MSHCP provisions from the Urban/Wildlife Interface Guidelines in Section 6.1.4 of the MSHCP and as noted, have been included as part of the Project.

Generally, a PDF is a design element that goes beyond what is required under existing regulatory requirements to reduce or avoid an impact. These PDFs, which pertain to a wide range of issues,¹⁰ are taken directly from the MSHCP and compliance is a regulatory requirement, not something unique to this Project. The applicant is aware of these requirements and as noted in the Draft IS/MND, these requirements are reflected in the Project design. Furthermore, the RCA through the JPR process found the Project to be consistent with MSHCP. A review of the documentation of the JRP process, states that sufficient information was provided as it pertains to Section 6.1.4 (Urban/Wildland Interface Guidelines) and the property is not directly adjacent to existing or described Conservation Areas. However, flows from the site will ultimately drain to Temecula Creek, an area described for Conservation.

¹⁰ The PDFs, which are included in Attachment A, address post construction human disturbance (PDF BIO-1); drainage (PDF BIO-2); toxics (PDF BIO-3); lighting (PDF BIO-4); noise (PDF BIO-5); ;invasive plant species (PDF BIO-6); and fuels management (PDF BIO-7).

In addition, the Draft IS/MND identified two mitigation measures under Environmental Checklist Question 4.4(b).¹¹ Mitigation Measure BIO-6 pertains to the requirements for the offset of impacts to riparian/riverine habitat. As noted above, Certified FEIR 235 and the previously approved Addenda, identified the need to comply with USACE, CDFW, and RWQCB requirements are regulatory requirements and are identified in the City of Temecula Conditions of Approval (Condition 40). BIO-6 provides details associated with the permits, such as the need to develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) for the mitigated habitat that is consistent with the USACE standards. The Project would fully comply with all provisions of the permits and the RCA JRP conditions when identifying the DBESP. Similarly, BIO-7 states the Project “shall implement the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Applicable MSHCP provisions include best management practices (BMPs) from MSHCP Volume I Appendix C and Urban/Wildlife Interface Guidelines from MSHCP Section 6.1.4.” The measure reiterates these provisions. Similar to the PDFs and BIO-1, BIO-2, BIO-5, and BIO-6, these are regulatory requirements and must be complied with.

The PDFs and BIO-6 and BIO-7 do not constitute new information or mitigation measures or alternatives that previously found not to be feasible would in fact be feasible. These provisions have been included in the Project design, as documented by the JPR process. By complying with the regulatory requirements, the impacts to biological resources are less than significant. The IS/MND concluded impacts to biological resources were unchanged from Certified FEIR 235 and Addendum No. 4 and no additional mitigation measures are required. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified PDFs and mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

- c) Have a 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?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

As previously indicated, riparian habitat has grown along the man-made channel. Although this habitat will be disturbed with the development of the site, implementation of the permit conditions, and the DBESP would ensure the impacts are not significant. The Project is consistent with the DBESP, JPR, and Project permits.

Substantial changes proposed in Project that will require major revisions to the EIR?

The Project would result in impacts to riparian habitat that were not included in the analysis in Certified FEIR 235 and the approved Addenda. However, this is not a result of a change in the Project. The Project has consistently identified the site would be completely disturbed with Project implementation. Therefore, there are no changes to the Project that require major revisions to the Certified FEIR 235 and previously approved Addenda.

¹¹ As previously noted, these measures were added even though the Draft IS/MND concluded impacts to biological resources were unchanged from Certified FEIR 235 and Addendum No. 4 and no additional mitigation measures are required (page 31).

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Riparian habitat has grown along the man-made drainage since the certification of FEIR 235 and the subsequently approved Addenda. This represents a change in circumstances. However, as previously noted, under Environmental Checklist Questions 4.4(a) and 4.4(b), the Project has been designed to incorporate onsite replacement habitat in compliance with applicable permit conditions. Furthermore, compliance with the MSHCP protective measures described in the DBESP would ensure impacts would be less than significant. Since there would be no new significant or substantially more severe impact, based on the three-part test for determining when an update to the Certified EIR is required (see Section 2.1), this change in circumstances would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

In September 2019, the Environmental Protection Agency and Department of the Army signed a final rule to repeal the 2015 Clean Water Rule (2015 Rule) and re-codify the regulatory text defining "waters of the United States" that existed prior to the 2015 Rule. One of the proposed changes is that ephemeral features that contain water only during or in response to rainfall would no longer be considered "waters of the United States" under the jurisdiction of the USACE.

In August 2019, the Office of Administrative Law approved the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to "waters of the State". The procedures will go into effect in May 2020. Under these new regulations, the State Water Resources Control Board and its nine RWQCBs will assert jurisdiction over all existing "waters of the United States", and all waters that would have been considered "waters of the United States" under the 2015 Rule. Thus, the "waters of the United States" that would no longer be under USACE jurisdiction would be under RWQCB jurisdiction.

The man-made drainage was not identified as jurisdictional in Certified FEIR 235 and the previously approved Addenda. However, the drainage was delineated in the 2014 Jurisdictional Delineation prepared to support the permits and RCA JPR. As previously noted, the Project has been designed to incorporate onsite replacement habitat in compliance with applicable permit conditions. Furthermore, compliance with the MSHCP protective measures would ensure impacts would be less than significant. As previously noted, since there would be no new significant or substantially more severe impact, based on the three-part test for determining when an update to the Certified EIR is required (see Section 2.1), this new information would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

The Draft IS/MND referenced PDFs BIO-1 through BIO-7 and Mitigation Measures BIO-6 and BIO 7 as being applicable to the analysis of state or federally protected wetlands. As discussed above, under Environmental Checklist Question 4.4(b), the provisions in PDFs BIO-1 through BIO-7 and Mitigation Measures BIO-6 and BIO 7 do not constitute new information or mitigation measures or alternatives that previously found not to be feasible would in fact be feasible. These provisions have been included in the Project design, as documented by the JPR process. By complying with the regulatory requirements, the impacts to biological resources are less than significant. The IS/MND concluded impacts to biological resources were unchanged from Certified FEIR 235 and Addendum No. 4 and no additional mitigation measures are required. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified PDFs and mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

- d) 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?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The Project does not provide for wildlife movement, consistent with the conditions at the time Addendum No. 4 was approved. The area surrounding the site was being developed with suburban uses, consistent with the Paloma del Sol Specific Plan. The Project would not interfere with the movement of any native residents or migratory species, as no wildlife corridors exist on the Project site. Additionally, the MSHCP does not identify any migratory corridors or linkages on the Project site. The Habitat Assessment and DBESP addressed Urban-Wildlands Interface issues related to indirect effects on Proposed Constrained Linkage 24 (Temecula Creek). Habitat on the Project site is not needed to contribute to Proposed Constrained Linkage 24. No impacts would occur and no major revisions to Certified FEIR 235 and the previously approved Addenda are required.

Substantial changes proposed in Project that will require major revisions to the EIR?

As previously noted, there are no substantial changes to the Project. There would be a slight reduction (20 units) in the density, compared to what was approved as part of Specific Plan Amendment No. 8 and Addendum No. 4. The Certified FEIR 235 and Addenda assumed that the entire site would be impacted and would not provide for wildlife movement. Additionally, as the Project does not provide for wildlife movement, there would be no effect on wildlife movement. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The area surrounding the Project site is generally consistent with the conditions described in Addendum No. 4. In 2002, substantial tracts of the surrounding area had been developed with suburban development. Additional suburban uses, not only in the Paloma del Sol Specific Plan but surrounding areas has been developed since Addendum No. 4 was approved. No changed to the Project context and circumstances have occurred that would result in new or more severe impacts pertaining to a wildlife movement corridor. The finding is also consistent with the MSHCP, which did not identify the site as a wildlife corridor. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information is available that would result in new or more severe impacts pertaining to a wildlife movement corridor. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

The Draft IS/MND referenced PDF BIO-2 and Mitigation Measures BIO-6 and BIO 7 as being applicable to the analysis of wildlife movement. As discussed above, under Environmental Checklist Question 4.4(b), the provisions in PDF BIO-2 and Mitigation Measures BIO-6 and BIO 7 do not constitute new information or mitigation measures or alternatives that previously found not to be feasible would in fact be feasible. These provisions have been included in the Project design, as documented by the JPR process. By complying with the regulatory requirements, the impacts to biological resources are less than significant. The IS/MND concluded impacts to biological resources

were unchanged from Certified FEIR 235 and Addendum No. 4 and no additional mitigation measures are required. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified PDF and mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

As discussed in Section 4.11, Land Use and Planning, since the approval of Addendum No. 4, the City of Temecula General Plan and the MSHCP have been approved. These two documents include policies for protecting biological resources. The Project's impacts on biological resources were evaluated for consistency with the MSHCP and the City of Temecula General Plan. The Project is consistent with these local policies, and no new impact would occur. Therefore, there the Project would not result in a new significant or substantially more severe impact and no major revisions to Certified FEIR 235 and previously approved Addenda are required.

Substantial changes proposed in Project that will require major revisions to the EIR?

The Project is substantially the same with the exception of a reduction in number of units from 188 to 168 units. No substantial changes are introduced that would result in a new or more severe impact pertaining to conflict with local policies. The Project would follow the requirements of the MSHCP. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

While the riparian habitat along the drainage has developed since the Certified FEIR 235 was certified and Addendum No. 4 was certified, implementation of the Project would not result in a new significant impact or conflict with plans and policies adopted for the protection of biological resources. Implementation of the protective measures outlined in the MSHCP and compliance with permit conditions, would reduce impacts to less than significant. Therefore, there is no change in the Project context and circumstances such that would impact Project's consistency with the local policies, resulting in new impact. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As previously identified, the General Plan and MSHCP have been adopted since the approval of Addendum No. 4. However, a review of the applicable policies identified that the Project would not create a new or a more severe impact pertaining to conflict with local policies and ordinances protecting biological resources. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

Addendum No. 4 identified that the Project site is located within a potential habitat area for Stephens' Kangaroo Rat and that it is also within the Stephens Kangaroo Rat Habitat Conservation Plan. The Addendum further states the Paloma del Sol project has complied with all applicable requirement of this program. Therefore, no further mitigation is required. The City of Temecula Conditions of Approval (No 11), requires the payment of the required conservation fees as set forth in the provisions of Chapter 8.24 of the Temecula Municipal Code (Habitat Conservation). Additionally, as discussed above, the Project has been reviewed as part of the RCA JPR process and has been determined to be consistent with the MSHCP. Therefore, the impacts related to conflict with provisions of an adopted HCP, NCCP, or other plans would be less than significant with implementation of the DBESP. No new significant impacts would occur and no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes proposed in Project that will require major revisions to the EIR?

Although the Project's consistency with the MSHCP was not evaluated as part of Certified FEIR 235 and the previously approved Addenda, the incremental change in the number of units (reduction of 20 units) would not influence the consistency with the MSHCP. No substantial changes are introduced that would result in a new significant or substantially more severe impacts pertaining to HCP, NCCP, and other plans. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The adoption of the MSHCP is a change in circumstance since the certification of FEIR 235 and the previously approved Addenda. As discussed above, this analysis includes the development of riparian habitat along the drainage, which was discussed in the Habitat Assessment/Jurisdictional Delineation/DBESP. As part of the RCA JRP review, the Project was found to be consistent with the MSHCP. The Riparian/Riverine habitat was identified as not providing habitat for least Bell's vireo because of its small size and isolation from larger areas of habitat. No focused surveys for riparian birds would be needed per Section 6.1.2 of the MSHCP. The Project would comply with the MSHCP protective measures and other permit conditions. Therefore, there are no changes in the circumstances of the Project that would result in a new or more severe impact related to conflict with HCP, NCCP, or other plans.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As discussed above, the adoption of the MSHCP is new information that was not previously known at the time FEIR 235 was certified or the Addenda were approved. However, based on the RCA JPR findings and supported by the Habitat Assessment, the Project would not result in a new significant or more substantially severe impact pertaining to conflict with HCP, NCCP, or other plans. as indicated above. Based on the three-part test for determining when an update to the Certified EIR and subsequent Addenda is required (see Section 2.1), no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

The Draft IS/MND referenced PDFs BIO-1 through BIO-7 and Mitigation Measures BIO-5 through BIO-7 as being applicable an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. As discussed above, under Environmental Checklist Questions 4.4 (a) and 4.4(b), the provisions in PDFs BIO-1 through BIO-7 and Mitigation Measures BIO-5 through BIO 7 do not constitute new information or mitigation measures or alternatives that previously found not to be feasible would in fact be feasible. By complying with the regulatory requirements, the impacts to biological resources are less than significant. The IS/MND concluded impacts to biological resources were unchanged from Certified FEIR 235 and Addendum No. 4 and no additional mitigation measures are required. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified PDFs and mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

4.5 CULTURAL RESOURCES

Certified Final EIR 235 and Subsequent Addenda

In 1979, a cultural resources survey of the site was conducted and a report prepared. One prehistoric and one historic resource were identified on site during the survey. In 1988 when the Paloma del Sol Specific Plan was prepared the historic site no longer existed. The prehistoric site, was located within the Paloma del Sol Specific Plan Area, but not within PA-4. Studies conducted that evaluate the site, include *Environmental Impact Evaluation: An Archaeological Assessment of Vail Meadows Specific Land Use Plan* prepared by Consulting Archaeology (Drover 1988); *Cultural Resource Management Investigations of Paloma del Sol Development, Temecula, California* prepared by Consulting Archaeology (Drover 1996); *Cultural Resource Management Investigations of Paloma del Sol Development, Temecula, California: Archaeological Grading Monitoring* prepared by Consulting Archaeology (Drover 1997); and *Paseo del Sol PA-4 Development Site and Off-Site Storm Drain Section 106 Assessment* completed by Brian F. Smith and Associates, Inc. (Smith 2015) (ESA 2019).

Consistency Evaluation

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

Based on numerous cultural resource studies conducted for the Paloma del Sol Specific Plan area, no known historic resources are located within PA-4. These studies include analyses prepared at the time Certified FEIR 235 was prepared and subsequent studies for development of the Specific Plan and surrounding infrastructure improvements. The site is disturbed and no impacts to historic resources would occur.

Substantial changes proposed in Project which will require major revisions to the EIR?

TTM 36483 proposes construction of residential development in PA-4. The area of disturbance would be consistent with the area evaluated for development in Certified FEIR 235 There are no changes in the Project that would involves new or more severe environmental impacts; therefore, no major revisions to the previous EIR are required to address potentially new or more severe impacts that were not evaluated in the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The Project site was disturbed when Certified FEIR 235 and Addendum No. 4 were prepared. The site condition has not changed. No historic resources are located on site; therefore, there are no substantial changes that involve new or more severe environmental impacts, which would require major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

Even with the subsequent cultural resource studies that have been conducted since the certification of Certified FEIR 235 and the approval of Addendum No. 4, there is no known new information that indicates the effects on historic resources will be substantially more severe than shown in the Certified FEIR 235 and previously approved Addenda.

Standard conditions routinely applied by the City of Temecula outside of the CEQA process, require grading observation. This would provide protection to any presently unknown resources discovered during grading.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

As noted above, the Project site has been subject to multiple cultural resources evaluations and the site is heavily disturbed. Addendum No. 4, citing the *Cultural Resource Management Investigations of the Paloma del Sol Development Temecula, California*, identified that none of the cultural resource sites within the Paloma del Sol Specific Plan area that would be impacted are likely to yield any further significant information. This report recommended monitoring in the vicinity of the cultural deposits. However, as noted in Addendum No. 4, since preparation of the cited report, mass grading of the Project site has occurred. Native American representatives from the Pechanga Band of the Luiseño tribe were present during all test excavations, and a qualified monitor has been present during project grading operations for archaeological monitoring purposes. No additional mitigation measures are needed. However, it should be noted, City of Temecula standard conditions of approval pertaining to cultural resources would apply to TTM 36483.

Substantial changes proposed in Project which will require major revisions to the EIR?

The ground disturbance activities associated with TTM 36483 have not changed from the impact area evaluated in Certified FEIR 235 and Addenda. There are no changes in the Project that would change the potential for impacts on archaeological resources, potentially resulting in new or more severe environmental impacts. Therefore, no major revisions to the previous EIR are required to address new or more severe impacts that were not evaluated in the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The Project site conditions (heavily disturbed) have not changed from when Certified FEIR 235 and Addendum No. 4 were prepared. The subsequent cultural resource studies, which included site

testing, have not identified any changes in circumstances from when Certified FEIR 235 was prepared. Therefore, there no substantial changes that involves new or more severe environmental impacts, which would require major revisions to the Certified EIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

Even with the subsequent cultural resource studies that have been conducted since the certification of FEIR 235 and previously approved Addenda, there is no known new information that indicates the effects on archaeological resources will be substantially more severe than shown in the Certified FEIR 235 and previously approved Addenda.

The Draft IS/MND concluded impacts to cultural resources were unchanged from Certified FEIR 235 and Addendum No. 4 and no additional mitigation measures are required (page 42). However, the Draft IS/MND identified two mitigation measures (CUL-1 and CUL-2) associated with potential subsurface cultural deposits encountered during grading and possible impacts to the significance of an archaeological resource pursuant to Section 15064.5. These measures address the need for an archaeological monitor and the appropriate handling of artifacts should any be discovered. The identification of the mitigation measures in the Draft IS/MND is not in response to a new significant or substantially greater impact, nor do they constitute new information.

As previously noted, standard conditions routinely applied by the City of Temecula outside of the CEQA process, provides for grading observation by a qualified archaeologist (Condition PL-4) and Native American monitor (Condition PL-5). These are usually applied as General Notes on the grading plan. As noted in Addendum No. 4, prior to the previous mass grading of the site, subsurfacing testing was completed and cultural monitoring was provided. This would provide protection to any presently unknown resources discovered during grading. The need for the monitoring and appropriate disposition of resources, if any, is not new information. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

c) Disturb any human remains, including those interred outside of formal cemeteries?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

There is no indication that the Project site would have human remains interred on site.

Substantial changes proposed in Project which will require major revisions to the EIR?

TTM 36483 has not changed from the ground disturbance limits evaluated in Certified FEIR 235 and Addenda. There are no changes in the Project that would increase the likelihood of discovering interred remains on site resulting in new or more severe environmental impacts. Therefore, no major revisions to the previous EIR are required to address new or more severe impacts that were not evaluated in the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The Project site conditions (heavily disturbed) have not changed from when Certified FEIR 235 and Addendum No. 4 were prepared. The subsequent cultural resource studies, which included site testing, have not identified any increased potential for interred human remains on site. Therefore, there no substantial changes that involves new or more severe environmental impacts, which would require major revisions to the Certified EIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

There is no known new information to indicate an increased potential for interred human remains onsite. Additionally, Section 7050.5 of the California Health and Safety Code outlines procedures if human remains are encountered during ground-disturbing activities. The County Coroner will make a determination of origin and disposition of the materials pursuant to Section 5097.98 of the California Public Resources Code. As a regulatory requirement, this would apply in the unlikely event human remains are discovered. Therefore, there would be no new or more severe impact requiring a major revision to the Certified FEIR 235 and previously approved Addenda, and no new mitigation measures would be necessary.

4.6 ENERGY

Certified Final EIR 235 and Subsequent Addenda

Although energy resources were not included in the CEQA checklist at the time FEIR 235 was prepared, an assessment of energy consumption was included as part of the utilities evaluation. The energy consumption analysis in Certified FEIR 235 utilized the usage standards for Southern California Edison contained in the 1987 South Coast AQMD's "Air Quality Handbook". At that time, it was estimated that residential units utilized an estimated 6,081 kilowatt-hour (kwh)/year/unit. When combined with the usage for the Neighborhood and Community Commercial uses, the Certified FEIR 235 estimated a total annual electrical usage of 42,975,030 kwh/year for the Specific Plan uses.

Consistency Evaluation

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

The comprehensive energy usage of the Paloma del Sol Specific Plan was evaluated in the Certified FEIR 235. The overall development assumptions have been incorporated into long-term planning programs for the utility providers. However, since the approval of the Specific Plan, energy standards have become more stringent. The Project will be required to implement the current more stringent requirements pertaining to energy efficiency. As a result, the assumed energy usage would be less than the estimate developed for the Certified FEIR 235 and previously approved Addenda.

The Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6 of the *California Code of Regulations* [CCR]) were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The requirements of the energy efficiency standards

result in the reduction of natural gas and electricity consumption. The standards are updated approximately every three years. The current standards require substantially greater energy efficiency than the Code in place when the Specific Plan was approved. For example, the 2016 Code was estimated by the California Energy Commission (CEC) as being at least 28 percent more efficient for Title 24 electric and gas applications than the 2013 Code (CEC 2015). The efficiency standards were further increased with the 2019 code. Analysis by the CEC concludes that the 2019 Code would be 53 percent more efficient for residential Title 24 electric and gas applications than the 2016 Code. Nonresidential buildings would be 30 percent more energy efficient due primarily to lighting upgrades (CEC 2018).

The Project would be required to comply with applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6) and the California Green Building Standards (CALGreen) Code (24 CCR 11).

Substantial changes proposed in Project which will require major revisions to the EIR?

The Project proposes residential development, consistent with the Specific Plan and all long-range planning assumptions for the site. Therefore, there is not a substantial change in the Project from what was evaluated in the Certified FEIR. As noted above, the Project would be required to comply with the current energy efficiency standards (Title 24); therefore, the impacts on energy resources associated with implementing the Project would be no more severe than what was previously addressed in the FEIR. Revisions to Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Although there has been a change in some of the regulatory requirements associated with residential development, these changes would serve to reduce the impact on energy resources. As noted above, the Project would be required to comply with applicable Title 24 energy efficiency standards and CALGreen Code. As a result, there is a factual basis for determining that there would not be new or substantially more severe impacts requiring major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As discussed above, the Certified FEIR 235 evaluated the energy demands associated with the Specific Plan development as part of the utilities evaluation. Therefore, the overall energy demands were revealed and would not constitute new information. The overall energy usage associated with residential development has become substantially more energy efficient since the preparation of FEIR 235. With implementation of current codes, there are no new mitigation measures required to provide for greater energy efficiency. Therefore, there is no new information that would result in more severe impacts that was not known at the time the Certified FEIR 235 was prepared.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

The Project will be required to implement the current more stringent energy efficiency standards provided for in Title 24 and the CalGreen Code. This will require the new residences to be equipped

with solar panels and energy efficient appliances. Therefore, the Project would comply, not obstruct, the implementation of plans associated with renewable energy and energy efficiency.

Substantial changes proposed in Project which will require major revisions to the EIR?

As noted above, the Project would comply with energy efficiency standards. The type and overall density of development is consistent with the Specific Plan. None of the elements of the Project would conflict with state or local plans for renewable energy or energy efficiency. Therefore, there is not a substantial change in the Project from what was evaluated in the Certified FEIR 235 and previously approved Addenda, and no revisions are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

As noted above, there has been a change in some of the regulatory requirements associated with residential development. However, these changes would serve to reduce the impact on energy resources. Since the Project would be required to comply with applicable energy efficiency standards, there would be no conflict with state or local plans and major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

State and local programs to require or encourage renewable energy and energy efficiency have evolved since FEIR 235 was certified. However, the Project would be required to comply with current standards. With implementation of current codes, there are no new mitigation measures required to provide for greater energy efficiency. Therefore, there is no new information that would result in more severe impacts that was not known at the time the Certified FEIR 235 and previously approved Addenda were prepared.

4.7 GEOLOGY AND SOILS

Certified Final EIR 235 and Subsequent Addenda

Multiple geotechnical investigations have been conducted for the project, including: Geotechnical Report for Environmental Impact Purposes (May 1987), Fault Study, 1,400-acre The Meadows at Rancho California Project (August 1987), and Evaluation of Liquefaction Potential, Portion of Vail Meadows (September 1987), which concluded that the site does not have any active faults within its boundaries. It is anticipated that the Project site will experience ground motion from earthquakes on regional and/or local causative faults. The dominant seismic feature, the Elsinore Fault Zone, is located approximately 7,000 feet northwest of the Project site. The southwestern portion of the Project site (flat historic flood plain of Temecula Creek) is subject to liquefaction.

The previous analysis also concluded that with a reduction of 474 units (since adoption of the original Specific Plan) and associated residential population, fewer residents would be exposed to hazards pertaining to seismicity. Additionally, in the absence of increased developable area, impacts related to existing seismic conditions would be the same and less than significant.

A cultural resources survey in 1979 identified one pre-historic resource onsite. The pre-historic site comprised of two unifacial manos and a 40m X 20m area of sporadic occupation. To mitigate the potential impact, the previous analyses recommended removal of vegetation and trash to provide

visibility and mapping and collecting all artifacts and features. It was additionally recommended to conduct subsurface testing consisting minimally of two 1m X 1m excavation units. The discussion in the Addendum No. 4 identified the result of a Cultural Resources Management Investigation of the Paloma del Sol Development, Temecula, California, conducted in 1996 that indicated that none of the cultural resources sites is likely to yield significant information and that grading activities could proceed but should be monitored. Since preparation of the report, the site has been mass-graded.

Consistency Evaluation

a) 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?

ii) Strong Seismic groundshaking?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

As indicated in the Public Safety Element of the City of Temecula General Plan, the Elsinore fault traverses the City, and the Elsinore fault zone, which is an Alquist-Priolo Earthquake Fault Zone, is one of largest zones in Southern California. The Project site is not located within a currently designated Riverside County or State of California Earthquake Fault Zone, and no known active surface fault zone traverses or projects toward the site (Converse 2015). The Wildomar fault, which is in the Elsinore Fault Zone, is the nearest mapped fault, located approximately 2 miles west of the site.

However, the Project site, being in Southern California, is located within a seismically active region. Seismic hazards, including moderate or strong ground shaking, would likely be experienced during life of the Project. As indicated above, as the site is not located within a fault zone, the potential for surface rupture, which occurs when movement on a fault breaks through the surface, is considered low.

To protect structures from risk of damage, the State of California Building Code (CBC) requires all structures in California be designed in compliance with the latest seismic design standards of CBC. The CBC requirements have been adopted and are enforced by the City of Temecula. The CBC includes requirements pertaining to structural design, soils and foundations, geotechnical investigations. In the absence of any active faults on the site and with compliance with CBC and City of Temecula requirements, potential impacts pertaining to the effects of seismicity, ground shaking, and fault rupture would be less than significant.

Overall, the extent of Project impacts upon existing seismic conditions would be the same since no increase in the developable area is proposed. Therefore, impacts would remain less than significant with mitigation and no new mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The Project is substantially the same as was previously proposed with the exception of reduction in units. Based on the discussion in the Updated Geotechnical Investigation Report, prepared by Converse Consultants, the Project would not result in impacts related to seismicity, ground shaking

and fault rupture above and beyond what was analyzed in the previous environmental documents. Therefore, in light of less than significant impact conclusion and no Project changes, no major revisions to the Certified FEIR 235 and previously approved Addenda and no new mitigation would be required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

As indicated in above discussions, the Project substantially remain the same with the exception of reducing the residential units from 188 to 168. The context and circumstances for the Project have not changed such that Project activities would result in a significant impact pertaining to seismicity, ground shaking, and fault rupture, requiring new mitigation. Thus, no substantial revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

The Project is substantially the same as was previously proposed with the exception of a reduction in residential units. No new information has become available that was not previously known resulting in an impact pertaining to seismicity, ground shaking, and fault rupture not previously anticipated. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda, and no new mitigation is required.

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

- c) 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?**
- d) 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?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

Liquefaction occurs when the pore pressures generated within a soil mass approach the effective overburden pressure. Liquefaction of soils may be caused by cyclic loading such as that imposed by ground shaking during earthquakes. The increase in pore pressure results in a loss of strength, and the soil then can undergo both horizontal and vertical movements, depending on the site conditions. Other phenomena associated with soil liquefaction include sand boils, ground oscillation, and loss of foundation bearing capacity. Liquefaction is generally known to occur in loose, saturated, relatively clean, fine-grained cohesionless soils at depths shallower than approximately 50 feet. Factors to consider in the evaluation of soil liquefaction potential include groundwater conditions, soil type, grain size distribution, relative density, degree of saturation, and both the intensity and duration of ground motion.

According to the Updated Geotechnical Investigation Report, prepared by Converse, while the northern portion of the site has a moderate potential for liquefaction, the southern portion of the site has a high susceptibility to liquefaction. According to the mitigation proposed in the Certified Final EIR, the liquefaction potential within the southern portion of the site would be mitigated with Project

development, which would lower artificially high ground water levels through the removal of recharge ponds, as well as increased overburden as a result of site grading.

Seismically induced landslides and other slope failures are common phenomena during or subsequent an earthquake. As indicated in the 2016 California Geological Survey, the Project site is not located within a designated landslide zone. Additionally, according to the Public Safety Element of the City's General Plan, even though no recent landslides have occurred in the City, landslide potential exists in hillside areas in southwest Temecula where existing slopes are greater than 15 percent. The previous analyses determined that project impacts pertaining to landslides and slope failures would be less than significant with mitigation.

Overall, the extent of Project impacts upon existing seismically-induced conditions would be the same since no increase in the developable area is proposed. Therefore, impacts would remain less than significant with mitigation and no new mitigation is required.

Substantial changes proposed in Project, which will require Major revisions to the EIR?

The extent of project impacts upon existing seismically-induced conditions, such as liquefaction and landslides, will be the same since no increase in the overall developable area is proposed. No changes are proposed to the Project, with the exception of a reduction in residential units, that would result in new impacts above and beyond what was analyzed in the previous environmental documents. Therefore, no new mitigation and substantial changes to the Certified FEIR 235 and previously approved Addenda would be required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

As indicated in above discussions, the Project substantially remain the same with the exception of reducing the residential units from 188 to 168. The context and circumstances for the Project have remained the same and not changed such that Project activities would result in a significant impact pertaining to liquefaction and landslides, requiring new mitigation. Thus, no substantial revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been know at the time the EIR was certified) available?

The Project is substantially the same as was previously proposed with the exception of a reduction in residential units. No new information has become available that was not previously known resulting in an impact pertaining to liquefaction and landslides not previously anticipated. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda, and no new mitigation is required.

b) Result in substantial soil erosion or the loss of topsoil?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The Project site is currently undeveloped and is not at significant risk of erosion under the existing conditions. During construction activities, temporary soil erosion may occur due to soil disturbance. In addition, soil erosion due to rainfall and wind may occur if unprotected soils are exposed during construction. Construction-related erosion could result in the loss of topsoil and could adversely affect water quality in nearby surface waters. However, as the Project site has over one acre of land

area, it would be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities. With incorporation of erosion control mitigation and best management practices (BMPs), the potential impacts pertaining to erosion and loss of topsoil would be less than significant.

Substantial changes proposed in Project, which will require Major revisions to the EIR?

The Project does not propose changes that would result in new impacts or increase the severity of previously analyzed impacts pertaining to soil erosion and loss of topsoil. The potential impacts were anticipated and mitigation measures proposed. Therefore, the proposed Project would not require no new mitigation measures or substantial changes to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

As indicated in above discussions, the Project substantially remains the same with the exception of reducing the residential units from 188 to 168. The context and circumstances for the Project have remained the same and not changed such that Project activities would result in a significant new impact or more severe impacts pertaining to soil erosion and loss of topsoil, requiring new mitigation. Thus, no substantial revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been know at the time the EIR was certified) available?

The Project is substantially the same as was previously proposed with the exception of a reduction in residential units. No new information has become available that was not previously known resulting in a new impact related to soil erosion or loss of topsoil not previously anticipated. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda, and no new mitigation are required.

e) 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?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

Implementation of the proposed residential development would not require the use of septic tanks or alternative waste water disposal systems for the disposal of waste water, as sewers are available. No impacts would result and no mitigation is required.

Substantial changes proposed in Project, which will require Major revisions to the EIR?

No new or more severe impacts would result that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

No changes in circumstances have occurred that would result in new or more severe impacts that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information that was not known is available that would result in new impacts or more severe impacts that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The Project site is located within the Pauba Valley and is primarily underlain by Holocene alluvial deposits (Qa). The northwest corner of the Project site includes Pleistocene Pauba Formation (Qp), which also underlies the Holocene alluvium. While Holocene alluvium (Qa) has a low paleontological sensitivity and is generally too young to have preserved fossils, the Pauba Formation (Qp) has a high paleontological sensitivity.

Project-related excavation activities are anticipated to occur in fill soil; however, cuts and fills may extend up to 15 to 20 feet and could encounter Pauba Formation, with the potential to unearth fossils. However, this would not be a change in conditions that would result in new impacts.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The Project remains substantially the same with the exception of a reduction in number of units from 188 to 168 units. The area of disturbance from the Project would be consistent with the area evaluated for development in Certified FEIR 235. The Project does not propose changes that would result in new impacts or increase the severity of previously analyzed impacts pertaining to paleontological resources. Therefore, the proposed Project would not require substantial changes to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The context and circumstances for the Project have remained the same and not changed such that Project activities would result in a significant new impact or more severe impacts pertaining to paleontological resources, requiring new mitigation. The site condition has not changed, and no increase in the developable area is proposed. Thus, no substantial revisions to the Certified FEIR 235 would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

The Project is substantially the same as was previously proposed with the exception of a reduction in residential units. No new information has become available that was not previously known

resulting in a new impact related to paleontological resources not previously anticipated. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

The Draft IS/MND concluded impacts to paleontological resources were unchanged from Certified FEIR 235 and Addendum No. 4 and no additional mitigation measures are required (page 49). However, the Draft IS/MND did include a mitigation measure (GEO-1) that requires a qualified paleontological monitor during grading and the appropriate handling of artifacts should any be discovered during grading. The identification of the mitigation measures in the Draft IS/MND is not in response to a new significant or substantially greater impact, nor does it constitute new information. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda. Although the potential for discovery of paleontological resources has not changed since the certification of FEIR 235 and Addendum No. 4, the applicant would accept this measure as a condition of approval on TTM 36483.

4.8 GREENHOUSE GAS EMISSIONS

Certified Final EIR 235 and Subsequent Addenda

In 1988, when FEIR 235 was certified and the Paloma del Sol Specific Plan was approved, a Greenhouse Gas (GHG) Emissions analysis was not part of the required CEQA analysis. Effective March 18, 2010, the State of California adopted amendments to the State CEQA Guidelines requiring the analysis and mitigation of the effects of GHG emissions in CEQA documents.

The State CEQA Guidelines regarding GHG emissions do not themselves specifically address situations involving subsequent implementing actions for a project with a previously certified FEIR. As discussed below, applicable case law provides that a Supplemental EIR is not required on the issue of GHG emissions and climate change where an earlier certified EIR did not address climate change (based on *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515).

However, it should be noted, Certified FEIR 235 and the Addenda do include energy efficiency and conservation mitigation measures to reduce air quality impact, which would also serve to reduce GHG emissions.

Consistency Evaluation

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

PA-4 is currently designated as Medium Density Residential (2 du/ac to 5 du/ac), with a target 188 residential unit count in the Specific Plan. The General Plan designates the Project site as Low Medium Residential (3 du/ac to 6 du/ac). The environmental documentation prepared for the Specific Plan reflects this level of development for the Project site.

As previously noted, TTM 36483 would result in a slight reduction in the overall number of units to be constructed in PA-4 compared to what was identified in the current Specific Plan. In addition to

the residential development, the Project would provide approximately 2.1 acres of community parkland and 5.7 acres of open space. This decrease (20 units), which represents approximately 0.4 percent of the overall development provided for in the Specific Plan, is not sufficient to change the character of the Specific Plan development where travel patterns or other characteristics that would generate GHG emissions would be substantially different from the development concept evaluated in the Certified FEIR 235 and the associated Addenda.

Substantial changes proposed in Project which will require major revisions to the EIR?

As noted above, the proposed Project has not substantially changed from the proposal addressed in Certified FEIR 235 and subsequently refined as part of Specific Plan Amendment No. 8 and Addendum No. 4. The Project would develop 168 residential units within the Medium Density Residential range identified in the Paloma del Sol Specific Plan (i.e., 2 du/ac to 5 du/ac) and the Low Medium land use designation in the General Plan. The Project would provide associated amenities and supporting infrastructure. There are no elements of the Project that would result in the generation of substantially greater GHG emissions compared to the emissions generated by the development evaluated in Certified FEIR 235. With the incremental decrease in the number of units there would be a commensurate reduction in the emissions generated by the Project. The reduction in overall air emissions, of which GHG emissions are a component compared to the impact assessment in 1988 is discussed in Section 4.3, Air Quality of this evaluation. In addition to the incremental decrease in units, the changes in the California Code of Regulations [CCR]) established to reduce California's energy consumption (this is also discussed in Section 4.6, Energy) would have beneficial effects on GHG emissions. As such, since there are no major changes to the Project, there are no major revisions required to the Certified F235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The context in which the Project would be implemented is not substantially different than what was evaluated in the Certified FEIR 235 and the subsequent Addenda. The City of Temecula has long been assumed as a suburban area. These land use patterns are reflected in the local (General Plan) and regional (RTP/SCS and AQMP) planning documents. The regional plans developed by the Metropolitan Planning Organizations are also used for evaluation of consistency with State planning programs (discussed further below as part of Question 4.8b). As such, the regulations and land development patterns would not constitute a change in circumstances that would require major revisions to the Certified F235 and previously approved Addenda. The Project would not allow for any new development or uses beyond that previously authorized.

New information (which was not known and could not have been known at the time the EIR was certified) available?

The courts have found that GHG emissions and global climate change are not "new information" since these effects have been generally known for quite some time. For example, in a 2011 case, *Citizens for Responsible Equitable Environmental Development v. City of San Diego*,¹² the Fourth District Court of Appeal affirmed the trial court's denial of a petition for writ of mandate challenging the City of San Diego's adoption of an addendum to a previously certified EIR rather than the preparation of a Supplemental EIR for a development project. In one of many issues, the court found that "information on the effect of greenhouse gas emissions on climate was known long before the City approved the 1994 FEIR". The court discussed several federal court decisions that demonstrated information about the nexus between GHG emissions and climate change was known well before the

¹² *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal. App.4th 515.

FEIR was certified. As such, the courts determined the effect of GHG emissions on climate change could have been raised when the City certified the FEIR. Because the plaintiff in the cited case provided no competent evidence of new information of a significant impact, it did not meet its burden under Section 21166 of the Public Resources Code to demonstrate that a Supplemental EIR was required. Therefore, this case demonstrates that a Supplemental EIR is not required based on the general issue of GHG emissions and climate change, where an earlier certified EIR for the project did not address climate change.

A similar finding was made in the 2014 decision by the Sixth District Court of Appeals in *Citizens Against Airport Pollution v. City of San Jose*.¹³ The decision states that, “information about the potential environmental impact of greenhouse gas emissions was known or could have been known at the time the 1997 EIR and the 2003 SEIR for the Airport Master Plan were certified. We reiterate, . . . an agency may not require an SEIR unless ‘[n]ew information, which was not known and could not have been known at the time the [EIR] was certified as complete, becomes available.’” Since the potential environmental impact of GHG emissions does not constitute new information as defined in the CEQA statutes, Section 21166, subdivision (c), the City did not violate Section 15064.4 of the State CEQA Guidelines by failing to analyze greenhouse gas emissions in the eighth addendum.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

Executive Order S-3-05, AB 32, and SB 32 are the primary State policies adopted for the purpose of reducing GHG emissions. Statewide regulations adopted in furtherance of those State policies, including GHG emissions standards for vehicles, are being implemented at the statewide level. The Lead Agencies identified for these actions are almost exclusively State agencies, including CARB, California Energy Commission, California Public Utilities Commission, Caltrans, and regional transportation agencies.

AB 32 is codified as Sections 38500–38599 of the California Health and Safety Code. Thus, the principal State plan and policy adopted for the purpose of reducing GHG emissions has been AB 32. The quantitative goal of AB 32 is to reduce statewide GHG emissions to 1990 levels by the year 2020. Statewide plans and regulations, including but not limited to light duty vehicle GHG emissions standards, Advanced Clean Car standards, Low Carbon Fuel Standard, Renewable Portfolio Standards, Energy Efficiency Standards for Residential and Nonresidential Buildings, and California Green Building Standards, are being implemented. AB 32 also implemented the policy statement of EO S-3-05 that called for a reduction in GHG emissions to the year 2000 level by 2010, to year 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

At a regional level, SCAG has addressed GHG reduction through the RTP/SCS. Locally, the City of Temecula General Plan has included goals and policies in the Air Quality Element of the City’s General Plan that would also result in the reduction of GHG emissions. As a component of the City General Plan, this level of development for the site is reflected in the RTP/SCS for the SCAG region.

The Project must comply with all those applicable regulatory measures adopted to implement AB 32. Since the Project would be required to comply with building standards that are much more rigorous than what was in place in 1988, the Project’s GHG emissions would be less than what would have

¹³ *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal. App.4th 788.

resulted from a project implemented before the more rigorous standards were adopted (see discussion above, in Section 4.6, Energy).

Substantial changes proposed in Project which will require major revisions to the EIR?

As noted above, the proposed Project has not substantially changed from the proposal addressed in the Certified FEIR 235 and subsequently refined as part of Addendum No. 4. The Project would develop residential units within the Medium Density Residential range identified in the Paloma del Sol Specific Plan (i.e., 2 du/ac to 5 du/ac) and Low Medium land use designation in the General Plan. There are no elements of the Project that would result in the generation of GHG emissions that would be substantially greater than the emissions generated by the development evaluated in the Certified FEIR 235. Updated regulations implemented to reduce GHG emissions, which would apply to the Project, would reduce the overall emissions of GHG compared to a Project implemented using the emissions factors when FEIR 235 was certified. As such, since there are no major changes to the Project, there are no major revisions required to the Certified F235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The new policies and regulations associated with GHG emissions would not represent a substantial change in circumstances that would result in a new or more severe environmental impact. Regulations, such as those associated with installation of solar panels and energy efficiency, would apply to the Project and are designed to reduce environmental impacts. Therefore, GHG emissions would be less than what would have been associated with Project development when the FEIR 235 was certified. As noted above, the physical context in which the Project would be implemented is not substantially different from what was evaluated in the Certified FEIR 235 and the subsequent Addenda. The City of Temecula land use patterns have been assumed in the local (General Plan) and regional (RTP/SCS and AQMP) planning documents and would not result in more severe environmental impacts or represent a change that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As noted above, the courts have found that GHG emissions and global climate change are not “new information” since these effects have been generally known for quite some time. As such, the courts determined the effect of GHG emissions on climate change could have been raised when the City certified the FEIR and did not constitute evidence of new information of a significant impact; and therefore, did not meet its burden under Section 21166 of the Public Resources Code to demonstrate that a Supplemental EIR was required. The Project would be required to comply with the changes in regulations, which have been adopted with the goal of reducing GHG emissions. Therefore, the Project would not result in new or greater GHG emissions than would have been associated with development at the time the FEIR 235 and previously approved Addenda were certified.

4.9 HAZARDS AND HAZARDOUS MATERIALS

Certified Final EIR 235 and Subsequent Addenda

It was determined that the Paloma del Sol Specific Plan residential, recreational, and neighborhood commercial uses would not generate toxic substances. The Certified FEIR 235 or subsequent Addenda did not include this topic in addition to hazards from wildland fire, as it was not identified as an area of concern in the Notice of Preparation.

Consistency Evaluation

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- b) 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?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

Construction activities associated with the proposed Project would require the transport and use of standard construction equipment and materials, some of which may involve a hazardous component such as transport and storage of fuels. These would be associated with construction activities and would, therefore, be temporary in nature. However, these activities would be conducted and the hazardous substances (e.g., paint, adhesives, finishing materials, cleaning agents, and fuels) would be handled in accordance with existing federal, State, and local regulations. Additionally, all construction activities would comply with the federal and state standards of safety and local regulations.

Long-term, operational hazards to the environment or the public through the transport, use, or disposal of hazardous materials are typically associated with the operation of non-residential uses, such as industrial and some commercial uses. The Project contemplates residential units, a community park, open space/trails, and drainage and water quality improvements. Hazardous materials are not expected to be associated with the Project in substantial quantities once it is implemented. Use of hazardous materials would be limited to normal household chemicals such as painting supplies, pesticides for landscaping, cleansers, and solvents and would be limited in household quantities. Any application of materials, such as fertilizers or pesticides, to the park would be done by a trained professional to minimize risk of overspray or introducing such materials into run-off. These substances would be contained, stored, and used in accordance with manufacturers' instruction and handled in compliance with applicable standards and regulations. The proposed Project would not utilize, store, or generate hazardous materials or wastes in quantities that may pose a significant hazard to the public. Impacts would be less than significant, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The topic of hazards and hazardous materials was focused out of Certified FEIR 235 and Addendum No. 4, as it was not considered an area of concern. The Project is substantially the same as was previously proposed. Based on the discussion above, due to the type of project and temporary nature of construction activities, the Project would not result in an impact that was not anticipated before.

Therefore, no substantial changes to the Certified FEIR 235 and previously approved Addenda, and no mitigation would be required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Since it was determined that hazardous and hazardous materials was not an area of concern and was not analyzed in the previous CEQA documents, the context and circumstances for the Project have not changed such that construction and operation activities would result in a significant impact requiring mitigation. Thus, no substantial changes to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

The Project is substantially the same as was previously proposed with the exception of a reduction in residential units from 188 to 168 units. No new information has become available that was not previously known resulting in an impact not previously anticipated. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The nearest school to the Project site is Abby Reinke Elementary School located at 43799 Sunny Meadows Drive, approximately 0.24 miles to the northwest of the Project site. Additionally, Vail Ranch Middle School located at 33340 Camp Piedra Rojo and Rancho Vista High School located at 32225 Pio Pico Road are approximately 0.25 miles south and 1.05 miles the west of the Project site, respectively.

Temporary construction activities may require the use of materials listed as hazardous; however, these materials would be routine construction materials and would not be required in large quantities. Additionally, the contractor would be required to use standard construction controls and safety procedures, which would avoid and minimize the potential for accidental release or spill of such substances into the environment.

Residential activities associated with occupancy of the proposed units would be similar to other residential uses surrounding the site and would not generate hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste in quantities that may impact students at schools within 0.25 mile of the site. Therefore, the potential impacts associated with use of hazardous materials during construction and operation would be less than significant, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

As indicated above, the topic of hazards and hazardous materials was focused out of Certified FEIR 235 and Addendum No. 4, as it was not considered an area of concern. The Project is substantially the same as was previously proposed, except for reduction in residential units. Although schools have been constructed in proximity to the Project site since Certified FEIR 235 was prepared, the Specific Plan identified the siting of schools within the Specific Plan limits. Based on the discussion above, due

to the type of project and temporary nature of construction activities, the Project would not result in an impact pertaining to emissions of hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school that would not have been anticipated before. Therefore, no substantial changes to the Certified FEIR 235 and previously approved Addenda, and no mitigation are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Since it was determined that hazardous and hazardous materials was not an area of concern and was focused out in the previous CEQA documents, the context and circumstances for the Project have not changed such that construction and operation activities would result in a significant impact pertaining to emissions of hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school requiring mitigation. Thus, no substantial changes to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

Regulations pertaining to hazardous materials have been updated since Certified FEIR 235 and Addendum No. 4 were prepared¹⁴; however, the nature of the materials associated with the residential and parkland uses have not substantially changed. Existing regulations, such as the California Code of Regulations Title 22 establishes requirements pertaining to the storage, transportation, and disposal of hazardous materials. To meet the requirements, construction contractors are required to implement control measures for handling and storing various types and quantities of regulated hazardous materials used. Any transport of hazardous materials facilities is also regulated at the federal (Title 49 of the Code of Federal Regulations) and State (Title 13 of the California Code of Regulations) regulations. Consistent with the findings of the previous CEQA reviews, through the compliance with all applicable federal, State, and local regulations pertaining to hazardous materials the risk associated with the transport, use, and storage of the materials, is minimal. Therefore, no new information has become available that was not previously known resulting in an impact pertaining to emissions of hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school not previously anticipated. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

d) 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 it create a significant hazard to the public or the environment?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

Based on a current review of available data, the Project site is not included on the list of hazardous materials sites compiled, pursuant to Government Code Section 65962.5. Specifically, the Project site is not listed on the California Department of Toxic Substances Control's (DTSC's) Hazardous Waste and Substances Site List - Site Cleanup (Cortese List); the list of Leaking Underground Storage Tank (LUST) sites; the list of sites identified with waste constituents above hazardous waste levels outside

¹⁴ Proposition 65 was passed by California voters in 1986. Proposition 65 requires businesses to provide warnings to Californians about significant exposures to chemicals that cause cancer, birth defects or other reproductive harm. These chemicals can be in the products that Californians purchase, in their homes or workplaces, or that are released into the environment. As of November 2018, the Proposition 65 List, which is maintained by the Office of Environmental Health Hazard Assessment ("OEHHA"), includes over 900 naturally occurring and synthetic chemicals that include additives or ingredients in pesticides, common household products, food, drugs, dyes, or solvents.

the waste management unit; the list of Cease and Desist Orders and Cleanup and Abatement Orders from the State water boards; and the list of hazardous waste facilities where the DTSC has taken or contracted for corrective action because a facility owner/operator has failed to comply with a date for taking corrective action or because DTSC determined that immediate corrective action was necessary to abate an imminent or substantial endangerment. As such, no impacts would occur, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

As indicated above, the potential for significant impacts associated with hazards and hazardous materials was focused out of Certified FEIR 235 and Addendum No. 4, because it was not considered an area of concern. The Project is substantially the same as was previously proposed, except for reduction in residential units. As such no changes are proposed that would result in new or more severe impacts requiring mitigation. Therefore, no substantial changes to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The context and circumstances under which the Project is being implemented have not changed. As noted above, the site is not on or adjacent to a site on the Cortese List. As such there are no new circumstances that would result in a significant impact pertaining to being on a list of hazardous materials site. Thus, no substantial changes to the Certified FEIR 235 and previously approved Addenda or mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information has become available that was not previously known resulting in an impact pertaining to being on a list of hazardous materials sites not previously anticipated. Therefore, the Project would not require major revisions to the Certified FEIR 235 and previously approved Addenda.

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?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The Project site is not located within an adopted Airport Land Use Plan or within two miles of a public airport or public use airport. The nearest airport is the French Valley Airport located in the City of Murrieta, approximately 6.0 miles north of the Project site. The airport has a compatibility plan; however, the Project site is located outside of the compatibility plan.

Additionally, the closest private airstrip is the Billy Joe Airport located approximately 1.3 miles northeast of the Project site. The airport, established in July 1981, has a short dirt runway (2,200 feet by 40 feet) and can only accommodate small general aviation aircraft. There is no control tower or other attendance on site. Permission to use the facility must be granted by the Airport prior to landing. Given the limited use of the facility, the nature of the aircraft using the airport, and the distance of the Project site from the airport, development of the project would not result in a safety

hazard for the people residing or working in the area. Implementation of the proposed Project would not impact the airport facilities or their operation, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

As indicated above, the topic of hazards and hazardous materials was focused out of Certified FEIR 235 and Addendum No. 4, as it was not considered an area of concern. The Project is substantially the same as was previously proposed, except for reduction in residential units. Based on the discussion above, due to absence of a public airport within two miles of the site, the Project would not result in an impact pertaining to safety hazard or excessive noise that was not anticipated before. Therefore, no substantial changes to the Certified FEIR 235 and previously approved Addenda, and no mitigation are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Since it was determined that hazardous and hazardous materials was not an area of concern and was focused out in the previous CEQA documents, the context and circumstances for the Project have not changed (e.g., construction of an airport in the area) such that Project implementation would result in a significant impact pertaining to safety hazard or excessive noise, requiring mitigation. Thus, no substantial changes to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information has become available that was not previously known resulting in an impact pertaining to safety hazard or excessive noise, not previously anticipated. Therefore, the Project would not require mitigation or major revisions to the Certified FEIR 235 and previously approved Addenda.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The City of Temecula is updating the City's 2017 Local Hazard Mitigation Plan (LHMP) (to the Riverside County Operational Area Multi-Jurisdictional Local Hazard Mitigation Plan). The purpose of the LHMP is to identify local hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks (to reduce or eliminate long-term risk) to people and property from natural and man-made hazards. While the proposed Project would minimally impact traffic flow during the temporary construction period, it would not conflict with or interfere with emergency evacuation in the area. The 2019 City of Temecula Emergency Operations Plan (EOP) outlines the City's planned deployment, mobilization, and tactical operations in response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies in or affecting the City. According to the Public Safety Element of the General Plan, appropriate evacuation routes cannot be predetermined due to unpredictable nature of the impact of a disaster on streets and highways. Generally, traffic will be directed to the nearby freeways, state highways, and other arterials.

The Project would add a minimal number of additional trips to Temecula Highway, State Route 79, and the surrounding roadways, consistent with the assumptions of the previous CEQA documents. In

the emergency situations, the identified roadways would continue to function as emergency access routes. The Project does not include any components or activities that would conflict, impair, or physically interfere with an adopted emergency response or evacuation plan. No impacts would occur, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

As indicated above, the topic of hazards and hazardous materials was focused out of Certified FEIR 235 and Addendum No. 4, as it was not considered an area of concern. The Project is substantially the same as was previously proposed, except for reduction in residential units. Based on the discussion above, the Project does not propose changes that would adversely affect the City's emergency response or evacuation plan that was not anticipated before. Therefore, no substantial changes to the Certified FEIR 235 and previously approved Addenda, and no mitigation would be required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The context and circumstances for the Project have not changed since it was determined that hazardous and hazardous materials was not an area of concern and was focused out in the previous CEQA documents. In light of the discussion above, the Project would not result in potential impacts to emergency and evacuation routes in case of natural or man-made disasters that would require mitigation. As such no substantial changes to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information has become available that was not previously known resulting in an impact pertaining to emergency response or evacuation plan, not previously anticipated. Therefore, the Project would not require mitigation or major revisions to the Certified FEIR 235 and previously approved Addenda.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

According to Public Safety Element of the General Plan, the potential for natural wildland fires exists in Temecula, as the City is surrounded by rolling foothills and mountains. A number of factors such as fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents), and topography (degree of slope) are directly correlated to the risk of wildfire. Vegetation, specifically grass are highly flammable as they have a high surface area to mass ratio and require less heat to reach the ignition point. Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult.

According to the Fire and Resource Assessment Program *Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE* map for the City of Temecula, the western edge of the City has been designated a Local Responsibility Area (LRA), which is within the very high fire hazard severity zone. However, the Project site is not included within this area. In light of this, because the Project site is not located within a designated wildland fire hazard area, implementation of the proposed Project

would not expose people or structures directly or indirectly to a significant risk of loss or death associated with wildland fires. Therefore, impacts would be less than significant, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

As indicated above, the issue of wildland fires was focused out of Certified FEIR 235 and Addendum No. 4, as it was not considered an area of concern. The Project is substantially the same as was previously proposed, except for reduction in residential units. Based on the discussion above, the Project does not propose changes that would expose people or structures to the risk of wildland fires that was not anticipated before. Therefore, no substantial changes to the Certified FEIR 235 and previously approved Addenda, and no mitigation would be required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The context and circumstances for the Project have not changed since it was determined that wildland fires was not an area of concern and was focused out in the previous CEQA documents. In light of the discussion above, the Project would not result in potential impacts pertaining to exposing people or structures to the risk of wildland fires that would require mitigation. As such no substantial changes to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information has become available that was not previously known resulting in an impact pertaining to exposing people or structures to the risk of wildland fires, not previously anticipated. Therefore, the Project would not require mitigation or major revisions to the Certified FEIR 235 and previously approved Addenda.

4.10 HYDROLOGY AND WATER QUALITY

Certified Final EIR 235 and Subsequent Addenda

The Certified FEIR 235 discussed impacts to water quality that could result from project grading and construction activities and project operation. It was indicated that the runoff, which is typical of urban use, would contribute to the degradation of water quality downstream in the Murrieta and Temecula Creeks. The Certified FEIR 235 required implementation of erosion control devices during grading to mitigate the potential water quality impacts during grading, in accordance with the requirements of the Riverside County Flood Control District. The Certified FEIR 235 recommended use of the U.S. Environmental Protection Agency's (U.S. EPA's) "Water Pollution Aspects of Street Surface Contaminants" program to reduce urban runoff impacts.

According to the Certified FEIR 235, Rancho California Water District (RCWD) would provide water supply to the project. No mitigation was required for potential impacts to groundwater quality, supply or recharge.

The Certified FEIR 235 concluded that the Specific Plan would alter the existing on-site drainage patterns of the area and result in increased runoff due to impervious surfaces. The Certified FEIR 235 recommended realigning the storm drain to discharge directly into Temecula Creek in order to mitigate the increase in runoff at Margarita Road outlet. It also recommended the use of erosion

control devices in hillside development areas to mitigate the effect of increased runoff at points of discharge. Devices suggested including temporary berms, culverts, sandbagging or desilting basins.

The Certified FEIR 235 did not address the drainage flows east of Butterfield Stage Road, which were evaluated in AD 159 (see discussion of AD 159 in Section 1.2.5 of this Consistency Evaluation). The original drainage report prepared by RBF Associates for AD 159, stated that the westerly drainage basins north of De Portola, which drained toward Butterfield Stage Road, would be picked up and the off-site flow would be conveyed through Paloma del Sol in storm drains. The County and City required Paloma del Sol to construct an interim detention basin or an equivalent facility on PA-4 until the County approves and constructs an up stream drainage facility. The *Paseo del Sol Original Drainage Map* for the Tract 24185, the drainage system flows into PA-4 at the 78-inch reinforced concrete pipe stubbed into the site south of De Portola. However, the County was unable to receive approvals from upstream property owners and was unable to construct any drainage facilities.

The Certified FEIR 235 concluded that the site is subject to inundation from Vail Dam. As mitigation, it was concluded that all improvements would be constructed in accordance with the standards of the Riverside County Flood Control District. Subsequent Addenda concluded there would be no change to the Certified FEIR 235 conclusions regarding project impacts to water quality, erosion, and flooding.

Consistency Evaluation

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

The proposed Project is located within the jurisdiction of San Diego Regional Water Quality Control Board (SDRWQCB) and is required to comply with the Water Quality Control Plan for the San Diego Region (Basin Plan), which sets forth water quality standards for surface water and groundwater within the region. The Project would involve implementation of various onsite structural and non-structural measures during construction and operation to reduce impacts to water quality.

Construction of the proposed Project may potentially violate water quality standards within Temecula Creek and the Santa Margarita River. Grading and other earth-disturbance activities have the potential to expose soils to mobilization by rainfall, runoff, and wind. Non-sediment-related pollutants such as waste construction materials and chemicals, liquid products, and petroleum products may also be of concern. However, compliance with Construction General Permit would minimize the potential construction impacts, as the permit requires implementation of a SWPPP (required by the NPDES Construction General Permit), which must include erosion- and sediment-control BMPs that meet measures required by the NPDES and BMPs that control construction-related pollutants. The SWPPP would identify the sources of sediment and other pollutants that may affect the quality of storm water discharges and include BMPs to reduce or eliminate sediment and other non-sediment pollutants in storm water and non-storm water discharges.

Compliance with the NPDES Construction General Permit and the preparation of a SWPPP would reduce any potential impacts to downstream waters to less than significant. Erosion-control and treatment-control BMPs would be implemented per NPDES requirements. Section 18.18.020 of the

City of Temecula Municipal Code also requires erosion and sediment control measures during construction and grading activities.

Construction activities through groundwater dewatering activities may also impact surface and groundwater quality. However, all dewatering activities would be required to comply with SDRWQCB General Waste Discharge Requirements (WDRs) for Groundwater Extraction Discharges to Surface Waters within the San Diego Region (Order R9-2015-0013). Therefore, potential impacts to surface water and groundwater quality would be reduced to a less than significant level with compliance with the Construction General Permit, City Municipal Code, and WDRs.

During operation, the Project could potentially impact existing water quality standards. The City of Temecula requires preparation of a project-specific WQMP to ensure compliance with City requirements (City of Temecula 2018). The Project's site design, source control, and treatment control BMPs would help reduce potential impacts to surface water and groundwater quality. Site specific BMPs would reduce and disperse impervious areas while maintaining existing and creating new pervious surfaces on the Project site. Source control BMPs prevent stormwater quality contact with various potential sources of water quality degradation on-site. Implementation of treatment control BMPs include biofiltration and partial retention of surface flows on-site through the use of a biofiltration basin and two Filterra units. Upon finalization of a site design and its approval by the City, a final WQMP would be prepared.

The proposed Project overlies the Temecula Valley groundwater basin, which is not considered a high or medium priority groundwater basin. As such, a sustainable groundwater management plan is not required by the California Sustainable Groundwater Management Act (SGMA) for this basin (DWR 2019). Thus, there would be no impact pertaining to compliance with a sustainable groundwater management plan.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project does not include substantial changes, with the exception of a reduction in number of residential units from 188 to 168 units, that would adversely affect water quality, resulting in a new or more severe impacts. With the water quality system in place, including two water quality basins and proposed BMPs, no new impacts would result. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

No changes in Project context and circumstances have occurred such that a new or more severe water quality impact beyond what was analyzed, would result. Same requirements and standards discussed in previous analyses would still apply to the Project. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information, which was not known before, has become available that would cause the Project to create an adverse hydrologic condition. The hydrology and WQMP studies are sufficient to determine that the proposed Project would address water quality and would not result in new impacts that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

The Draft IS/MND concluded impacts to hydrology and water quality would be less than those identified in Certified FEIR 235 and Addendum No. 4 and no additional mitigation measures are required (page 63). However, the Draft IS/MND identified four PDFs and three mitigation measures under Environmental Checklist Questions 4.10(a) and (e). These PDFs and mitigation measures are not in response to a new significant or substantially greater impact, nor do they constitute new information. A review of the PDFs and the mitigation measures reflect existing regulations that the Project would be required to comply with to be consistent with the Basin Plan.¹⁵ These measures would be applicable to the Project as a result of other regulatory requirements outside of the CEQA process.

These measures do not constitute new information or mitigation measures or alternatives that previously found not to be feasible would in fact be feasible. Impacts to biological resources are less than significant and all the regulatory requirements would be complied with. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project impede sustainable groundwater management of the basin?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

Project construction may require dewatering due to shallow groundwater conditions on parts of the Project site. In order to ensure no net loss of groundwater, any groundwater encountered during construction would be recharged on the Project site itself. Additionally, the Project may indirectly result in reduction of groundwater supplies through dependence on the Rancho California Water District (RCWD) for water supplies, which obtains its water partially from the Temecula Valley Groundwater Basin. However, the RCWD anticipates it will be able to meet 100 percent of its projected water demands, including water for the proposed Project (RCWD 2016).

Implementation of the Project would introduce impervious surfaces and reduce the area on-site capable of groundwater recharge. However, the Project would include measures to decrease and disperse impervious areas; maintain existing pervious areas; and create new pervious surfaces on the site. Therefore, impacts to groundwater recharge would be less than significant.

Additionally, as indicated above, the proposed Project overlies the Temecula Valley groundwater basin, which is not considered a high or medium priority groundwater basin. As such, a sustainable groundwater management plan is not required by the California Sustainable Groundwater Management Act (SGMA) for this basin (DWR 2019). Thus, there would be no impact pertaining to compliance with a sustainable groundwater management plan.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project does not include any changes that would adversely affect groundwater supplies or interfere substantially with groundwater recharge, resulting in a new or more severe impacts.

¹⁵ PDF HYDRO-1 states the BMPs from the WQMP that have been integrated into the Project. PDF HYDRO-2 and PDF HYDRO-3 identify the source control and treatment control BMPs identified in the WQMP. PDF HYDRO-4 identifies the construction BMPs from the WQMP. Mitigation Measure HYDRO-1 requires the preparation of the Final WQMP and updating of the PDFs as necessary. Mitigation Measure HYDRO-2 requires compliance with the SDRWQCB Order R9-2015-0013 and Mitigation Measure HYDRO-3 requires design to in accordance with Riverside County Ordinance No. 458, which details design requirements for projects located in special flood hazard areas.

Also, the reduction of 20 residential units and addition of the open space channel and basins would reduce the Project's impervious footprint allowing groundwater recharge. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

There have not been any changes in Project context or circumstances such that a new or more severe impacts pertaining to reduction in groundwater supplies would occur. The same requirements and standards discussed in previous analyses would still apply to the Project. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information that was not known has become available that would cause the Project to reduce groundwater supplies or interfere with groundwater recharge. Therefore, no new or more severe impacts would result such that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

The Draft IS/MND identified PDF HYDRO-1 and Mitigation Measure HYDRO-2 as being applicable to Environmental Checklist Question 4.10(b). As stated above, under Environmental Checklist Questions 4.10(a) and (e), the PDFs and mitigation measures are not in response to a new significant or substantially greater impact, nor do they constitute new information. They reflect regulation requirements that would be applicable to the Project. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified PDFs and mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- a. 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; or**
- iv) impede or redirect flood flows?**

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

As noted above, the County and City required Paloma del Sol to construct an interim detention basin or an equivalent facility on PA-4 until the County approves and constructs an up stream drainage facility. The interim facilities have been implemented; however, the County was unable to receive approvals from upstream property owners and was unable to construct any drainage facilities. Therefore, the Project proposes to construct a multi-functional Paseo del Sol Interceptor Channel

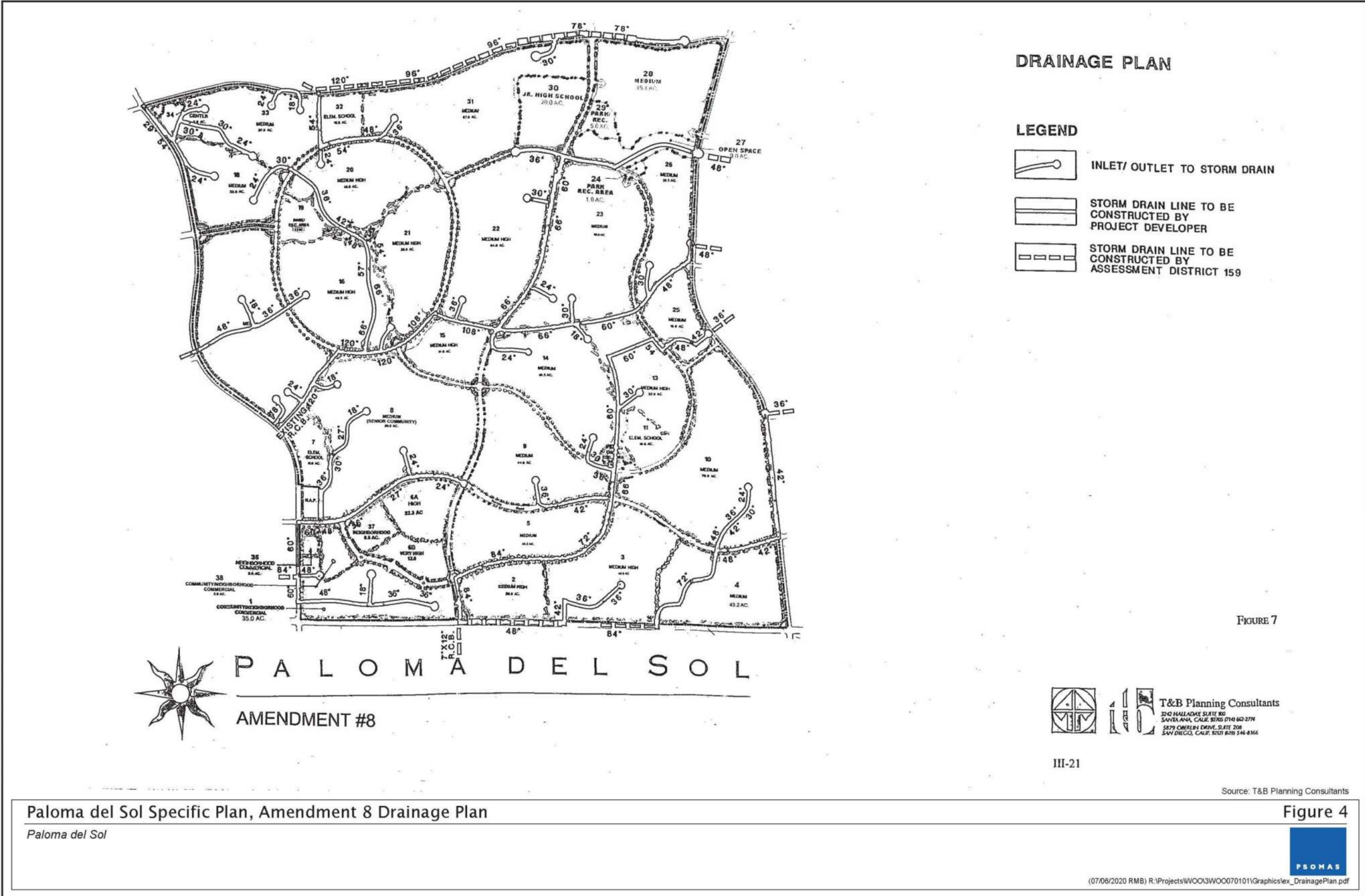
along the southern portion of the PA-4 site adjacent to Temecula Parkway. This drainage feature is consistent with the Specific Plan, which states (Specific Plan Amendment 8, page III-20):

Development of the Specific Plan will alter the natural on-site drainage courses. After development, new drainage courses will consist of streets, channels and swales, underground storm drains and/or a combination of the above. A significant amount of off-site as well as on-site flows will be piped under the greenbelt/paseo system (Figure 7). The majority of water will exit the site to the west and south in pipes varying in size up to 120 inches in diameter. The actual size and location of the drainage system will be determined at the tract map stage of development.

Specific Plan, Figure 7 (included in this Consistency Evaluation as Figure 4) provides a very conceptual location for the drainage improvements serving PA-4. This location is consistent with location shown for the Paseo del Sol Interceptor Channel. Rather than including detailed design plans for the drainage facilities, the Specific Plan identifies the development standards that are applicable and to be implemented at the tract map stage of development. The drainage plan standards included in the Specific Plan requires (Specific Plan Amendment 8, page III-20) the drainage and flood control facilities and improvements be provided in accordance with the City of Temecula and Riverside County Flood Control and Water Conservation District requirements, which the Project does. Further, in the discussion of PA-4, the Specific Plan states any revisions to the detention basin and appurtenant drainage facilities shall be approved by the City (Specific Plan Amendment 8, page III-60). As part of the current tract map review, the Paseo del Sol Interceptor Channel would be found in substantial compliance with the drainage facilities required by the Specific Plan for PA-4 and be a functional equivalent to the existing facilities.

The proposed interceptor channel is designed to convey stormwater from areas east and north of the Project site through a soft bottom channel and water quality basins to the existing culvert under Temecula Parkway in the south west corner of the Project site. These improvements effectively protect the Paloma del Sol Specific Plan and downstream area from flooding from the off-site watershed and at the same time maintain the existing level of flood protection to the existing developments and property near the Project site. As noted in Addendum No. 4, all standards of the Riverside County Flood Control District will be met, and erosion control devices will be installed in development areas to mitigate the effect of increased runoff at points of discharge.

As detailed above, a SWPPP would be prepared in compliance with the requirements of the Construction General Permit that would include erosion- and sediment-control BMPs designed to prevent erosion and siltation from construction activities. The proposed Project would include two water quality basins (one for on-site and one for off-site drainage), and the large drainage channel (open space) along the southern and western areas of the 42.64-acre development. The Project also includes landscaping within a park, street buffers and residential lots, which would reduce the impervious area from the Project. In addition to the two water quality basins, storm water best management practices (BMPs) to be implemented include a modular wetlands biofiltration unit (with an upstream subsurface storage basin), minimizing imperviousness, impervious area dispersion, drought-tolerant landscaping, protecting trash storage from rainfall, construction (erosion control), and other BMPs.



The larger water quality biofiltration basin BMP, Basin-1 or Basin “A”, is proposed to receive drainage from the on-site private storm drain system and used for both stormwater treatment and hydromodification (i.e., stormwater quantity mitigation). This stormwater pollutant control BMP is designed according to the 2018 City of Temecula BMP Design Manual to absorb the typical pollutants from vehicles, pesticides and fertilizers, and human and pet activities by filtering runoff through the vegetation and soil media within the basin. According to the Hydromodification Storm Water Management Model (SWMM) Modeling Analysis (i.e., basin routing), prepared by REC Consultants in 2018 and attached to the WQMP, the on-site post-development peak runoff is reduced by over 40 percent from the existing undeveloped condition. Basin 1 utilizes soil media and gravel layers with a subdrain system, a riser inlet with orifices for low flows, and a weir spillway at the top. The basin discharges southerly through a 36-inch RCP storm drain before connecting into Line “S”. The basin would have some incidental infiltration below the gravel layer, but this would be limited due to the low rate of infiltration of the underlying soil. With the system in place, construction and operation of the Project would not result in erosion, siltation or flooding.

The Project site is within the Vail Lake Dam inundation area, and as such has the potential to impede or redirect flood flows related to dam failure (City of Temecula 2005). Per the Certified FEIR 235, Project improvements should comply with the Riverside County Flood Control District (RCFCD) the standards. With compliance with the requirements, impacts would be less than significant.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project does not include any changes that would adversely affect downstream (or upstream) drainage improvements or properties. The proposed drainage would follow the existing drainage patterns, and runoff from the site would be reduced (detained) from the pre-developed condition through the implementation of the storm water biofiltration basin (Basin 1). Also, the reduction of 20 residential units and addition of the open space channel and basins would reduce the Project’s impervious footprint and runoff. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The hydrology and hydraulic analysis is based on the same guidelines provided in the 1978 Riverside County Flood Control and Water Conservation District Hydrology Manual, including the Rational and Unit Hydrograph Methods for determining peak flows and hydrographs for basin routing. Hydromodification will be addressed, according to the relatively recent requirements from the SDRWQCB for the Santa Margarita River watershed (i.e., City of Temecula Jurisdictional Runoff Management Program Santa Margarita Region Order No. R9-2010-0016), which would benefit Temecula Creek and other downstream soft bottom channels. Thus, no changes in circumstances have occurred that would result in significant adverse impacts, requiring major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information that was not known has become available that would cause the Project to create an adverse hydrologic condition. The preliminary storm drain plans, hydrology and WQMP reports are sufficient to demonstrate that the proposed development would address drainage quality and quantity and would not result in new impacts that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

The Draft IS/MND identified PDF HYDRO-1, PDF HYDRO-3, and PDF HYDRO-4, as well as Mitigation Measure HYDRO-3 would be applicable to Environmental Checklist Question 4.10(c). As noted above, under Environmental Checklist Questions 4.10(a) and (e), the PDFs and mitigation measures are not in response to a new significant or substantially greater impact, nor do they constitute new information. The reflect regulation requirements that would be applicable to the Project. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified PDFs and mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

The Project site is located within the Vail Lake Dam inundation area, which has the potential to result in the release of pollutants if inundated in the event of dam failure. However, the Project would be designed in compliance with the requirements of the Riverside County for projects located in special flood hazard areas. This would reduce the potential for pollutant release in the event of dam inundation. Additionally, the Project would retain pervious surfaces on site, which would help absorb some flood flows from dam inundation that could contain pollutants. The use of source control and treatment control BMPs would also reduce the pollutants on site that could mix with flood flows during project operation. Additionally, implementation of minimum construction BMPs that would minimize pollutants on site and prevent introduction of pollutants to flood flows during construction. With implementation of requirements, the impacts would be less than significant. Additionally, no impacts pertaining to tsunami is anticipated as the site is not in proximity to the ocean.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project does not include any substantial changes that would adversely affect downstream (or upstream) drainage improvements or properties. The proposed drainage would follow the existing drainage patterns, and runoff from the site would be reduced (detained) from the pre-developed condition through the implementation of the storm water biofiltration basin. Also, the reduction of 20 residential units and addition of the open space channel and basins would reduce the Project's impervious footprint and runoff. Thus, no new or more severe impacts would result that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The hydrology and hydraulic analysis is based on the same guidelines provided in the 1978 Riverside County Flood Control and Water Conservation District Hydrology Manual, including the Rational and Unit Hydrograph Methods for determining peak flows and hydrographs for basin routing. Hydromodification will be addressed, according to the relatively recent requirements from the San Diego Regional Water Quality Control Board for the Santa Margarita River watershed (i.e., City of Temecula Jurisdictional Runoff Management Program Santa Margarita Region Order No. R9-2010-0016), which will benefit Temecula Creek and other downstream soft bottom channels. Thus, no changes in Project context and circumstances have occurred that would result in new or more severe impacts, requiring major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

There is no new information that was not previously known that would cause the Project to create an adverse hydrologic condition. The preliminary storm drain plans, hydrology and WQMP reports are sufficient to demonstrate that the proposed development would address drainage quality and quantity and would not result in new impacts that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

The Draft IS/MND identified PDF HYDRO-1, through PDF HYDRO-4, as well as Mitigation Measure HYDRO-3 would be applicable to Environmental Checklist Question 4.10(d). As noted above, under Environmental Checklist Questions 4.10(a) and (e), the PDFs and mitigation measures are not in response to a new significant or substantially greater impact, nor do they constitute new information. They reflect regulation requirements that would be applicable to the Project. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified PDFs and mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

4.11 LAND USE AND PLANNING

Certified Final EIR 235 and Subsequent Addenda

The analysis in the Certified FEIR 235 and Addendum No. 4 identified the Project site as undeveloped. The assessment evaluated the potential impacts associated with the proposed land use changes, as well as consistency with applicable plans and policies. The Certified FEIR 235 determined that the proposed Project was consistent with the County General Plan policies. The Certified EIR 235 evaluated consistency with policies from local planning documents and did not identify any significant impacts associated with, but not limited to open space or conservation policies, grading standards, protection of scenic resources, drainage, inundation, and hazards. Much of the information on natural constraints (i.e., liquefaction, floodplains, etc.) were incorporated into the City General Plan. The Certified FEIR 235 identified, "Public facilities and utilities exist in the vicinity, the proposal blends with adjacent land uses, and the physical attributes of the site lend themselves to development of mixed residential, commercial and open space uses reflecting Heavy Urban and Urban designations."

The policy analysis in Certified FEIR 235 provided an analysis of the Specific Plan consistency with the AQMP and the SCAG regional growth forecasts (i.e., SCAG '82 Modified Forecasts). Based on the forecasts, population growth in this portion of Riverside County (Regional Statistical Area [RSA] 49, Murrieta) and Rancho California was projected at a rate of approximately 4.7 percent annually for the next 20-25 years. However, the Certified FEIR 235 stated, "From discussion with SCAG planning personnel, it appears that SCAG 1982 Modified Forecast numbers are conservative estimates. It is anticipated that forecast figures for total population, housing, and employment may be significantly higher than previously considered. In any case, it is expected that The Meadows at Rancho California¹⁶ project will be one relatively minor component of overall regional growth. Project development will be compatible with surrounding development and infrastructure networks which will serve the site."

¹⁶ The Project was called "The Meadows at Rancho California" at the time FEIR 235 was prepared.

Consistency Evaluation

a) Physically divide an established community?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

The Project site is currently underdeveloped and the only functional use onsite is an interim drainage basin. The Project would not result in any impacts off site that would displace or divide an existing community. These conditions have not changed and there would be no new or more severe impacts that would require modifications to the Certified FEIR 235 and previously approved Addenda.

Substantial changes proposed in Project which will require major revisions to the EIR?

The Project would not divide an established community. TTM 36483 would be an infill project since it is the last undeveloped planning area in the Paloma del Sol Specific Plan. There are no substantial change in the Project that would result in new or more severe impacts that would require revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The area surrounding the Project site has developed with urban and suburban land uses since the certification of FEIR 235. However, the development has been planned and approved by the City of Temecula and has not required displacement of an established community. The development of the area reflects the implementation of planned development. The introduction of development associated with the Project would not be a substantial change in circumstances as it pertains to dividing an established community and no revisions to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As previously stated, the site is undeveloped and has been planned for residential uses for over 30 years. The Project would not divide an existing community and no new information is available that would require revisions to the Certified FEIR 235 and previously approved Addenda.

b) 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?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

Many of the adopted land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect have been updated since FEIR 235 was certified. However, because the Project is identified in the City of Temecula General Plan (by way of the adoption of the land use designations associated with the Specific Plan) the plans have incorporated the development into the baseline data of other planning programs, thereby minimizing the potential conflicts with adopted policies and regulations. The need for revisions to the Certified FEIR 235 is discussed below.

Substantial changes proposed in Project which will require major revisions to the EIR?

The Specific Plan and Certified FEIR 235 addressed the Project site as being developed with Medium Density Residential uses, which is consistent with the Project proposal. TTM 36483 does propose a minor reduction in overall number of units than what is shown in the Specific Plan. However, Specific Plans are intended to contain development standards, distribution of land uses, and infrastructure requirements for the development of a specific geographic area. Although a Specific Plan may identify target or maximum number of units allowed in a specific location, they do not provide detailed plan layouts. This lack of detail is reflected in the Paloma del Sol Specific Plan, Amendment No. 8 (page III-2,) when it indicates “the acreage shown for each planning area presents gross acreage, which is subject to minor fluctuations when detailed engineering and roadway alignment studies are completed.” The proposed reduction of 20 units compared to the target density identified in the Specific Plan represents a slightly less than 11 percent density reduction of allocation for PA-4 and a 0.4 percent density reduction for the overall Specific Plan.

There is nothing associated with this incremental decrease in the number of units that would require substantial changes to the Certified FEIR 235. This is consistent with past actions by the City of Temecula in reducing the overall number of units in the Paloma del Sol Specific Plan. For example, Specific Plan Amendment No. 8 made minor changes to residential dwelling unit and acreage for PAs-3, -4, -9, -13, -14, and -26 to reflect the development plans that had already been approved and constructed within the Specific Plan where the number of units was not reflective of the target units. Through the Specific Plan Amendment process the City of Temecula has reduced the overall density of the Paloma Specific Plan from 5,611 units originally approved by the County of Riverside to 5,072 units, a reduction of slightly more than 10 percent; and has not deemed these changes to be substantial changes to the Project. In none of these instances were any issues associated with the reduction in the number of units identified as requiring major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Since the Paloma del Sol Specific Plan and associated amendments were approved, much of the area surrounding the Project site has developed and various planning documents have been updated. However, as discussed below, none of the changes constitutes a substantial change that would require major revisions to the Certified EIR 235 and previously approved Addenda because they would not result in a new or more severe environmental impacts.

Two planning programs with policies or regulations designed to avoid or mitigate an environmental effect have been adopted since the original FEIR 235 was certified. These are the City of Temecula General Plan and the Western Riverside MSHCP. This would constitute a changed circumstance; however, as discussed below, there would be no significant new impacts or substantially more severe impacts that would require major revisions to Certified FEIR 235 and previously approved Addenda.

The City of Temecula adopted its first General Plan in 1993. As noted above, much of the data pertaining to physical constraints, such as floodplains, drainage and liquefaction, were addressed in the Certified FEIR 235 because these issues were addressed by the Riverside County General Plan. Additionally, these topics are also addressed in other sections of the EIR, such as Geology and Soils and Hydrology and Water Quality (see Sections 4.7 and 4.10, respectively). There are other regulatory programs that address these issues (building codes, grading codes), which the Project would be required to comply with that would reduce potential environmental impacts.

As noted in Section 1.2.2, Amendment No. 6 made revisions to the Specific Plan to reflect design standards outlined in General Plan, such as updating roadway cross-sections and standards to conform to the City's General Plan. The planned land use for the site has been included in the initial baseline of the General Plan because the City of Temecula recognized the County land use designation given to the site. Consistency with key elements of the General Plan, such as public safety provisions (e.g., police and safety personal ratios), were addressed in Addendum No. 4. The City, in taking action on previous amendments and project reviews, has found the Paloma del Sol Specific Plan to be consistent with the City of Temecula General Plan. The Project is consistent with the General Plan land use designation and would not conflict with policies and regulations designed for protection of the environment. Therefore, although the adoption of the General Plan represents a change in circumstance since the certification of FEIR 235, the modifications made through the various amendments to the Paloma del Sol Specific Plan eliminate any conflicts. No major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

The Western Riverside MSHCP was developed to provide long-term, large-scale protection of natural vegetation communities and wildlife diversity while allowing compatible land uses and appropriate development and growth. The plan, adopted in 2003 and approved by the federal government a year later, aims to conserve nearly 240 square miles of land and includes other measures to protect biological diversity. Although approved after the FEIR 235 was certified, the Project is required to comply with the provisions of the plan. As noted in Section 1.2.4, Regulatory Permits and Approvals, the Project has had a consistency evaluation by the Western Riverside County Regional Conservation Authority (RCA) and a Joint Project Review (JPR) was issued for the Project on April 25, 2016 and updated on April 6, 2018. The Project will be required to incorporate the applicable MSHCP provisions from the MSCHP Urban/Wildlife Interface Guidelines (Section 6.1.4 of the MSHCP). The JPR determined consistency of the Project with the MSHCP. Based on the finding of consistency by the agency with jurisdiction over these resources, the Project would not result in new or substantially more impacts that would require major revisions to the Certified FEIR 235 and previously approved Addenda.

Also related to biological resources, regulations have been updated for other programs that provide protection of natural resources, such as Section 404 of the Clean Water Act. Consistency with these programs is addressed through an extensive permitting process. As noted in Section 1.2.4, Regulatory Permits and Approvals, regulatory permits have been issued for the Project, which demonstrates compliance with the regulations.

The AQMP and RTP/SCS, which provide a regional blueprint for development, are updated every four years. As noted above, at the time the EIR was prepared, SCAG projected high levels of growth for the region. The regional planning documents reflect the growth assumption in the local General Plans; therefore, the Project's growth assumptions have been incorporated into the applicable planning programs, and no conflict would result that would require major revisions to the Certified FEIR 235.

Based on the review of applicable documents, the Project would not result in new or more severe impacts due to a conflict with any policies and regulations that serve to reduce environmental impacts.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As discussed above, new programs have been adopted and other planning programs updated since the FEIR 235 was certified; however, the Project would be required to comply with the programs. None of these updates provide new information relevant to potential impacts or mitigation measures that were not known at the time FEIR 235 and previously approved Addenda were certified.

Constraints associated with the site identified by the City of Temecula General Plan (such as liquefaction and dam inundation), were also identified in the County of Riverside General Plan and evaluated in the FEIR 235. Therefore, this does not represent new information. The Certified FEIR 235 identified compliance with applicable flood control design requirements and payment of drainage improvement fees as appropriate mitigation for the Project.

4.12 MINERAL RESOURCES

Certified Final EIR 235 and Subsequent Addenda

The State Division of Mines and Geology has classified areas into Mineral Resources Zones (MRZ) and Scientific Resource Zones (SZ). The zones in this classification identify the statewide or regional significance of mineral deposits based on the economic value of the deposits and accessibility. As identified in the Open Space/Conservation Element of the City of Temecula General Plan, the State has applied a zoning classification of MRZ-3 to the City and its Sphere of Influence. "The MRZ-3 areas contain sedimentary deposits which have the potential for supplying sand and gravel for concrete and crushed stone for aggregate; however, these areas are determined as not containing deposits of significance economic value based on the available data". Therefore, the project's potential impacts to mineral resources would be less than significance, and no mitigation is required.

Consistency Evaluation

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**
- b) **Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

Based on the City's Open Space/Conservation Element of the General Plan, the zoning classification of MRZ-3a applies within the Temecula Planning Area. This zoning classification consists of sedimentary deposits with potential to supply sand and gravel for concrete and crushed stone for aggregate. However, MRZ-3a areas do not contain deposits of significant economic value. No other mineral resources zoning classifications have been identified. Additionally, the site has been graded and is currently undeveloped, and there are no mineral extraction activities or oil and gas extraction wells within the site. Implementation of the Project would not result in a new impact, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The Project is substantially the same as was previously proposed, except for reduction in residential units. Based on the discussion above, the Project does not propose changes that would result in a new or more severe impacts related to loss of known or locally-important mineral resources that was not anticipated before. Therefore, no substantial changes to the Certified FEIR 235 and previously approved Addenda, and no mitigation would be required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The context and circumstances for the Project have not changed since it was analyzed in the previous environmental documents, and it was determined that less than significant impacts would result with project implementation. In light of the discussion above, the Project would not result in potential impacts pertaining to mineral resources that would require mitigation. As such no substantial changes to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information has become available that was not previously known related to mineral resources that would result in a significant impact, not previously anticipated. Therefore, the Project would not require mitigation or major revisions to the Certified FEIR 235 and previously approved Addenda.

4.13 NOISE

Certified Final EIR 235 and Subsequent Addenda

As disclosed within Certified FEIR 235, noise-related impacts would be generated from both short-term and long-term sources. The short-term noise sources are from construction-related activities during the development of the Paloma del Sol Specific Plan. The long-term sources of noise are from vehicular traffic produced by the project. Vibration impacts would also occur during the construction phase of the project.

Addendum No. 4 cited minor existing noise associated with traffic on Highway 79, which is mitigated by expanded setbacks that reduce traffic noise levels to below a level of significance. The overall reduction in residential units and commercial acreage identified in Amendment No. 8 (Addendum No. 4) helped reduce the noise impacts, so no additional or revised mitigation measures were considered necessary.

Consistency Evaluation

a) 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?

The proposed Project (TTM 36483) would result in a slight reduction (20 units) in the number of units within PA-4 compared to what was identified in Addendum No. 4. The reduction in dwelling units would potentially result in an incremental decrease in construction duration. However, the reduction in units is relatively minor because the development footprint would remain the same. The Project would consequently result in the same or slightly less construction noise. Therefore, the Project would not cause new or more severe impacts for noise generated during the construction phase of the Project.

The long-term operational noise levels associated with the Project would also be comparable or less than what was previously evaluated. As stated in Certified FEIR 235, the primary source of long-term impacts to ambient noise levels would be from vehicle noise along local roadways from full buildout of the Specific Plan. As discussed in the Paloma del Sol Specific Plan, PA-4 Site Traffic Evaluation, the

reduction in residential units would result in a 16 percent reduction in daily vehicle trips (Psomas 2020). The reduction in trips would also result in a reduction of traffic noise associated with the Project. Consequently, a 16 percent reduction in daily vehicle trips would ultimately reduce the primary source of long-term impacts and would therefore not cause new or more severe operational noise impacts than was previously analyzed.

Consequently, the Project would result in less traffic noise than was previously disclosed in the Certified FEIR 235 and subsequent Addenda. As such, the Project would not cause new or more severe impacts pertaining to temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of City or other agency standards, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project has not substantially changed. The Project reduces the number of residential units from 188 to 168, which would reduce the density and intensity throughout the site; this would also minimally reduce the noise levels for construction and operation of the Project. No changes above and beyond what was analyzed in the Certified FEIR 235 and Addendum No. 4 are proposed that would result in significant new or more severe impacts pertaining to temporary or permanent increase in ambient noise levels in the vicinity of the Project. Thus, major revisions of the Certified EIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The proposed reduction in dwelling units as part of the Project would not substantially affect the noise levels generated by the Project since this would likely not affect the number of construction equipment required for the proposed activities, which is the primary source of noise. The small reduction in the development of residential units may result in a minor reduction in overall noise intensity and would not exceed what was analyzed in the Certified FEIR 235. Because there would not be an increase in construction activities, the Project would not cause new or more severe impacts for construction noise.

The long-term operational noise levels associated with the Project would also be less than what was previously evaluated in Certified FEIR 235. As discussed previously, the reduction in the proposed residential units would result in a 16 percent reduction in traffic volumes generated by the Project. This would result in a slight reduction of traffic noise levels attributable to the Project. There are no changes in Project context or circumstances beyond what was previously anticipated and analyzed that would result in new or more severe impacts pertaining to temporary or permanent increase in ambient noise levels in the vicinity of the Project. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

There is no new information, which was not known and could not have been known at the time the FEIR 235 was certified. The Project would not cause new or more severe impacts pertaining to temporary or permanent increases in ambient noise levels in the vicinity of the project in excess of standards established in the Noise Element of the General Plan, or the City's noise ordinances. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

The Draft IS/MND concluded noise impacts were unchanged from Certified FEIR 235 and Addendum No. 4 and no additional mitigation measures are required (page 73). However, the Draft IS/MND

identified a mitigation measure (NOI-1) that requires construction of sound walls in accordance with the recommendations of the updated 2016 letter report to the 2015 Acoustical Assessment. The identification of the mitigation measure in the Draft IS/MND is not in response to a new significant or substantially greater impact, nor does it constitute new information. This measure is an update of Condition of Approval 15 placed on Planning Application No. 01-0117 for Vesting Tentative Tract Map No. 24188, which requires compliance with the applicable acoustical study as updated by subsequent reports to ensure ambient interior noise levels are reduced to 45 Ldn and exterior noise levels to 65 Ldn. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

b) Generation of excessive groundborne vibration or groundborne noise levels?

As previously noted, the proposed Project would result in a slight reduction (20 units) in the overall number of units in PA-4 compared to what was identified in the current Specific Plan. The reduction in dwelling units would not substantially change the vibration levels generated by the Project since this would likely not affect the number of construction equipment, which are the primary sources of vibration. Because there would not be a substantive change in construction activities related to vibration, the Project would not cause new or more severe impacts for construction vibration.

Project-related activities during the operations phase would not generate appreciable levels of vibration. The operations phase of the Project would involve the use of light duty automobiles with air-filled rubber tires that do not impart perceptible levels of vibration. As such, the Project would not cause new or more severe impacts related to vibration during the operations phase of the Project. Consequently, neither the construction nor the operations phase of the Project would result in significant impacts, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project has not substantially changed from what was evaluated in Addendum No 4, with the exception of a reduction in residential units from 188 to 168. The Project would result in comparable or less vibration from construction compared to what was previously analyzed. There would be no new areas of grading proposed as part of the Project that would bring vibration generating construction activities closer offsite uses. As stated above, construction and operations phase vibration would be the same or less than what was disclosed in the Certified FEIR 235 and Addendum No. 4. Consequently, there are no substantial changes proposed in Project that will require major revisions to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Development of Paloma del Sol has occurred in accordance with the provisions of the Specific Plan. The Project would result in less residential unit compared to what was analyzed in Addendum No. 4. This would result in the same or less Project-related noise and vibration levels than was previously disclosed in those documents. There are no other changes in circumstances that substantively affect noise and vibration levels attributable to the Project. As such, there are no substantial changes in the circumstances under which the Project is being undertaken that will require major revisions of Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

There is no new information, which was not known and could not have been known at the time the FEIR 235 was certified, that would change the findings of impact for the previous analyses or render the significant impacts more severe as it relates to Project noise or vibration levels. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda and no new mitigation are required.

c) For a project located within the vicinity of a private airstrip or 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 expose people residing or working in the project area to excessive noise levels?

The nearest airstrip (French Valley) is located approximately 6.0 miles north of the Project site. The Project site is also not located within the French Valley airport influence area or the influence area of any other airport or air strip. As such, the Project would not result in new or more severe impacts than was disclosed in Certified FEIR 235 and subsequent Addenda. No impacts would result, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

As discussed above, the proposed Project has not significantly changed relative to aircraft noise exposure. No changes above and beyond what was analyzed in the Certified FEIR 235 and Addendum No. 4 are proposed that would result in significant new or more severe impacts on people residing or working in the Project area requiring mitigation. Thus, major revisions of the Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

As discussed above, the proposed Project has not significantly changed relative to relative aircraft noise exposure. No changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts pertaining to Project site noise exposure from aircraft. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

There is no new information, which was not known and could not have been known at the time the FEIR 235 was certified, that would change the findings of impact for the previous analyses or render the significant impacts more severe. Therefore, the proposed changes would not result in new or more severe impacts pertaining to Project site noise exposure from aircraft that would require major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation.

4.14 POPULATION AND HOUSING

Certified Final EIR 235 and Subsequent Addenda

As discussed in Section 4.11, Land Use and Planning, the Certified FEIR 235 identified the expected population growth and associated housing associated with the Paloma del Sol Specific Plan in the context of the SCAG regional growth forecasts (i.e., SCAG '82 Modified Forecasts). Additionally, Certified FEIR 235, indicated that SCAG planning personnel anticipated that forecast figures for total population, housing, and employment in the Riverside County Southwest Territory may be significantly higher than previously considered.

Consistency Evaluation

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

The City of Temecula General Plan reflects the development of the Paloma del Sol Specific Plan; therefore, at a local level the increased population associated with the development of 168 additional homes is planned growth. Additionally, this growth is also reflected in the regional growth projections and associated regional planning documents because the SCAG projections utilize the anticipated growth depicted in local General Plans. Therefore, this growth would not constitute unplanned growth.

Substantial changes proposed in Project, which will require major revisions to the EIR?

There have been no substantial changes to the Project that would require major revisions to the Certified FEIR 235 and approved Addendum No. 4. The Project would not contribute to unplanned growth in the City of Temecula because the development of the site with medium density residential is assumed in the local and regional growth baseline. Based on the population generation factor of 3.184 per household provided in the General Plan, at build-out the Project would increase the population of Temecula by approximately 535 people. The U.S. Census estimates that the City population in 2018 is 114,742 residents (U.S. Census Bureau 2020). The population projections used in the 2016-2040 RTP/SCS projects the population of Temecula to be 137,400 by 2040 (SCAG 2020). Therefore, the Project would contribute approximately 2.36 percent of the planned population growth for the City of Temecula between 2018 and 2040.

The Project would reduce the overall density in PA-4 by 20 units compared to the target density identified in the current Paloma del Sol Specific Plan. This is a reduction of approximately 64 people or 0.28 percent of the planned growth by 2040. This reduction would not be a substantial reduction in the context of the City of Temecula and Riverside County to result in unplanned growth in the region. To provide context, using the SCAG data the reduction of 20 units is an estimated 0.30 percent of the projected increase in the number of housing units in the City between 2020 and 2040. It represents approximately 0.008 percent of the projected increase in the number of housing units in the County of Riverside between 2020 and 2040. The Project would not result in a new or more severe environmental impacts that would require major modifications to the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

As previously discussed, the growth projections for the region have been updated as part of the SCAG update cycles for the RTP. This process allows the long-range planning process to accurately reflect approved development and local planning. However, this does not constitute new information as it pertains to the Project because the update cycles have reflected the Paloma del Sol Specific Plan as an approved project and therefore, planned growth. As a result, the Project would not result in a new or more severe environmental impacts that would require major modifications to the Certified FEIR 235 or and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

Although the current projected population numbers may not have been known, based on communication with SCAG staff cited in the Certified FEIR 235, the rapid growth of the southwestern portion of Riverside County was known at the time Certified FEIR 235 was prepared. As previously stated, the Project does not constitute unplanned development. This planned development would not result in any new significant or more severe impact associated with population and housing; therefore, there are no new mitigation measures to consider and no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

The Project site is currently undeveloped and would not require the displacement of people or housing. This condition has not changed from when Certified FEIR 235 and previously approved Addenda were prepared.

Substantial changes proposed in Project, which will require major revisions to the EIR?

There are no substantial changes in the Project that would result in impacts on existing people or housing. The Project footprint generally remains unchanged. Therefore, there would be no new or more severe impacts that would necessitate major revisions to the Certified Final EIR and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

There are no substantial changes in circumstances since FEIR 235 was certified and Addendum No. 4 was approved. The site is undeveloped and development of the Project would not result in the displacement of any people or housing. Therefore, there would be no new or more severe impacts that would necessitate major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

There is no new information pertaining to the displacement of people or housing since the FEIR 235 was certified and Addendum No. 4 was approved. There would be no impacts and mitigation

measures would not be required. Therefore, no new or more severe impacts would result that would necessitate major revisions to the Certified FEIR 235 and previously approved Addenda.

4.15 PUBLIC SERVICES

Certified Final EIR 235 and Subsequent Addenda

The County of Riverside Fire Department and Sheriff's Department provide fire and police protection services to the Paloma del Sol Project site, respectively. The County Fire Department works in cooperation and under contract to the City of Temecula. The Certified FEIR 235 and subsequent Addenda identified that the closest fire station to the site would not be adequate to serve the site, and therefore, the Specific Plan would be required to pay Development Impact Fees to offset the cost of a new fire station within a five-minute response time to the site, thereby mitigating fire related impacts.

The Paloma del Sol Specific Plan is within the Temecula Valley Unified School District (TVUSD) for grades K-12. Elementary schools, including Abby Reinke Elementary School (K-5) at 43799 Sunny Meadows Drive (PA-11 of Paloma del Sol); Paloma Elementary School (K-5) at 42940 Via Rami (off-site); and Joan F. Sparkman Elementary School (K-5) at 32225 Pio Pico Road (PA-7 of Paloma del Sol) provide service to the Project. However, it should be noted that the Joan F. Sparkman Elementary School closed in 2010. The Paloma del Sol Specific Plan proposed for an additional elementary school within the Specific Plan area; however, the TVUSD determined that given that majority of the Specific Plan was built, and that student generation was not at the level originally anticipated, an additional school (junior high school in PA-30) was no longer necessary. As indicated in the Addendum No. 4, the middle school students attend the Temecula Middle School (6-8) at 42075 Meadows Parkway (PA-30 of Paloma del Sol), and the high school students attend the Temecula Valley High School (9-12), located at 31555 Rancho Vista Road (off-site).

The Certified FEIR 235 anticipated that at build-out, the Specific Plan would result in a total of 3,086 K-8 students and 1,178 high school students. As Addendum No. 4 reduced residential units by 539 units, the associated student generation also dropped by 296 K-8 students and 113 high school students, compared to what was anticipated in the Certified FEIR 235.

The Paloma del Sol Specific Plan proposed a number of recreation facilities to meet the community demand for parks and recreation. The open space and recreation program in the Paloma del Sol Specific Plan includes a total of 242.3 acres designated for recreation open space, parkway and paseo uses (16.6 acres per 1,000 residents). Although the subsequent addenda decreased the amount of open space and recreation to 142.5 acres (9.53 acres per 1,000 residents), the reduced acreage would still adequately mitigate the demand for recreation generated by the Paloma del Sol Specific Plan.

The previous analysis identified the library located near the intersection of Ynez Road and Rancho California Road in Rancho California as the library facility that served the development. The increase in population of Paloma del Sol Specific Plan required payment of mitigation fees to enlarge the facility size and increase book collection and staff. However, subsequent reduction in units and associated population would result in reduced demand for library facilities and books, reducing impacts. No further mitigation was required.

Consistency Evaluation

- a) **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 any of the public services:**

- i) **Fire protection?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The County of Riverside Fire Department works in cooperation and under contract to the City of Temecula and would provide fire protection services to the Paloma del Sol Specific Plan. Fire Station 84, at 30650 Pauba Road is the closest fire stations to the site and would provide fire protection services to the Project site. This station is located sufficiently close to the site to meet adequate response times. The Project will be subject to participation in the fire protection impact mitigation program as approved by the County of Riverside Board of Supervisors. This program includes a fee of \$400 per single family residential dwelling unit. The fees cover the cost of acquisition of land, buildings, furnishings and apparatus necessary to mitigate fire risks.

The Project in PA-4, proposes a reduction in land use density to 4.08 du/ac resulting in a total of 168 residential units. This modification would not substantially change the response time from the fire station to the Project site, therefore, there would be no need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. Therefore, the physical impacts associated with providing fire services would remain unchanged and no new mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project would not result in a substantial change from what was evaluated in the Certified FEIR 235 and Addendum No. 4, with the exception of reduction in number of units. The reduction in units and associated population may result in reduced demand for fire services; however, it would not change the response time. Therefore, no new changes are proposed by the Project that would result in a new or more severe impact than what was previously addressed. Major revisions to Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

No changes have occurred in the context or circumstances to the Project that would result in new or more severe significant impacts beyond what was analyzed for fire protection services in the Certified FEIR 235 or Addendum No. 4. Therefore, in light of no changes to the circumstances, no major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

No new information has become available that was not previously known related to fire protection services that would result in a new or more severe impacts not previously anticipated. Therefore, no major changes to the Certified FEIR 235 and previously approved Addenda would be required.

ii) Police protection?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The Certified FEIR 235 proposed a total of 5,611 dwelling units, which would generate an approximate population of 17,865 persons, based on a population generation factor of 3.184 persons per residential unit per the City of Temecula General Plan (the Certified FEIR 235 and Addendum No. 4 used a population generation factor of 2.85). Addendum No. 4 resulted in a reduction of 474 dwelling and associated population (i.e., 16,356 residents). Assuming the Sheriff Department's current ratio of one deputy per 1,000 persons, the Specific Plan would need a total of 16.4 deputies. Using this service formula, the Project would require 0.535 deputy to meet the desired service ratio.

The previous analysis required coordination with the Riverside County Sheriff's Department to ensure that adequate protection facilities and personnel would be available. Safety measures would be incorporated in the design of the Project's circulation components (for pedestrians, vehicles, and police), street lighting, residential door and window visibility from street and buildings, and fencing.

Based on Riverside County Sheriff's Department website (<http://www.riversidesheriff.org/stations/southwest.asp>), the City of Temecula as a contract City is served by the Southwest Sheriff's Station, located at 30755-A Auld Road, Murrieta. The patrol units are dispersed throughout the region to facilitate timely response to emergency calls. As part of the long-range planning for the area, the County Sheriff's Department has considered the build-out of the Paloma del Sol Specific Plan area. Applying the generation factor in Addendum No. 4, the proposed Project in PA-4 would need 0.535 deputy in light of a residential population of 535. Therefore, the current facilities would be sufficient to accommodate the personnel required to service the Project site. There would be no need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. Therefore, the physical impacts associated with providing police services would remain unchanged and no new mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project would not result in a substantial change from what was evaluated in the Certified FEIR 235 and Addendum No. 4, with the exception of reduction in number of units. The reduction in units and associated population would result in reduced demand for sheriff's deputies compared to what was analyzed in the previous environmental documents. There would be no new facilities required to provide the necessary services. Therefore, the impacts pertaining to police protection services associated with implementing the Project would not result in a new impact or more severe impact than what was previously addressed. Major revisions to Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

At the time the previous analyses were prepared for the Paloma del Sol Specific Plan, the Lake Elsinore Sheriff's station was identified as the facility providing police protection services to the site. Since certification of previous documents, as discussed above, police protection services have moved to the Southwest Sheriff's Station. However, the services out of the current location would still meet the demand and response times of the proposed Project. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

In light of reduction in units and associated population, the demand for Sheriff's deputies is also slightly reduced. The existing Sheriff's Department facilities are able to accommodate this planned population growth. No new information that was not previously known is available that would result in a new or more severe impacts requiring mitigation and major changes to the Certified FEIR 235 and previously approved Addenda.

iii) Schools?**No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR**

As was discussed in the previous environmental documents, the Project site will be served by Abby Reinke Elementary School (K-5) at 43799 Sunny Meadows Drive (PA-11 of Paloma del Sol); Paloma Elementary School (K-5) at 42940 Via Rami (off-site); Temecula Middle School (6-8) at 42075 Meadows Parkway (PA-30 of Paloma del Sol); and Temecula Valley High School (9-12) at 31555 Rancho Vista Road (off-site). The Joan F. Sparkman Elementary School (K-5) closed in 2010. The Project proposes a total of 168 residential units at a land use density of 4.08 du/ac, which is a reduction from Addendum No. 4 with 188 units at land use density of 4.4 du/ac. It should be noted that the TVUSD currently uses different student generation factors than were used in Certified FEIR 235 and Addendum No.4, which are identified below in Table 2. Based on information from the TVUSD, as of February 2020 the schools have enough capacity to serve the future students of the proposed Project. Therefore, in light of further reduction in student generation, the Project's potential impacts to schools would be reduced, and no mitigation is required.

**TABLE 2
STUDENT GENERATION**

Certified FEIR 235 and Addendum No. 4	K-8		9-12
1988 Student Generation Factor ¹	0.55		0.12
Certified FEIR 235 (1988)	3,086		1,178
Addendum No. 3 (2002)	2,790		1,065
Proposed Project (TTM 36483)	K-5	6-8	9-12
2019 Student Generation Factor	0.409	0.204	0.231
PA-4 (2020)	69	34	39
¹ The Certified FEIR 235 and Subsequent Addenda included K-8 and 9-12 grade ranges only Source: Temecula Valley Unified School District, Fall 2019 Projections			

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project would not result in a substantial change from what was evaluated in the Certified FEIR 235 and Addendum No. 4, with the exception of reduction in number of units, which would further reduce the demand for schools. Therefore, the impacts pertaining to schools associated with implementing the Project would not result in a new impact or more severe impact than what was previously addressed. Major revisions to Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Since preparation of the Addendum No. 4 (2002), one elementary school that previously served the Paloma del Sol Specific Plan development, closed in 2010. However, the closure of the school would not affect ability to meet the Project's demand for schools, as there is enough capacity within the existing elementary schools to serve future students of the proposed Project. The generation factors previously used in calculating K-8 and high school students have subsequently been updated by the TVUSD (identifying three generation factors for K-5, 6-8, and 9-12), as identified in the above discussion. Therefore, there are no substantial changes to the circumstances that would require major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As identified in the discussion and the response above, the Project has not substantially changed, with the exception of a reduction in residential units and association population, that would create a new or more severe impact. No new information that was not previously known is available that would result in a new or more severe impacts requiring mitigation and major changes to the Certified FEIR 235 and previously approved Addenda.

i) Parks?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The proposed Project in PA-4 includes a total of 168 residential units, approximately 5.7 acres of open space/trails, and approximately 2.1 acres of park and recreation, and drainage improvements. With the reduction in residential units by 20 units and associated population under the proposed Project, the demand for parks and recreation uses would be reduced, and the parkland dedication as proposed would meet and exceed the requirement. Based on City's Municipal Code (Title 16 Subdivisions, 16.33 Park Requirements), the parkland dedication requirement is 5 acres of parkland per 1,000 population, which would result in a total requirement of 2.7 acres. In light of the proposed park and recreation program, the Project would generate parks and recreation in excess of the requirement for provision of parkland. This is within the Open Space and Recreation Program, and no change in the level of impacts pertaining to parks and recreation would occur, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The Project proposes residential development, a community park, open space/trails, and drainage and water quality improvements, consistent with the Specific Plan. With the exception of reduction in number of units, which would reduce the demand for parks and recreation, there is not a substantial change in the Project from what was evaluated in the Certified FEIR 235 and previously approved Addenda. Therefore, the impacts pertaining to park and recreation associated with implementing the Project would not result in a new impact or more severe impact than what was previously addressed. Revisions to Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

No changes have occurred in the context or circumstances to the Project that would result in new or more severe significant impacts beyond what was analyzed in the Certified FEIR 235 or Addendum No. 4. Per the City's Municipal Code (Title 16 Subdivisions, 16.33 Park Requirements), the parkland dedication requirement is still 5 acres of parkland per 1,000 population. As discussed above, the park and recreation facilities proposed are within the Open Space and Recreation Program of the Specific Plan. Therefore, in light of no changes to the circumstances, no major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As identified in the discussion and the response above, the Project proposes a 2.1 acre community park and 5.7 acres of open space, which is within the Open Space and Recreation Program of the Paloma del Sol Specific Plan. Additionally, the parkland dedication requirement remains the same. No new information that was not previously analyzed in the Certified FEIR 235 is available that would result in a new or more severe impacts requiring mitigation and major changes to the Certified FEIR 235 and previously approved Addenda.

vi) Other public facilities?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The closest library to the Project site is the Ronald H. Roberts Temecula Public Library at 30600 Pauba Road, which is 2.35 miles to the northwest of the site. The Project, as proposed, reduces the residential units by 20 units from 188 to 168. Given the populations generation factor of 3.184 persons per dwelling unit, the Project would generate a total population of approximately 535 residents, which is less than what was analyzed in the previous analyses. It should be noted that while the Certified FEIR 235 indicated that in light of the population increase of Paloma del Sol Specific Plan, the Project was required to pay impact fees to enlarge the library facilities, due to a substantial reduction in population in subsequent phases, Addendum No. 4 concluded that demand for library facilities and associated impacts would be reduced and no further mitigation was required. In light of further reduction in units and associated population under the proposed Project, less demand for books, library space, and library facilities would result. Therefore, potential impacts to library services would be less than significant, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The proposed Project has not significantly changed since analysis in the Certified FEIR 235 and Addendum No. 4. The Project reduces the number of residential units from 188 to 168, which would further reduce demand for library facilities and services compared to the previous analyses. No changes above and beyond what was analyzed in the Certified FEIR 235 and Addendum No. 4 are proposed that would result in significant new or more severe impacts on library facilities and services requiring mitigation. Thus, major revisions of the Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The proposed Project in PA-4 is the development of the last undeveloped planning area within Paloma del Sol Specific Plan. Development of Paloma del Sol has occurred and progressed in accordance with the provisions of the Specific Plan. No changes in Project context or circumstances beyond what was anticipated and analyzed in the Certified FEIR 235 and Addendum No. 4 have occurred that would result in new or more severe impacts pertaining to library facilities and services. Thus, no major revisions of the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

The Project results in a reduction of 20 residential units, which is a change from the total units of 188 in Addendum No. 4. This change and resultant reduction in population has the potential to further reduce impacts pertaining to library facilities and services and would not create new impacts beyond what was previously analyzed. No new information that was not known before is available that would change the findings of the previous analyses or render the significant impacts more severe. Therefore, no major revisions to the Certified FEIR 235 and previously approved Addenda or new mitigation are required.

4.16 RECREATION

Certified Final EIR 235 and Subsequent Addenda

The Certified FEIR 235 and subsequent Addenda indicated that the Paloma del Sol Specific Plan would result in increased demand for parks and recreation facilities. To meet the anticipated demand the project planned for a system of open space and recreation program. Addendum No. 4 identified an overall reduction in number of residential units and associated population but a slight increase in parks and recreation acreage. The discussion also indicated that based on the approved Development Agreement, greenbelts and roadways paseos would also count towards park credit. In light of reduction in residential units and increase in total park and open space acreage, no impacts were identified.

Consistency Evaluation

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The Project proposes a reduction of 20 residential units from 188 to 168 units. Based on the City of Temecula parkland requirement of 5 acres per 1,000 residents (Municipal Code, Title 16 Subdivisions, 16.33 Park Requirements) and considering the residential population of 535, the Project is required to provide a total of 2.75 acres of parkland or pay an in-lieu fee. The proposed

Project includes approximately 2.1 acres of park and recreation and 5.7 acres of open space. As indicated above, based on the Development Agreement, greenbelts and roadway paseos count towards park credit, and therefore, the Project as proposed would meet and exceed the parkland requirements. Thus, the future residents' demand for such facilities would be met onsite, and no increased use of existing parks or other recreational facilities would occur resulting in physical deterioration of those facilities. No impacts would result, and no mitigation is required. Additionally, it should be noted that as indicated above, the Project proposes more than the required demand for parkland and recreation facilities such that construction of new or expansion of existing facilities would not be required. Further, the proposed park, recreation uses, and open space are consistent with the uses in the Certified FEIR 235 and subsequent Addenda. Therefore, no impacts would result, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The Project proposes residential development, a community park, open space/trails, and drainage and water quality improvements, consistent with the Specific Plan. With the exception of reduction in number of units, which would reduce the demand for parks and recreation, there is not a substantial change in the Project from what was evaluated in the Certified FEIR 235. Therefore, the impacts pertaining to park and recreation associated with implementing the Project would not result in a new impact or more severe impact than what was previously addressed. Revisions to Certified FEIR 235 and previously approved Addenda are not required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

No changes have occurred in the context or circumstances to the Project that would result in new or more severe significant impacts beyond what was analyzed in the Certified FEIR 235 or Addendum No. 4. Per the City's Municipal Code (Title 16 Subdivisions, 16.33 Park Requirements), the parkland dedication requirement is still 5 acres of parkland per 1,000 population. The park and recreation facilities proposed are within the Open Space and Recreation Program of the Specific Plan. Therefore, in light of no changes to the circumstances, no major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As identified in the discussion and the response above, the Project proposes a 2.1 acre community park and 5.7 acres of open space, which is within the Open Space and Recreation Program of the Paloma del Sol Specific Plan. Additionally, the parkland dedication requirement remains the same. No new information that was not previously analyzed in the Certified FEIR 235 is available that would result in a new or more severe impacts requiring mitigation and major changes to the Certified FEIR 235 and previously approved Addenda.

4.17 TRANSPORTATION

Certified Final EIR 235 and Subsequent Addenda

Based on the land use mix proposed in the original that the Paloma del Sol Specific Plan, Certified FEIR 235 identifies at build-out the Specific Plan development would generate 42,055 vehicle trips per day. Changes approved as part of Specific Plan Amendment No. 8 will result in a total

reduction of 7,963 daily vehicle trips from the number of daily vehicle trips associated with Amendment No. 7.

Amendment No. 8 to the Paloma del Sol Specific Plan and Addendum No. 4 to the Certified FEIR 235, identifies the PA-4 site was assumed to include 188 single family residential units. The traffic analysis assumed a daily trip generation rate of 10 average daily trips (ADT) for each unit in the Medium Density designation (see Table 4 in Addendum No.4). Using this traffic generation rate, the development in PA-4 would result in generation of 1,880 ADT.¹⁷ Since this is the level of development approved for the Project, this would be generally consistent with the local and regional trip assumptions.

Consistency Evaluation

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

To determine if the Project would conflict with applicable policies or programs addressing the circulation network, an assessment of the Project's trip generation and capacity of the adjacent roadways was conducted. The first level of review was to determine if there have been substantial changes to the number of trips compared to what is currently approved by the City of Temecula. The trip generation rate for the proposed Project is from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition (2018), which identifies the Medium Density Residential development as generating 9.44 trips per unit. This is expected to result in 1,586 ADT generated by the Project (i.e., 168 times 9.44) compared to the 1,880 daily trips assumed in the analysis conducted for Addendum No. 4. Therefore, the Project would generate approximately 16 percent fewer trips than was assumed in the Paloma del Sol Specific Plan (Amendment No. 8) and Addendum No. 4 to Certified FEIR 235. This reduction would be in addition to the reduction of 7,963 daily trips associated with the changes to land uses that were realized with Amendment No. 8 to the Specific Plan.

The next step in the traffic analysis was to understand if and how the roadway network conditions in the area around the Project may have changed since the approval of Amendment No. 8 to the Paloma del Sol Specific Plan and Addendum No. 4. The Paloma del Sol Specific Plan has taken longer to build out than originally proposed, so other developments in the area may have generated more traffic and may have created additional stress on the network (i.e., contributed to cumulative background traffic volumes). Table 3 shows the estimated capacity for the major roadways surrounding the Project as well as the daily traffic volumes on those roadways for 2017, 2018, and 2019, available from the City's website (<https://temeculaca.gov/DocumentCenter/View/209/Traffic-Count-Summary-PDF?bidId=>).

¹⁷ WilburSmith Associates prepared the initial traffic analysis for the Paloma del Sol project in November 1987. An update was done in September 1999, Wilbur Smith Associates focused on Planning Areas I(a) and I(b), which border the north side of Highway 79 South. Wilbur Smith Associates prepared a partial traffic update in February 2001, which evaluated the traffic generation impacts associated with the land use changes proposed in Amendment No. 8 to the Paloma del Sol Specific Plan.

**TABLE 3
MAJOR ROADWAY CAPACITY, VOLUME, AND GROWTH**

Road	Limits	Approx. Capacity (veh/day)	2017	2018	2019	2017-2019 Growth
Butterfield Stage Road	Temecula Pkwy to De Portola Rd	34,000	20,090	19,820	19,400	-3%
De Portola Road	Meadows Pkwy to Butterfield Stage Rd	34,000	6,030	5,840	5,810	-4%
Temecula Pkwy	Meadows Pkwy to Butterfield Stage Rd	57,000	31,720	32,030	31,200	-2%

As seen in the table, volumes on the major roadways in the project area have decreased in recent years. In addition, each of the roadways has a substantial amount of available capacity, including more than enough to serve the proposed Project efficiently.

Based on the reduction in the number of trips and the current capacity available on the adjacent roadways, no further traffic analysis was deemed to be necessary.

As previously noted, as part of Amendment No. 6 to the Paloma del Sol Specific Plan, the roadway cross-sections and standards were updated to conform to the City's General Plan. There are no elements of the Project that have been found to conflict with the City's program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Substantial changes proposed in Project, which will require major revisions to the EIR?

As noted above, there have not been substantial changes to the Project. There has been an incremental reduction in the number of units and the build-out is later than what was originally anticipated, but based on the evaluation provided above, the Project would result in approximately 16 percent fewer trips than what was assumed by the Paloma del Sol Specific Plan. Additionally, the roadway network has sufficient capacity to serve the demand generated by the Project. Therefore, there would not be any new or substantially more severe impacts, and no major revisions to Certified FEIR 235 and previously approved Addenda would be required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Although the build-out year is later than what was previously evaluated, this change has not resulted in any new or substantially more severe impacts necessitating major revisions to Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

As noted above, the newest ITE Trip Generation Manual shows a slight reduction in the trip generation rate for Medium Density Residential compared to what was previously used for the analysis of the Specific Plan. However, this, combined with the minor reduction in the number of units proposed, would result in an estimated 16 percent reduction in the total number of trips generated by the Project. Therefore, there would not be any new or substantially more severe impacts, and no major revisions to Certified FEIR 235 and previously approved Addenda would be required.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The CEQA Guidelines Section 15064.3(b) pertains to using Vehicle Miles Traveled (VMT) as the appropriate metric for assessing transportation impacts. Incorporation of VMT as the metric for analyzing transportation impacts is mandated by Senate Bill (SB) 743.¹⁸ The intent of SB 743 is to have “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.” The bill states, when implemented, “traffic congestion shall not be considered a significant impact on the environment” within CEQA transportation analysis. SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts to drivers (i.e., delay and congestion), to measuring the impact of driving.

Agencies have discretion to choose the most appropriate methodology to evaluate a project’s vehicle miles traveled. The City Council approved the CEQA VMT Analysis Guidelines (VMT Guidelines) at their May 26, 2020 meeting. The VMT Guidelines includes a screening criteria for when a VMT analysis is required. Land use projects that meets at least one of the seven screening criteria are presumed to have a less than significant VMT impact due to project characteristics and/or location; therefore, a detailed VMT analysis is not required. The proposed Project meets Criteria 3, Projects Located in a VMT Efficient Area, as shown on the map in Appendix B (VMT Screening Maps) of the VMT Guidelines. A VMT efficient area is any area with an average VMT per service population 15 percent below the baseline average for the Western Riverside Council of Governments (WRCOG) region. The guidance states, “Land use projects may qualify for the use of VMT efficient area screening if the project can be reasonably expected to generate VMT per service population that is similar to the existing land uses in the VMT efficient area. Projects located within a VMT efficient area may be presumed to have a less than significant impact absent substantial evidence to the contrary.”

Substantial changes proposed in Project, which will require major revisions to the EIR?

There have not been substantial changes to the Project that would result in new or substantially more severe transportation impacts than what was analyzed in FEIR 235 and the Addenda. There have not been substantial changes to the Project that would result in new or substantially more severe transportation impacts than what was analyzed in FEIR 235 and the Addenda. In 1988, the original Paloma del Sol Specific Plan, comprising approximately 1,352 acres, was approved. It permitted up to 5,612 residential units of varying densities and 323 acres of non-residential uses. Certified FEIR 235 evaluated the potential traffic impacts of the original plan. In 2002, Specific Plan Amendment No. 8 proposed modifications that reduced the total number of residential units to 5,137 and the non-residential acreage. The site of the Project (PA-4) represented approximately 43 acres of the entire Specific Plan area and only 188 (all single-family residential) of the Specific Plan’s 5,137 residential units. Specific Plan Amendment No. 8 was evaluated by Addendum No. 4 to Certified FEIR 235. Today, as the final tract of the Specific Plan to be developed, the only change to Specific Plan Amendment No. 8 proposed by the Project, which could impact traffic is a reduction from 188 to 168 in the number of single-family homes to be built on the Project site. That will decrease, rather than increase, the number of vehicle trips generated by the Project.

As noted earlier, effective July 1, 2020, CEQA’s methodology for evaluating traffic impacts has shifted from an LOS analysis to a VMT analysis. While this does not constitute a change in the Project, it

¹⁸ Vehicle miles traveled refers to the amount and distance of automobile travel attributable to a project.

should be noted that, while neither Certified FEIR 235 nor the Addendum No. 4 evaluated traffic impacts using VMT methodology, the air quality analysis in FEIR 235 did calculate the VMT associated with the Paloma del Sol Specific Plan (see page 328). That analysis provides, for information purposes here, insight into the VMT generated by the Project. The Certified FEIR 235 analysis identified 47,600 daily trips for the entire original Paloma del Sol Specific Plan area and calculated a VMT factor of 11.6 miles per trip. This produced a projected VMT of approximately 553,000 for the full Specific Plan development. As a result of Amendments 1 through 8 to the Specific Plan, the estimated daily trips have been reduced to approximately 34,100 daily trips.¹⁹ As noted above, the number of units proposed by the Project is 20 (or 10.75 percent) fewer than permitted by the Specific Plan and evaluated most recently by Addendum No. 4. This reduces the number of trips and, therefore, the VMT for PA-4 by approximately 10.75 percent from that evaluated by Addendum No. 4 to Certified FEIR 235. While this VMT information is provided for information purposes, it is most important to note that, under the City's recently adopted procedures to implement SB 743's VMT requirements, the proposed Project is identified as being within a VMT Efficiency Area having an average VMT per service population 15% below the baseline average for the WRCOG region. For that reason, under the City's adopted regulations, the proposed project is presumed to have a less than significant impact with respect to VMT. Therefore, not only are there no changes to the project which would increase VMT, the Project's VMT impacts are presumed to be less than significant.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

There have not been substantial changes in circumstances since the approval of the current Paloma del Sol Specific Plan. The City of Temecula is suburban in nature. There have been no changes, such as the rerouting or deletion of a high quality transit corridor that would change the traffic impact analysis. The overall number of trips, and consequently the VMT, associated with the Project would be less than what was previously evaluated in Certified FEIR 235; therefore, impacts associated with the Project would be less than what was previously addressed, and no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

Although the passage of SB 743 was not known at the time FEIR 235 was certified and the Addenda approved, the level of traffic and estimated VMT generated by the Project was known and the circulation network has been sized accordingly. Therefore, the trips and VMT associated with the Project would not be new information. The Project would reduce the number of trips and associated VMT compared to the existing Specific Plan density, which has approved 20 additional units (188 units compared to the proposed 168 units). Additionally, the analysis conducted by the City of Temecula in developing their VMT Analysis Guidelines, which also utilized analysis done by the WRCOG, the Project site is in a VMT Efficiency Area. Therefore, the Project would not result in any new or substantially greater impacts and no major revisions to Certified FEIR 235 and previously approved Addenda are required.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?

¹⁹ Addendum No. 4 identifies Amendment 8 would reduce the total number of trips by 7,963 daily trips compared to the 42,055 generated by the Specific Plan, reflecting the land use changes through Amendment 7.

d) Result in inadequate emergency access?

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

The Project would be constructed in compliance with the most current California Building Code (CBC) and City of Temecula Design Guidelines. The Project would not incorporate any geometric design elements that would result in dangerous conditions or incompatibility with existing or proposed uses and emergency access would meet the City's design requirements.

Substantial changes proposed in Project, which will require major revisions to the EIR?

As noted above, there are no substantial changes to the Project. The Project would comply with all the applicable design requirements of the CBC, the City Standards, and the requirements of the Specific Plan. Therefore, it would not impede emergency access to the site or result in any roadway hazards. The Project would not result in any new or substantially more severe impacts, and no major revisions to Certified FEIR 235 and previously approved Addenda would be required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Additional development has occurred in the vicinity of the Project since Amendment No. 8 to the Specific Plan and Addendum No. 4 were approved by the City; however, there have not been substantial changes in circumstances around the Project that would change the findings of the Project's design or impact on emergency access routes. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

The Project would not result in any impacts associated with hazardous design or emergency access. There is no new information that would change this finding. As discussed above, the number of trips generated by the Project would be less than previously identified and current design standards would be applicable. No new or substantially greater impacts would occur and no major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

4.18 TRIBAL CULTURAL RESOURCES

Certified Final EIR 235 and Subsequent Addenda

Tribal Cultural Resources was not on the CEQA Checklist questions at the time FEIR 235 was certified and Addendum No. 4 was approved. This issue was added to the checklist in September 2016 and reflects the requirements of Assembly Bill (AB) 52, requiring consultation with tribal governments on projects that were initiated on or after July 1, 2015. The Paloma del Sol Specific Plan was approved, and FEIR 235 certified, prior to the AB 52 being effective. However, as discussed in Section 4.5, Cultural Resources, multiple cultural resources evaluations have been conducted on the site, which is highly disturbed.

Consistency Evaluation

- a) **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, and that is:**
- 1 . 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)?**
 - 2 . 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

As discussed above in Section 4.5, Cultural Resources, the results of the record searches that included the Project site indicate that there are no previously recorded archaeological sites within the Project site. The potential for tribal cultural resources to be present on the Project site is very low because of the disturbed nature of the site. Therefore, although this CEQA checklist question was not included in the previous documents, the issue is not new and was evaluated as part of the Certified FEIR 235. In addition, the City of Temecula has multiple standard conditions for archaeological and cultural resources, which allow Native American monitoring of grading activities.

Substantial changes proposed in Project which will require major revisions to the EIR?

The area of disturbance from the Project would be consistent with the area evaluated for development in Certified FEIR 235. There are no changes in the Project that would involve new or more severe environmental impacts; therefore, no major revisions to Certified EIR 235 and previously approved Addenda are required to address potentially new or more severe impacts that were not evaluated in the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

As previously noted, the Project site was disturbed when Certified FEIR 235 and Addendum No. 4 were prepared. The site condition has not changed. Although AB 52 has been implemented since the FEIR 235 was certified and Addendum No. 4 was approved, the potential for new or substantially greater impacts to cultural resources, which would be inclusive of tribal cultural resources, have been identified. Therefore, there are no substantial changes that involves new or more severe environmental impacts, which would require major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

Even with the subsequent cultural resource studies that have been conducted since the certification of FEIR 235 and the approval of Addendum No. 4, there is no known new information that indicate

the effects on tribal cultural resources will be substantially more severe than shown in the Certified FEIR 235 and previously approved Addenda. There are no resources on the Project site that are listed, or eligible for listing, in the California Register of Historical Resources. The City of Temecula has not identified any locally significant resource on site.

The Draft IS/MND identified two mitigation measures applicable to Tribal Cultural Resources (TCR-1 and TCR-2). These measures require the applicant to enter into a Cultural Resources Treatment Agreement with the Pechanga Band of Luiseño Indians (TCR-1) and protocol for the appropriate treatment of artifacts should there be any inadvertent discoveries. TCR-1 is consistent with the condition on the USACE permit for the Project. Additionally, City standard conditions PL-2 and PL-5 are routinely applied by the City of Temecula outside of the CEQA process, which require Cultural Resources Treatment Agreement with the Pechanga Tribe and Native American grading observation, respectively. The identification of these mitigation measures in the Draft IS/MND is not in response to a new significant or substantially greater impact, nor does it constitute new information about the possible presence of tribal cultural resources. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235 and previously approved Addenda.

4.19 UTILITIES AND SERVICE SYSTEMS

Certified Final EIR 235 and Subsequent Addenda

The demand on utilities and service systems was evaluated in Certified FEIR 235 and subsequent Addenda. Addendum No. 4, which evaluated the currently approved Paloma del Sol Specific Plan identified that the overall demand had been reduced due to the reduction in the amount of development proposed by the Specific Plan.

Addendum No. 4 to the Certified FEIR 235 estimated the demand for water resources to be 3.765 million gallons per day (mgd) based on demand factors of 600 gallons per day (gpd) per residence and 3,000 gpd per acre for commercial, which were factors used by Rancho California Water District (RCWD), the water purveyor. For the evaluation of wastewater, Addendum No. 4 to the Certified FEIR 235 utilized a factor of 300 gpd per residence or exactly half of the water use factor. These values are less than what was originally proposed due to the reduction in the amount of development proposed by the Specific Plan. Addendum No. 4 found the impacts associated with utilities and service systems to be less than significant with mitigation.

The amount of solid waste generated by development of the Paloma del Sol Specific Plan was incrementally less with Specific Plan Amendment No. 8 due to the reduced number of units proposed. The impact was found to be less than significant.

Consistency Evaluation

- a) 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?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

As an approved development that is reflected in the General Plan and adopted growth projections, the service providers' planning programs would have factored the increased demand into the Urban Water Management Plan (UWMP) and their long-range facilities plans.

Certified FEIR 235 identified that with existing and the then-planned facilities, there would be adequate capacity to meet the long-term demand and impacts would be less than significant. The Project would decrease the overall demand because there would be incrementally fewer units in PA-4 and due to updated regulations, the overall demand per unit has reduced. As noted above, Addendum No. 4 to the Certified FEIR 235 used a demand factors of 600 gpd per residence. The 2015 UWMP approved by the Rancho California Water District (RCWD) reports water usage for single family residential as 25,308 acre-feet per year (afy), which based on the reported population of 148,105, equals water use 166 gpd per person. Using an average of 3.25 people per residence would equate to about 539 gpd per residence. Even at the lower (actual 2015 usage) factor of 539 gpd per dwelling unit, the proposed reduction of 20 dwelling units (from 188 to 168 dwelling units) for the Project would reduce the average water demand on RCWD's system by 10,780 gpd. Therefore, no new facilities for water service other than distribution lines would be required to service the Project.

Similar reduction would also be applicable for wastewater. As noted above, in the evaluation of wastewater, Addendum No. 4 to the Certified FEIR 235 utilized a factor of 300 gpd per residence or exactly half of the water use factor. Fifty percent of the residential water use is a conservative representation of sewer generation as typical residential development in southern California tend to use 50 to 60 percent of their water outside the home. Compared to the actual water use calculated above of 539 gpd per dwelling unit, a demand factor of 300 gpd per dwelling unit would mean that 56 percent of the water use was indoor use and 44 percent was outdoor use. Based on the reduction in the number of units, the sewer flow from the proposed Project would be reduced by approximately 5,390 gpd.²⁰ This would be a reduction in flow to downstream sewer lines as well as a reduction in the flow through the wastewater reclamation plant owned and operated by Eastern Municipal Water District (EMWD), the sewer service provider for the proposed Project. Due to a reduction compared to what has been previously identified, no new facilities would be required to serve the Project.

Addendum No. 4 to Certified FEIR 235 also provided an update on electric power and natural gas, which are provided by Southern California Edison and the Southern California Gas Company, respectively. The analysis identified these utilities would be able to provide services to the site and impacts would be less than significant. As discussed in Section 4.6, Energy, the Title 24 regulations have gotten stricter since 2002, when the Addendum No. 4 was prepared. As a result, developments are more energy efficient and demand would be reduced compared to previous energy demand estimates. Additionally, the Project is proposing a reduction in the number of units, which would also reduce the overall demand. Impacts on telecommunications facilities are also not anticipated because the growth associated with the Project has been incorporated into the planned growth for the region and service providers have anticipated the incremental increase in development.

The Project proposes the installation of storm drain improvements, consistent with the applicable mitigation measures and conditions of approval. These permanent improvements will replace existing temporary drainage ditches currently on site. The area of disturbance, and therefore, the

²⁰ This is derived by taking 50 percent of the water usage per unit times 20 (539 gpd/du x 0.50 x 20 du).

impacts associated with the construction of the improvements, is within the PA-4 development area. No additional offsite improvements are necessary to accommodate the Project flows. Other improvements beyond the limits of the Project are anticipated in conjunction with AD 159. As previously noted, AD 159, as well as the AD 159 supplemental projects, were approved by the County of Riverside and are independent of this Project. However, as a condition of approval the Project is required to pay County drainage fees.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The only change in the Project is a slight reduction in the overall number of units. This reduction would decrease the overall demand for utility services. There would be no need for the relocation or construction of new or expanded water, wastewater treatment, electric power, natural gas, or telecommunications facilities. As noted, the Project would provide storm drain improvements consistent with the requirement that the Project not increase flood-related hazards to adjacent or downstream properties. The improvements would provide sufficient capacity and would be consistent with the capacity requirements to function with the AD 159 improvements. There would be no changes that would result in new or more severe impacts necessitating major revisions to the Certified FEIR and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

Since the certification of the Certified FEIR 235 and approval of the Addenda, the Title 24 energy efficiency standards have become increasingly more stringent. An example the 2019 standards requires single-family homes to incorporate rooftop solar electricity generation. As a result, the demand for electricity from utility providers would be less than what was assumed in 1988 or even in 2002 when Addendum No. 4 was prepared. These more stringent requirements would reduce the likelihood of the need to construct new facilities. As a result, no new or substantially greater impacts would occur and no major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

Impacts on utility systems were found to be less than significant with mitigation. There is no new information that would change this finding. As discussed above, the demand would be less than previously identified because of the reduction in the number of units and more stringent regulations. As a result, no new or substantially greater impacts would occur and no major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple years?

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

The California Urban Water Management Planning Act (*California Water Code*, Sections 10610–10656) requires urban water suppliers to develop UWMP that assesses the reliability of its water sources over a 20-year planning horizon. In preparing their 20-year UWMPs, water suppliers must directly address the subject of future population growth. The suppliers must also identify sources of supply to meet demand during normal, dry, and multiple-dry years. The RCWD's *2015 Urban Water Management Plan*, which addresses these issues was adopted in June 2016. Based on the analysis

done for the 2015 UWMP, sufficient supplies are available to meet the 20-year planning horizon. No new or substantially more severe impacts are anticipated and no major revisions to Certified FEIR 235 and previously approved Addenda would be required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

There have not been any substantial changes to the Project that would require major modifications to the Certified FEIR 235. The Project proposes an incremental reduction in the number of units; however, this change would reduce the future demand on utilities and service systems and would not result in new or more severe impacts than were previously evaluated in Certified FEIR 235. As noted above, neither the Certified FEIR 235, Addendum No. 4, nor the 2015 UWMP have identified the development associated with the Paloma del Sol Specific Plan resulting in an impact on meeting the long-term demand for water; therefore, a reduction in development and associated water usage would not change this conclusion. The minor change to the development level would not result in a new or more severe impact necessitating major revisions in the Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

The UWMP serves as the document that would address if the water supplier would have sufficient water supplies available to serve the projected demand during normal, dry and multiple years. The UWMP has been updated since FEIR 235 was certified; however, the RCWD has always been able to document sufficient water supplies to meet current and projected demand, which includes the build-out of the Paloma del Sol Specific Plan. Therefore, there are no changes in circumstances that would result in new or more severe impacts, and no major revisions to Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

There is no information that indicates the Project would have a new or substantially more severe impact than what was identified in Certified FEIR 235 and Addendum No. 4. As previously noted, the RCWD 2015 UWMP has demonstrated there is sufficient water supplies to meet the current and projected long-term water demand. Regulations have required that more water efficient fixtures be used in the construction of residential development. Impacts to water supplies were identified as less than significant, and no new mitigation measures or evaluation of new alternatives are required. Major revisions to Certified FEIR 235 and previously approved Addenda are not required.

- c) 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?**

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR

Based on the EMWD's 2015 UWMP, the district maintains four Regional Wastewater Reclamation Facilities (RWRFs). The Project flows would be treated at the Temecula Valley facility. However, EMWD has constructed inter-connections between the local collections systems serving each treatment plant to allow for operational flexibility, improved reliability, and expanded deliveries of recycled water. The four RWRFs have a combined capacity of 81,800 afy. In 2015, the total volume of wastewater collected was 48,665 af (EMWD 2016).

EMWD maintains a 5-year Capital Improvement Program (CIP) that contains all of the water treatment and delivery, wastewater collection and treatment, and recycled water distribution system capital improvements that are needed to support the buildout of existing jurisdictional General Plans within their service area. CIP projects are financed by developer fees, grants, and municipal bonds. (EMWD 2020).

The demand associated with the Project has been incorporated into the long-range facilities planning by the EMWD, which based on the volumes in the 2015 UWMP has sufficient capacity for this planned growth. As noted above under Checklist Question 4.19a, the Project would result in an incremental reduction in the amount of wastewater generated because of the reduction in the number of units. Additionally, the wastewater generation assumptions in Addendum No. 4 to Certified FEIR 235 were conservative, likely overstating the amount of wastewater generated by the Project. Based on the reduction in the number of units, the sewer flow from the proposed Project would be reduced by approximately 5,390 gpd. This would be a reduction in flow to downstream sewer lines as well as a reduction in the flow through the wastewater reclamation plant, owned and operated by EMWD. Since there would be a reduction compared to what has been previously identified, no new or more severe impacts would be anticipated.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The Project would result in an incremental reduction in the number of units and an associated reduction in the amount of wastewater generated by the Project. Long-range growth projections, which are used for facilities planning, have incorporated the development of the Paloma del Sol Specific Plan. This incremental change (i.e., a reduction of 20 units) would not substantially alter the planning parameters for the EMWD or result in new or more severe impacts than were addressed in Certified FEIR 235. Thus, no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

There have not been substantial changes in the circumstances under which the Project is being undertaken that would require major revisions to Certified FEIR 235 and previously approved Addenda. As discussed above, the majority of the development associated with the Paloma del Sol Specific Plan has been constructed and other development in the region has occurred. However, this has been planned growth, and EMWD incorporated the increased demand into their long-range facilities planning. Independent of this Project, facilities have been constructed to accommodate the long-range demand. Therefore, there are no changes in circumstances that would result in new or more severe impacts associated with wastewater treatment capacity. No major revisions to Certified FEIR 235 and previously approved Addenda are required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

There is no new information associated with wastewater treatment capacity that would necessitate major revisions to Certified FEIR 235 and previously approved Addenda. Although the generation factors used in Certified FEIR 235 were conservative, the existing facilities have sufficient capacity to serve the Project. Additionally, there would be an incremental decrease in the anticipated flows because the Project would reduce the number of units constructed. No major revisions to the Certified FEIR 235 and previously approved Addenda are required.

- d) 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?**
- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

No New or More Severe Impacts/ No Changes or New Information Requiring Preparation of an EIR.

Certified FEIR 235 identified the Paloma del Sol Specific Plan development would generate approximately 57.5 tons of waste a day assuming that 7.9 pounds of waste is generated per person per day. Although this additional amount of solid waste was identified as incrementally shortening the life span of the El Sobrante Landfill, the impact was found to be less than significant because the County had approved a major multi-year expansion that has extended the life expectancy of the landfill to 2051 (CalRecycle 2018). Addendum No. 4 also identified that Assembly Bill (AB) 939, known as California Integrated Waste Management Act of 1989 required cities and counties in the State of California to divert 50 percent of its waste stream from landfills by 2000.

AB 341, approved in 2011, updates the California Integrated Waste Management Act of 1989 by increasing the policy goal of the State to require that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020. Other updated regulations include Senate Bill (SB) 1383 and AB 1826, both approved in 2016 regarding the reduction of organic materials that are disposed of in landfills. Riverside County estimates that the average person throws out about 5.3 pounds of trash per day. This amount is less than the 7.9 pounds per person per day used in the previous analysis. Additionally, the Project would result in an incremental decrease in the amount of solid waste generated than what was previously evaluated because there would be fewer units. Certified FEIR 235 and Addendum No. 4 identified the impacts associated with solid waste would be less than significant. There are no changes that would result in new or substantially more severe impacts necessitating major revisions to Certified FEIR 235 and previously approved Addenda.

Substantial changes proposed in Project, which will require major revisions to the EIR?

The reduction of 20 units would result in less trash being generated from what was previously evaluated. Using the updated, County of Riverside trash generation factor per resident and the City of Temecula number of residents per unit, the Project would generate approximately 62 tons less trash per year.²¹ This would decrease the potential impacts on landfills. The waste disposal service (currently CR&R) would be required to abide by the applicable waste reduction and recycling programs required under existing regulations (i.e., AB 939, AB 341, SB 1383, and AB 1826). There are no elements of the Project that would conflict with the existing solid waste regulations or exceed the existing infrastructure capacity. The reduction of 20 units would not be a substantial change in the Project. There would be no new or substantially more severe impacts that would require major revisions to Certified FEIR 235 and previously approved Addenda.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

As noted above, new regulations have been adopted since FEIR 235 was certified and Addendum No. 4 was approved. However, these regulations have strengthened the requirements associated

²¹ Using the generation factors in Certified FEIR 235 and Addendum No. 4 (7.9 pounds per day per person and 2.85 residents per unit), the Project would result in an annual reduction of approximately 82 tons.

with diversion of materials from landfills. These requirements are implemented by the waste disposal service, which for the City of Temecula is CR&R. CR&R has implemented a number of measures to ensure these provisions are implemented. These include recycling, composting, and the construction of an Anaerobic Digester facility that uses organic waste materials collected from their residential and commercial/business customers to produce Renewable Natural Gas (CR&R 2020). None of these changes would result in new or more severe impacts than what was identified in Certified FEIR 235 and no major revisions to the Certified FEIR 235 and previously approved Addenda would be required.

New information (which was not known and could not have been known at the time the EIR was certified) available?

There is no new information where the Project would have a significant effect not evaluated in the Certified FEIR 235. As identified above, the new regulations would reduce the potential impacts on solid waste infrastructure. The solid waste generation factors are less than what was used in the prior environmental analyses; therefore, there would be less demand on the infrastructure than previously identified. Solid waste impacts were identified as less than significant and there is no new information that would change this conclusion. No new or more severe impacts would result, no new mitigation measures are required, and no major revisions to Certified FEIR 235 and previously approved Addenda are required.

4.20 WILDFIRE

Certified Final EIR 235 and Subsequent Addenda

Although wildfire was not a separate topic in the CEQA checklist at the time Certified FEIR 235 and the subsequent Addenda were prepared, the CEQA checklist did include an evaluation of wildfire as part of the discussion of hazards and hazardous materials. As noted above in Section 4.9, Hazards and Hazardous Materials, based on the Notice of Preparation prepared for the Certified FEIR 235, potential impacts associated with wildland fires was deemed to be less than significant and was focused out of the EIR. The issue of wildfires is also discussed in this evaluation under Checklist Question 4.9g.

Consistency Evaluation

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**
- c) 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?**
- d) 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?**

No New or More Severe Impacts/No Changes or New Information Requiring Preparation of an EIR

Checklist Questions 4.20a through 4.20d apply only to those projects that are “located in or near state responsibility areas or lands classified as very high fire hazard severity zones.” No impacts related to these thresholds would occur, as the Project is not within the state responsibility area designated as VHFHSZ, and no mitigation is required.

CalFire identifies areas based on the severity of fire hazard that is expected to prevail there. These areas, or “zones,” are based on factors such as fuel (material that can burn), slope and fire weather. There are three zones, based on increasing fire hazard—medium, high, and very high. The designation of these zones is based on a model, which CalFire has developed and field tested. The model evaluates property using characteristics that affect the probability of the area burning and potential fire behavior in the area. Many factors are considered such as fire history, existing and potential fuel, flame length, blowing embers, terrain, weather and the likelihood of buildings igniting. (CalFire, 2007) As such, this designation factors the site conditions identified in the CEQA Checklist Questions 4.20a through 4.20d.

The western edge of the City of Temecula has been designated by the California Department of Forestry as a Local Responsibility Area (LRA), which is within the very high fire hazard severity zone (VHFHSZ). However, based on the Map of CalFire’s Fire Hazard Severity Zones for Temecula, the proposed Project is not within a designated VHFHSZ. Thus, implementation of the proposed Project would not expose people or structures directly or indirectly to a significant risk of loss or death associated with wildland fires. Therefore, impacts would be less than significant, and no mitigation is required.

As discussed in Section 4.9, Hazards and Hazardous Materials, the City of Temecula has plans and guidelines in place to foresee and mitigate future emergency occurrences in cases of natural and man-made hazards.

The Project would add a minimal number of additional trips to Temecula Highway 79, and the surrounding roadways. In the emergency situations, the identified roadways would continue to function as emergency access routes. The Project would not impact an adopted emergency and evacuation plan, and no changes to the plan would be required. The Project does not include any components or activities that would conflict, impair, or physically interfere with an adopted emergency response or evacuation plan. No impacts would occur, and no mitigation is required.

Substantial changes proposed in Project, which will require major revisions to the EIR?

As noted above, the topic of wildfire was included in the CEQA Checklist under Hazards and Hazardous Materials at the time Certified FEIR 235 and Addendum No. 4 were prepared. Based on the site characteristics (e.g., limited fuel and gentle topography), impacts were identified as less than significant and the issue was focused out of the Certified FEIR 235. There have not been substantial modifications in the Project that would change that conclusion. The Project would be constructed to comply with current codes and requirements pertaining to fire safety. In light of the above analysis, the Project would not result in significant environmental impacts, and no mitigation is required. As such, the impacts would remain unchanged and no major revisions to the Certified FEIR 235 and previously approved Addenda are required.

Substantial changes in the circumstances under which the Project is being undertaken that will require major revisions to the EIR?

There have been no substantial changes in circumstance since the certification of FEIR 235 and approval of Addendum No. 4. The site remains undeveloped with limited vegetation and the topography is gently sloping. Project construction would implement the provisions of the Specific Plan that are designed to minimize fire risk. Therefore, there are no substantial changes that would result in new or more severe environmental impacts necessitating major revisions to the Certified FEIR 235 and previously approved Addenda.

New information (which was not known and could not have been known at the time the EIR was certified) available?

CalFire has updated the fire hazard zone model and zone mapping since the certification of FEIR 235; however, the Project site remains outside of any VHFHSZ. Therefore, any changes in the modeling has not resulted in any new information that would create new or more severe impacts resulting in major revisions to the Certified FEIR 235 and previously approved Addenda. No additional mitigation is required.

5.0 CONCLUSIONS

A review of the available documentation confirms there is substantial evidence, that (1) TTM 36483 and associated Project improvements do not represent a substantial change from the Paloma del Sol Specific Plan evaluated in Certified FEIR 235 and associated Addenda; (2) there are no substantial changes with respect to the circumstances under which the Project is undertaken that would result in new significant or substantially more severe impacts; and (3) there is no new information of substantial importance, which was not known and could not have been known at the time Certified FEIR 235 was certified as complete. The Project would not have any new or substantially more severe impacts than what was evaluated Certified FEIR 235 and the subsequent Addenda. There are no new mitigation measures that were not adopted at the time the FEIR 235 was certified that would further reduce Project impacts. Therefore, based this evaluation, none of the conditions in Section 21166 of the Public Resources Code apply and no subsequent or supplemental environmental impact report should be required.

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Attachment A

Project Design Features and Mitigation Measures Included in the Paseo del Sol Specific Plan, PA-4/TTM 36483, Initial Study/Mitigated Negative Declaration

**Project Design Features and Mitigation Measures Included in the
Paseo del Sol Specific Plan, PA-4/TTM 36483, Initial Study/Mitigated Negative Declaration**

The following is a listing of the Project Design Features and Mitigation Measures from the Draft Mitigated Negative Declaration (MND) prepared by the City of Temecula for the proposed Project (TTM 36483). As discussed in the Consistency Evaluation, these measures do constitute new information or mitigation measures or alternatives that previously found not to be feasible would in fact be feasible. Therefore, consistent with the provisions of Section 21166, the Draft IS/MND, including the identified PDFs and mitigation measures, does not provide any new information necessitating substantial revisions to Certified FEIR 235.

Project Design Features/ Mitigation Measures	Description
BIOLOGICAL RESOURCES	
Project Design Features	
PDF BIO-1	Post-Construction Human Disturbances. The project shall incorporate special edge treatments designed to minimize edge effects by providing a safe transition between developed areas and created riparian/riverine habitat, and which would be compatible with project operation and the protection and sustainability of habitat restoration areas. Special edge treatments shall include native landscaping on manufactured slopes within the conserved areas and fencing/signage near the top of slope adjacent to conserved areas to prevent unauthorized public access, vandalism, illegal dumping, and other adverse human disturbances.
PDF BIO-2	Drainage. The project's stormwater shall be directed to a stormwater and water quality system on the project site, pursuant to the proposed drainage and water quality plan. The channel and basins shall be designed in accordance with all federal, state, regional, and local standards and regulations concerning water quality. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into MSHCP Conservation Areas. These measures will ensure that the project stormwater discharges are no greater in volume and velocity than current undeveloped conditions and that the water leaving the site complies with all applicable water quality standards.
PDF BIO-3	Toxics. Land uses proposed in proximity to the habitat restoration area that use chemicals or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife species, habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the habitat restoration Area. The greatest risk is from landscaping fertilization overspray and runoff.
PDF BIO-4	Lighting. Light sources shall be designed with internal baffles to direct the lighting towards the ground and the developed areas and have a zero side angle cut off to the horizon. Night lighting shall be directed away from the habitat restoration area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the habitat restoration area is not increased.
PDF BIO-5	Noise. Proposed noise-generating land uses affecting the Habitat restoration area shall incorporate setbacks, berms, or walls to minimize the effects of noise on sensitive Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards.

Project Design Features/ Mitigation Measures	Description
PDF BIO-6	Invasive Plant Species. Plant species acceptable for the project's landscaping and restoration must not be considered an invasive species pursuant to Table 6.2 of the MSHCP. To ensure this, the final landscape plans must be reviewed and verified by the city and Regional Conservation Authority for consistency with the plant species list in Table 6.2 of the MSHCP.
PDF BIO-7	Fuels Management. Weed abatement and fuel modification activities shall not be permitted in the habitat creation area. Any areas planted with fire-resistant, non- invasive plants shall not encroach into the habitat restoration area.
Mitigation Measures	
BIO-1	<p>Construction Impacts to Nesting Avian Species Including Cooper's Hawk: Pursuant to the Migratory Bird Treaty Act and California Fish and Game Code, future construction activities and/or the removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season, to the extent feasible. The nesting season generally extends from February 1 through August 31, beginning as early as January 1 for raptor species, but can vary slightly from year to year based upon seasonal weather conditions.</p> <ul style="list-style-type: none"> (a) If construction or vegetation clearing activities occur during the avian nesting season, a pre-construction nesting bird clearance survey will be required within 7 days prior to the start of construction. The nest survey shall cover all reasonably potential nesting locations on and within 300 feet of the proposed areas where construction activities will occur. If grading or other construction activity begins in the non-breeding season and proceeds continuously into the breeding season, no surveys shall be required. However, if there is a break of 7 days or more in grading or construction activities during the breeding season, a new nesting bird survey shall be conducted before these activities begin again. (b) If an active nest is detected, an appropriate avoidance buffer will be established as follows: a 300-foot minimum avoidance buffer for special-status species (e.g., Cooper's hawk); a 500-foot minimum avoidance buffer for all raptor species; and 300- foot minimum avoidance buffer (or other buffer as determined appropriate by the Project Biologist) for other passerine birds. Buffer distances for other species will be determined by the Project Biologist based on the species and its breeding or nesting requirements. The nest site area shall not be disturbed until the nest becomes inactive or the young have fledged. (c) Noise monitoring may be required to verify that noise levels from construction would not disturb nesting birds. If noise levels are above acceptable thresholds (60 dBA Leq), then noise attenuation measures would be necessary to reduce noise levels to below the acceptable threshold.
BIO-2	Construction Impacts to Burrowing Owl. A 30-day preconstruction survey for burrowing owls is required prior to initial ground-disturbing activities per the March 29, 2006, Western Riverside County Multiple Species Habitat Conservation Plan Burrowing Owl Survey Requirements. The surveys should specifically focus on the presence/absence of burrowing owl. If burrowing owls have colonized the property site prior to the initiation of construction, the Permittee should immediately inform the Wildlife Agencies and the Western Riverside County Regional Conservation Authority, and coordinate on the potential need for a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance.

Project Design Features/ Mitigation Measures	Description
BIO-3	<p>Construction Impacts to San Diego Black-Tailed Jackrabbit. A qualified biologist shall survey the project site for the presence of San Diego black-tailed jackrabbit no earlier than 3 days prior to any grading activity. Specifically, the survey shall include an examination of the nonnative grassland on the site that will be affected during project implementation. If individuals are identified, traps shall be deployed for relocation and allowed to stay open for 7 days, but checked on a daily basis. Trapped jackrabbits shall be relocated to nearby suitable habitat within dedicated open space approved by the Western Riverside County Regional Conservation Authority.</p> <ul style="list-style-type: none"> • If no San Diego black-tailed jackrabbit are observed during the pre-construction survey, then construction activities may begin. If construction is delayed or halted for more than 30 days, another pre-construction survey for San Diego black-tailed jackrabbit shall be conducted. Within 7 days of the pre-construction survey, a report of findings from the survey shall be submitted to the California Department of Fish and Wildlife with a Copy to the City of Temecula.
BIO-4	<p>Construction Impacts to Western Pond Turtle. Within 14 days prior to the onset of construction activities, a qualified biologist shall conduct pre-construction surveys for Western pond turtle within all areas that fall within 100 feet of any suitable aquatic and upland nesting habitat for this species. If Western pond turtles are observed during the pre-construction survey, fencing that is impervious to reptile movement (partially buried silt fencing) shall be erected around the survey area to prevent turtles from entering the construction area. Additionally, the Lead Agency and the California Department of Fish and Wildlife shall be contacted; any and all construction activities will be delayed within the turtle survey area until an appropriate course of action is established and approved by the California Department of Fish and Wildlife.</p> <ul style="list-style-type: none"> • If no Western pond turtles are observed during the pre-construction survey, then construction activities may begin. If construction is delayed or halted for more than 30 days, another pre-construction survey for Western pond turtle shall be conducted. Within 7 days of the pre-construction survey, a report of findings from the survey shall be submitted to the California Department of Fish and Wildlife with a copy to the City of Temecula.
BIO-5	<p>Stephens' Kangaroo Rat Impacts. Given the project site's location within the Fee Area for Stephens' kangaroo rat identified in the Riverside County Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) (County Ordinance No. 663.10), the project applicant shall pay the SKR HCP mitigation fee prior to project construction. The Mitigation Fee for the proposed project is estimated to be \$21,600 (\$500.00 per gross acre of the parcels proposed for development with 42.6 acres proposed for development).</p>
BIO-6	<p>Riparian Habitat Creation. To offset impacts to 0.79 acres of riparian/riverine habitat on site that is both federally- and state-protected, the proposed project shall establish riparian/riverine wetland habitat in accordance with the approval of all pertinent regulatory agencies. The on-site wetland habitat shall be relocated along the southerly portion of the project site. The on-site mitigation area shall be owned by the HOA and but maintained by a third party approved by the regulatory agencies.</p> <ul style="list-style-type: none"> • The Applicant shall be responsible for developing and implementing a Habitat Mitigation and Monitoring Plan (HMMP) plan for the mitigated habitat that is consistent with the U.S. Army Corps of Engineers (USACE) standards. The HMMP shall describe the methods used for invasive species and trash removal, fencing and signage replacement, will identify success criteria and reporting requirements, and will define the responsibilities, adaptive management, and

Project Design Features/ Mitigation Measures	Description
	<p>expected maintenance. The long-term management and maintenance costs, identified in the HMMP, would transfer to a third party as approved by the regulatory agencies. The wetland shall be off limits to the public and residents. Furthermore, signage and homeowner education materials would be provided to residents regarding these restrictions. The HMMP shall require that:</p> <ul style="list-style-type: none"> • All plant species installed within the mitigation areas include only local California native container plants and cuttings, and shall be typical of the existing native plant species present in the existing riparian areas within and adjacent to the project site; • Plant material is installed between October 1 and April 30 to maximize the benefits of the winter rainy season; and • The planted area has a conservation easement placed over it and shall be maintained by a third party approved by the regulatory agencies that would provide for the long-term management and maintenance in perpetuity. • The HMMP shall include success criteria including timelines of when success is anticipated for various components of the mitigation site, including but not limited to native cover and nonnative cover standards. These specific success criteria would be decided upon by a restoration ecologist using best professional judgment. The applicant shall submit a copy of the final HMMP to the Western Riverside County Regional Conservation Authority that must include all mitigation implementation details including success criteria as well as future activities that could potentially negate conservation value such as vector control and weed abatement. A long-term manager for the mitigation site should be identified prior to construction and detailed in the HMMP. The HMMP shall be approved by the Western Riverside County Regional Conservation Authority, USACE, and the Regional Water Quality Control Board prior to project construction.
BIO-7	<p>Impact Avoidance to Riparian Habitat during Construction. The proposed project shall implement the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Applicable MSHCP provisions include best management practices (BMPs) from MSHCP Volume I Appendix C and Urban/Wildlife Interface Guidelines from MSHCP Section 6.1.4.</p> <p>1) MSHCP BMP Implementation. The BMPs, as applicable, shall be implemented for the duration of construction.</p> <ul style="list-style-type: none"> a) A qualified biologist shall conduct a training session for construction personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the MSHCP, the need to adhere to the provisions of the MSHCP, the penalties associated with violating the provisions of the MSHCP, 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. b) Water pollution and erosion control plans shall be developed and implemented in accordance with Regional Water Quality Control Board requirements.

Project Design Features/ Mitigation Measures	Description
	<p>c) 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>d) 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 a qualified biologist prior to initiation of work.</p> <p>e) 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 should be avoided.</p> <p>f) Stream flow diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing of other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments off site. 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>g) 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. Project-related spills of hazardous materials shall be reported to appropriate entities including but not limited to the applicable jurisdictional city, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.</p> <p>h) 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>2) <u>Habitat Disturbance Avoidance.</u> A 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 of the project footprint. These measures are listed below.</p> <p>a) 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>b) Exotic species that prey upon or displace target species of concern shall be permanently removed from the site to the extent feasible.</p> <p>c) 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>d) 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 shall be fenced with orange</p>

Project Design Features/ Mitigation Measures	Description
	<p>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> <p>e) The Permittee shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions, including these BMPs.</p> <p>3) <u>Fugitive Dust.</u> During soil excavation, grading, or other subsurface disturbance within 100 feet of conserved riparian/riverine habitat on site, the construction superintendent 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> <p>a) 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.</p> <p>b) Pave, periodically water, or apply chemical stabilizer to construction access/egress points.</p> <p>c) Minimize the amount of area disturbed by clearing, grading, earthmoving, or excavation operations at all times.</p> <p>d) Operate all vehicles on graded areas at speeds less than 15 miles per hour.</p> <p>e) Cover all stockpiles that will not be utilized within 3 days with plastic or equivalent material, to be determined by the on-site construction superintendent, or spray them with a non-toxic chemical stabilizer.</p> <p>4) <u>Noise.</u> The on-site construction superintendent shall implement the following measures to minimize short-term noise levels caused by construction activities. Measures to reduce construction noise shall be included in contractor specifications and include, but not be limited to, the following:</p> <p>a) Properly outfit and maintain construction equipment with manufacturer-recommended noise-reduction devices to minimize construction-generated noise.</p> <p>b) Operate all diesel equipment with closed engine doors and equip with factory recommended mufflers.</p> <p>c) Use electrical power, when feasible, to operate air compressors and similar power tools.</p> <p>d) Employ additional noise attenuation techniques, as needed, to reduce excessive noise levels within conserved riparian/riverine habitat on site, such as placement of temporary sound barriers or sound blankets at the top of slope adjacent to these areas.</p> <p>e) Locate construction staging areas at least 100 feet from Drainage A.</p> <p>5) <u>Lighting.</u> To avoid light spillover into the adjacent conserved riparian/riverine habitat on site, any proposed lighting fixtures within 100 feet of these areas shall incorporate internal baffles to direct the light towards the ground and shall have a zero side-angle cut-off to the horizon. All lighting and fencing for infrastructure adjacent to jurisdictional areas shall be designed or reviewed by a qualified biologist</p>

Project Design Features/ Mitigation Measures	Description
	<p>to allow wildlife to move without hindrance.</p> <p>6) Runoff-Toxics. To address potential short-term impacts to water quality within the on-site drainages from construction runoff that may carry storm water pollutants, a storm water pollution prevention program (SWPPP) shall be implemented by the construction contractor as required by the State Water Resources Control Board (SWRCB) Construction General Permit. The SWPPP shall identify BMPs related to the control of toxic substances, including construction fuels, oils, and other liquids. These BMPs shall be implemented by the Applicant's contractor prior to the start of any ground clearing activity, shall be subject to periodic inspections by the County 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. In addition, the permittee shall:</p> <ul style="list-style-type: none"> a) Prohibit 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 CDFW jurisdictional areas; b) Utilize fiber rolls, straw wattles, and/or hay bales free of non-native plant materials; c) Ensure compliance with all litter and pollution laws by all contractors, subcontractors, and employees; d) Not allow water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities to enter a lake, streambed, or flowing stream or be placed in locations that may be subjected to high storm flows. <p>In addition, the measures listed below apply to project construction.</p> <ul style="list-style-type: none"> e) Spoil sites shall not be located within a lake, streambed, or flowing stream or locations that may be subjected to high storm flows, where spoil shall be washed back into a lake, streambed, or flowing stream where it will impact streambed habitat and aquatic or riparian vegetation. f) 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 waters of the state. These materials, placed within or where they may enter a lake, streambed, or flowing stream by Permittee or any party working under contract or with the permission of Permittee, shall be removed immediately. g) No equipment maintenance shall be done within or near any lake, streambed, or flowing stream where petroleum products or other pollutants from the equipment may enter these areas under any flow. h) 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 waters of the state. 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 high-water mark of any lake,

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	<p>streambed, or flowing stream.</p> <p>i) Construction operations shall be staged far away from the MSHCP Conservation Area as possible.</p> <p>7) Additional Encroachments During Construction. The following measures shall also be incorporated into the construction documents and specifications, and implemented by the contractor, to avoid potential construction-related impacts to conserved riparian/riverine habitat outside of the approved disturbance limits.</p> <p>a) Construction worker training shall be provided by a qualified biologist at the first preconstruction meeting.</p> <p>b) Exclusionary fencing and signs shall be erected near the top of slope adjacent to conserved riparian/riverine habitat to prevent accidental/unauthorized intrusions during construction.</p> <p>c) No equipment shall be operated in areas of flowing water.</p> <p>d) Construction access 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 conserved riparian/riverine habitat.</p> <p>e) A qualified biologist shall be on site during initial clearing/grubbing, grading, and/or construction activities within the riparian/riverine habitat within Drainage B to be impacted, or within 100 feet of the habitat to be avoided, and shall periodically monitor these activities to ensure they do not exceed the fenced construction limits.</p>
CULTURAL RESOURCES	
Mitigation Measures	
CUL-1	<p>The Applicant shall retain a Riverside County qualified/City of Temecula approved archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation. The archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the Pechanga Tribe in order to evaluate the significance of any potential resources discovered on the property. Archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the limited authority to stop and redirect grading activities should an inadvertent cultural resource be identified. The archaeologist shall provide a Phase IV monitoring report at the end of all earthmoving activities to the City of Temecula, the Pechanga Tribe and the Eastern Information Center at UC, Riverside.</p>
CUL-2	<p>In the event of the unanticipated discovery of archaeological materials, the contractor shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery until it can be evaluated by a Qualified Archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (codified in 36 CFR Part 61; 48 FR 44738-44739. The Applicant shall immediately notify the City of any discoveries and implement protective measures (such as cordoning off the area). Construction in the vicinity of the find shall not resume until authorized by the City.</p> <p>If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource pursuant to CEQA, avoidance and preservation in place shall be the preferred manner of mitigation. Preservation in place maintains the</p>

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	important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Research Design and Treatment Plan shall be prepared and implemented by the Qualified Archaeologist in consultation with the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. For discoveries of Native American cultural resources, the City shall follow the provisions of Mitigation Measure TCR-2 and consult with the Pechanga Band of Luiseño Indians in determining treatment for the resource to ensure cultural values ascribed to the resource, beyond those that are scientifically important, are considered.
GEOLOGY AND SOILS	
Mitigation Measure	
GEO-1	<p>If construction or other project personnel discover any potential fossils during construction, work shall cease in a 100-foot radius of the discovery until a Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) standards (SVP 2010) has assessed the discovery and made recommendations as to the appropriate treatment. The Applicant shall immediately notify the City of any discoveries and implement protective measures (such as cordoning off the area). Construction in the vicinity of the find shall not resume until authorized by the City.</p> <p>If the find is deemed significant, it shall be salvaged following the standards of the SVP (2010) and curated with a certified repository. Following a discovery, the Qualified Paleontologist shall also provide the City with recommendations regarding future paleontological monitoring, if deemed warranted.</p>
HYDROLOGY AND WATER QUALITY	
Project Design Features	
PDF HYDRO-1	<p>Site Design Best Management Practices. The following design concepts were recommended by the project-specific Water Quality Management Plan and have been integrated into project design. To minimize potential water quality degradation, the project has been designed to:</p> <ul style="list-style-type: none"> • Maintain natural drainage pathways and hydrologic features; • Minimize impervious areas; • Minimize soil compaction; • Disperse impervious areas throughout the project site; • Collect runoff; and • Landscape with native and/or drought tolerant species.

Project Design Features/ Mitigation Measures	Description
PDF HYDRO-2	<p>Source Control Best Management Practices (BMPs). The following source control BMPs were recommended by the project-specific Water Quality Management Plan and will be implemented during project construction and/or operation. To avoid impacts to water quality, the project will:</p> <ul style="list-style-type: none"> • Prevent illicit discharges into the municipal separate storm sewer system; • Include storm drain stenciling or signage; and • Protect trash storage areas from rainfall, run-on, runoff, and wind dispersal. <p>In addition, the project will implement BMPs during project operation to prevent water quality impacts from the following potential sources: storm drain inlets; indoor and structural pest control; landscape/outdoor pesticide use; pools, spas, ponds, fountains, and other water features; refuse areas; and plazas sidewalks, and parking lots. A qualified stormwater pollution prevention plan developer shall be consulted for specific source control BMP implementation details.</p>
PDF HYDRO-3	<p>Treatment Control Best Management Practices (BMPs). Biofiltration with partial retention of surface flow on site was recommended by the project- specific Water Quality Management Plan during project operation. The project site will thus incorporate three treatment control BMPs, including one biofiltration basin and two Filterra units (or equivalent), for treating stormwater runoff generated on the project site. Flows from certain portions of the project site will be conveyed to two Filterra units for treatment. The remainder of the project site will be collected via subsurface storm drain and treated within the biofiltration basin. The biofiltration basin and Filterra units will be maintained by periodic visits to check for appropriate functioning. The biofiltration basin and Filterra units will be constructed before other structures on site to accommodate for excess flows caused by construction activities.</p>
PDF HYDRO-4	<p>Minimum Construction Best Management Practices (BMPs). The following BMPs were recommended by the project-specific Water Quality Management Plan for implementation during project construction. A qualified stormwater pollution prevention plan developer shall be consulted for specific construction BMP implementation details.</p> <ul style="list-style-type: none"> • Erosion Control. Slopes disturbed during construction shall be stabilized via hydraulic stabilization (e.g., hydroseeding) in the summer. • Sediment Control. Sediment control BMPs that will be implemented on the project site include a silt fence, fiber rolls, gravel/sand bags, storm drain inlet protection, and an engineered desilting basin. • Off-Site Sediment Tracking Control. Off-site sediment tracking control BMPs that will be implemented on the project site include a stabilized construction entrance, construction road stabilization, an entrance/exit tire wash, and street sweeping and vacuuming. • Materials and Waste Management. Materials and waste management BMPs that will be implemented on site include spill prevention and control as well as waste management and concrete management.

Project Design Features/ Mitigation Measures	Description
Mitigation Measures	
HYDRO-1	Final Water Quality Management Plan (WQMP). A Final WQMP shall be prepared during the final project design period that Project Design Features HYDRO-1 through HYDRO-4 shall be updated as necessary to be consistent with the Final WQMP.
HYDRO-2	Any groundwater encountered on site during construction that requires dewatering shall be collected and stored until it can be recharged on site. Dewatered groundwater shall be recharged in a manner appropriate with San Diego Regional Water Quality Control Board General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region (Order R9-2015-0013).
HYDRO-3	The proposed project shall be designed in accordance with Riverside County Ordinance No. 458, which details design requirements for projects located in special flood hazard areas. Site plans shall be submitted to the Riverside County Flood Control District for review and approval to ensure appropriate measures have been taken to avoid impacts to humans and structure in the event of inundation resulting from Vail Lake Dam failure.
NOISE	
Mitigation Measure	
NOI-1	The project Applicant shall develop sound walls in accordance with the recommendations of the updated 2016 letter report to the Acoustical Assessment of 2015, Exhibit 7. Prior to the issuance of the first occupancy permit, the City Building Engineer shall confirm that all recommended sound walls are installed per the recommendations of the study.
TRIBAL CULTURAL RESOURCES	
Mitigation Measure	
TCR-1	The developer is required to enter into a Cultural Resources Treatment Agreement with the Pechanga Band of Luiseño Indians. The agreement shall be in place prior to issuance of a grading permit. To accomplish this, the applicant should contact the Pechanga Band of Luiseño Indians no less than 30 days and no more than 60 days prior to issuance of a grading permit. This Agreement will address the treatment and disposition of cultural resources, the designation, responsibilities, and participation of professional Pechanga Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site. The Pechanga Tribal monitor's authority to stop and redirect grading will be exercised in consultation with the project's Qualified Archaeologist in order to evaluate the significance of any potential resources discovered on the property. Pechanga monitors shall be allowed to monitor all grading, excavation and groundbreaking activities, and shall also have the limited authority to stop and redirect grading activities should an inadvertent cultural resource be identified.

Project Design Features/ Mitigation Measures	Description
TCR-2	<p>In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <ul style="list-style-type: none"> a) One or more of the following treatments, in order of preference, shall be employed with the Pechanga Band of Luiseño Indians. Evidence of such shall be provided to the City of Temecula Planning Department: <ul style="list-style-type: none"> i) Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources. ii) Reburial of the resources on the project property. The measures for reburial shall include, at a minimum measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, grave goods, Native American human remains and any items deemed sensitive by the Pechanga Band of Luiseño Indians are excluded. The reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in a confidential Phase IV monitoring report. The Phase IV monitoring report shall be filed with the City under a confidential cover and not subject to disclosure under the California Public Records Act. <p>If preservation in place or reburial is not feasible then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City, the Developer and the consulting Tribes. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report</p> iii) The landowner agrees to relinquish ownership of tribal cultural resources, including sacred items and grave goods, to the Pechanga Band of Luiseño Indians.