

Final

HARVESTON GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT – PLANNING AREA 12

Findings and Facts in Support of Findings and
Statement of Overriding Considerations
State Clearinghouse No. 2019070974

Prepared for
City of Temecula

October 2020



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Findings and Facts in Support of Findings and Statement of Overriding Considerations

Harveston General Plan Amendment and Specific Plan Amendment – Planning Area 12

I. Introduction

The California Environmental Quality Act, Public Resources Code § 21000, et seq. (“CEQA”) and the State CEQA Guidelines, 14 Cal. Code Regs. § 15000, et seq. (the “Guidelines”) provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment caused by the project unless the public agency makes one or more of the following findings:

- A. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects identified in the Environmental Impact Report (EIR).
- B. Such changes or alterations are within the responsibility of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- C. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.¹

Pursuant to the requirements of CEQA, the City Council of the City of Temecula hereby makes the following environmental findings in connection with the proposed Harveston General Plan Amendment (GPA) and Specific Plan Amendment (SPA) – Planning Area 12 Project (Project), as more fully described in the Final Subsequent EIR (SEIR). These findings are based upon written and oral evidence included in the record of these proceedings, comments on the Draft SEIR and the written responses thereto, and reports presented to the Planning Commission and City Council by City staff and the City’s environmental consultants.

II. Project Description

The Project is located within the Harveston Specific Plan that was approved in 2001. This Specific Plan covers approximately 550 acres and is located between Margarita Road and Interstate 15, along the Temecula City limits, in the northwest section of the City. The Specific

¹ Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15091.

Plan depicts a land use designation of Service Commercial for the Project Site. The Project would include a GPA that would change the existing General Plan land use designation from Service Commercial (SC) to Specific Plan Implementation (SPI) and a SPA that would include a residential overlay to the Specific Plan on an 87.54-acre portion of Planning Area 12. The residential overlay would allow the future development of a maximum of 1,000 residential units.

As set forth in the SEIR, objectives that the City of Temecula and applicant seek to achieve with this Project (the “Project Objectives”) are as follows:

The Project objectives include:

- Create a development compatible with and sensitive to the existing land uses in the Project area.
- Provide high-quality residential development that would help to fulfill the City’s regional housing needs.
- Promote the development of residential land uses that convey a high quality visual image and character.
- Provide high-quality residential architecture that will be required/needed within the proposed residential overlay.

III. Previous Environmental Review

The Harveston Specific Plan Draft EIR (State Clearinghouse No. 99041033), dated November 2000, and the Harveston Specific Plan Final EIR and Response to Comments (State Clearinghouse No. 99041033), dated February 2001, were certified on August 14, 2001. City staff has determined that the Project would result in new significant environmental impacts that were not previously addressed in the certified Harveston Specific Plan EIR, and therefore a Subsequent EIR, in accordance with CEQA Guidelines Section 15162, is the appropriate document to respond to the Project-specific changes.

CEQA Guidelines Section 15150(a) states that an EIR:

may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR.

In light of the previous environmental review contained in the Harveston Specific Plan EIR (2001), the Draft SEIR incorporated by reference the relevant analysis of environmental topics considered in the previously certified Harveston Specific Plan EIR.

On July 24, 2019, in accordance with CEQA Guideline Section 15082, the City published a Notice of Preparation (NOP) of a Draft SEIR that included an Initial Study and circulated it to governmental agencies, organizations, and persons that may be interested in the Project, including land owners, tenants, and business owners in proximity to the site. The NOP requested comments

on the scope of the Draft SEIR, and asked that those agencies with regulatory authority over any aspect of the Project to describe that authority. The comment period extended through August 22, 2019. Responses to the NOP were received from the following agencies: (1) the Native American Heritage Commission, Cultural and Environmental Department, (2) the Riverside Transit Agency and (3) the South Coast Air Quality Management District. No project-specific concerns were raised by these agencies. In addition to the public noticing required under CEQA, City staff held an informational meeting on August 8, 2019 at the Harveston Lake House located at 29005 Lakehouse Road, Temecula, CA 92591. At the public scoping meeting, a brief presentation and overview of the Project was provided. After the presentation, oral and written comments on the scope of the environmental issues to be addressed in the Draft SEIR were accepted. The following list provides the key issues raised during the NOP comment period (refer to Appendix A of the Draft SEIR):

- Recommended consultation with California Native Tribes (refer to Section 3.3, Cultural Resources, and Section 3.12, Tribal Cultural Resources, of the Draft SEIR);
- Construction impacts with bus stop/relocation of bus stop temporarily (refer to Chapter 2.0, Project Description and Section 3.11, Transportation, of the Draft SEIR);
- Recommendations provided by SCAQMD regarding the analysis of air quality (refer to Section 3.1, Air Quality, and Section 3.5, Greenhouse Gas Emissions and Climate Change, of the Draft SEIR);
- Concerns with aesthetics;
- Concerns with air quality (refer to Section 3.1, Air Quality, and Section 3.5, Greenhouse Gas Emissions and Climate Change, of the Draft SEIR);
- Concerns with hazards and hazardous materials;
- Concerns with traffic on Ynez Road (refer to Section 3.11, Transportation, of the Draft SEIR);
- Concerns with school capacities (refer to Section 3.9, Public Services, of the Draft SEIR);
- Concerns with traffic generated by the Project (refer to Section 3.11, Transportation, of the Draft SEIR);
- Concerns with traffic and how the overpass to I-15 is the key to traffic (refer to Section 3.11, Transportation, of the Draft SEIR);
- Concerns with safe path to travel to schools (refer to Section 3.9, Public Services, of the Draft SEIR);
- Concerns with parks (refer to Section 3.9, Public Services, and Section 3.10, Recreation, of the Draft SEIR);
- Concerns with crime (refer to Section 3.9, Public Services, of the Draft SEIR);
- Concerns with health issues for homes near the freeway (refer to Section 3.1, Air Quality, and Section 3.5, Greenhouse Gas Emissions and Climate Change, of the Draft SEIR).

The level of specificity of an EIR is determined by the nature of the project and the rule of reason. Based on the environmental evaluations provided in the IS/NOP and the Draft SEIR, the environmental issues that were found to have no impact related to Project implementation included: aesthetics, agriculture and forestry, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, and wildfire. The environmental issues where impacts were found to be less than significant included: energy, greenhouse gas emissions and climate change, land use and planning, population and housing, public services, recreation, and utilities and service systems. Through the preparation of an Initial Study and issuance of a Notice of Preparation, the City, as lead agency, has determined the key environmental issues that could have significant impacts prior to the implementation of mitigation, and which are the focus of this SEIR analysis, are: (A) air quality, (B) biological resources, (C) cultural resources, (D) noise, (E) transportation, and (F) tribal cultural resources. As discussed further below, air quality impacts remain significant and unavoidable following the imposition of all feasible mitigation.

IV. Potentially Significant Environmental Impacts Determined to be Mitigated to a Less Than Significant Level

The Draft SEIR identified the potential for the Project to cause significant environmental impacts in specific areas of: air quality; biological resources; cultural resources; noise; transportation; and tribal cultural resources. Measures have been identified that would mitigate all of the impacts in this section to a less than significant level.

The City Council finds that the feasible mitigation measures for the Project identified in the Final Subsequent EIR would reduce the Project's impacts to a less than significant.

A. Air Quality

1. Violation of Air Quality Standards (Project and Cumulative Construction)

Construction activities associated with implementation of the Project could violate air quality standards related to NO_x emissions and would result in significant air quality impacts. As described below, these impacts can be mitigated to less than significant levels.

The Project would involve the construction of approximately 1,000 residences on 87.5 acres. Construction activities associated with the Project would generate NO_x emissions from the following construction activities: (1) grading, and excavation; (2) construction workers traveling to and from Project Site; (3) delivery and hauling of construction supplies to, and debris from, the Project Site; (4) fuel combustion by on-site construction equipment; (5) building construction. The amount of NO_x emissions generated on a daily basis could vary as a function of vehicle trips per day associated with debris hauling, delivery of construction materials, vendor trips, worker commute trips, and the types and number of heavy-duty, off-road equipment used and the intensity and frequency of their operation.

The modeled peak daily NOx emissions associated with the Project's worst-case construction air emission scenario is provided in Table 3.1-7 of the Draft SEIR that shows the maximum NOx emissions could be 141 lbs/day. These potential maximum NOx emissions would exceed the SCAQMD regional significance threshold of 100 lbs/day, and therefore, represent a significant air quality impact. As described below, the impact from the generation of NOx emissions can be reduced to less than significant.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant project and cumulative regional construction NOx emissions identified in the Final SEIR.

The following mitigation measure would reduce the project and cumulative regional construction NOx emissions to less than significant.

Mitigation Measure AQ-1: During Project construction, all internal combustion engines/construction equipment (including tug boats but excluding crew and bio-survey boats) exceeding 50 horse power and operating on the Project Site shall meet Tier 4 CARB/U.S. EPA emission standards. If not already supplied with a factory equipped diesel particulate filter, all off-road diesel-powered construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emission reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. In addition, construction equipment shall incorporate, where feasible, emissions savings technology such as hybrid drives and specific fuel economy standards. In the event that all off-road diesel-powered construction equipment cannot meet the Tier 4 engine certification, each project applicant shall use alternative measures, which include, but would not be limited to, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Project, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously. The effectiveness of alternative measures must be demonstrated through a future air emissions study with written findings supported by substantial evidence that is approved by the lead agency before use.

b) Facts in Support of Findings

The SEIR analysis of the Project determined that under an estimated worst-case construction scenario, implementation of the Project would result in significant air quality impacts associated with NOx emissions. Implementation of Mitigation Measure AQ-1 would reduce the emissions of NOx. EPA Tier 4 standards require a significant reduction in NOx emissions associated with the internal combustion engines of construction equipment. As shown in Table 3.1-9 in Section 3.1, Air Quality, of the Draft SEIR, the modeled mitigated peak daily NOx emissions associated with the Project's worst-case construction scenario would be reduced to a maximum of 37 lbs/day which would not exceed the SCAQMD regional significance

threshold for NOx of 100 lbs/day. Therefore, construction NOx emissions would be reduced to less than significant.

2. Exposure of Sensitive Receptors to Pollutant Concentrations (Project and Cumulative Localized Operational Emissions)

The daily on-site operational emissions generated by the Project were evaluated against SCAQMD's LSTs for a five-acre site at a distance of 82 feet to determine whether the emissions would cause or contribute to adverse localized air quality impacts. The nearest offsite sensitive receptors are the single-family residential dwelling units located across Ynez Road, approximately 100 feet from the Project Site.

The Project's total operational-related emissions generated onsite are 2.14 lbs/day for PM2.5 which exceeds the SCAQMD's screening operational LST of 2.0 for PM2.5. Therefore, localized PM2.5 emissions from operational activities would be potentially significant.

As described below, the impacts from the generation of operational PM2.5 emissions can be reduced to less than significant.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant project and cumulative localized operational PM2.5 emissions to less than significant as identified in the Final SEIR.

Mitigation Measure AQ-2: The following measures will be implemented to reduce operational emissions of ROG and NOX. These measures are not all inclusive and additional measures can be substituted or added to further reduce emissions.

- No residential units shall be constructed with fireplaces/hearths. If this measure is substituted, total emissions reductions from the added mitigation shall meet or exceed the emissions reductions from the removal of fireplaces from the Project (i.e., a reduction in emissions equal to or greater than the reduction in emissions between Table 3.1 8 and Table 3.1 10).
- Residents of single-family units shall be provided information documenting the benefits of using low VOC paints and cleaning supplies.
- A Traffic Demand Management (TDM) program shall be developed to encourage the use of non-single occupant vehicles, including information on ride share, carpool, vanpool, bus, train and trolley opportunities within the City and the region.

- All residential parking spaces provided shall be designed to, at a minimum, achieve CALGreen Tier 1 standards for electric vehicle supply equipment of the most current Title 24 iteration at the time of building construction.².
- Implementing projects proposed within the SPA shall quantify NOX and ROG emissions from the implementing project operational activities and shall demonstrate achievement of the emissions performance standard of less than 55 pounds per day of ROG and less than 55 pounds per day of NOX. If the performance standard cannot be achieved, implementing projects shall incorporate all feasible project-level mitigation such that emissions of ROG and NOX are reduced to the furthest extent possible.

b) Facts in Support of Findings

The SEIR analysis of the Project determined that with the implementation of Mitigation Measure AQ-2, specifically banning fireplaces within the residential development, the Project's PM2.5 localized operational emissions would reduce from 2.14 lbs/day of PM2.5 (refer to Table 3.1-12, of the Draft SEIR) to 1.0 lbs/day of PM2.5 (refer to Table 3.1-14, of the Draft SEIR) which would not exceed the SCAQMD's significance threshold of 2.0 lbs/day. Therefore, the PM2.5 localized operational emissions would be reduced to less than significant.

3. Exposure of Sensitive Receptors to Pollutant Concentrations (Project and Cumulative Construction TAC Emissions)

Project construction would result in short-term emissions of diesel PM, which is a toxic air contaminant (TAC). Diesel PM poses a carcinogenic health risk that is measured using an exposure period of 70 years. The exhaust of off-road heavy-duty diesel equipment would emit diesel PM during site grading; paving; installation of utilities, materials transport and handling; building construction; and other miscellaneous activities.

The dose to which receptors are exposed is the primary factor used to determine health risk (i.e., the potential exposure to TACs to be compared to applicable standards). Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual. Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer period of time. According to OEHHA, carcinogenic health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period or duration of activities associated with the Project.

² The 2019 CALGreen standards require all single and two-family dwellings and townhouses with private attached garages to include a dedicated 208/240-volt branch circuit to be installed and for multi-family dwellings 15 percent of the total parking spaces (but no less than 1) shall provide capabilities for electrical vehicle charging.

Risk was calculated for the offsite and onsite residential receptors within 1,000 feet of the Project Site. There are no school receptors within this 1,000-foot radius. AERMOD was used to quantify concentrations at the offsite receptors. Health risk calculations were performed using a spreadsheet tool consistent with the OEHHA guidance. Detailed risk assessment is included as Appendix B, of the Draft SEIR.

With Project construction activities, the maximum incremental increase in cancer risk is projected to be up to approximately 36-in-one million for construction risk for offsite residential receptors and 69-in-one million for onsite receptors. Risk for residential receptors would exceed the SCAQMD significance threshold of 10-in-one million, and therefore, impacts would be potentially significant. The maximum exposed offsite residential receptor is located directly across Ynez Rd west of Date Street. The maximum exposed onsite receptor would change depending on the location that is developed first. However, under a worst-case condition, the maximum exposed onsite receptor would be located close to and west of Date Street.

As described below, the maximum cancer risk during construction activities would be reduced to less than significant.

a) Findings

Changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen the potentially significant maximum cancer risk during construction activities.

Mitigation: Implement Mitigation Measure AQ-1 and the following Mitigation Measure:

Mitigation Measure AQ-3: During construction activities, the construction supervisor will ensure that any welders used onsite will be electric.

b) Facts in Support of Findings

The SEIR analysis of the Project determined that implementation of Mitigation Measures AQ-1 and AQ-3 would reduce maximum cancer risk for onsite residential receptors from 69 in one million prior to mitigation (refer to Table 3.1-13, of the Draft SEIR) to 2 in one million after mitigation (refer to Table 3.1-15, of the Draft SEIR). The reduction of the maximum cancer risk to 2 in one million would be less than SCAQMD's significance threshold of 10 in one million. Therefore, cancer risk impacts to onsite residential receptors would be reduced to less than significant.

B. Biological Resources (Project and Cumulative)

1. Special Status Species, Sensitive Species, or Candidate Species (project and cumulative)

The project would result in grading activities to the 87.5-acre Project Site. Project construction activities would result in the removal of non-native grassland habitat,

disturbed habitat, and urban/developed areas. The Project Site contains suitable nesting habitat for raptors and birds, including the California horned lark, protected under the MTBA and California Fish and Game Code (Sections 3503, 3503.5 and 3513) and contains suitable burrowing owl habitat. The proposed grading operations associated with the Project could result in significant impacts to suitable nesting habitat for raptors and birds, including the California horned lark and to suitable burrowing owl habitat.

As described below, the potential impact to suitable nesting habitat for raptors and birds, and to suitable burrowing owl habitat would be reduced to less than significant.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant raptors and birds nesting habitat and burrowing owl habitat as identified in the Final SEIR.

The following mitigation measures would reduce impacts to raptors and birds nesting habitat and burrowing owl habitat to less than significant.

Mitigation Measures MM-BIO-1: Within three days of the start of any ground-disturbing activity during the nesting season (February 1 to August 31 for songbirds; January 15 to August 31 for raptors), a qualified biologist shall conduct a survey to determine if there are active nests within the onsite trees and vegetation. If an active nest is not found, no biological monitor is required. If active nests are detected, a minimum buffer (e.g., 300 feet for songbirds or 500 feet for raptors) around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines the nesting species have fledged and is no longer active or the nest has failed. The buffer may be modified (i.e., increased or decreased) and/or other recommendations proposed (e.g., a temporary soundwall) as determined appropriate by the qualified biologist to minimize impacts. The qualified biologist shall monitor the removal of onsite trees and vegetation. Nest buffer distance will be based on species, specific location of the nest, the intensity of construction activities, existing disturbances unrelated to the project and other factors.

Mitigation Measure MM-BIO-2: Prior to the start of any ground-disturbing activity, each project applicant shall conduct protocol BUOW surveys in accordance with the protocols established by CDFW in the CDFW 2012 Staff Report on Burrowing Owl Mitigation to confirm the presence/absence of BUOW within the Project Site and the buffer area identified within the CDFW protocol; namely, a breeding season survey consisting of four visits (one during the period February 15 – April 15; two visits, at least three weeks apart, between April 15 and June 15; and a fourth visit after June 15, to be conducted at least three weeks after the third visit), and a one-day pre-construction survey to take place no more than 14 days before beginning ground-disturbing activities on the Project Site. For the timings of the breeding season surveys, these may be modified in collaboration with CDFW. If the burrowing owl is present, protective measures, including active or passive relocation, shall be developed in consultation with CDFW to ensure compliance with the

Migratory Bird Treaty Act and other applicable CDFW Code requirements and include, but are not limited to the following:

- Occupied BUOW shall not be disturbed during nesting season unless a qualified biologist verifies through non-invasive methods that either 1) the birds have not begun egg-laying or incubation or 2) that juveniles from the occupied burrows are foraging independently and are capable of an independent survival flight.
- A burrowing owl relocation plan shall be prepared that recommends methods needed to relocate the burrowing owls from the project site and provide measures that will be implemented for the maintenance, monitoring, and reporting of the relocated burrowing owls to increase chances of survivorship and better ensure compliance with CDFW guidelines. This plan shall be implemented during the non-breeding season, and prior to seasonal rains to promote the best outcome for conservation of the burrowing owl.

In addition to the above, each project applicant can choose to conduct additional BUOW surveys in advance of the prescribed pre-construction survey(s) protocol established by CDFW in order to assess the presence/absence of BUOW on the project site. Surveys conducted earlier than the prescribed pre-construction surveys per CDFW guidelines, would allow each project applicant to start early consultation with CDFW regarding BUOW relocation (assuming BUOW are present within the project site) well in advance of project construction activities. However, early surveys and consultation with CDFW does not eliminate the need to conduct a pre-construction clearance survey in accordance with CDFW guidelines. The pre-construction clearance survey shall be conducted within 14 days of ground disturbance to document the continued absence of burrowing owl from the project site as well as the buffer areas. If construction is delayed or suspended for more than 30 days after the clearance survey, the project site as well as the buffer areas shall be resurveyed.

All protective measures, including relocation, shall be reviewed and approved by the CDFW prior to the initiating any ground disturbing activities.

b) Facts in Support of Findings

With the implementation of Mitigation Measure BIO-1, a qualified biologist would conduct a survey of active nests if construction activities were to occur during the nesting season. If nests are present, the qualified biologist would establish a minimum buffer around the nest so that no construction activities would occur within the buffer area. The implementation of Mitigation BIO-1 would reduce potential impacts to nesting raptors and birds to less than significant.

With the implementation of Mitigation Measure BIO-2, a protocol survey prior to construction activities would occur to ensure that no burrowing owls were present on the site. If the burrowing owl is present, buffer areas identified within the CDFW protocol would be required to be established and a burrowing owl relocation plan

would be implemented. The implementation of Mitigation Measure BIO-2 would reduce potential impacts to burrowing owls to less than significant.

C. Cultural Resources

1. Historical Resources (Project and Cumulative)

The Project has the potential to impact historical resources on the portions within the Harveston Specific Plan area. Although the Eastern Information Center (EIC) records search did not identify known archaeological or historic architectural resources within the Project, the subsurface archaeological sensitivity analysis indicates that the Project area has low potential to contain subsurface archaeological resources. Although no known historical resources were identified within the Project area, there exists the possibility, however slight, that Project-related ground disturbing activities may encounter disturbed and/or intact archaeological deposits that may qualify as historical resources. Therefore, the Project has the potential to cause a substantial change in the significance of a historical resource.

As described below, potential impacts to historical resources would be reduced to less than significant.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant impacts to historical resources as identified in the Final SEIR.

The following mitigation measures would reduce potential impacts to historical resources to less than significant.

Mitigation Measure CUL-1: Prior to issuance of each grading permit and prior to the start of any ground-disturbing activity, each project applicant shall retain a qualified archaeologist, defined as an archeologist meeting the Secretary of the Interior's Professional Qualification Standards for archeology (U.S. Department of Interior 2012) and as approved by the City of Temecula, to provide archaeological expertise in carrying out all mitigation measures related to archeological resources (Mitigation Measures CUL 2 through CUL-7).

Mitigation Measure CUL-2: Prior to any ground disturbing activities associated with the Project, the qualified archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. Each project applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

Mitigation Measure CUL-3: If grading activities are proposed within intact native sediments on the Project Site which are anticipated to be 10 feet in depth or greater, the qualified archaeologist shall monitor ground disturbing activities. If cultural resources are discovered, the qualified archaeologist shall have the authority to stop and redirect grading in the immediate area of a find in order to evaluate the find and determine the appropriate next steps in consultation with the City of Temecula and the Pechanga Tribe. During the course of monitoring, if the qualified archaeologist can demonstrate based on observations of subsurface conditions that the level of monitoring should be reduced, increased, or discontinued, the archaeologist, in consultation with each project applicant and the City of Temecula may adjust the level of monitoring, as warranted.

Mitigation Measure CUL-4: If grading activities occur within previously graded sediments and inadvertent discoveries of subsurface cultural resources are discovered, each construction contractor shall suspend grading within 100 feet of the find until the qualified archaeologist evaluates the find and determines the appropriate next steps in consultation with the City of Temecula and the Pechanga Tribe.

Mitigation Measure CUL-5: If inadvertent discoveries of subsurface cultural resources are discovered either within the intact native sediments or previously graded sediments, grading activities shall be suspended within 100 feet of the find and each project applicant, the qualified archaeologist, and the Pechanga Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources.

- Pursuant to PRC Section 21083.2(b), avoidance is the preferred method of preservation for archaeological resources.
- If preservation in place is not feasible, each project applicant and Pechanga Tribe shall discuss reburial of the resources on the Project property, in perpetuity. The measures for reburial shall include, at least, the following: 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, burial goods and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the City under a confidential cover and not subject to Public Records Request.
- If each project applicant and the Pechanga Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director will make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and will take into account the religious beliefs, customs, and practices of the Pechanga Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director will be appealable to the City Planning Commission and/or City of Temecula City Council.

- Any newly discovered cultural resources shall be subject to a cultural resources evaluation pursuant to state law prior to restarting grading within 100 feet of the discovered resources. The cultural resources evaluation of the newly discovered cultural resources shall be detailed in a Cultural Resources Treatment Plan (“Plan”). Furthermore, after ground disturbing activities are completed, the archeologist shall prepare a monitoring report (consistent with the County of Riverside Phase IV monitoring report requirements) and submit the monitoring report to the City of Temecula and the Pechanga Tribe.

Mitigation Measure CUL-6: The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are recovered as a result of Project implementation to the Pechanga Tribe for proper treatment and disposition.

Mitigation Measure CUL-7: The developer is required to enter into a Cultural Resources Treatment Agreement with the Pechanga Tribe. The agreement shall be in place prior to issuance of each grading permit. To accomplish this, each project applicant should contact the Pechanga Tribe no less than 30 days and no more than 60 days prior to issuance of each 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 onsite. The Pechanga monitor's authority to stop and redirect grading will be exercised in consultation with the project archaeologist in order to evaluate the significance of any potential resources discovered on the property. Pechanga and 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.

b) Facts in Support of Findings

The Project would comply with CEQA Guidelines Sections 15064.5(b)(1), and 15064.5(b)(4), which require a lead agency to identify feasible measures to mitigate a substantial adverse change in the significance of a historical resource. Mitigation Measures CUL-1 through CUL-7 present feasible measures to reduce substantial adverse changes in the significance of historical resources by requiring qualified technical specialists to provide oversight and worker training, as well as define the specialists' qualifications. These measures also provide clear parameters for resource monitoring and steps to be executed if a cultural resources qualifying as unique archaeological resources are discovered. With implementation of these measures, impacts to resources qualifying as historical resources would be less than significant.

2. Unique Archeological Resources (Project and Cumulative)

The Project has the potential to impact unique archeological resources on the portions within the Harveston Specific Plan area. Although the Eastern Information Center (EIC) records search did not identify known archaeological or historic architectural resources

within the Project, the subsurface archaeological sensitivity analysis indicates that the Project area has low potential to contain subsurface archaeological resources. Although no known archaeological resources were identified within the Project area, there exist the possibility, however slight, that archaeological resources that qualify as unique archaeological resources could be encountered during Project-related ground disturbance within intact native sediments which are anticipated to be 10 feet in depth or greater on the Project Site. Therefore, the Project has the potential to cause a substantial change in the significance of a unique archeological resource. As described below, these impacts can be mitigated to less than significant levels.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant impacts to unique archaeological resources as identified in the Final SEIR.

The following mitigation measures would reduce potential impacts to unique archaeological resources to less than significant.

Mitigation: Implementation of Mitigation Measures CUL-1 through CUL-7.

b) Facts in Support of Findings

The Project would comply with CEQA Section 21083.1(a), which requires reasonable efforts be made to preserve in place any and all identified unique archaeological resources, as defined in Section 21083.2, that a lead agency has determined would be significantly impacted by a project. Mitigation Measures CUL-1 through CUL-7 present reasonable efforts for the preservation in place of unique archaeological resources by requiring qualified technical specialists to provide oversight and worker training, as well as define the specialists' qualifications. These measures also provide clear parameters for resource monitoring and steps to be executed if a cultural resources qualifying as unique archaeological resources are discovered. With implementation of these measures, impacts to unique archaeological resources would be less than significant.

3. Human Remains (Project and Cumulative)

There are no human remains known to exist within the Project, and given past mass grading, the potential for intact human remains is extremely low within previously disturbed sediments. However, should Project ground disturbing activities extend into intact native sediments underlying the zone subject to mass sheet grading in 2003, it is possible that such actions could unearth, expose, or disturb previously unknown human remains. Therefore, the Project has the potential to disturb human remains and impacts would be potentially significant.

As described below, these impacts can be reduced to less than significant.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant impacts to human remains as identified in the Final SEIR.

The following mitigation measure would reduce potential impacts to human remains to less than significant.

Mitigation Measure CUL-8: If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to PRC Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the NAHC must be contacted within 24 hours. The NAHC must then immediately identify the MLD upon receiving notification of the discovery. The MLD shall then make recommendations within 48 hours and engage in consultation concerning the treatment of the remains as provided in PRC Section 5097.98.

b) Facts in Support of Findings

The Project would comply with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98, which require protocols to be implemented should human remains be identified during excavation activities. Mitigation Measure CUL-8 includes the requirements as outlined in California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98, and would reduce potential impacts on human remains to less than significant.

4. Paleontological Resources (Project and Cumulative)

The Project is underlain by the Pauba Formation, which is known to contain vertebrate fossils of late Irvingtonian and early Rancholabrean ages, and the Natural History Museum of Los Angeles County (LACM) records search has identified a number of fossil localities associated with the Pauba Formation within approximately 0.5 mile of the Project. As such, the Pauba Formation has a high paleontological sensitivity, and there exists the possibility that Project-related ground disturbing activities extending beyond the disturbed zone previously subject to mass sheet grading in 2003 could result in significant impacts to paleontological resources.

As described below, these impacts can be reduced to less than significant.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant impacts to paleontological resources as identified in the Final SEIR.

The following mitigation measures would reduce potential impacts to paleontological resources to less than significant.

Mitigation Measure CUL-9: Prior to the start of earth moving activities, each project applicant shall retain a qualified paleontologist defined as one meeting SVP standards (Society for Vertebrate Paleontology, 2010) to attend any pre-grade construction meetings to determine when and where excavations extend into intact native sediments which are anticipated to be 10 feet in depth or greater on the Project Site. Working with each project applicant and the construction crew, the qualified paleontologist shall determine a paleontological monitoring schedule.

The qualified paleontologist, or a paleontological monitor working under the direct supervision of the qualified paleontologist, shall monitor all ground-disturbing activity that are proposed to extend into intact native sediments which are anticipated to be 10 feet in depth or greater on the Project Site. The location, duration, and timing of monitoring shall be determined by the qualified paleontologist designated for the Project in consultation with each project applicant and City and shall be based on a review of geologic maps and grading plans. During the course of monitoring, if the qualified paleontologist can demonstrate based on observations of subsurface conditions that the level of monitoring should be reduced, increased, or discontinued, the paleontologist, in consultation with each project applicant and City of Temecula may adjust the level of monitoring, as warranted.

Monitoring activities shall be documented in a Paleontological Resources Monitoring Report to be prepared by the qualified paleontologist at the completion of construction and shall be provided to the City of Temecula and filed with the Natural History Museum of Los Angeles County within six (6) months of grading completion for each individual project on the Project Site.

Mitigation Measure CUL-10: Prior to start of earth moving activities that are proposed to extend into intact native sediments which are anticipated to be 10 feet in depth or greater on the Project Site, the qualified paleontologist shall conduct pre-construction worker paleontological resources sensitivity training. This training shall include information on what types of paleontological resources could be encountered during excavations, what to do in case an unanticipated discovery is made by a worker, and laws protecting paleontological resources. All construction personnel shall be informed of the possibility of encountering fossils and instructed to immediately inform the construction foreman or supervisor if any bones or other potential fossils are unexpectedly unearthed in an area where a paleontological monitor is not present.

Mitigation Measure CUL-11: In the event of unanticipated discovery of paleontological resources when a paleontological monitor is not present, each construction contractor shall cease ground-disturbing activities within 50 feet of the find until it can be assessed by the qualified paleontologist. The qualified paleontologist shall assess the find, implement recovery and reporting measures, if necessary, and determine if paleontological monitoring is warranted once work resumes.

b) Facts in Support of Findings

The Project would comply with Public Resources Code (PRC) Section 5097.5 and Section 30244, which require reasonable mitigation of adverse impacts to paleontological resources from developments on public (state, county, city, district) lands. Mitigation Measures CUL-9 through CUL-11 present reasonable mitigation of adverse impacts to paleontological resources by requiring qualified technical specialists to provide oversight and worker training, as well as define the specialists' qualifications. These measures also provide clear parameters for resource monitoring and steps to be executed if a paleontological resource is discovered. With implementation of these measures, impacts to paleontological resources would be less than significant.

D. Noise (Cumulative)

1. Operational Noise

New development within the Project area may introduce noise levels that could exceed the City's exterior and interior noise standards at future onsite residential locations. Temecula's Noise Element includes an exterior noise standard of 65 dBA CNEL or Ldn for outdoor living areas such as backyard associated with residential uses and an interior noise standard of 45 dBA CNEL or Ldn. Specifically, new development within the Project area could expose nearby onsite sensitive receptors to exterior noise levels exceeding 65 dBA Ldn over ambient levels and expose nearby onsite sensitive receptors to interior noise levels exceeding 45 dBA Ldn due to traffic levels, thus resulting in potentially significant noise impacts to onsite sensitive receptors. The onsite sensitive receptors could be exposed to significant exterior and interior noise levels from future traffic noise levels along (1) Ynez Road from Date Street to Country Center Drive, (2) Ynez Road from Date Street to Waverly Lane, (3) Date Street/French Valley Parkway from Ynez Road to the I-15/French Valley Parkway Interchange, (4) I-15 North of the I-15/French Valley Parkway Interchange, (5) I-15 South of the I-15/French Valley Parkway Interchange.

As described below, these impacts can be reduced to less than significant.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant exterior and interior noise impacts as identified in the Final SEIR.

The following mitigation measures would reduce potential exterior and interior noise impacts to less than significant.

Exterior Noise Mitigation

Mitigation Measure N-1: Ynez Road from Date Street to County Center Drive: Prior to the issuance of each building permit, each project applicant shall provide noise attenuation features to residences located within 304 feet of the Ynez Road centerline. The noise attenuation features shall achieve an exterior noise standard of 65 dBA CNEL or Ldn or lower for outdoor living areas such as backyards associated with residential uses. The noise attenuation features to achieve the exterior noise standards could include sound walls, berms, or a combination of the two. For those residences proposed to be located within 304 feet of Ynez Road between Date Street and County Center Drive, each project applicant shall demonstrate that the City's exterior noise standards will be achieved through the preparation and submittal of a Noise Study to the City of Temecula Community Development Department. Building permits shall not be issued for these residences until the City of Temecula verifies that the City's exterior noise standards have been achieved.

Mitigation Measure N-2: Ynez Road from Date Street to Waverly Lane: Prior to the issuance of each building permit, each project applicant shall provide noise attenuation features to residences located within 271 feet of the Ynez Road centerline. The noise attenuation features shall achieve an exterior noise standard of 65 dBA CNEL or Ldn or lower for outdoor living areas such as backyards associated with residential uses. The noise attenuation features to achieve the exterior noise standards could include sound walls, berms, or a combination of the two. For those residences proposed to be located within 271 feet of Ynez Road between Date Street and Waverly Lane, each project applicant shall demonstrate that the City's exterior noise standards will be achieved through the preparation and submittal of a Noise Study to the City of Temecula Community Development Department. Building permits shall not be issued for these residences until the City of Temecula verifies that the City's exterior noise standards have been achieved.

Mitigation Measure N-3: Date Street/French Valley Parkway from Ynez Road to the I 15/French Valley Parkway Interchange: Prior to the issuance of each building permit, each project applicant shall provide noise attenuation features to residences located within 551 feet of the Date Street/French Valley Parkway centerline. The noise attenuation features shall achieve an exterior noise standard of 65 dBA CNEL or Ldn or lower for outdoor living areas such as backyards associated with residential uses. The noise attenuation features to achieve the exterior noise standards could include sound walls, berms, or a combination of the two. For those residences proposed to be located within 551 feet of Date Street/French Valley Parkway between Ynez Road to the I 15/French Valley Parkway Interchange, each project applicant shall demonstrate that the City's exterior noise standards will be achieved through the preparation and submittal of a Noise Study to the City of Temecula Community Development Department. Building permits shall not be issued for these residences until the City of Temecula verifies that the City's exterior noise standards have been achieved.

Mitigation Measure N-4: I 15 North of the Future I 15/French Valley Interchange: Prior to the issuance of each building permit, each project applicant shall provide noise attenuation features to residences located anywhere on the Project Site. The noise attenuation features shall achieve an exterior noise standard of 65 dBA CNEL or Ldn or lower for outdoor living areas such as backyards associated with residential

uses. The features to attenuate freeway noise levels so that the exterior noise standards could be achieved include sound walls, berms, or a combination of the two. Each project applicant shall demonstrate that the City's exterior standards will be achieved through the preparation and submittal of a Noise Study to the City of Temecula Community Development Department. Building permits shall not be issued for these residences until the City of Temecula verifies that the City's exterior noise standards have been achieved.

Mitigation Measure N-5: I 15 South of the Future I 15/French Valley Interchange: Prior to the issuance of each building permit, each project applicant shall provide noise attenuation features to residences located anywhere on the Project Site. The noise attenuation features shall achieve an exterior noise standard of 65 dBA CNEL or Ldn or lower for outdoor living areas such as backyards associated with residential uses. The features to attenuate freeway noise levels so that the exterior noise standards could be achieved include sound walls, berms, or a combination of the two. Each project applicant shall demonstrate that the City's exterior noise standards will be achieved through the preparation and submittal of a Noise Study to the City of Temecula Community Development Department. Building permits shall not be issued for these residences until the City of Temecula verifies that the City's exterior noise standards have been achieved.

Interior Noise Mitigation

Mitigation Measure N-6: Ynez Road from Date Street to County Center Drive: Prior to the issuance of each building permit, each project applicant shall provide noise attenuation features to residences located within 121 feet of the Ynez Road centerline to achieve the interior noise standard of 45 dBA CNEL or Ldn. Windows proposed within 121 feet from the Ynez Road centerline need to be upgraded with sound transmission class rating (STC) higher than standard building construction (i.e., windows ranging up to STC-28). Each project applicant shall demonstrate that the City's interior noise standards will be achieved through the preparation and submittal of a Noise Study to the City of Temecula Community Development Department. Building permits shall not be issued for these residences until the City of Temecula verifies that the City's interior noise standards have been achieved.

Mitigation Measure N-7: Ynez Road from Date Street to Waverly Lane: Prior to the issuance of each building permit, each project applicant shall provide noise attenuation features to residences located within 108 feet of the Ynez Road centerline to achieve the interior noise standard of 45 dBA CNEL or Ldn. Windows proposed within 108 feet from the Ynez Road centerline need to be upgraded with sound transmission class rating (STC) higher than standard building construction (i.e., windows ranging up to STC-28). Each project applicant shall demonstrate that the City's interior noise standards will be achieved through the preparation and submittal of a Noise Study to the City of Temecula Community Development Department. Building permits shall not be issued for these residences until the City of Temecula verifies that the City's interior noise standards have been achieved.

Mitigation Measure N-8: Date Street/French Valley Parkway from Ynez Road to the I 15/French Valley Parkway Interchange: Prior to the issuance of each building permit, each project applicant shall provide noise attenuation features to residences located within 219 feet of the Ynez Road centerline to achieve the interior noise

standard of 45 dBA CNEL or Ldn. Windows proposed within 219 feet from the Ynez Road centerline need to be upgraded with sound transmission class rating (STC) higher than standard building construction (i.e., windows ranging up to STC-28). Each project applicant shall demonstrate that the City's interior noise standards will be achieved through the preparation and submittal of a Noise Study to the City of Temecula Community Development Department. Building permits shall not be issued for these residences until the City of Temecula verifies that the City's interior noise standards have been achieved.

Mitigation Measure N-9: I-15 North of the future I 15/French Valley Interchange:

Prior to the issuance of each building permit, each project applicant shall provide noise attenuation features for all onsite residences to achieve the interior noise standard of 45 dBA CNEL or Ldn. Windows proposed within each residence need to be upgraded with sound transmission class rating (STC) higher than standard building construction would provide. Each project applicant shall demonstrate that the City's interior noise standards will be achieved through the preparation and submittal of a Noise Study to the City of Temecula Community Development Department. Building permits shall not be issued for these residences until the City of Temecula verifies that the City's interior noise standards have been achieved.

Mitigation Measure N-10: I-15 South of the future I 15/French Valley Interchange:

Prior to the issuance of each building permit, each project applicant shall provide noise attenuation features for all onsite residences to achieve the interior noise standard of 45 dBA CNEL or Ldn. Windows proposed within each residence need to be upgraded with sound transmission class rating (STC) higher than standard building construction would provide. Each project applicant shall demonstrate that the City's interior noise standards will be achieved through the preparation and submittal of a Noise Study to the City of Temecula Community Development Department. Building permits shall not be issued for these residences until the City of Temecula verifies that the City's interior noise standards have been achieved.

b) Facts in Support of Findings

The implementation of Mitigation Measures N-1 through N-5 would reduce exterior noise levels to achieve the exterior noise standard of 65 dBA CNEL or Ldn. This reduction would result in a less than significant impact. The implementation of Mitigation Measures N-6 through N-10 would reduce interior noise levels to achieve the interior noise standard of 45 dBA CNEL or Ldn. This reduction would result in a less than significant impact.

E. Transportation

1. Impacts on Transportation from Existing (2019) Conditions With Project (Project)

The Project would result in the generation of 8,648 daily trips. These increase trips were distributed on the surrounding roadway network using the RivTAM traffic model and the distribution was manually refined based on the understanding of roadway conditions and local traffic patterns. After distribution of Project traffic, levels of service and increase in delay at intersections were evaluated. According to the City of Temecula Traffic Impact

Analysis Guidelines, “an increase in delay at an intersection of 2.0 seconds or more at intersections operating at an unacceptable level shall be considered a significant impact and mitigation measures will be required to reduce the delay to pre-project or acceptable conditions.” The Project is not responsible for mitigating intersections for which the Project does not cause in an increase in delay of 2.0 or more seconds, even if the intersection is operating at an unacceptable LOS (LOS E or LOS F). Based on the evaluation in the Traffic Study, the Ynez Road/Waverly Lane intersection is projected to operate at LOS F during the PM peak hour for Existing (2019) Conditions (With Project) with a change in average control delay of 28.8 seconds. As such, the Project is forecast to result in a significant impact at Ynez Road/Waverly Lane intersection under Existing (2019) Conditions With Project.

As described below, the impact at the Ynez Road/Waverly Lane intersection can be reduced to less than significant level.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant impact at the Ynez Road/Waverly Lane intersection as identified in the Final SEIR.

The following mitigation measure would reduce the potential impact at the Ynez Road/Waverly Lane intersection to less than significant.

Mitigation Measure T-1: Ynez Road and Waverly Lane: Prior to the first building permit, the developer shall install a traffic signal with left and right turns permitted.

b) Facts in Support of Findings

After implementation of Mitigation Measure T-1, the intersection at Ynez Road & Waverly Lane would operate at an acceptable LOS A with a delay of 4.9 seconds. With implementation of this mitigation, this impact would be reduced to less than significant.

2. Impacts on Transportation from Cumulative Year (2024) Conditions With Project (Cumulative)

Ambient growth rates and traffic assumed from local pending and approved development projects were applied to develop Cumulative Year (2024) Conditions Without Project traffic forecasts. Growth rates gathered from the RivTAM model were used to create ambient traffic forecasts for this scenario. The City of Temecula provided a list of pending and approved development projects assumed to be in operation by 2024 as well as assuming that the I-15/French Valley Parkway Interchange project would be constructed. With the addition of Project traffic, the Ynez Road/Waverly Lane intersection would operate at LOS F during the PM peak hour for Cumulative (2024) Conditions With Project with a change in average control delay of 23.3 seconds which is considered a significant cumulative impact.

As described below, the 2024 cumulative impact at the Ynez Road/Waverly Lane intersection can be reduced to less than significant.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential 2024 cumulative significant impact at the Ynez Road/Waverly Lane intersection as identified in the Final SEIR.

The following mitigation measure would reduce the potential 2024 cumulative impact at the Ynez Road/Waverly Lane intersection to less than significant.

Mitigation: Implementation of Mitigation Measure T-1.

b) Facts in Support of Findings

After implementation of Mitigation Measure T-1, the intersection at Ynez Road & Waverly Lane would improve during the PM peak hour from LOS F to LOS C or better. Therefore, with the implementation of Mitigation Measure T-1, the Project would result in a less than significant 2024 cumulative impact at this intersection.

3. Impacts on Transportation from General Plan Buildout (2035) Conditions (With Project)

A detailed travel demand model was used to evaluate growth within the City of Temecula and in the surrounding region. RivTAM utilizes inputs such as land use, travel behavior, and roadway network characteristics (number of lanes, speed, etc.) to estimate traffic demand on area roadways. The model is calibrated specifically to evaluate Riverside County and meets state and federal guidelines for model calibration. Model traffic volume growth from base year to future year was applied to the existing (2019) traffic counts to develop the General Plan Buildout (2035) Conditions (Without Project) traffic forecasts.

The project trip generation estimates were applied to the traffic forecasts developed for General Plan Buildout (2035) Conditions Without Project. The addition of the General Plan Buildout roadway improvement did not impact trip distribution.

Based on the traffic evaluation, the Ynez Road/Waverly Lane would operate at LOS F during the AM and PM peak hour for General Plan Buildout (2035) Conditions With Project with a change in average control delay of 12.7 seconds during the AM peak hour and 34.6 seconds during the PM peak hour. As such, the Project is forecast to result in a significant impact at Ynez Road/Waverly Lane under General Plan Buildout (2035) Conditions With Project.

As described below, the 2035 cumulative impact at the Ynez Road/Waverly Lane intersection can be reduced to less than significant.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential 2035 cumulative significant impact at the Ynez Road/Waverly Lane intersection as identified in the Final SEIR.

The following mitigation measure would reduce the potential 2035 cumulative impact at the Ynez Road/Waverly Lane intersection to less than significant.

Mitigation: Implementation of Mitigation Measure T-1.

b) Facts in Support of Findings

After implementation of Mitigation Measure T-1, the intersection at Ynez Road & Waverly Lane would improve during the AM and PM peak hour from LOS F to LOS A and LOS B, respectively. Therefore, with the implementation of Mitigation Measure T-1, the Project would result in a less than significant 2035 cumulative impact at this intersection.

F. Tribal Cultural Resources

1. Tribal Cultural Resources (Public Resources Code section 5020.1(k)) (Project and Cumulative)

The Project Site has undergone mass sheet grading in 2003 as part of the Harveston Specific Plan development. The mass grading extending to depths of 10 to 24 feet below surface, which removed all surface native soils that could have contained tribal cultural resources. Although no known resources were identified within the Project area, there exists the possibility, however slight, that Project-related ground disturbing activities may encounter disturbed and/or intact tribal cultural resources that may qualify as historical resources. Therefore, the Project has the potential to cause a substantial change in the significance of a tribal cultural resource that is 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). As described below, these impacts can be mitigated to less than significant levels.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant impacts to tribal cultural resources as defined in Public Resources Code section 5020.1(k) as identified in the Final SEIR.

The following mitigation measures would reduce potential impacts to tribal cultural resources as defined in Public Resources Code section 5020.1(k) to less than significant.

Mitigation: Implementation of Mitigation Measures CUL-1 through CUL-7.

b) Facts in Support of Findings

The Project would comply with PRC Section 21082.3, which requires any mitigation measures agreed upon in the consultation conducted pursuant to Section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to paragraph (2) of subdivision (b), and shall be fully enforceable. The measures should be feasible to avoid or substantially lessen the impact on the identified tribal cultural resource. Mitigation Measures CUL-1 through CUL-7 are feasible measures that will substantially lessen potential impacts to tribal cultural resources should they be identified during project construction. With implementation of these measures, impacts to tribal cultural resources would be less than significant.

2. Tribal Cultural Resources (Public Resources Code section 5024.1) (Project and Cumulative)

The Project Site has undergone mass sheet grading in 2003 as part of the Harveston Specific Plan development. The mass grading extending to depths of 10 to 24 feet below surface, which removed all surface native soils that could have contained tribal cultural resources. Although no known resources were identified within the Project area, there exists the possibility, however slight, that Project-related ground disturbing activities may encounter disturbed and/or intact tribal cultural resources that may qualify as historical resources. Therefore, the Project has the potential to cause a substantial change in the significance of a tribal cultural resource that is 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. As described below, these impacts can be mitigated to less than significant levels.

a) Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant impacts to tribal cultural resources as defined in subdivision (c) of Public Resources Code section 5024.1 as identified in the Final SEIR.

The following mitigation measures would reduce potential impacts to tribal cultural resources as defined in subdivision (c) of Public Resources Code section 5024.1 to less than significant.

Mitigation: Implementation of Mitigation Measures CUL-1 through CUL-7.

b) Facts in Support of Findings

The Project would comply with PRC Section 21082.3, which requires any mitigation measures agreed upon in the consultation conducted pursuant to Section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to paragraph (2) of subdivision (b), and shall be fully enforceable. The measures should be feasible to avoid or substantially lessen the impact on the identified tribal cultural resource. Mitigation Measures CUL-1 through CUL-7 are feasible measures that will substantially lessen potential impacts to tribal cultural resource should they be identified during project construction. With implementation of these measures, impacts to tribal cultural resources would be less than significant.

V. Potentially Significant Environmental Impacts Determined to be Significant and Unavoidable

In the environmental topical area of Air Quality, there are instances where potential environmental impacts would remain significant and unavoidable despite the inclusion of all feasible mitigation, as discussed below:

A. Air Quality

1. Violation of Air Quality Standards – Operation (Project and Cumulative)

Operation of the Project would result in long-term regional emissions of ozone precursors (NO_x and ROG) associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, and consumer products, in addition to operational mobile emissions. According to the Project's Traffic Study (refer to Appendix I, of this Draft SEIR), development of the Project would result in an increase in 8,648 daily vehicle trips.

Modeled operations emissions are presented in Table 3.1-8. As shown, the Project would result in long-term regional emissions of NO_x (79 lbs/day) and ROG (65 lbs/day) that would exceed the SCAQMD's thresholds for NO_x and ROG of 75 lbs/day. Therefore, operational NO_x and ROG emissions would have the potential to result in significant regional impacts.

a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potential significant environmental effect as identified in the SEIR.

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

Mitigation: Implement Mitigation Measure AQ-2.

b) Facts in Support of Findings

Implementation of Mitigation Measure AQ-2 would reduce NO_x and ROG emissions by increasing energy efficiencies and reducing vehicle miles traveled. However, because the Project does not have a specific design, nor the total number of units to be constructed is known, the reductions that would be afforded by the implementation of Mitigation Measure AQ-2 cannot be quantified. It is not possible, without specific Project data, to identify which and to what extent the measures identified under Mitigation Measure AQ-2 would be implemented. Therefore, while implementation of Mitigation Measure AQ-2 will result in reduced NO_x and ROG emissions, it is not possible to determine if these reductions will be sufficient to reduce emissions to below regulatory thresholds. Therefore, with the implementation of Mitigation Measure AQ-2, which bans the inclusion of fireplaces in the residential development, ROG and NO_x emissions would be reduced to 63 lbs/day and 64 lbs/day, respectively, but both emissions would continue to exceed the SCAQMD regional significance threshold of 55 lbs/day and the impact would be significant and unavoidable.

VI. Project Alternatives

A. Alternatives Considered but Rejected in the Program SEIR

An EIR must briefly describe the rationale for selection and rejection of alternatives. The Lead Agency may make an initial determination as to which alternatives are potentially feasible and, therefore, merit in-depth consideration, and which are clearly infeasible. Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines, Section 15126.6(f)(3)).

The development of the Project on an alternative site was not considered feasible, because no other sites are owned or controlled by the Project Applicant. No other sites were identified that would support the Project and meet the project objectives based on size, configuration, location, and proximity to existing infrastructure. Furthermore, the use of an alternative site would be expected to result in the same or similar environmental impacts as the Project. Accordingly, an alternative site was rejected from further consideration.

B. Alternatives Considered in the Program EIR

Four alternative scenarios, representing a range of reasonable alternatives to the Project, were selected for detailed analysis. The goal for evaluating these alternatives is to identify ways to

avoid or lessen the significant environmental effects resulting from implementation of the Project, while attaining most of the project objectives.

The following sections provide a general description of each alternative, its ability to meet the project objectives, and a qualitative discussion of its comparative environmental impacts. As provided in Section 15126.6(d) of the CEQA Guidelines, the significant effects of these alternatives are identified in less detail than the analysis of the Project in Chapter 3 of this SEIR.

- No Project/No Development Alternative (Alternative 1)
- No Project/Existing Specific Plan Alternative (Alternative 2)
- Mixed Residential Development Alternative (Alternative 3)
- Alternative/Mixed Land Use Alternative (Alternative 4)

1. Alternative 1 – No Project/No Development Alternative

a) Summary of Alternative

The No Project/No Development Alternative (Alternative 1) assumes that the proposed General Plan Amendment (GPA) to update the land use designation from Service Commercial (SC) to Specific Plan Implementation (SPI) and the proposed Specific Plan Amendment (SPA) that would include a residential overlay would not be adopted and not implemented. Further, the No Project/No Development Alternative also assumes no development would occur with the current land use designation of Service Commercial (SC). The Project Site would be left in its current undeveloped and previously graded state.

b) Reasons for Rejecting Alternative

The No Project/No Development Alternative would result in no environmental impacts. As a result, this alternative would have less overall environmental impacts compared to the Project. However, this Alternative would not meet any of the project objectives. In addition, this Alternative would not support the development objectives for the Harveston General Plan Amendment/Specific Plan amendment for Planning Area 12. The City Council hereby finds that each of the reasons set forth above is an independent ground for rejecting Alternative 1, and by itself, independent of any other reason, justifies rejection of Alternative 1.

2. Alternative 2 – No Project/Existing Specific Plan Alternative

a) Summary of Alternative

The No Project/Existing Specific Plan Alternative (Alternative 2) assumes that the proposed General Plan Amendment (GPA) to update the land use designation from Service Commercial (SC) to Specific Plan Implementation (SPI) and the proposed Specific Plan Amendment (SPA) that would include a residential overlay would not

be adopted and not implemented. Instead, Alternative 2 assumes the current land use designation of Service Commercial (SC) would remain, and there would be no residential overlay within Planning Area 12 of the Harveston Specific Plan. Based on the Temecula General Plan Land Use Element, the target floor area ratio for service commercial is 0.3. Therefore, the estimated buildable square footage for the 87.54-acre Project Site is approximately 1,143,973 square feet³ of service commercial uses.

b) Reasons for Rejecting Alternative

The No Project/Existing Specific Plan Alternative (Alternative 2) would result in the same impacts compared to the Project related to odors, biological resources, cultural resources, excessive groundborne vibrations, and tribal cultural resources.

Alternative 2 would result in less impacts compared to the Project related to land use and planning, noise, population and housing, public services, recreation, and utilities and service systems. The No Project/Existing Specific Plan Alternative would result in greater impacts compared to the Project related to air quality, energy, greenhouse gas emissions and climate change, and transportation.

As stated previously, the air quality standards/violations related to regional operational emissions of NO_x and ROG (Project and Cumulative level) is considered significant and unavoidable with implementation of the Project. Because Alternative 2 would result in 2.6 times more traffic volumes compared to the Project, substantially more air emissions would be generated during operational activities. The additional NO_x and ROG emissions under Alternative 2 would result in a greater significant and unavoidable impact to air quality compared to the Project.

Overall, Alternative 2 would result in greater environmental impacts as compared to the Project. Further, this Alternative would not meet key Project objectives as no residential development is proposed. Therefore, Alternative 2 would not fully achieve all of the Project objectives, and would not achieve some Project objectives at all (for example, provide high quality residential development to help fulfill the City's regional housing needs). The City Council hereby finds that each of the reasons set forth above is an independent ground for rejecting Alternative 2, and by itself, independent of any other reason, justifies rejection of Alternative 2.

3. Alternative 3 – Mixed Residential Development Alternative

a) Summary of Alternative

The Mixed Residential Development Alternative (Alternative 3) assumes that, similar to the Project, the proposed General Plan Amendment (GPA) to update the land use designation from Service Commercial (SC) to Specific Plan Implementation (SPI) and the proposed Specific Plan Amendment (SPA) that would include a residential overlay to Harveston Specific Plan on an 87.54-acre portion of Planning Area 12

³ 87.54 acres X 43,560 square feet = 3,813,242 square feet X 0.3 = 1,143,973 square feet of service commercial uses.

would be adopted and implemented. However, the residential overlay would not allow the future development of a maximum of 1,000 single-family residential units. Instead, for Alternative 3, it is assumed the residential overlay would allow the future development of a maximum of 570 single-family residential units (i.e., detached and attached) and 430 multi-family units (i.e., apartments).

b) Reasons for Rejecting Alternative

The Mixed Residential Development Alternative (Alternative 3) would result in the same impacts compared to the Project related to odors, biological resources, cultural resources, land use and planning, groundborne vibration, and tribal cultural resources. Alternative 3 would result in less impacts compared to the Project related to air quality, energy, greenhouse gas emissions and climate change, noise, population and housing, public services, recreation, transportation, and utilities and service systems. The Mixed Residential Development Alternative would not result in greater impacts when compared to the Project.

Air quality standards/violations related to regional operational emissions of NO_x and ROG (Project and cumulative level) is considered a significant and unavoidable impact with the implementation of the Project. This Alternative would reduce the regional operational NO_x and ROG emissions; however, even with this reduction, as well as the implementation of Mitigation Measures AQ-1 and AQ-2, the Alternative would still result in an exceedance of the South Coast Air Quality Management District's daily significance threshold for NO_x and ROG, emissions would remain significant and unavoidable, and the Alternative's reduction in emissions is not considered a substantial reduction.

Overall, this Alternative would result in less impacts compared to the Project; however, this Alternative would not avoid or substantially lessen any of the significant and unavoidable environmental effects of the Project. Alternative 3 could achieve all Project objectives; however, the implementation of Alternative 3 would eliminate the flexibility for home builders to respond to market conditions and the 57 percent to 43 percent housing mix of Alternative 3 may not be likely to be built. Alternative 3 limits the number and type of units built with a maximum of 570 single-family residential units (i.e., detached and attached) and a maximum of 430 multi-family units (i.e., apartments). Although this housing mix was identified as an alternative that could achieve the Project objectives, there is no market justification or housing study that demonstrates that this specific housing mix will provide the high-quality residential development consistent with the Project's objectives, and information submitted to the City subsequent to the publication of the Draft EIR, and contained in the record, suggests that it will not. Although Alternative 3 would result in less impacts compared to the Project, this alternative is less likely to lead to any housing if it cannot be built due to the elimination of the flexibility for home builders to respond to market conditions. In that event, the alternative will not achieve the critical objective of providing high-quality residential development that would help

fulfill the City's regional housing needs. The City Council hereby finds that each of the reasons set forth above is an independent ground for rejecting Alternative 3, and by itself, independent of any other reason, justifies rejection of Alternative 3.

4. Alternative 4 – Alternative/Mixed Use Land Use Alternative

a) Summary of Alternative

The Alternative/Mixed Use Land Use Alternative (Alternative 4) assumes that the current land use designation of Service Commercial (SC) would remain for the four (4) parcels adjacent and nearest the I-15 (APNs 916400058, 916400042, 916400052, and 91600053). The existing acreages for APNs 916400058, 916400042, 916400052, and 91600053 are approximately 4.81 acres, 10.21 acres, 5.36 acres, and 7.87 acres, respectively. These four (4) parcels comprise of approximately 28.25 acres, or approximately 32 percent of the Project Site. Applying the target floor area ratio of 0.3 for service commercial uses per Table 3.1, Detailed Land Use Summary, of the approved Harveston Specific Plan, Alternative 4 would assume a proposed 369,171 square feet of service commercial uses within the Project Site. It is assumed the remaining parcels would include the General Plan Amendment (GPA) to update the land use designation from Service Commercial (SC) to Specific Plan Implementation (SPI). It is also assumed the remaining parcels would include the proposed Specific Plan Amendment (SPA) which would include a residential overlay. The remaining parcels comprise of approximately 59.29 acres, or approximately 68 percent of the Project Site which would comprise of approximately 680 single-family residential units (i.e., detached and attached).

b) Reasons for Rejecting Alternative

The Alternative/Mixed Land Use Alternative (Alternative 4) would result in the same impacts compared to the Project related to odors, biological resources, cultural resources, energy, land use and planning, noise, and tribal cultural resources. Alternative 4 would result in less impacts compared to the Project in regards to population and housing, public services, recreation, and utilities and service systems. The Alternative/Mixed Land Use Alternative would result in greater impacts compared to the Project related to air quality, greenhouse gas emission and climate change, and transportation.

Air quality standards/violations related to regional operational emissions of NO_x and ROG (Project and cumulative level) is significant and unavoidable with the implementation of the Project. This Alternative would result in a greater significant and unavoidable impact to air quality standards/violations related to regional operational emissions of NO_x and ROG (Project and cumulative level) as compared to the Project. Overall, Alternative 4 would result in greater environmental impacts as compared to the Project. The City Council hereby finds that each of the reasons set

⁴ 28.25 acres X 43,560 square feet = 1,230,570 square feet X 0.3 = 369,171 square feet of service commercial uses.

forth above is an independent ground for rejecting Alternative 4, and by itself, independent of any other reason, justifies rejection of Alternative 4.

C. Environmentally Superior Alternative

As required by CEQA Guidelines Section 15126.6, one of the alternatives must be identified as on Environmentally Superior Alternative. The Environmentally Superior Alternative is the one that would result in the fewest or least significant impacts. If the Environmentally Superior Alternative is the No Project Alternative, then an Environmentally Superior Alternative must be selected from the remaining alternatives.

As discussed above, air quality standards/violations related to regional operational emissions of NO_x and ROG (Project and cumulative level) is considered significant and unavoidable with the implementation of the Project. Alternative 3 would reduce the regional operational NO_x and ROG emissions; however, even with this reduction, as well as the implementation of Mitigation Measures AQ-1 and AQ-2, Alternative 3 would still result in an exceedance of the South Coast Air Quality Management District's daily significance threshold for NO_x and ROG, emissions would remain significant and unavoidable, and the decrease in emissions is not considered to be substantial. This Alternative could meet the objectives established for the Project. With the reduction of impacts, Alternative 3 is considered to be the environmentally superior alternative but, for the reasons stated above, is hereby rejected by the City Council.

VII. Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. The City of Temecula proposes to approve the Harveston GPA/SPA – Planning Area 12 Project although significant and unavoidable impacts have been identified in the EIR. Specifically, the significant and unavoidable project and cumulative impacts are described below.

A. Significant and Unavoidable Impacts

1. Air Quality

Violation of Air Quality Standards – Operation (Project and Cumulative)

Operation of the Project would result in long-term regional emissions of ozone precursors (NO_x and ROG) associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, and consumer products, in addition to operational mobile emissions. According to the Project's Traffic Study (refer to Appendix I, of this Draft SEIR), development of the Project would result in an increase in 8,648 daily vehicle trips.

Modeled operations emissions are presented in Table 3.1-8. As shown, the Project would result in long-term regional emissions of NO_x (79 lbs/day) and ROG (65 lbs/day) that would exceed the SCAQMD's thresholds for NO_x and ROG of 75 lbs/day. Therefore, operational NO_x and ROG emissions would have the potential to result in significant regional impacts.

Implementation of Mitigation Measure AQ-2 would reduce NO_x and ROG emissions by increasing energy efficiencies and reducing vehicle miles traveled. However, because the Project does not have a specific design, nor the total number of units to be constructed is known, the reductions that would be afforded by the implementation of Mitigation Measure AQ-2 cannot be quantified. It is not possible, without specific Project data, to identify which and to what extent the measures identified under Mitigation Measure AQ-2 would be implemented. Therefore, while implementation of Mitigation Measure AQ-2 will result in reduced NO_x and ROG emissions, it is not possible to determine if these reductions will be sufficient to reduce emissions to below regulatory thresholds. Therefore, with the implementation of Mitigation Measure AQ-2, which bans the inclusion of fireplaces in the residential development, ROG and NO_x emissions would be reduced to 63 lbs/day and 64 lbs/day, respectively, but both emissions would continue to exceed the SCAQMD regional significance threshold of 55 lbs/day and the impact would be significant and unavoidable.

2. Project Benefits

The City of Temecula has balanced the Project's benefits against the Project's significant and unavoidable impacts. The City of Temecula finds that each of the following benefits supports the overriding of the significant impacts identified above and in the EIR.

- The Project will create a development compatible with and sensitive to the existing land uses in the Project area. Specifically, the Project will allow for a transition area between existing single family development to the east and the I-15 freeway and commercial uses to the west, thereby ensuring a gradual shift in scale.
- The Project will provide the opportunity for high-quality residential development that would help to fulfill the City's regional housing needs, including the City's Regional Housing Needs Assessment (RHNA) requirement.
- The Project allows for residential development in an area that already includes development, and thus the Project will help to reduce development pressure in rural areas.
- The Project is located near an area with commercial, retail, and restaurant uses, and thus will encourage reduction in vehicle miles traveled.
- The Project will promote the development of residential land uses that convey a high quality visual image and character.
- The Project will provide high-quality residential architecture that will be required/needed within the proposed residential overlay.
- The Project will provide flexibility for home builders to respond to market conditions.