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## **ROCKPORT RANCH CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

The California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) requires that public agencies shall not approve or carry out a project for which an environmental impact report (EIR) has been certified that identifies one or more significant adverse environmental effects of a project unless the public agency makes one or more written Findings for each of those significant effects, accompanied by a brief explanation of the rationale for each Finding (State CEQA Guidelines [Cal. Code Regs., tit. 14, § 15000 et seq.], § 15091). This document presents the CEQA Findings of Fact made by City of Menifee, in its capacity as the CEQA lead agency, regarding the Rockport Ranch Project (“Project” or “Rockport Ranch Project”), evaluated in the Draft Environmental Impact Report (Draft EIR) and Final Environmental Impact Report (Final EIR) for the Project.

The Project consists of 305 residences; onsite infrastructure to support these residences; recreational areas to meet Project-specific needs; and offsite infrastructure to support the Project. The following represent the Project’s objectives:

- Provide a variety of housing opportunities through a range of unit types, sizes, and number of different bedroom counts, including 3, 4, 5, and 6-bedroom units, as well as a range of affordability to accommodate a full spectrum of family demographics and the growing housing needs of the region;
- Create a development which maximizes recreational open space within the Specific Plan Area;
- Provide development standards to regulate the nature and appearance of all construction within the Rockport Ranch Specific Plan area through integration of land form use, architectural design, unified landscape theme, and recreation areas;
- Design a safe and efficient circulation system that adequately supports the appropriate level of traffic in and around the Specific Plan Area, including vehicular, bicycle, pedestrian, and equestrian modes of travel;
- Develop a financing plan that provides for the efficient and timely provision of infrastructure and public services prior to and as development occurs;
- Implement a maintenance program which will ensure all common areas are maintained to standards set forth in the City’s General Plan; and
- Finance and/or contribute to all appropriate community and city-wide infrastructure.

CEQA and the State CEQA Guidelines require an evaluation of alternatives to the proposed action. Section 15126.6 of the State CEQA Guidelines indicates that the “discussion of alternatives shall focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of not significant....” The State Guidelines also state that “a range of reasonable alternatives to the Project which could feasibly attain the basic objectives of the project” and “The range of alternatives required in an EIR is governed by ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.” The detailed analyses of the alternatives evaluated are provided in Chapter 5, *Alternatives*, of the Draft EIR. This evaluation addresses those alternatives for feasibility and range of alternatives required to permit decision-makers a reasoned choice between the alternatives.

The Project objectives are to provide a variety of housing opportunities through a range of unit types, sizes, and number of different bedroom counts, including 3, 4, 5, and 6-

bedroom units, as well as a range of affordability to accommodate a full spectrum of family demographics and the growing housing needs of the region; create a development which maximizes recreational open space within the Plan Area; provide development standards to regulate the nature and appearance of all construction within the Rockport Ranch Specific Plan area through integration of land form use, architectural design, unified landscape theme, and recreation areas; design a safe and efficient circulation system that adequately supports the appropriate level of traffic in and around the Plan area, including vehicular, bicycle, pedestrian, and equestrian modes of travel; develop a financing plan that provides for the efficient and timely provision of infrastructure and public services prior to and as development occurs; implement a maintenance program which will ensure all common areas are maintained to standards set forth in the City's General Plan; and finance and/or contribute to all appropriate community and city-wide infrastructure. In this instance, the analysis in Chapter 4, *Environmental Impact Evaluation* of the Draft EIR, has reached a finding that one (1) unavoidable significant adverse effect (Air Quality) will result from implementing the Project as proposed in Draft EIR Chapter 3, *Project Description*.

#### No Project Alternative (NPA)

One of the alternatives that must be evaluated in an Environmental Impact Report is the "no project alternative," (NPA) regardless of whether it is a feasible alternative to the Project, i.e., would meet the project objectives or requirements. Under this alternative, the environmental impacts that would occur if the Project is not approved and implemented are identified. This no project alternative assumes the property remains in its current state – four (4) single-family residences and vacant land.

#### Development Under the Existing General Plan Land Use Designation (EGPA)

A second alternative of developing the Project site under the existing Agricultural (AG) General Plan Land Use designation, will be considered in this document. This will be referred to as the Agriculture Development/Existing General Plan Alternative (EGPA). With an AG Land Use designation, other agricultural uses, besides dairy uses may be allowed on the Project site, consistent with the A-1 Zone (Light Agriculture) as described in Section XIII of the City's Zoning Code. The A-1 Zone has been selected, as it is less intensive than the A-2 Zone (Heavy Agriculture). Light Agriculture would be more appropriate on the Project site, given the suburbanizing nature of development that exists and is proposed in the Project vicinity. While the Ramona Egg Ranch is located immediately easterly of the Project site (across Briggs Road), much of the other properties located easterly and southeasterly of the Project site (located within the County of Riverside) is either vacant, or dry farmed, and is slated for a suburban density level of development.

#### Reduced Project Intensity Alternative (RPIA)

Under the Reduced Project Intensity Alternative (RPIA) the entirety of the Project would be developed as "standard" detached single-family development at the lower end of the density range for the medium density residential (MDR, 2-5 dwelling units/acre) General Plan Land Use Designation. In total, 160 dwelling units would be developed under the RPIA. This is a decrease of 145 dwelling units (a 48% reduction) on the Project site, when compared to the Project.

It should be noted that Subsequent to the Initial Study being circulated and prior to the Draft EIR being completed, the City of Menifee revised its Initial Study checklist based on the

changes adopted in November 2018, by the State of California, to the guidelines for implementing the California Environmental Quality Act (CEQA), Appendix G Environmental Checklist Form. Therefore, some of the Threshold numbers contained in the Draft EIR and in this Final EIR in Sections II through IV, below, may not be consistent with the Initial Study Thresholds. Where this occurs, the Initial Study Threshold is provided in brackets, for clarification.

## **SECTION I** **INTRODUCTION**

Public Resources Code section 21002 states that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Section 21002 further states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Pursuant to section 21081 of the Public Resources Code, a public agency may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the agency makes one or more of the following written finding(s) for each of those significant effects accompanied by a brief explanation of the rationale for each finding:

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

As indicated above, section 21002 requires an agency to “avoid or substantially lessen” significant adverse environmental impacts. Thus, mitigation measures that “substantially lessen” significant environmental impacts, even if not completely avoided, satisfy section 21002’s mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 [“CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level”]; *Las Virgenes Homeowners Fed., Inc. v. County of Los Angeles* (1986) 177 Cal. App. 3d 300, 309 [“[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible”].)

While CEQA requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts, an agency need not adopt infeasible mitigation measures or alternatives. (Pub. Resources Code, § 21002.1(c) [if “economic, social, or other conditions make it infeasible to mitigate one or more significant

effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency”]; see also State CEQA Guidelines, § 15126.6(a) [an “EIR is not required to consider alternatives which are infeasible”].) CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (Pub. Resources Code, § 21061.1.) The State CEQA Guidelines add “legal” considerations as another indicia of feasibility. (State CEQA Guidelines, § 15364.) Project objectives also inform the determination of “feasibility.” (*Jones v. U.C. Regents* (2010) 183 Cal. App. 4th 818, 828-829.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) “Broader considerations of policy thus come into play when the decision making body is considering actual feasibility[.]” (*Cal. Native Plant Soc’y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000 (“*Native Plant*”); see also Pub. Resources Code, § 21081(a)(3) [“economic, legal, social, technological, or other considerations” may justify rejecting mitigation and alternatives as infeasible] (emphasis added).)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.) In addition, perfection in a project or a project’s environmental alternatives is not required; rather, the requirement is that sufficient information be produced “to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” Outside agencies (including courts) are not to “impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken.” (*Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 287.)

## **SECTION II**

### **FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION**

The City Council hereby finds that the following potential environmental impacts of the project are less than significant and therefore do not require the imposition of Mitigation Measures.

#### **A. AESTHETICS**

##### **1. Scenic Vistas**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to aesthetic resources – scenic

vistas will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1) (Draft EIR, pp. 4.2-21 through 4.2-22)

Explanation:

As shown on Draft EIR Figure 4.2-1, *Vantage Point Key Map*, the Project site is surrounded to the south, north and west by similar style development in terms of scale and intensity. More specifically, the Project site is bordered on the north by single-family homes, on the south by a recreational vehicle campground/park, on the west by a partially developed tract of single-family homes, Agricultural uses exist to the east of the Project site. This is also the situation for the development to the north and south of the Project site. It could be said that Briggs Road represents an easterly “urban growth limit” to the City.

The Project will change the visual character of the Project site and the area by adding structures and landscaping. Four (4) homes associated with the dairy are situated at the northern end of the Project site, along Old Newport Road. The remainder of the site is vacant. The dairy operation ceased in 2014 due to encroachment of suburban style development and water quality that was not feasible for the dairy operations.

Upon Project completion, the Project will consist of 305 single-family residential lots, with 20.1 acres of trails, open space, and recreation, 21.18 acres of roads, and 14 existing SCE overhead poles with two 115kV transmission lines along Briggs Road will be relocated into the parkway behind the curb, gutter, and sidewalk. This is consistent with adjacent development to the north and west (in terms of scale and intensity) and generally consistent with the development to the south. It is not consistent with the Ramona Egg Ranch, which is located easterly of the Project site, across Briggs Road, within the County of Riverside. Briggs Road represents the urban growth line of the City at this location. Draft EIR Figures 4.2-2 through Figures 4.2-5 depict the Project site, its immediate environs, and views to any scenic vistas.

Implementation of the Project will not have impacts on any scenic vistas. The Project will not significantly affect any views of the local hills. Mountains that are visible from the Project site, or the immediate environs are faint, at best. In addition, there are no scenic vistas within the area that will be affected by the Project. While some views from the existing (and proposed) development may be obscured by the Project, they are not a true scenic view, as described by the General Plan EIR as “Meniffee’s scenic/view corridors frame the City’s topography and highlight some of its most important natural resources, including its hillsides, creeks, and rock outcroppings.”

Therefore, any impacts are considered less than significant.

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## 2. Scenic Resources

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to aesthetic resources – scenic resources. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1) (Initial Study, pp. 16 and 17)]

Explanation: There are no officially designated scenic highways in or near the City of Menifee. State Route 74 (SR-74) passes through the northern part of the City and is considered an “Eligible State Scenic Highway – Not Officially Designated” by the California Department of Transportation. The nearest designated state scenic highway to the City is a portion of SR-74 in the San Jacinto Mountains about 17 miles east of the City.

The Project site is bordered on the north by single-family homes, on the south by a recreational vehicle campground/park, on the west by a partially developed tract of single-family homes, and on the east by a poultry farm and agricultural fields.

The Project site is highly disturbed due to past land use practices related to a commercial dairy. Operation of the dairy on the Project site ceased in 2014, and the buildings and infrastructure associated with the dairy have since started to be removed. Four homes associated with the dairy are situated at the northern end of the Project site, along Old Newport Road. Ornamental trees and landscaping are found at the northeastern corner of the site related to the residential homes. In September 2017, the remaining foundations of the dairy processing facilities were demolished.

There are no scenic trees or rock outcroppings resources on the Project site. There are no historic buildings, per the California Office of Historic Preservation (OHP) on the Project site.

Therefore, no impacts to scenic resources will occur.

## 3. Visual Character

Threshold c.: Would the Project, except as provided in Public Resources Code Section 21099, 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?

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Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to the *Rockport Ranch Specific Plan*, impacts related to aesthetic resources – visual character will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.2-23)

Explanation: Construction of the Project will result in short-term impacts to the existing visual character and quality of the area. Construction activities will require the use of equipment and storage of materials within the Project site. Construction activities are temporary and will not result in any permanent visual impact. The Project site is bordered on the north by single-family homes, on the south by a recreational vehicle campground/park, on the west by a partially developed tract of single-family homes, and on the east by a poultry farm and agricultural fields.

The Project site is highly disturbed due to past land use practices related to a commercial dairy. Operation of the dairy on the Project site ceased in 2014, and the buildings and infrastructure associated with the dairy have since started to be removed.

Upon Project completion, the Project will consist of 305 single-family residential lots, with 20.1-acres of trails, open space, and recreation, 21.18 acres of roads, and 14 existing SCE overhead poles with two 115kV transmission lines along Briggs Road will be relocated into the parkway behind the curb, gutter, and sidewalk.

The General Plan Land Use designation for the site is Agriculture (AG). The General Plan EIR did not contemplate a project of this nature on this site. As stated above, the Project site is surrounded to the south, north and west by similar style development in terms of scale and intensity. It could also be said that the Project would be a continuation of the development pattern to the north and to the west and would represent a logical stopping point for suburban style development within the City.

The height, colors, materials, and development fabric are consistent with the surrounding development to the north, west and, somewhat to the south. The Project will be in contrast to the rural agricultural uses to the east in terms of the development fabric. When placed in the context of the development to the north, west, and south, and utilizing Briggs Road as an “urban growth limit” of the City, the Project is appropriate in its location. The *Rockport Ranch Specific Plan* (Appendix O of the Draft EIR) provides for development standards and design guidelines that represent the most recent desires of the City for development of this nature. With adherence to the *Rockport Ranch Specific Plan*, the Project will not substantially degrade the existing visual character or quality of the site and its surroundings. There are no other applicable zoning and other regulations governing scenic quality. Any impacts are considered less than significant.

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#### 4. Light and Glare

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to the Menifee Municipal Code Section 6.01 and General Plan goals, impacts related to aesthetic resources – light and glare will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, pp. 18 and 19)

Explanation: Currently, there are no light sources at the Project site. New lighting sources will be created from additional sources of light and glare associated with construction activities. These additional artificial light sources are typically associated with security lighting since all exterior construction activities are limited to daylight hours in the City. Workers either arriving to the site before dawn, or leaving the site after dusk, will generate additional construction light sources. These impacts will be temporary, of short-duration, and will cease when Project construction is completed.

Excessive or inappropriately directed lighting can adversely impact nighttime views by reducing the ability to see the night sky and stars. Glare can be caused from unshielded or misdirected lighting sources. Reflective surfaces (i.e., polished metal) can also cause glare. Impacts associated with glare range from simple nuisance to potentially dangerous situations (i.e., if glare is directed into the eyes of motorists). There are lighting sources adjacent to this site, including free-standing street lights, light fixtures on buildings, vehicle headlights, traffic lights and streetlights. The proposed Project will include outdoor lighting associated with occupation of the single-family residences. Lighting associated with the Project would not be directed towards the single-family homes on the north, the recreational vehicle campground/park on the south, the undeveloped parcel graded for single-family homes on the west, or the poultry farm and agricultural fields on the east.

Chapter 6.01 of the Menifee Municipal Code (Dark Sky; Light Pollution) indicates that low-pressure sodium lamps are the preferred illuminating source and all non-exempt outdoor light fixtures shall be shielded. A maximum of 8,100 total lumens per acre or parcel if less than one acre shall be allowed. When lighting is “allowed”, it must be fully shielded if feasible and partially shielded in all other cases, and must be focused to minimize spill light into the night sky and onto adjacent properties (Section 6.01.040). The Project will be conditioned that, prior to the issuance of building permits, all new construction which introduces light sources be required to have shielding or other light pollution-limiting characteristics such as hood or lumen

restrictions.

The City of Menifee General Plan Community Design Element includes goals that encourage attractive landscaping, lighting, and signage that conveys a positive image of the community (Goal CD-6) and that limit light leakage and spillage that may interfere with the operations of the Palomar Observatory (Goal CD-6.5). Lighting proposed by the Project complies with Menifee Municipal Code Section 6.01 and General Plan goals. Accordingly, the Project will have a less than significant impact on interfering with the nighttime use of the Mt. Palomar Observatory.

According to Section 5.1.3 of the GPEIR (p. 5.1-13):

*“Additionally, all future development projects that would be accommodated by the proposed General Plan would be required to comply with California’s Building Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6, of the California Code of Regulations), which outlines mandatory provisions for lighting control devices and luminaires.*

*Adherence to county and City regulations and implementation of the policies of the proposed General Plan would ensure that light and glare from new development and redevelopment projects accommodated by the General Plan would be minimized and that significant impacts would not occur.”*

The same requirements would apply to the proposed Project; therefore, the same conclusions reached in the *GPEIR* would apply to the proposed Project. Any impacts are considered less than significant.

## **B. AGRICULTURE AND FOREST RESOURCES**

### **1. Farmland Conversion**

Threshold a.: Would the Project convert Primate Farmland, Unique Farmland, or Farmland of Statewide significance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that based upon the Project-specific *LESA*, impacts related to agriculture and forestry resources – farmland conversion will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.3-10 through 4.3-28)]

Explanation: Historically, a commercial dairy was located on the Project site.

The dairy was in operation beginning between approximately 1980 and 1985 (according to historical aerial photograph review) to 2014, when operation of the dairy ceased in 2014 and the buildings and infrastructure associated with the dairy have since started to be removed. Four homes associated with the dairy are situated at the northern end of the site, along Old Newport Road.

The Project site has a current General Plan Land Use designation of Agriculture (AG), and the Project is proposing a General Plan Land Use designation of Specific Plan (SP). The proposed General Plan Amendment and Change of Zone were not anticipated or analyzed in the GPEIR.

The current zoning classification on the Project site is Heavy Agriculture (A-2-10), which would allow heavy agricultural uses, including, but not limited to, nurseries, crops, grazing, processing and packaging, dairy farms, farms, menageries, etc. The Project is proposing a zoning classification and General Plan Land Use designation of Specific Plan (SP).

According to "Map My County," (Appendix A of the Draft EIR) the Project site has the following four (4) designations:

- Farmland of Local Importance;
- Prime Farmland;
- Farmland of Statewide Importance; and
- Urban-Built Up Land.

Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are all Important Farmland and are collectively referred to as Important Farmland in the Draft EIR. The highest rated Important Farmland is Prime Farmland.

The *City of Menifee Agricultural Land Evaluation and Site Analysis (LESA Appendix B of the Draft EIR)*, dated February 2018 was prepared by Tom Dodson & Associates (LESA) to provide the City, as the lead agency, with a methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process.

#### Existing Soils

The following soils are identified in the United States Department of Agriculture (USDA) Natural Resources Conservation Service Web Soil Survey National Cooperative Soil Survey (Soil Survey) as occurring on the Project site:

- Domino fine sandy loam, saline-alkali (Dt)

- Domino silt loam, saline-alkali (Dv)
- Exeter sandy loam, 0 to 2 percent slopes (EnA)
- Exeter sandy loam, slightly saline-alkali, 0 to 5 percent slopes (EoB)
- Exeter sandy loam, deep, 0 to 2 percent slopes (EpA)
- Exeter very fine sandy loam, 0 to 5 percent slopes (EwB)
- Exeter very fine sandy loam, deep, 0 to 5 percent slopes (EyB)
- Waukena loam, saline-alkali (Wd)

The detailed characteristics for each of the above soils are provided in Attachment 1 of the *LESA*. The distribution of these soils on the Project site is presented on Draft EIR Figure 4.3-1, *Soils Map*, which contains a reproduction of the pertinent page in the Soil Survey.

#### Storie Index Rating

The Storie Index Rating (Draft EIR Table 4.3-3, *Land Capability Classification and Storie Index Scores*), provides a numeric rating based on a 100 point scale of the relative degree of suitability or value of a given soil for intensive agriculture. This rating is based upon soil characteristics only. The Storie index rating is based on soil characteristics and is obtained by evaluating soil surface and subsurface chemical and physical properties, as well as landscape surface features. Not considered in the rating are availability of water for irrigation, local climate, size and accessibility of mapped areas, distance to markets and other factors that might determine the desirability of growing certain plants in a given locality. Therefore, the index should not be used as the only indicator of land value. Where the local economic and geographic factors are known to the user, however, the Storie index may provide additional objective information for land tract value comparisons.

Four general factors are used in determining the Storie index rating:

- Permeability, available water capacity, and the depth of the soil;
- Texture of the surface soil;
- Dominant slope of the soil body; and
- Other conditions more readily subject to management or modification by the land user. In this area these conditions include drainage and flooding, salinity and alkalinity, fertility, acidity, erosion, and microrelief. For some soils, more than one of these conditions is used in determining the rating.

#### Land Compatibility Classification

Land Capability Classification (LCC) includes eight classes of land designated by Roman numerals I through VIII. The first four

classes are arable land—suitable for cropland—in which the limitations on their use and necessity of conservation measures and careful management increase from I through IV. The criteria for placing a given area in a particular class involve the landscape location, slope of the site, depth, texture, and the reaction of the soil. The above referenced soils have either a III or IV LCC, as shown on Draft EIR Table 4.3-3.

The remaining four classes, V through VIII, are not to be used for cropland, but may have uses for pasture, range, woodland, grazing, wildlife, recreation, and esthetic purposes.

Within the broad classes are subclasses, which signify special limitations such as (e) erosion, (w) excess wetness, (s) problems in the rooting zone, and (c) climatic limitations. Within the subclasses are the capability units, which give some prediction of expected agricultural yields and indicate treatment needs. The capability units are groupings of soils that have common responses to pasture and crop plants under similar systems of farming. As shown in Table 4.3-3 of the Draft EIR, no LCC V through VIII are present on the Project site.

The LCC scores and Storie Index Scores were assumed for each specific soil type (identified in Draft EIR Table 4.3-3).

The Land Capability Classification Score total is 54.8, is the number value used in box <1> of the Factor Scores on the Final *LESA* Score Sheet. The Storie Index Score Total, 34.628, is the number value used in box <2> of the Factor Scores on the Final *LESA* Score Sheet. The sum of these numbers, 89.428, is the Land Evaluation (LE) subtotal. Once multiplied by the Weight Factors, the total Weighted Factor Score can be obtained for the Land Evaluation (LE) portion of the *LESA* worksheet.

#### *Groundwater/Water Resource Availability Score*

Water was not encountered on-site in exploratory excavations to a maximum depth of 51.5 feet below existing grade. Depth to groundwater is currently roughly 100 feet below ground surface in the general site area. Data obtained from the California Department of Water Resources for two wells located in the southern portion of the site indicate groundwater greater than 90 feet below ground surface.

It is possible that seasonal variations (temperature, rainfall, etc.) will cause fluctuations in the groundwater level.

Per the *LESA*, the Water Resource Availability Score is based on the types of irrigation or availability of water for irrigation present on the Project site, including a determination of whether there is dryland agriculture activity as well. Based on the Water Resource

Availability Scoring, the project site is classified as Option 11. Option 11 is defined as land where in non-drought years irrigated production is feasible; however, physical and economic restrictions exist.

*LESA Worksheet (Site Assessment Portion)*

The Project site scores assumed for the Project are provided in Draft EIR Table 4.3-4, *Project Size Scores*.

The highest Project Size Score, 60, is the number value used in box <3> of the Factor Scores on the Final *LESA* Score Sheet. The Project Size Score is determined by the acreage of each specific soil type being assigned a number value.

The Project site is classified as Option 11. Option 11 is defined as land where in non-drought years irrigated production is feasible; however, physical and economic restrictions exist. In drought years, irrigated production is not feasible. This is because the well that supplies water on site contains high levels of Total Dissolved Solids (TDS) over 2,000 parts per million (ppm), which is considered severe and will restrict crop growth. The well water would need to be filtered or supplemented with potable City water and then blended. Both options are cost prohibitive for agricultural production. The final Water Resource Score for the Project site is 30. This was obtained by multiplying the Proportion of Project Area by the Water Availability Score. See Draft EIR Table 4.3-5, *Water Resource Score*. The "Weighted Water Resource Availability Score" is shown in Draft EIR Table 4.3-7, *Final LESA Score Sheet*.

The Surrounding Agricultural Land Use Score is determined by the amount of surrounding land that is either being used for agriculture or is protected resource land. The *LESA* Manual specifies that a one-quarter mile area around each complete parcel must be used to identify the Project's "Zone of Influence." Thus, a quarter mile area around the perimeter of the Project was surveyed, and finally all parcels within this one-quarter mile area were included and outlined to form the Project site's Zone of Influence and to calculate the percentage of the Project site's surrounding area that is used for agriculture and/or is classified as a Protected Resource Land.

Once the surrounding land (or Zone of Influence) has been documented, the total acres of the surrounding land or "Zone of Influence" must be calculated (Draft EIR Table 4.3-6, *Zone of Influence* and Draft EIR Figure 4.3-2, *Zone of Influence Map*). Then, from the total acres of the surrounding land (Draft EIR Figure 4.3-3, *Agricultural Land Within Zone of Influence*), the amount of acres in agriculture, which were gathered from assessing information on Draft EIR Figure 4.3-4, *California*

*Important Farmland Finder Project Area Map* and the amount of acres in protected resource land, which was gathered from using Draft EIR Figure 4.3-5, *Williamson Contract Land Map*, and Draft EIR Figure 4.3-6, *City of Menifee General Plan Land Use Map*, must be calculated.

The total scores (Protected Resource Land Score, 0, Surrounding Agriculture Land Score, 30, and the Surrounding Protected Resource Land Score 0) on the Final *LESA* Score Sheet, box <5>, will represent the score of the Zone of Influence Resource Land Score and box with a value of 0 <6> will represent the total Zone of Influence Protected Resource Score and have a value of 0. This gives the Project a total Zone of Influence Score of 30.

The total Site Assessment (SA) factor score for this Project site is 120. The weighted subtotal for the Site Assessment portion of the *LESA* worksheet is 18.0. The total Land Evaluation (LE) factor score is 89.428 and the weighted subtotal of the Land Evaluation is 22.357. The total weighted score is 40.357, which is not considered to be a significant impact, because the Land Evaluation Score and the Site Assessment scores are not both greater than 20.

Presented in Draft EIR Table 4.3-7, *Final LESA Score Sheet*, is the Final *LESA* Score Sheet, which provides the factor scores and the factor weights, as well as the weighted factor scores. When combined, the score for this Project is 40.357. Under the *LESA* threshold guidelines, 40.357 is not considered to be a significant impact from loss of agricultural resources, because the sub-scores for the Land Evaluation and the Site Assessment weighted factor ratings are not both individually greater than 20.

In addition, as stated above, according to the GPEIR (p. 5.2-13):

“The City is focusing on developing land in an economically productive way that would serve the growing population. Thus, Menifee’s future development emphasizes mixed-use, commercial, industrial, and residential projects rather than supporting the continuation of agricultural uses, which are becoming less economically viable. Considering the small size of the areas mapped as farmland and the economic and regulatory constraints on agriculture in western Riverside County discussed above, along with the currently approved Specific Plans and individual projects, some of these properties would not be available for agricultural use, and it is unlikely that any of these areas would remain in agricultural production even without adoption of the Menifee General Plan.”

Briggs Road represents an easterly “urban growth limit” to the City. The Project will be a continuation of the development pattern

to the north and to the west and would represent a logical stopping point for suburban style development within the City.

The height, colors, materials, and development fabric are consistent with the surrounding development to the north, west, and, somewhat, to the south. The Project will be in contrast to the rural agricultural uses to the east in terms of the development fabric. When placed in the context of the development to the north, west, and south, and utilizing Briggs Road as an “urban growth limit” of the City, the Project is appropriate in its location. The *Rockport Ranch Specific Plan* provides for development standards and design guidelines that represent the most recent desires of the City for development of this nature.

Lastly, due to the suburban pattern of development existing and planned in the Project vicinity, the current high value of the land and quality of the water supply available from the wells on site makes this site unsuitable for continuing agricultural use.

Any impacts from the Project that would 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 a non-agricultural use are considered less than significant.

## 2. Agricultural Zoning

Threshold b.: Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that impacts related to agriculture and forestry resources – agricultural zoning will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1).. (Draft EIR, pp. 4.3-28 through 4.3-29)]

Explanation: Historically, a commercial dairy was located on the Project site. Operation of the dairy ceased in 2014 and the buildings and infrastructure associated with the dairy have since started to be removed. Four homes associated with the dairy are situated at the northern end of the site, along Old Newport Road.

The Project site has a current General Plan Land Use designation of Agriculture (AG), and the Project is proposing a General Plan Land Use designation of Specific Plan (SP). The current zoning classification on the Project site is Heavy Agriculture (A-2-10), which would allow heavy agricultural uses, including, but not limited to, nurseries, crops, grazing, processing and packaging, dairy farms, farms, menageries, etc. The Project is proposing a zoning classification of Specific Plan (SP). The proposed General

Plan Amendment and Change of Zone were not anticipated or analyzed in the *GPEIR*.

The City is focusing on developing land in an economically productive way that would serve the growing population. Thus, Menifee's future development emphasizes mixed-use, commercial, industrial, and residential projects rather than supporting the continuation of agricultural uses, which are becoming less economically viable.

In addition, due to the suburban pattern of development existing and planned in the Project vicinity, the current high value of the land, and quality of the water supply available from the wells on site, this site is unsuitable for continuing agricultural use. Any impacts are considered less than significant.

No Williamson Act contracts are active for the Project site. Therefore, the Project will not conflict with a Williamson Act contract.

### 3. Forestland Zoning

Threshold c.: Would the Project 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))?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to agriculture and forestry resources – forestland zoning. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 22)]

Explanation: Public Resources Code Section 12220(g) identifies forest land as *land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.* The Project site and surrounding properties are not currently being managed or used for forest land as identified in Public Resources Code Section 12220(g).

The Project site is highly disturbed due to past land use practices related to a commercial dairy. Operation of the dairy on the Project site ceased in 2014, and the buildings and infrastructure associated with the dairy have since started to be removed. Four homes associated with the dairy are situated at the northern end of the Project site, along Old Newport Road. Ornamental trees and landscaping are found at the northeastern corner of the site related to the residential homes. In September 2017, the remaining foundations of the dairy processing facilities were

demolished.

Therefore, development of the Project will have no impact to any timberland zoning.

#### 4. Loss of Forest Land

Threshold d.: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to agriculture and forestry resources – loss of forest land. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 22)]

Explanation: The Project site is highly disturbed due to past land use practices related to a commercial dairy. Operation of the dairy on the Project site ceased in 2014, and the buildings and infrastructure associated with the dairy have since started to be removed. Four homes associated with the dairy are situated at the northern end of the Project site, along Old Newport Road. Ornamental trees and landscaping are found at the northeastern corner of the site related to the residential homes. In September 2017, the remaining foundations of the dairy processing facilities were demolished.

There is no forest land on the Project site. Therefore, there will be no loss of forest land or conversion of forest land to non-forest use as a result of the Project. No impact will occur.

#### 5. Conversion of Farmland or Forestland

Threshold e.: Would the Project 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?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-AG-1, impacts related to agriculture and forestry resources – conversion of farmland or forestland will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.3-29, p. 4.3-30 for Standard Condition [Revised Standard Condition in Section 3.0 Errata of the Final EIR, p. 3-2])]

Explanation: The Project will convert both the General Plan Land Use designation and zoning classification from agricultural to non-agricultural uses. Suburban, residential development on this site has the potential to create conflicts with the existing, adjacent agricultural uses, particularly the Ramona Egg Ranch located to the east of the Project site, across Briggs Road. There may be pressure to convert this adjacent, existing agricultural use to a

non-agricultural use primarily due to the odors emanating from the Ramona Egg Ranch. The Project is subject to Assembly Bill 2881 – Right-to-Farm Disclosure, as discussed above. Mitigation can be achieved by providing disclosure to future residents that the property is located within 1 mile of farmland as designated on the most-recent Important Farmland Map. In addition, the Project is subject to City of Menifee Ordinance No. 625 (Right-to-Farm Ordinance). This Ordinance requires prospective buyers of property adjacent to agricultural land to be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities as per provisions of the City’s Right-to-Farm ordinance.

Standard Condition SC-AG-1, as outlined in Subsection 4.3.5 of the Draft EIR, and as revised in Section 3.0 Errata of the Final EIR, requires disclosures as part of all home sales transaction(s).

By providing disclosure to future residents that the property is located within 1 mile of farmland as designated on the most recent Important Farmland Map, any conflicts, over the long term, can be controlled and reduced to a less than significant impact level.

With inclusion of Standard Condition SC-AG-1 any impacts will be reduced to a less than significant level.

## **C. AIR QUALITY**

### **1. Criteria Pollutant**

Threshold b.: Would the Project 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?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to requirements established by the SCAQMD including Rule 403, Fugitive Dust, impacts related to air quality resources – criteria pollutant (construction) will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.4-12, through 4.4-15)]

Explanation: Construction-related emissions include emissions from dust raised during demolition and grading, exhaust from construction vehicles, and chemicals used during construction. Fugitive dust emissions vary greatly during construction and are dependent on the amount and type of activity, silt content of the soil, and the weather. Vehicles moving over paved and unpaved surfaces, demolition, excavation, earth movement, grading, and wind erosion from exposed surfaces are all sources of fugitive dust. Construction operations are subject to the requirements established by the SCAQMD including Rule 403, Fugitive Dust. Rule 403 requires

the use of best available control measures for fugitive dust, which include the following. More specifically, the following design features/conditions of approval, consistent with SCAQMD Rules, shall apply to the Project:

- Construction equipment shall be maintained in proper tune.
- Gasoline or electricity-powered equipment shall be utilized instead of diesel equipment whenever possible.
- The use of heavy construction equipment shall be suspended during first stage smog alerts.
- All construction vehicles shall be prohibited from excessive idling. Excessive idling is defined as five minutes or longer.
- “Clean diesel” equipment shall be used when modified engines (catalyst equipped or newer Moyer Program retrofit) are available at a reasonable cost.
- The Project must follow SCAQMD rules and requirements with regards to fugitive dust control, which include but are not limited to the following:
  - All active construction areas shall be watered two (2) times daily.
  - All haul trucks shall be covered or shall maintain at least two (2) feet of freeboard.
  - All unpaved parking or staging areas shall be paved or watered a minimum of two (2) times daily.
  - Speed on unpaved roads shall be reduced to less than 15 mph.
  - Any visible dirt deposition on any public roadway shall be swept or washed at the site access points within 30 minutes.
  - Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered twice daily.
  - All operations on any unpaved surface shall be suspended if winds exceed 25 mph.
- Carpooling shall be encouraged for construction workers.
- Any dirt hauled off-site shall be wet down or covered.
- Access points shall be washed or swept daily.
- Construction sites shall be sandbagged for erosion control.
- The Project shall comply with current California Title 24 standards.

Heavy-duty construction equipment is usually diesel powered. Standard construction equipment includes dozers, rollers, scrapers, dewatering pumps, backhoes, loaders, paving equipment, delivery/haul trucks, jacking equipment, welding machines, pile drivers, and so on. Project construction is anticipated to commence in early 2018 and would last approximately three years.

Project construction is anticipated to occur in five stages:

1. Demolition;
2. Site preparation;
3. Grading/excavation;
4. Building construction and architectural coatings; and
5. Paving.

The grading phase would last between 8 and 12 months and was modeled in the *AQ/GHG Analysis* (Appendix C of the Draft EIR) over an average 10-month period. The relative durations of the remaining construction phases were based on SCAQMD construction surveys and phase durations, and construction equipment requirements scaled to match the overall duration of Project construction. Construction-related air emissions are calculated and reported in terms of maximum daily emissions. These calculations are based on the construction equipment profile and other factors determined as needed to complete all phases of construction by the target completion year. As such, each phase has varying emissions. Modeled parameters for construction equipment are summarized in Draft EIR Table 4.4-4, *Construction Schedule and Equipment*.

Construction-related trips by workers, delivery trucks, and material-hauling trucks equipment are primarily estimated based on SCAQMD surveys. Project grading is anticipated to include 177,500 cubic yards of cut soil and 412,350 cubic yards of fill soil, therefore, the Project would require a net import of approximately 234,850 cubic yards of soil. Materials hauling trips required to import fill soil were included in the emissions calculations. The modeling assumed that the import site(s) would be located within a 20-mile radius of the Project site. Additionally, under SCAQMD Rule 403, dust suppression measures must be undertaken (see description of SCAQMD Rule 403, above). The *AQ/GHG Analysis* assumed that standard dust and emission control during grading operations would be implemented to reduce potential nuisance impacts and to ensure compliance with SCAQMD Rule 403, which is estimated to result in a 61 percent reduction in fugitive dust. Consistent with federal requirements, all equipment was assumed to meet CARB Tier 3 In-Use Off-Road Diesel Engine Standards.

Draft EIR Table 4.4-5, *Unmitigated Construction Air Emissions*, shows the total projected construction maximum daily emission levels for each criteria pollutant (ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>).

As shown in Table 4.4-5, construction activities would result in air emissions that are less than all applicable significance thresholds. Therefore, Project construction would not result in regional emissions that would exceed the NAAQS or CAAQS or contribute to existing violations. Any impacts as a result from Project construction activities would be less than significant.

## 2. Sensitive Receptors

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that impacts related to air quality resources – sensitive receptors (Localized Significance Thresholds and CO Hot Spots) will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.4-18 through 4.4-19)

Explanation: *Localized Significance Thresholds (LSTs)*

The SCAQMD's LST Methodology outlines how to analyze localized air quality impacts to sensitive receptors. Draft EIR Table 4.4-8, *Localized Air Quality Impacts – Screening Levels (pounds per day)*, summarizes on-site Project emissions and the applicable screening levels identified in the mass rate lookup tables.

Applicable screening levels are for projects located within 25 meters (82 feet) of a sensitive receptor and with an area of at least 5 acres. The Project site is larger than 5 acres, thus, the average distance between on-site emission sources and the nearest sensitive receptors would be greater than is assumed by these screening levels. The sensitive receptors nearest the Project site include:

- Single-family residences to the north (Tierra Shores Residential Complex, approximately 90 feet north of the Project site boundary)
- Single-family residences to the west (Camellia at the Lakes Residential Complex, approximately 70 feet west of the Project site boundary), and
- Mobile homes to the south (Wilderness Lakes RV Resort, there are several mobile homes within a few feet of the southern Project site boundary).

As air pollutant dispersion increases with distance, screening levels shown in Draft EIR Table 4.4-8 are conservative and are considered adequate screening criteria for assessment of localized air quality impacts.

As shown in Draft EIR Table 4.4-8, Project emissions of NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub> would not exceed localized significance thresholds. Therefore, the Project would not impact adjacent sensitive receptors. Any impacts would be less than significant.

### *CO Hotspots*

Small-scale, localized concentrations of CO above the federal and

state AAQS may occur at intersections with stagnation points such as those that occur on major highways and heavily traveled and congested roadways. Localized high concentrations of CO are referred to as “CO hotspots” and are a concern at congested intersections, where automobile engines burn fuel less efficiently and their exhaust contains more CO.

Project-related traffic would emit CO. Localized CO concentration is a direct function of motor vehicle activity at signalized intersections (e.g., idling time and traffic flow conditions), particularly during peak commute hours and meteorological conditions. Under specific meteorological conditions (e.g., stable conditions that result in poor dispersion), CO concentrations may reach unhealthy levels with respect to local sensitive land uses. CO hotspots due to traffic almost exclusively occur at signalized intersections that operate at a level of service (LOS) E or below. Projects may result in or contribute to a CO hotspot if they worsen traffic flow at signalized intersections operating at LOS E or F. The LOS of an intersection in morning and evening peak traffic hours is commonly abbreviated LOS AM/PM.

According to the *TIA* (Appendix M of the Draft EIR), all intersections in the vicinity of the Project site currently operate at LOS D or better. With the addition of Project-generated traffic, intersections in the vicinity of the Project site would continue to operate at LOS D or better. Accounting for ambient growth, in 2040 the intersection of Menifee Road and Newport Road would operate LOS E/F and the intersection of Briggs Road and Holland Road would operate at LOS E/F.

Peak hour traffic volumes at these intersections in 2040 would be 5,611 and 1,101 vehicles per hour without the Project and 5,834 and 1,139 vehicles per hour with the Project. Thus, Project-generated traffic would account for an additional 4.0 and 3.5 percent (223 and 38 vehicles), respectively, at these intersections. As outlined in the CO Protocol, increases in intersection traffic volumes of less than 5 percent are not considered significant and are not likely to worsen air quality.

Additionally, with the recommended intersection improvements outlined in the Project’s *TIA* (reference Subchapter 4.16, Transportation of the Draft EIR), both above referenced intersections would operate at LOS D or better. Therefore, the Project would not substantially contribute to a CO hot-spot. Any impacts would be less than significant with the incorporation of recommended intersection improvements.

**D. BIOLOGICAL RESOURCES****1. Riparian Habitat or Other Sensitive Natural Community**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to biological resources – riparian habitat or other sensitive natural community. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 30)]

Explanation: Suitable riparian/riverine habitats for the species listed under 'Purpose' in Volume 1, Section 6.1.2 of the MSHCP are not present on the Project site. Other kinds of seasonal aquatic features that could provide suitable habitats for endangered and threatened species of fairy shrimp are not present on the Project site.

Perennial or seasonal aquatic features that could be classified as federally protected wetlands as defined by Section 404 of the Clean Water Act are also not present on the site (i.e., intermittent or perennial streams, open waters, swamps, marshes, bogs, fens, vernal pools or swales, vernal pool-like ephemeral ponds, etc.). The Project has no relationship to existing wetland regulations.

Therefore, implementation of the Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service. No impacts are anticipated.

**2. Wetlands**

Threshold c.: Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to biological resources – wetlands. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, pp. 30 through 31)]

Explanation: The U.S. Army Corps of Engineers (USACE), under Section 404 of the Federal Clean Water Act (CWA), regulates discharges of dredged or fill material into "waters of the United States." These

waters include wetlands and non-wetland bodies of water that meet specific criteria, including a connection to interstate or foreign commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce) or it may be indirect (through a connection identified in USACE regulations). The USACE typically regulates as non-wetland waters of the U.S. any body of water displaying an “ordinary high water mark” or OHWM. In order to be considered a jurisdictional wetland under Section 404, an area must possess hydrophytic vegetation, hydric soils, and wetland hydrology.

The CDFW, under Sections 1600 et seq. of the California Fish and Game Code, regulates alterations to lakes, rivers, and streams. A stream is defined by the presence of a channel bed and banks, and at least an occasional flow of water. The CDFW also regulates habitat associated with the streambed, such as wetland, riparian shrub, and woodlands.

The Regional Water Quality Control Board (RWQCB) is responsible for the administration of Section 401 of the CWA, through water quality certification of any activity that may result in a discharge to jurisdictional waters of the U.S. The RWQCB may also regulate discharges to “waters of the State,” including wetlands, under the California Porter-Cologne Water Quality Control Act.

No potential jurisdictional waters were identified on the proposed Project site. Thus, the Project is not subject to the regulatory authority of the USACE under Section 404 of the CWA, the RWQCB under Section 401 of the CWA, or the CDFW under Sections 1600 et seq. of the California Fish and Game Code.

Therefore, implementation of the Project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No impacts are anticipated.

### 3. Local Policies and Ordinances

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to biological resources – local policies and ordinances. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, pp. 31 through 32)

Explanation: The proposed Project will include planting of trees throughout the

site: along streets, along paseos, around Project lakes, and within private recreational areas.

The trees that currently exist on-site are not considered a Heritage Tree as defined in the City's Tree Preservation Ordinance. A list of tree species observed on the site is included in Appendix A of the *MSHCP Consistency Analysis*. All trees are identified as "non-native species".

According to Section 9.86.020 of the Menifee Municipal Code:

*"The city considers trees to be a valuable community resource. Heritage trees such as those with certain characteristics (age, size, species, location, historical influence, aesthetic quality or ecological value) receive special attention and preservation efforts."*

Therefore, the proposed Project shall not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There will be no impact.

## **E. CULTURAL RESOURCES**

### **1. Historical Resource**

Threshold a.: Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that impacts related to cultural resources – historical resource will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.6-23 through 4.6-26)]

Explanation: Historical Resources

CEQA guidelines state that the term "historical resources" applies to any such resources listed in or determined to be eligible for listing in the California Register of Historical Resources, included in a local register of historical resources, or determined to be historically significant by the lead agency (Title 14 CCR §15064.5(a)(1)-(3)). Regarding the proper criteria for the evaluation of historical significance, CEQA guidelines mandate that "generally a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" (Title 14 CCR §15064.5(a)(3)). A resource may be listed in the California Register if it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1(c))

No cultural resources were observed within the Project site. The Project location is generally level. Nearby hillside margin ecotone environments probably served as a more attractive location for prehistoric occupation than the Project site. The native soil had very few rock inclusions. Base fill material appears to have been imported and placed under many of the dairy structures on the site. This fill included Bedford Canyon metasedimentary rock and schist.

Past soil disturbance was present in many areas providing some indication of subsurface soil conditions. Significant excavations on the western side of the property for agricultural waste ponds provided subsurface profiles of the alluvial soils. The potential for impacts to buried prehistoric cultural resources is low, based on an absence of cultural material in subsurface cuts observed during the survey. No evidence of prehistoric or historic cultural material was observed at the Project site.

The existing structures on the property are not of historic age. As stated in the IS, the Project site does not satisfy any of the criteria for a historic resource defined in Section 15064.5 of the State CEQA Guidelines. In addition, the Project site is not listed with the State Office of Historic Preservation or the National Register of Historic Places. No impacts will occur.

The trees and landscaping associated with these structures also date from 1981 or after, and do not qualify as heritage trees. Please see the detailed discussion in Subchapter 4.5, Biological Resources of the Draft EIR, as it relates to heritage trees. All of the trees located on the site are mature, non-native, cultivated trees, planted as landscaping except for the 2 Eucalyptus trees located at the southern end of the property. Although the trees found on-site are mature, they are non-native species less than 50 years old, which is the typical threshold for cultural significance. Due to the lack of historical significance of the property, and the species found on-site, as well as the other factors discussed in Section 4.5 of the Draft EIR, the Arborist concluded that none of the existing trees would be classified as "Heritage Trees."

The Project will not conflict with Section 9.86.020 of the Menifee Municipal Code protecting heritage trees. Therefore, impacts, as

they pertain to heritage trees, are considered less than significant.

The location of the historic-age structure, plotted on a 1901 topographic map, was paved and covered with a thin layer of fill. The structure is noted on the 1901 maps but was probably removed decades ago as there is no history of the structures' removal. Therefore, the cultural archeologist required monitoring of grading in the vicinity of the location where the structure was plotted on the 1901 map in case artifacts were uncovered during excavation and grading of native soils only. Concrete was broken down in size (based on geotechnical recommendations) and was placed as engineered fill into two of the three deep existing settling basins located in the southwesterly region of the Project site. Monitoring occurred during these activities and no historic resources were affected.

## 2. Archaeological Resource

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-CUL-1 through SC-CUL-8, impacts related to cultural resources – archaeological resource will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, pp. 35 through 36, Draft EIR pp. 4.6-26 through 4.6-32 for Standard Conditions [Revised Standard Condition in Section 3.0 Errata of the Final EIR, pp. 3-3 and 3-4])

Standard conditions and mitigation measures were presented in the Initial Study (Section V.5); the City of Menifee has since revised the approach taken on all projects throughout the City regarding mitigation and now uses standard conditions for cultural resources. This Subchapter incorporates Standard Conditions SC-CUL-1 through SC-CUL-9; after the re-categorization of the previous Mitigation Measures MM-CUL-1 through MM-CUL-8 as Standard Condition, there are no longer any mitigation measures contained within this Chapter. These standard conditions pertain to historical, cultural, and paleontological resources.

Explanation: No cultural resources were observed within the Project area. The Project location was generally level and nearby hillside border ecotone (defined as a place where ecologies are in tension or where two communities meet and integrate) environments probably served as a more attractive location for prehistoric occupation than the Project area. Native soil had very few rock inclusions. Base fill material appears to have been imported and placed under many of the dairy structures on the site.

Past soil disturbance was present in many areas providing some

indication of subsurface soil conditions. Significant excavations on the western side of the property for agricultural waste ponds provided subsurface profiles of the alluvial soils. The potential for impacts to buried prehistoric cultural resources is low, based on an absence of cultural material in subsurface cuts observed during the survey. No evidence of prehistoric or historic cultural material was observed within the Project location.

During consultation with local Native American tribes, the Pechanga Band of Luiseño Indians submitted a letter requesting notification once the entitlement process begins, copies of all reports, plans and environmental documents, the right to make additional comments, and to be notified in cases of discovery of cultural resources. The Soboba Tribe determined that they would not require any additional testing/surveying of the Project site. They did not request to monitor the site during grading activities. Because the Project site has experienced severe ground disturbances in the past, any buried archaeological resources would have already been uncovered or destroyed. However, in the unlikely event that archeological materials are uncovered during ground-disturbing activities.

Furthermore, General Plan policies are in place to preserve and protect archaeological and historic resources and cultural sites, places, districts, structures, landforms, objects and native burial sites, traditional cultural landscapes and other features, consistent with state law and any laws, regulations or policies which may be adopted by the City (OCS-5.1). Impacts to buried cultural resources will be less than significant.

Standard Conditions SC-CUL-1 through SC-CUL-8 shall be implemented.

### 3. Paleontological Resource

Threshold c.: Would the Project cause a substantial adverse change in the significance of a paleontological resource or site or unique geologic feature?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-CUL-9, impacts related to cultural resources – paleontological resource will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, pp. 36 through 37, Draft EIR pp. 4.6-26 through 4.6-32 for Standard Conditions [Revised Standard Condition in Section 3.0 Errata of the Final EIR])

Explanation: The Project site is mapped as a “High B” sensitivity area, denoting a high sensitivity for paleontological resources. Areas classified as high sensitivity may contain buried paleontological deposits at or below 4 feet of depth and may be impacted during construction.

It is possible that potentially significant prehistoric remains could be found, since buried fossils often go undetected during a walkover survey. Prehistoric remains may have been buried by erosional sediments accumulating in this area and masked by existing pavement.

Since the Project site is mapped in the County's General Plan as having a high potential for paleontological resources (fossils), the proposed Project site grading/earthmoving activities should be monitored for potential impacts to this resource and, therefore, the Project will include a standard condition to prepare a Paleontological Resource Impact Mitigation Program (PRIMP) prior to grading permit issuance and a monitoring program prior to issuance of the final grading permit. Impacts will be less than significant.

Standard Condition SC-CUL-9 shall be implemented.

#### 4. Human Remains

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-CUL-1, impacts related to cultural resources – human remains will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 37, Draft EIR pp. 4.6-26 through 4.6-32 for Standard Conditions [Revised Standard Condition in Section 3.0 Errata of the Final EIR])

Explanation: Because the Project site has been previously disturbed by dairy uses, no human remains or cemeteries are anticipated to be disturbed by the proposed Project. However, these findings do not preclude the existence of previously unknown human remains located below the ground surface, which may be encountered during construction excavations associated with the proposed Project. It is also possible to encounter buried human remains during construction given the proven prehistoric occupation of the region, the identification of multiple surface archaeological resources within a half-mile of the Project site, and the favorable natural conditions that would have attracted prehistoric inhabitants to the area.

Standard Condition SC-CUL-1 is required to reduce potentially significant impacts to previously unknown human remains that may be unexpectedly discovered during Project implementation to a less than significant level. SC-CUL-1 requires that in the unlikely event that human remains are uncovered the contractor is required to halt work in the immediate area of the find and to notify the County Coroner, in accordance with Health and Safety Code §

7050.5, who must then determine whether the remains are of forensic interest. If the Coroner, with the aid of a supervising archaeologist, determines that the remains are or appear to be of a Native American, he/she must contact the Native American Heritage Commission for further investigations and proper recovery of such remains, if necessary. Impacts will be less than significant with implementation of mitigation.

Further, pursuant to Public Resource Code 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 Native American Heritage Commission shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "most likely descendant". The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the Project area shall also be subject to consultation between appropriate representatives from that group and the Community Development Director. The letter submitted by the Soboba and Pechanga band contains instructions for handling human remains found at the site that are of Native American origin, to which the Project applicant would adhere. Thus, compliance with the above-referenced state laws will reduce impacts to less than significant levels.

## **F. GEOLOGY AND SOILS**

### **1. Fault Rupture**

Threshold a.i: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to geology and soils resources – fault rupture will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 43)

Explanation: Although the Project site is located in seismically active Southern California, the site is not located within an Alquist-Priolo Earthquake Fault Zone. The nearest active fault is the San Jacinto Fault, which is located approximately six (6) miles east of the Project site.

Upon Project completion, the proposed Project will consist of 305 single-family residential lots, with 20.1-acres of trails, open space, and recreation, and 21.18-acres of roads.

Based on this information, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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. Impacts associated with rupture of a fault are considered less than significant.

## 2. Strong Seismic Ground Shaking

Threshold a.ii: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to geology and soils resources – strong seismic ground shaking will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 43)]

Explanation: The proposed Project will be subject to ground shaking impacts should a major earthquake in the area occur. Potential impacts include injury or loss of life and property damage. The Project site is subject to strong seismic ground shaking as are virtually all properties in Southern California.

Upon Project completion, the proposed Project will consist of 305 single-family residential lots, with 20.1-acres of trails, open space, and recreation, and 21.18-acres of roads.

Any proposed buildings are subject to the seismic design criteria of the California Building Code (CBC). The 2016 California Building Code (California Building Code, California Code of Regulations, Title 24, Volume 2) contains seismic safety provisions with the aim of preventing building collapse during a design earthquake, so that occupants would be able to evacuate after the earthquake. Adherence to these requirements will reduce the potential of building collapse during an earthquake, thereby minimizing injury and loss of life. Although structures may be damaged during earthquakes, adherence to seismic design requirements will minimize damage to property within the structure, because the structure is designed not to collapse.

Based on this information, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground

shaking. Impacts related to ground shaking are considered less than significant.

### 3. Ground Failure: Liquefaction

Threshold a.iii: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure including liquefaction?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to geology and soils resources – ground failure: liquefaction will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, pp. 43 and 44)

Explanation: Liquefaction describes a phenomenon in which cyclic stresses, produced by earthquake-induced ground motion, create excess pore pressures in relatively cohesionless soils. These soils may thereby acquire a high degree of mobility, which can lead to lateral movement, sliding, consolidation and settlement of loose sediments, sand boils and other damaging deformations. This phenomenon occurs only below the water table, but, after liquefaction has developed, the effects can propagate upward into overlying non-saturated soil as excess pore water dissipates.

The factors known to influence liquefaction potential include soil type and grain size, relative density, groundwater level, confining pressures, and both intensity and duration of ground shaking. In general, materials that are susceptible to liquefaction are loose, saturated granular soils having low fines content under low confining pressures.

The Project site is mapped within a "low" zone of potentially liquefiable soils. Liquefaction is not considered a hazard at the site due to great depth to groundwater (greater than 90 feet) and the underlying dense nature of the subsurface soils.

Therefore, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic-related ground failure, including liquefaction. Impacts are considered less than significant.

### 4. Landslides

Threshold a.iv: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to geology and

soils resources – landslides. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 44)

Explanation: The topography of the Project site is flat and the elevation is approximately 1,440 feet above mean sea level. Evidence of ancient landslides or slope instabilities at this site was not observed as part of the *Geo Evaluation* (Appendix F1 of the Draft EIR). According to Initial Study Figure 6-1, *Surrounding Topography*, there are no steep slopes within a one-quarter mile radius of the Project site that would pose any landslide potential. The closest steep slope is located just beyond one-quarter mile to northeast of the Project site. The Ramona Egg Ranch is situated between this slope and the Project site and would absorb the majority of any landslides from this slope. The potential for landslides is considered negligible both on-site or off-site. No impacts are anticipated.

## 5. Soil Erosion / Loss of Topsoil

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to South Coast Air Quality Management District (SCAQMD) Rule 403 (Fugitive Dust), and the California Building Code and the National Pollution Discharge Elimination System (NPDES), impacts related to geology and soils resources – soil erosion / loss of top soil will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 44)

Explanation: Topsoil is used to cover surface areas for the establishment and maintenance of vegetation due to its high concentrations of organic matter and microorganisms. The topsoil on the Project site has been disturbed by past development and more-recent grading activities. The Project has the potential to expose surficial soils to wind and water erosion during construction activities. Wind erosion will be minimized through mandated soil stabilization measures by South Coast Air Quality Management District (SCAQMD) Rule 403 (Fugitive Dust), such as daily watering. Water erosion will be prevented through the City's standard, mandated, erosion control practices required pursuant to the California Building Code and the National Pollution Discharge Elimination System (NPDES), such as silt fencing, fiber rolls, or sandbags. Following Project construction, the site will be covered completely by paving, structures, and landscaping. Impacts related to soil erosion will be less than significant with implementation of existing regulations.

## 6. On- Or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction or Collapse

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-GEO-1, impacts related to geology and soils resources – on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.7-16 through 4.7-17, pp. 4.7-19 through 4.7-20 for Standard Conditions)]

Explanation: Geologic Unit

The Project site is situated in the Peninsular Ranges province, which is one of the largest geomorphic units in western North America, and is locally underlain by undocumented artificial fill, older alluvial materials and granitic bedrock at depth. Undocumented fill is associated with past grading to create berms/access roads. Older alluvium was observed in all the borings on the Project site. The older alluvium exhibits a “low” expansion potential. Granitic bedrock, likely consisting of granodiorite or tonalite was encountered underlying the older alluvium at depths of 20.5 and 15.5 feet in borings B-9 and B-10, respectively. The granitic bedrock is hard to very hard.

The Project site is in a seismically active region. No active or potentially active fault is known to exist at this site, nor is the site situated within a State of California designated “*Alquist-Priolo*” Earthquake Fault Zone, or County of Riverside fault zone.

Water was not encountered on-site in exploratory excavations to a maximum depth of 51.5 feet below existing grade. Depth to groundwater is currently roughly 100 feet below ground surface in the general site area. Data obtained from the California Department of Water Resources for two wells located in the southern portion of the site indicate groundwater greater than 90 feet below ground surface.

Based on this information, the Project site is located on a geologic unit or soil that would be considered stable for purposes of the development envisioned by the Project.

As a standard condition of approval, the Project will be required to comply with the requirements of the most recent California Building Code (CBC) at the time of grading and building issuance (Standard Condition SC-GEO-1). This is a standard requirement

and is not considered unique mitigation under CEQA.

#### On- or Off-Site Landslide

The topography of the Project site is flat, and the elevation is approximately 1,440 feet above mean sea level. Evidence of ancient landslides or slope instabilities at this site was not observed as part of the *Geo Evaluation* (Appendix F1 of the Draft EIR). According to Figure 6-1, *Surrounding Topography*, of the IS, there are no steep slopes within a one-quarter mile radius of the Project site that would pose any landslide potential. The closest steep slope is located just beyond one-quarter mile to northeast of the Project site. The Ramona Egg Ranch is situated between this slope and the Project site. Due to its distance from the Project site, it is anticipated that the majority of any landslides from this slope would not affect the Project. The potential for landslides is considered negligible both on-site or off-site. Due to the level site topography and the Project siting/location, the Project would not be subject to the following: earthquake induced landslides, slope failures, gross failures, or surficial failures (slope creep, debris flows, or rockfalls).

### 7. **Septic Disposal Systems**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to geology and soils resources – septic disposal systems. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 45)]

Explanation: The Project proposes to connect to the existing Eastern Municipal Water District sewer system and will not require use of septic tanks. This threshold is not applicable to the Project. No impact will occur.

### G. **HAZARDS AND HAZARDOUS MATERIALS**

#### 1. **Transport, Use, or Disposal of Hazardous Materials**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to hazards and hazardous materials resources – transport, use or disposal of hazardous materials will be less than significant. [Pub. Res. Code

§21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 50)

Explanation:

The proposed Project could result in a significant hazard to the public if the project includes the routine transport, use, or disposal of hazardous materials or places housing near a facility which routinely transports, uses, or disposes of hazardous materials. The proposed Project is located within a primarily residential area of the City and is not located in an industrial area. The proposed Project does not place housing near any hazardous materials facilities. The routine use, transport, or disposal of hazardous materials is primarily associated with industrial uses that require such materials for manufacturing operations or produce hazardous wastes as by-products of production applications. The proposed Project does not propose or facilitate any activity involving significant use, routine transport, or disposal of hazardous substances as part of residential use.

During construction, there would be a minor level of transport, use, and disposal of hazardous materials and wastes that are typical of construction projects. This would include fuels and lubricants for construction machinery, coating materials, etc. Routine construction control measures and best management practices for hazardous materials storage, application, waste disposal, accident prevention and clean-up, etc. would be sufficient to reduce potential impacts to a less than significant level.

With regard to Project operation, widely used hazardous materials common at residential uses include cleaners, pesticides, and food waste. The remnants of these and other products are disposed of as household hazardous waste that are prohibited or discouraged from being disposed of at local landfills. Regular operation and cleaning of the single-family homes would not result in significant impacts involving use, storage, transport or disposal of hazardous wastes and substances. Use of common household hazardous materials and their disposal does not present a substantial health risk to the community. Impacts associated with the routine transport and use of hazardous materials or wastes would be less than significant.

## **2. Handle Hazardous Materials Near Schools**

Threshold c.:

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

Finding:

The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to hazards and hazardous materials resources – handle hazardous materials near schools. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 51)]

- Explanation: The following are the closest existing school to the Project site:
- Southshore Elementary School: located approximately 0.47 miles southwest of the Project site;
  - Callie Kirkpatrick Elementary School: located approximately 0.73 miles west of the Project site;
  - Freedom Crest Elementary School: located approximately 1.06 miles south-southwest of the Project site;
  - Bell Mountain Middle School: located approximately 1.13 miles south-southwest of the Project site; and
  - Mt. San Jacinto College: located approximately 1.29 miles south-southwest of the Project site.

There are no existing schools located within one-quarter mile of the Project site. The Project site is located within the Southshore Elementary School boundary and the Bell Mountain Middle School boundary. No elementary or middle school is proposed within one-quarter mile of the Project site.

The Project is located within the Heritage High School boundary (26001 Briggs Road), which is located approximately 3.6 miles due north of the Project site.

Perris Unified High School District (PUHSD) has identified a site for its 4<sup>th</sup> high school (High School #4). This school is currently proposed on 52-acres, located at the northwest corner of Wickerd and Leon Road, approximately 1.9 miles south-southwest of the Project site.

Based on this information, the Project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

### **3. Included on a List of Hazardous Materials Sites**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to hazards and hazardous materials resources – included on a list of hazardous materials sites. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 52)

Explanation: The proposed Project is not located on a site listed on the state Cortese List, a compilation of various sites throughout the state that have been compromised due to soil or groundwater contamination from past uses.

Based upon review of the Cortese List, the Project site is not:

- Listed as a hazardous waste and substance site by the Department of Toxic Substances Control (DTSC);
- Listed as a leaking underground storage tank (LUST) site by the State Water Resources Control Board (SWRCB);
- Listed as a hazardous solid waste disposal site by the SWRCB;
- Currently subject to a Cease and Desist Order (CDO) or a Cleanup and Abatement Order (CAO) as issued by the SWRCB; or
- Developed with a hazardous waste facility subject to corrective action by the DTSC.

No impacts will occur.

#### 4. Impair or Interfere with an Emergency Plan

Threshold f.: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-TR-1, impacts related to hazards and hazardous materials resources – impair or interfere with an emergency plan will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study [Threshold g], p. 53)

Explanation: The proposed Project will replace semi-vacant land (4 homes are located on the northern portion of the Project site) with single-family residential development. Primary and secondary access to the Project site will be provided via driveways off of Briggs Road, Old Newport Road and Tres Lagos Road (once constructed).

A limited potential exists to interfere with an emergency response or evacuation plan during construction. Construction work in the street associated with the Project will be limited to lateral utility connections (i.e., sewer) that will be limited to nominal potential traffic diversion. Control of access will ensure emergency access to the site and Project area during construction through the submittal and approval of a traffic control plan (TCP). The TCP is designed to mitigate any construction circulation impacts. The TCP is a standard condition and is not considered unique mitigation under CEQA. Following construction, emergency access to the Project site and area will remain as was prior to the proposed Project.

All Project elements, including landscaping, will be sited with sufficient clearance from the proposed buildings so as not to interfere with emergency access to and evacuation from the site. The proposed Project is required to comply with the California Fire

Code as adopted by the Menifee Municipal Code.

The Project will not impair implementation of or physically interfere with an adopted emergency response plan or evacuation plan, because no permanent public street or lane closures are proposed.

Project impacts will be less than significant.

## 5. Wildland Fires

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to hazards and hazardous materials resources – wildland fires. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study [Threshold h], p. 53)

Explanation: The proposed Project site is not located within a fire hazard zone. There are no wildland conditions in the suburbanized area where the Project site is located. No impact will occur.

## H. HYDROLOGY AND WATER QUALITY

### 1. Ground Water Quality

Threshold a.: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-HYD-1 through SC-HYD-3 and SC-HYD-5, impacts related to hydrology and water quality resources – ground water quality will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.10-16 through 4.10-17, pp. 4.10-25 through 4.10-26 for Standard Conditions)

Explanation: Construction Impacts

Three general sources of potential short-term, construction-related stormwater pollution associated with the Project include: 1) the handling, storage, and disposal of construction materials containing pollutants; 2) the maintenance and operation of construction equipment; and 3) earth-moving activities which, when not controlled, may generate soil erosion via storm runoff or mechanical equipment.

The Project requires the preparation of a SWPPP for control of

pollutants during construction and a WQMP for control of pollutants during occupancy of the Project site. The SWPPP shall be prepared and implemented for each phase of the Project in compliance with the requirements of the Construction General Permit. The City has adopted BMPs designed to control discharges of pollution during construction and occupancy that could cause a significant adverse impact to surface water quality. The SWPPP and WQMP must address the hydrologic conditions of concern by maintaining pre-development flows once the Project is developed and treatment of the surface runoff from the site before discharge to the Canyon Lake/Salt Creek. The protection of water quality and future runoff volumes will be accomplished by reducing, to the extent feasible, the amount of impervious surface and through on-site retention.

The BMPs for this Project, which will be included in either the SWPPP, or *WQMP* (Appendix J1 of the Draft EIR) (as applicable), may include a combination of the following, as depicted below:

- Landscape swale;
- Landscape strip;
- Biofiltration (with underdrain);
- Extended Detention Basin;
- Sand Filter Basin;
- Infiltration Basin;
- Permeable Pavement;
- Bioretention (without underdrain); and/or
- Other BMPs, including Proprietary BMPs.

#### Operational Impacts

Proposed construction of the residential buildings will increase impervious areas by replacing the vacant property with associated paving and rooftops. Landscaping is proposed as part of Project design in the form of landscaped planters containing trees, shrubs, ground covers, and vines. The Project proponent has submitted a WQMP for review and approval. The *WQMP* identifies post-construction BMPs in addressing increases in impervious surfaces, methods to decrease incremental increases in off-site stormwater flows, and methods for decreasing pollutant loading in off-site discharges as required by the applicable NPDES requirements.

Standard Conditions SC-HYD-1 through SC-HYD-3 (requiring a site drainage plan, regarding SWPPP, and regarding WQMP, respectively) are required in order to ensure that the Project's potential impacts to hydrology and water quality resources would remain less than significant. Standard Conditions SC-HYD-1 through SC-HYD-3 are not considered unique mitigation under CEQA.

All wastewater associated with the Project's interior plumbing systems will be discharged into the local sewer system for treatment at the regional water reclamation facility. Standard Condition SC-HYD-5, regarding wastewater and as outlined in Subsection 4.10.5, is required in order to ensure that the Project's potential impacts to water quality resources (waste discharge requirements) would remain less than significant. Standard Condition SC-HYD-5 is not considered unique mitigation under CEQA.

## 2. Groundwater Supplies

Threshold b.: Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to hydrology and water quality resources – groundwater supplies will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 57)]

Explanation: If the Project removes an existing groundwater recharge area or substantially reduces runoff that results in groundwater recharge such that existing wells will no longer be able to operate, a potentially significant impact could occur. The Project site is located in the Menifee Hydrologic Subarea (HSA) within the Perris Hydrologic Area of the San Jacinto Valley Hydrologic Unit.

The *Geo Evaluation* (Appendix F1 of the Draft EIR) noted that groundwater at the site is more than 90 feet below ground surface (bgs). Project-related grading will not reach these depths and no disturbance of groundwater is anticipated. The proposed single-family residential building footprints, roadways and other hardscape will increase on-site impervious surface coverage thereby reducing the total amount of infiltration on-site. However, these Project impacts will not be at depths sufficient to deplete groundwater supplies or interfere substantially with groundwater recharge. This site is not managed for groundwater supplies; and this change in infiltration will not have a significant effect on groundwater table level. The Project will not result in a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts will be less than significant.

## 3. Erosion or Siltation

Threshold c.i.: Would the Project substantially alter the existing drainage pattern

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of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-HYD-1 through SC-HYD-4 impacts related to hydrology and water quality resources – erosion or siltation will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.10-18 through 4.10-19, pp. 4.10-25 through 4.10-26 for Standard Conditions)]

Explanation: Under proposed conditions off-site flows (considered bypass flows that will receive no water quality treatment), will collect at the northeast corner of the intersection of Briggs Road and Tres Lagos in an underground reinforced concrete box culvert (sized for ultimate conditions) and flow westerly along the north side of Tres Lagos and south of the Project development to the west Project boundary, then northerly along that boundary to the historical discharge location. The box culvert will penetrate the existing berm, and the outfall will meet existing improvements on the adjacent tract that direct the flows into the lake system that have been created to accept these historical flows. Off-site flows will come from 3 locations along Briggs road; two locations that will bring water from an existing CMP pipe and then the additional area where the proposed box culvert will designate water flow to as outlined in the Rick Engineering Report. All flows from off-site will confluence on-site on the northwest corner of Briggs Road and Tres Lagos Drive, inside the box culvert.

The off-site flows generated by the road improvements for Old Newport Road, Briggs Road, and Tres Lagos Drive will be collected and treated by biofiltration facilities prior to release into new public storm drain facilities. Flows from the south side of Old Newport Road will be collected and treated by two bioretention basins located at two existing low points in the road and directed westerly in the existing storm drainage piping within that roadway that routes storm water into existing facilities along the north side of “The Lakes” development. Briggs Road generally flows from north to south and two low points are to be created by the improvements to the west half of the street. Flows will be collected in two bioretention basins located at these two low points and then connect, after treatment, to the proposed storm drain piping that routes Area E1 flows southerly to the intersection of Tres Lagos Drive and the connection with the underground box culvert. Flows from Tres Lagos Drive will flow to the north side of the street into two bioretention basins located at two low points created by the road improvements. After treatment, these flows will connect to the proposed underground box culvert and proceed to bypass the Project development to the historical discharge

location.

In terms of onsite drainage patterns, the entire site is designed to generally flow from north to south at very shallow grades. Low points are planned at multiple locations within the onsite network of roadways, open spaces and the trail system to collect the surface runoff with individual Drainage Management Areas (DMAs) delineated for the purpose of providing detailed sizing criteria for water quality facilities. These individual DMAs are collected and directed into the private storm drainage system, combined with other DMAs, and routed southerly to one of several entry points to the Project's lake located in the southern half of the site. Reference Draft EIR Figure 4.10-2, *Proposed Drainage Management Areas (DMAs)*.

The lake, with two main footprints connected by a box culvert to maintain one water surface level between the two, is intended to also serve as a wetpond for water quality treatment as well as serve the community's peak flow detention capacities to allow for release of storm water at predeveloped rates. The private storm drainage system will discharge into the lake/wetpond/detention basin system through hydraulically-designed forebays to provide velocity dissipation and settlement pretreatment prior to the ultimate goal of the wetpond to settle out pollutants within the lake.

Ultimately, flows will discharge from the lake/wetpond/detention basin system to the west through an underground reinforced concrete box culvert that extends to the western Project boundary at the historical discharge point, immediately adjacent to the outfall of the off-site flow bypass line. The combined on-site and off-site flows then continue through the drainage channels of "The Lakes" development at flows that have been detained and released at rates that will achieve a "No-Rise" ("No Rise" is determined by the Rick Engineering Report) certification from FEMA for the delineated floodplain.

Potentially significant impacts to the existing drainage pattern of the site or area could occur if development of the Project results in substantial on- or off-site erosion or siltation. A site drainage plan is required by the City of Menifee and will be reviewed by the City of Menifee's Engineering Department. The final grading and drainage plan will be approved by the City of Menifee's Engineering Department during plan check review. Erosion and siltation reduction measure BMPs contained in the required SWPPP will be implemented during construction. At the completion of construction, the Project will consist of impervious surfaces, landscaped planters, and post-construction BMPs. Additionally, several basins, approximately 5 feet to 20 feet in depth, are located in the western and southwestern portions of the site and collect storm water.

Standard Conditions SC-HYD-1 through SC-HYD-4 are required in order to ensure that the Project's potential impacts to hydrology and water quality resources would remain less than significant. Standard Conditions SC-HYD-1 through SC-HYD-4 are not considered unique mitigation under CEQA.

#### 4. Flooding On- or Off-Site

Threshold c.ii.: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-HYD-1 impacts related to hydrology and water quality resources – flooding on- or off-site will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.10-23, pp. 4.10-25 through 4.10-26 for Standard Conditions)]

Explanation: Consistent with the discussion in Threshold c.i., potentially significant impacts to the existing drainage pattern of the site or area could occur if development of the Project would also result in an increase in the rate or amount of surface runoff. With site design features which incorporate measures to control surface runoff, and the incorporation of Standard Conditions SC-HYD-1 through SC-HYD-4, the Project's potential impacts to hydrology and water quality resources (that would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite) would remain less than significant.

No streams or rivers cross the Project site.

#### 5. Polluted Runoff

Threshold c.iii.: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would 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?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-HYD-1

through SC-HYD-4 impacts related to hydrology and water quality resources – polluted runoff will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.10-23, pp. 4.10-25 through 4.10-26 for Standard Conditions)

Explanation: Consistent with the discussion in Thresholds a, c.i, and c.ii, potentially significant impacts to the existing drainage pattern of the site or area could occur if development of the Project would also result in an increase in the rate or amount of surface runoff. With site design features which incorporate measures to control surface runoff, and the incorporation of Standard Conditions SC-HYD-1 through SC-HYD-4, the Project's potential impacts to hydrology and water quality resources (that would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite) would remain less than significant.

## 6. Impervious Surfaces

Threshold c.iv.: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-HYD-1 through SC-HYD-4 impacts related to hydrology and water quality resources – impervious surfaces will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.10-23 through 4.10-24, pp. 4.10-25 through 4.10-26 for Standard Conditions)

Explanation: According to Figure 9-1, *FEMA FIRM Map Panel 2070* of the Initial Study, the Project site is located in an area subject to inundation by the 1-percent-annual-chance flood event. All runoff from the future developed site will be managed including future storms up to the 100-year storm, as described in Threshold c.iii Based on these findings, the Project can be implemented without exposing the Project to a significant flood hazard using the 100-year criterion. Therefore, the Project will not impede or redirect flood flows in a manner that would result in significant adverse impacts to the environment.

## 7. Project Inundation

Threshold d.: Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-HYD-1 through SC-HYD-4 impacts related to hydrology and water quality resources – project inundation will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.10-24)

Explanation: According to Figure 9-1, *FEMA FIRM Map Panel 2070*, of the Initial Study, the Project site is located in an area subject to inundation by the 1-percent-annual-chance flood event. All runoff from the future developed site will be managed including future storms up to the 100-year storm, as described in Threshold c.iii. Based on these findings, the Project can be implemented without exposing the Project to a significant flood hazard using the 100-year criterion.

There are several lakes in the City of Menifee in vicinity of the Project. These are:

- Menifee Lakes Country Club (northwest of the Project site – 0.76 miles);
- Menifee Lakes development (west of the Project site – 0.28 mile);
- The lake associated with the tract immediately west of the Project site – 300 feet; and
- The lake associated with the Tierra Shores Development immediately north of the Project site – 360 feet.

There is no possibility of a seiche from these lakes affecting the Project site given the proximity of these lakes is over 300 feet from the Project site, at their closest points. As noted in Section 6.a.iv of the Initial Study, the Project site has not been identified as being in an area susceptible to landslides, thus the potential for mudflow is relatively low, because the Project does not lie in a landslide hazard zone and no natural rivers or streams are located in the Project vicinity. The Project site is not subject to tsunami due to its elevation and distance (over 40 miles) from the ocean. No impact will occur from a tsunami.

The Project is proposing lakes on the central and southerly portions of the Project site. Due to the size, depth and quantity of water within these lakes, the potential for impacts due to inundation from seiche are less than significant.

According to Section 9.i (Hydrology and Water Quality) of the Initial Study, parts of the City of Menifee are within existing dam inundation areas for three dams at Diamond Valley Lake, two dams at Canyon Lake, and one at Lake Perris Reservoir. Diamond Valley Lake is located approximately 4 miles east of the Project site, Canyon Lake is located approximately 5.5

miles west of the Project site, and the Perris Reservoir is located approximately 11 miles north of the Project site. The design and construction of the dams for earthquake resistance, in combination with monitoring of the dams, reduces risks of dam failure due to earthquakes. The risk of release of pollutants due to Project inundation will be less than significant.

## 8. Conflict with Plans

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-HYD-1 through SC-HYD-3 impacts related to hydrology and water quality resources – conflict with plans will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.10-25, pp. 4.10-25 through 4.10-26 for Standard Conditions)]

Explanation: Please reference the discussions in Thresholds a, c.i, and c.ii.

Standard Conditions SC-HYD-1 through SC-HYD-3 are required in order to ensure that the Project's potential impacts to hydrology and water quality resources, including a water quality control plan and/or sustainable groundwater management plan, would remain less than significant. Standard Conditions SC-HYD-1 through SC-HYD-3 are not considered unique mitigation under CEQA.

Based on this information, the Project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Any impacts are considered less than significant.

## I. LAND USE AND PLANNING

### 1. Divide an Established Community

Threshold a.: Would the Project physically divide an established community?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to land use and planning resources – divide and established community. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 61)]

Explanation: The Project site and surrounding area is a mixture between residential, specific plan, agricultural, recreational, and vacant land uses. The proposed Project is consistent and compatible with the surrounding land uses in terms of height, massing, intensity of development, and nature of development and will not

divide an established community.

Lastly, the Project does not propose construction of any roadway, flood control channel, or other structure that will physically divide any portion of the community. No impacts are anticipated.

## 2. Conflict with Plans

Threshold b.: Would the Project cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction adopted for the purpose of avoiding or mitigating an environmental effect?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to land use and planning resources – conflict with plans will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.11-10 through 4.11-14)]

Explanation: Menifee General Plan/Zoning

The current General Plan Land Use designation on the Project site is Agriculture (AG). The proposed General Plan Land Use designation is Specific Plan (SP). The Project is proposing to change the zoning classification on the Project site from Heavy Agriculture (A-2-10) to Specific Plan (SP). The proposed non-agricultural General Plan Land Use designation and zoning classification were not anticipated or analyzed in the GPEIR.

This change is in conflict with the current General Plan and zoning. Should the GPA and CZ be approved, then this inconsistency will no longer exist. Any impacts are considered less than significant.

The Project site is bordered on the north by single-family homes, on the south by a recreational vehicle campground/park, on the west by a partially developed tract of single-family homes. Agricultural uses exist to the east of the Project site. Briggs Road represents an easterly “urban growth limit” to the City. The Project would be a continuation of the development pattern to the north and to the west and represents a logical stopping point for suburban style development within the City.

Based on the surrounding development pattern, and the urban growth line provided by Briggs Road any land use conflicts with the General Plan or zoning from the Project are considered less than significant.

The Project is not currently located within a specific plan, or a local coastal program. No impacts will occur as it pertains to these.

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### 2016 RTP/SCS

The proposed non-agricultural General Plan Land Use designation and zoning classification were not anticipated or analyzed in the GPEIR and therefore, were not anticipated or analyzed in the 2016 RTP/SCS.

The guiding policies for the 2016 RTP/SCS are intended to help focus future investments on the best-performing projects and strategies to preserve, maintain and optimize the performance of the existing transportation system. Two additional guiding policies have been added since 2012. The first addition (Guiding Policy 6) addresses emerging technologies and the potential for such technologies to lower the number of collisions, improve traveler information, reduce the demand for driving alone and lessen congestion related to road incidents and other non-recurring circumstances (a car collision, for example). The second addition (Guiding Policy 7) recognizes the potential for transportation investments to improve both the efficiency of the transportation network and the environment.

Draft EIR Table 4.11-2, *RTP/SCS Goals*, lists the 9 Goals contained in the 2016 RTP/SCS and the Project's relationship to these Goals. As demonstrated in Table 4.11-2, the Project is consistent with these Goals. Any impacts from the Project are considered less than significant.

Draft EIR Table 4.11-3, *RTP/SCS Policies*, lists the 8 Goals contained in the 2016 RTP/SCS and the Project's relationship to these Goals. As demonstrated in Table 4.11-3, the Policies are not applicable to the Project. These Policies are geared more to the regional and sub-regional level. No impact will occur.

According to Section 3.11, Land Use and Planning of the Final PEIR for the 2016 RTP/SCS, one project-level performance standards-based mitigation measure was identified (below) in response to the question raised in this Threshold. SCAG indicated in their comment letter on the NOP, that mitigation measures "may be considered by the City, as applicable and feasible."

**"MM-LU-1(b):** Consistent with the provisions of Section 15091 of the State CEQA Guidelines, SCAG has identified mitigation measures capable of avoiding or reducing the significant effects regarding the potential to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project that are within the jurisdiction and responsibility of local jurisdictions and Lead Agencies. Where the Lead Agency has identified that a project has the potential for significant effects, the Lead Agency can and should consider mitigation measures to ensure compliance with the

goals and policies established within the applicable adopted county and city general plans within the SCAG region to avoid conflicts with zoning and ordinance codes, general plans, land use plan, policy, or regulation of an agency with jurisdiction over the project, as applicable and feasible. Such measures may include the following, or other comparable measures identified by the Lead Agency:

- Where an inconsistency with the adopted general plan is identified at the Project location, determine if the environmental, social, economic, and engineering benefits of the project warrant a variance from adopted zoning or an amendment to the general plan.”

Given that the Project was not anticipated under the existing General Plan land use designation, the proposed land uses would intensify the development and associated population projections planned for under the City’s General Plan. Therefore, the Project would conflict with and exceed the assumptions used to develop the RTP/SCS. This land use inconsistency can only be corrected when the Southern California Association of Governments (SCAG) updates growth projections after the Project has been approved. In the interim, Project consistency with the RTP/SCS (see Draft EIR Table 4.11-2, *RTP/SCS Goals*) demonstrates that Project impacts will be considered less than significant impact.

However, based on the surrounding development pattern, the urban growth line provided by Briggs Road, the OPR definition of “in-fill,” and the GPA and CZ, any land use conflicts with the General Plan or zoning from the Project are considered less than significant. As discussed in the other Subchapters of the Draft EIR, the environmental, social, economic, and engineering benefits of the Project warrant the requested changes to the General Plan Land Use designation and zoning classification. Any impacts are considered less than significant.

## J. **MINERAL RESOURCES**

### 1. **Loss of a Known Regional Mineral Resource**

**Threshold a.:** Would the Project 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?

**Finding:** The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to mineral resources – loss of a known regional mineral resource. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, pp. 63 through 64)

**Explanation:** The City of Menifee is in the San Bernardino P-C Region, in which

aggregate mineral resource zones were last mapped by the California Geological Survey in 2008. The following MRZs are mapped in the City of Menifee (reference Figure 5.11-1, Mineral Resource Zones of the *GPEIR*).

- MRZ-1: 308 acres in northwest part of City near the northwest corner of Sun City.
- MRZ-3: 22,017 acres, almost three-quarters of the City. Most of the eastern, southern, and northwestern parts of the City are designated MRZ-3.
- Urban Area: 7,488 acres consisting of most of the central and north-central and parts of the western portion of the City. Urban areas are not defined as mineral resource zones because mining in these areas is already precluded by urban development.

The proposed Project site is located in a predominately-suburbanized area to the north, south, and west, and agricultural uses to the east. As stated in the *GPEIR*, no known significant mineral resources have been designated in the City of Menifee. The Project site is located in the MR-Z-3 Zone. The only areas in the San Jacinto Basin that have been designated MRZ-2—that is, where significant mineral resources are known to exist or are considered very likely to exist—are two areas northwest of Lake Elsinore totaling approximately 465 acres, approximately six miles west of the City’s western boundary.

There are no mineral extraction or process facilities on or near the site. No mineral resources are known to exist within the vicinity. Therefore, the Project will not 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.

## 2. **Loss of a Known Locally-Important Mineral Resource**

Threshold b.: Would the Project 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?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to mineral resources – loss of a known locally-important mineral resource. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, pp. 64 through 65)]

Explanation: Please reference the discussion in Threshold a, above. There are no mineral extraction or process facilities on or near the site. No mineral resources are known to exist within the vicinity. Therefore, the Project will not 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.

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**K. NOISE****1. Noise Standards**

Threshold a.: Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-NOI-1, impacts related to noise resources – noise standards will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.12-15 through 4.12-21, pp. 4.12-29 through 4.12-30 for Standard Conditions)]

Explanation: Construction Noise

Project construction noise would be generated by diesel engine-driven construction equipment used for site preparation and grading, removal of existing structures and pavement, loading, unloading, and placing materials and paving. Diesel engine driven trucks also would bring materials to the site and remove the soils from excavation.

During excavation, grading, and paving operations, equipment moves to different locations and goes through varying load cycles, and there are breaks for the operators and for nonequipment tasks, such as measurement. Although maximum noise levels may be 85 to 90 dB(A) at a distance of 50 feet during most construction activities, hourly average noise levels would be lower when taking into account the equipment usage factors. For the Project, the loudest phase of construction would be the excavation/grading phase. Construction noise levels were calculated for the Project assuming all pieces of construction equipment would be active simultaneously.

Construction noise is considered a point source and would attenuate at approximately 6 dB(A) for every doubling of distance. Project construction equipment required during excavation/grading is anticipated to include:

- Two (2) excavators;
- Two (2) loaders;
- Two (2) scrapers;
- One (1) grader;
- One (1) dozer; and
- One (1) water truck.

These types of equipment typically generate maximum noise levels between 80 and 85 dB(A) at 50 feet and generally operate with a usage factor, a ratio of an hour spent at full power, of 40 percent. Average hourly noise levels due to simultaneous activity of all construction equipment in a small area would be 91 dB(A)  $L_{eq}$  at 50 feet, or a sound power level of approximately 123 dB(A). To reflect the nature of grading and construction activities, equipment was modeled in the *Noise Analysis* (Appendix K of the Draft EIR) as an area source distributed over the Project footprint. The total sound energy of the area source was modeled in the *Noise Analysis* as with all pieces of equipment operating simultaneously.

Future ground-floor contours during the loudest construction phase, grading, were calculated in the vicinity of the Project site. Construction noise contours are shown on Draft EIR Figure 4.12-2, *Construction Noise Contours*. Construction noise levels were modeled at a series of specific receiver locations at the property line of the nearest properties occupied by residential uses, which include single-family residences to the north (Tierra Shores Residential Complex) and west (Camellia/Mariposa at the Lakes Residential Complex) and mobile homes to the south (Wilderness Lakes RV Resort). Each receiver location was modeled at elevations corresponding to each floor of the nearest residence. The modeling accounted for the existing walls along the western boundary of the Project site. There is also a wall located along the southern boundary of the Tierra Shores Residential Complex to the north. Modeled receiver locations for the Tierra Shores Residential Complex are on the Project side of the wall, thus, noise levels experienced at the actual residences would be less. Draft EIR Table 4.12-8, *Construction Noise Levels [dB(A) $L_{eq}$ ]*, summarizes the projected noise levels at the modeled receivers. Receiver locations and ground-floor noise contours are shown on Draft EIR Figure 4.12-2.

As shown in Draft EIR Table 4.12-8, noise levels at the property line of the nearest residential uses would be 70 dB(A)  $L_{eq}$  or less. Thus, adjacent residences would be exposed to construction noise levels in excess of ambient noise levels. Consistent with the City's Noise Ordinance Section 8.01.010 (see SC-NOI-1, as outlined in Subsection 4.12.5 of the Draft EIR), construction would be limited. Although construction would be audible over ambient noise levels, temporary increases in noise levels from construction activities would be less than significant, because construction activities associated with the Project would comply with the applicable regulation for construction.

## 2. Vibration

Threshold b.: Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne

noise levels?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to noise resources – vibration will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.12-27 through 4.12-29)

Explanation: Construction Vibration

Construction activities have the potential to result in varying degrees of temporary ground vibration, depending on the specific construction equipment used and activities involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effects of ground vibration may be imperceptible at the lowest levels, low rumbling sounds and detectable vibrations at moderate levels, and damage to nearby structures at the highest levels. Vibration perception occurs primarily at structures, as people do not perceive vibrations without vibrating structures.

Project construction would not be anticipated to include substantial sources of vibration such as blasting or pile driving. These activities are not proposed for the Project. Project construction equipment that would be anticipated to generate the highest vibration levels would include heavy earth-moving equipment such as graders, dozers, excavators, etc. Additionally, the Project would include the extension of Tres Lagos Drive along the southern boundary of the Project site; extension of Tres Lagos Drive may involve the use of additional vibration-generating equipment such as a vibratory roller. Reference vibration levels are limited. Heavy earth-moving equipment such as graders, dozers, and excavators, was conservatively assumed to be most similar to a large bulldozer. Based on the reference vibration levels for a large bulldozer these pieces of equipment would generate vibration levels with a PPV of 0.089 in./sec. PPV or less at 25 feet from the equipment. Based on reference vibration levels, use of a vibratory roller for the extension of Tres Lagos Drive would generate vibration levels with a PPV of 0.210 in./sec. PPV at 25 feet from the equipment.

The nearest residential structures to the east in Camelia at the Lakes are approximately 68 feet from the Project site boundary; vibration levels at this distance from heavy earth-moving equipment would be approximately 0.030 PPV in./sec.

The nearest residential structures to the north in Tierra Shores are approximately 73 feet from the Project site boundary; vibration levels at this distance from heavy earth-moving equipment would be approximately 0.027 PPV in./sec.

The development to the east of the Project site is non-residential (Ramona Egg Ranch).

The nearest residential structures to the south is 30524 Briggs Road, which is approximately 133 feet south of the Project site. Vibration levels at this distance from heavy earth-moving equipment would be approximately 0.014 PPV in./sec. Additionally, vibration levels at this distance from a vibratory roller would be approximately 0.033 PPV in./sec.

The threshold of perception for transient vibration sources is 0.035 in./sec. PPV, with 0.24 in./sec. PPV being a distinctly perceptible. Neither cosmetic nor structural damage of buildings occurs at levels below 0.2 in./sec. PPV. Vibration levels would range from 0.014 to 0.033 PPV in./sec. at the nearest residential structures. These vibration levels would be less than barely perceptible. As vibration levels would generally not be perceptible to the average person and would not result in cosmetic nor structural damage to buildings, vibration impacts from Project construction would be less than significant.

The Project would include development of a community park. No substantial sources of vibration would be associated with Project operation. Impacts would be less than significant.

Common sources of groundborne vibration are trains, and construction activities such as blasting, pile-driving, and operating heavy earth-moving equipment. It is unusual for vibration from sources such as buses and trucks to be perceptible even in locations close to major roads.

Land uses in the Project vicinity include residential and agricultural uses. There are no land uses or transportation sources in the vicinity of the Project site that would be anticipated to generate substantial groundborne vibration. Any impacts would be less than significant.

### 3. Private Airstrip or Airport Land Use Plan

Threshold c.: Would the Project, 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, expose people residing or working in the project area to excessive noise levels?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to noise resources – private airstrip or airport land use plan. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study [Thresholds e and f], pp. 70 and 71)

Explanation: The Project site is located in a compatibility zone (Zone E) for the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. Approximately 65% of the Project site is

located at the southerly limits of Zone E. Reference Initial Study Figure 16, *March Air Reserve Base Airport Influence Area*. The runway for March Air Reserve Base/Inland Port Airport is located approximately 13 miles to the northwest of the Project site. According to Table MA-1, Compatibility Zone Factors of the *MAR Comp. Plan*, the noise impact from the March Air Reserve Base/Inland Port Airport is considered “low”, and beyond the 55-CNEL contour. Table MA-1 also states that occasional overflights have a “low impact” in terms intrusion into some outdoor activities.

According to *GPEIR* Table 5.12-3, *Land Use and Compatibility for Community Noise Environments*, the residential land uses within the Project site are considered *normally acceptable* with noise levels between 50 dBA CNEL and 60 dBA CNEL. Residential land uses noise levels between 55 dBA CNEL and 70 dBA CNEL are considered *conditionally acceptable*. This is consistent with the 55-CNEL produced by the March Air Reserve Base/Inland Port Airport. No impacts are anticipated as it pertains to exterior noise.

The acceptable interior noise limit for new construction is 45 dBA CNEL. Standard residential building design (with windows closed) typically provides at least 20 dBA of attenuation; therefore, noise levels within the proposed residential units are not expected to exceed the City’s interior noise standard of 45 dBA CNEL.

As shown on Map PV-1, Compatibility Map – Perris Valley Airport, (Perris Valley Airport Land Use Compatibility Plan, p. 3-39); the Project site is not located within any Compatibility Zones of the Perris Valley Airport. The runway is located approximately 6.8 miles to the northwest of the Project site. Also, as shown on Map PV-3, Ultimate Noise Impacts – Perris Valley Airport, the Project site is located beyond the 55-CNEL contour. No impacts are anticipated.

There are also no private airstrips in the Project vicinity; there will be no impacts related to excessive noise near a private airstrip. The closest private airstrip, Pines Private Airfield, is located approximately 2.8 miles to the southeast of the Project site. According to the *GPEIR*, Appendix A, no impacts related to excessive noise from private airstrips would occur. The same conclusions would apply to the proposed Project.

## L. **POPULATION AND HOUSING**

### 1. **Population Growth**

Threshold a.: Would the Project 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)?

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Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to population and housing resources – population growth will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.13-6 through 4.13-9)

Explanation: In order to develop the Project, the following four (4) land use entitlements must be obtained from City:

General Plan Amendment (GPA) No. 2016-287

GPA No. 2016-287 proposes to amend the Project site's designation in the General Plan Land Use Element from Agriculture (AG) to Specific Plan (SP). Reference Draft EIR Figure 3-1, *General Plan Amendment*. The proposed non-agricultural General Plan Land Use designation and was not anticipated or analyzed in the *GPEIR*.

Change of Zone (CZ) No. 2016-288

CZ No. 2016-288 proposes to change the zoning classification of 79.68-acres on the southwest corner of Briggs Road and Old Newport (APNs 364-190-004 and 364-190-005) from Heavy Agriculture – 10-Acre Minimum (A-2-10) to Specific Plan (SP). Reference Draft EIR Figure 3-2, *Change of Zone*. The proposed non-agricultural zoning classification was not anticipated or analyzed in the *GPEIR*.

Specific Plan (SP) No. 2016-286

SP No. 2016-286 proposes establishment of a Specific Plan on a total of 79.68-acres for 305 residential lots (96 single-family courtyard residential units and 209 single-family residential units), 20.1-acres of private recreational open space and trails and 21.18-acres of road and easements. Reference Draft EIR Figure 3-3, *Specific Plan Land Use Plan*, and Draft EIR Table 4.13-4, *Specific Plan Land Use Table*. The overall residential density of the Project will be 3.82 dwelling units per acre.

Tentative Tract Map No. 2016-285 (TR 37131)

TR No. 2016-285 (TR 37131) proposes the subdivision of 79.68 gross-acres into a total of 305 single-family residential lots, with 20.1-acres of trails, open space, and recreation, and 21.18-acres of roads and easements.

The open space lots include lots for recreation (0.3-acre private pool, and 1.2-acre park, 0.1-acre tot lot), two (2) lakes comprising 5.2-acres, 0.6-acre water quality features, and 8.5-acres of landscaping throughout the development for paseos and additional perimeter landscaping. The Project is proposed to be a

gated community.

The Project would result in the development of 305 single-family residential lots. At 3.164 persons per household, per US Census ACS 5-year Estimates, it is anticipated that the Project would result in a direct population increase of approximately 965 persons at Project buildout. Note, the US Census ACS 5-year Estimates persons per household is greater than the Department of Finance 2017 rate of 2.95 persons per household. The 965 potential new residents that would be created by the proposed residential development was not anticipated to be within the growth assumptions estimated in the SCAG RTP/SCS.

The addition of 305 single-family residences will therefore result in the potential for 965 new residents and the creation of 305 new households. Some of the growth associated with the Project will be a result of relocation within the region, from outside the region and through birth.

Draft EIR Table 4.13-5, *Project Population Relationship to City of Menifee and Riverside County (2017 and 2040)*, shows the numbers and percentages of increases that will result from the Project in relation to estimated 2017 population and projected 2040 population.

The Project represents a 1.02% increase in population over estimated 2017 population and a 0.76% increase in population over projected 2040 population in the City of Menifee and represents a 0.038% increase in population over estimated 2017 population and a 0.030% increase in population over the projected 2040 population in Riverside County.

These increases are incremental increases to population; however, due to their small percentage in relation to the City and County, they are not considered substantial increases to population. Any impacts from the Project are considered less than significant.

Draft EIR Table 4.13-6, *Project Household Relationship to City of Menifee and Riverside County (2017 and 2040)*, shows the numbers and percentages of increases that will result from the Project in relation to estimated 2017 households and projected 2040 households.

The Project represents a 1.11% increase in households over 2017 estimate households, and a 0.63% increase in households over projected 2040 households in the City of Menifee and represents a 0.058% increase in households over estimated 2017 households, and a 0.029% increase in households over projected 2040 households in Riverside County. According to Table 2: E-5 City/County Population and Housing Estimates, 1/1/2018 (Dept. of

Finance), the City has a vacancy rate of 7.8%, which is below the County total of 13.2%. While below the County rate, there is still a need within the City for housing.

These increases are incremental increases to population; however, due to their small percentage in relation to the City and County, they are not considered substantial increases to population. Any impacts from the Project are considered less than significant.

The Project does not include any businesses. Therefore, the Project will not induce substantial population growth in an area, either directly by proposing new businesses. No impacts will occur.

As stated above, the Project site is bordered on the north by single-family homes, on the south by a recreational vehicle campground/park, on the west by a partially developed tract of single-family homes, and agricultural uses exist to the east of the Project site. This is also the situation for the development to the north and south of the Project site. It could be said that Briggs Road represents an easterly “urban growth limit” to the City. It could also be said that the Project would be a continuation of the development pattern to the north and to the west and would represent a logical stopping point for suburban style development within the City. The Project is considered “in-fill” type development within the City’s boundaries, which is referred to by the Governor’s Office of Planning and Research as: “building within unused and underutilized lands within existing development patterns, typically but not exclusively in urban areas. Infill development is critical to accommodating growth and redesigning our cities to be environmentally- and socially-sustainable.”

Based on the surrounding development pattern, and the urban growth line provided by Briggs Road, any indirect land use impacts from the Project are considered less than significant.

As shown in Subsection 4.13.2.3 of the Draft EIR, the Project is located in an area which has existing roadways. The Project will be required to improve adjacent frontage roadways (Newport Road, Rockport Road/Old Newport Road, Tres Lagos Drive, Briggs Road) to Menifee General Plan Circulation Element standards, or local roadway standards. Please refer to Chapter 4.16, Transportation of the Draft EIR for greater detail on Project roadway improvements. Since these roadways either exist or are planned to be additionally improved, the Project will not induce substantial population growth in the area indirectly through extension of roads. Any impacts are considered less than significant.

As shown in Subsection 4.13.2.3 of the Draft EIR, the Project is

located in an area which has existing sewer and water adjacent to the Project site. An existing 18" PVC recycled water line is located approximately 0.25 miles west of the Project on Old Newport Road. With the exception of recycled water, the Project will tie into the existing, adjacent sewer and water lines. As discussed in Chapter 4.18, Utilities and Service Systems of the Draft EIR, adequate sewer capacity and water supplies, as well as Project specific pipelines, are sized to serve the Project. Please refer to Draft EIR Chapter 4.18, for greater analysis on Project sewer and water.

Since adequate sewer and water facilities exist and are planned in order to meet demand as the City builds out, the Project will not induce substantial population growth in the area indirectly through extension of sewer and water infrastructure. Any impacts are considered less than significant.

## 2. **Displace People or Housing**

Threshold b.: Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that there will be no impacts related to population and housing resources – displace people or housing. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study, p. 73)

Explanation: There are four (4) existing homes on the Project site. They will be demolished as part of the Project site preparation. Approximately 18 persons (renters) live in those homes. Based on the limited number of houses, the Project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. No impacts will occur.

## M. **PUBLIC SERVICES**

### 1. **School Services**

Threshold c.: Would the Project result in substantial adverse physical impacts associated with the provision of 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 school services?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-PS-4, impacts related to public services resources – school services will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.14-17 through 4.14-18, p. 4.14-18)

for Standard Condition)

Explanation:

The Project is located within the Menifee Union School District and Perris Union High School District. The Project is subject to development fees for school facilities pursuant to Senate Bill (SB) 50.

The current General Plan Land Use designation for the Project site is Agriculture (AG). The proposed General Plan Land Use designation is Specific Plan (SP). The Project is proposing to change the zoning classification for the Project site from Heavy Agriculture (A-2-10) to Specific Plan (SP). The proposed non-agricultural General Plan Land Use designation and zoning classification were not anticipated or analyzed in the *GPEIR*.

The Project is located with the Menifee Union School District (MUSD), for kindergarten through 8<sup>th</sup> grades, and Perris Union High School District (PUHSD) for 9<sup>th</sup>-12<sup>th</sup> grades. Children residing in the proposed residences would most likely attend one of the existing facilities such as Southshore Elementary, Bell Mountain Middle, Heritage High School, or future High School #4, once constructed. According to Mr. Hector Gonzalez, Director of Facilities Planning, HS #4 does not have a construction schedule to date. The District may put a Bond on the November 2018 Ballot, which if successful, would provide the funding needed to begin construction on the high school shortly afterwards. The Project is classified as “shovel ready.” Implementation of the Project will result in an incremental impact on the demand for school services.

The following student generation factors are utilized by MUSD for single-family detached units:

- Elementary school: 0.3038/dwelling unit
- Middle school: 0.1396/dwelling unit

The following student generation factors are utilized by PUHSD for single-family detached units:

- High school: 0.1043/dwelling unit

Based on 305 residential units (3.164 persons per household, per US Census ACS 5-year Estimates) and the MUSD and PUHSD generation rates shown above, the Project will generate the following approximate number of students, below.

- Elementary school: 96
- Middle school: 44
- High school: 33

As shown in Draft EIR Table 4.14.4-1, there is adequate capacity at the elementary school and middle school to accommodate the 96 elementary school and 44 middle school students generated by the Project. The current high school is over capacity. This will be alleviated with the construction of future High School #4, which is located approximately 1.0 mile southeast of the Project site. It is anticipated that the PUHSD will refine school boundaries upon the completion of future High School #4; thereby alleviating any capacity issues.

Impacts to MUSD and PUHSD facilities will be offset through the payment of impact fees to the MUSD and PUHSD, prior to the issuance of a building permit. MUSD and PUHSD residential rates are currently \$2.73 per square foot and \$1.09 per square foot, respectively. This fee is subject to change, and the applicable fees, at time of building permit issuance, shall apply.

Payment of these fees (Standard Condition SC-PS-4) is typically a standard condition of approval and is not considered unique mitigation pursuant to CEQA. After payment of these fees, any impacts will be considered less than significant.

It should be noted that issue area d. (Parks) was thoroughly analyzed under Recreation and is, therefore not discussed under Public Services.

## 2. Public Facilities

Threshold e.: Would the Project result in substantial adverse physical impacts associated with the provision of 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 other public facilities - libraries?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-PS-5, impacts related to public services resources – public facilities will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.14-20, p. 4.14-21 for Standard Condition)

Explanation: According to the *GPEIR*, existing library facilities and collections are not adequate to serve the current population in Menifee. As the City grows, this deficiency will only become compounded. Implementation of the Project will result in the creation of 305 homes, with a projected population of 965 residents. This will add an increment of impact to the existing library facilities.

Impacts to library facilities will be offset through the payment of DIF to the City, prior to the issuance of a building permit. This fee

is \$66.00/single family unit for library books. This fee is subject to change, and the applicable fees, at time of building permit issuance, shall apply.

Payment of these fees (Standard Condition SC-PS-5) is typically a standard condition of approval and is not considered unique mitigation pursuant to CEQA. After payment of these fees, any impacts will be considered less than significant.

## **N. RECREATION**

### **1. Increased Use**

Threshold a.: Would the Project 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?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-REC-1 and SC-REC-2, impacts related to recreation resources – increased use will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.15-16 through 4.15-18, p. 4.15-24 for Standard Conditions)]

Explanation: Demand for park and recreational facilities are generally the direct result of residential development. The Project includes 305 single-family homes. At 3.164 persons per household, per City Ordinance 9.55 and associated City Resolution No. 16-514, it is anticipated that the Project would result in a direct population increase of approximately 965 persons at Project buildout. According to the General Plan, buildout of the entire City would result in an increase of the City's population by 81,423 more than the 2010 Census count to a total of 158,942. The additional 965 residents generated by the Project were not included in these General Plan population numbers.

The City of Menifee has a standard of five acres of parkland per 1,000 residents. General Plan buildout would create demand for 407 acres of new parkland. The General Plan designates 725 acres of parkland. Again, the additional parkland required by the Project's 965 residents generated by the Project was not included in these General Plan parkland numbers.

The following is the formula used to determine the recreational facilities generated by a Project residential population of 965 residents, at 5 acres per 1,000 residents:

$$305 \text{ units} \times 3.164 \text{ persons/house} = 965 \text{ residents}$$

$$(965/1000) \times 5 = 4.83 \text{ acres}$$

The Project proposes 20.1 acres of private recreational open space and trails. Landscaped open space consists of 8.9 acres for the development of paseos, passive landscape areas, and perimeter landscaping. The Project will also provide 11 combined acres for parks and recreational areas, tot lots, a pool, sidewalks/trails and lakes. The main purpose for the lake is retention/detention; however, passive recreational opportunities (walks, seating) will be provided. Sidewalks and trails are planned for access to all these features. Reference Figure 3-5, *Open Space Plan*, in Chapter 3 of the Draft EIR.

Open space and recreational facilities that are provided strictly for residents' private use, are maintained by a Homeowner's Association, and will not be dedicated to the City for general public use, are not granted any parkland credit under Quimby. It is a requirement of the City's Municipal Code that the land be, in fact, dedicated. Therefore, no parkland credit is being provided for these private facilities.

According to Draft EIR Figure 4.15-5a, *Briggs Road Cross Section*, an 8'-wide meandering community trail and an 8'-wide Class II bike lane are shown adjacent to the Project on the west side of Briggs Road. These improvements will be installed concurrently with Briggs Road improvements.

According to Draft EIR Figure 4.15-5b, *Tres Lago Road Cross Sections*, an 8'-wide Class II bike lane is shown adjacent to the Project on the north side of Tres Lago Road. These improvements will be installed concurrently with Tres Lago Road improvements.

According to Draft EIR Figure 4.15-5c, *Old Newport Road Cross Sections*, an 8'-wide Class III bike lane is shown adjacent to the Project on the south side of Old Newport Road. These improvements will be installed concurrently with Old Newport Road improvements.

No routes included in WRCOG's Non-Motorized Transportation Plan are located on the Project site, or in the immediate proximity of the Project site. The closest ones are a bikeway/pedestrian shared use Class I off-road (proposed) approximately 1.5 miles north of the Project site and a Bikeway, Class II on-road, striped-lanes (existing) approximately 2.5 miles east of the Project site. The sidewalk, trails, and bike lanes that are provided within the Project, and as part of the Project, will connect into the greater City-wide trail and bike system.

Development of the Project has the potential to cause effects on recreational demand by the Project and other projects in the area, due to the increase in residents and the nature of the Project's private recreation facilities. The recreational facilities provided are

only for the use of the Project residents. In addition, the recreational facilities are considered passive, and will not meet the needs of those seeking more active recreation opportunities, such as those associated with “league” play. Those seeking more active recreation opportunities will need to frequent other existing parks, and those parks that are anticipated to be developed in the future. The General Plan designates 725 acres of parkland. At General Plan buildout, there would be a demand for 407 acres of new parkland. This results in an excess of 318 acres of parkland in the City. The Project will generate the need for 4.83 acres (which, due to its Agricultural Land Use Designation, was not anticipated in the City’s General Plan). Even with the addition of these 4.83 acres, the demand would increase to 411.83 acres, which is still well within the designated acreage for parkland in the City at buildout.

As shown on Draft EIR Figure 4.15-2, the Project site is located within one-half-mile of existing private parks (Wilderness Lakes RV Resort located immediately to the south, and Tierra Shores residential development located immediately to the north), and existing and proposed private parks within the Menifee East Specific Plan to the west. A public park is proposed south of the Wilderness Lakes RV Resort (Menifee Heights Park – located at the southwest corner of Holland and Briggs Road. This park is currently under construction at this time.

In order to mitigate any Project impacts that would increase the use of existing neighborhood and regional parks or other recreational facilities such that physical deterioration of the facility would occur or be accelerated, the Project would be required to pay in-lieu fees in order to comply with the Quimby Act (as implemented under Municipal Code Section 9.55) (Standard Condition SC-REC-1). Per Section 9.55, these fees are to be used only for the purposes of developing new or rehabilitating existing neighborhood or community park or recreational facilities.

The Project will also pay Development Impact Fees per Ordinance No. 17-232 (Standard Condition SC-REC-2). DIF’s are used to pay for the following recreation resources: regional parks, and regional multipurpose trails.

These are standard conditions and are not considered unique mitigation under CEQA. With the implementation of Standard Conditions SC-REC-1 and SC-REC-2, any impacts will be less than significant.

## 2. Construction and Expansion

Threshold b.: Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-REC-1 and SC-REC-2, impacts related to recreation resources – construction and expansion will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.15-23, p. 4.15-24 for Standard Conditions)

Explanation: The Project proposes 20.1 acres of private recreational open space and trails. Landscaped open space consists of 8.9 acres for the development of paseos, passive landscape areas, and perimeter landscaping. The Project will also provide 11 combined acres for parks and recreational areas, tot lots, a pool, sidewalks/trails and lakes. The main purpose for the lake is retention/detention; however, passive recreational opportunities (walks, seating) will be provided. Sidewalks and trails are planned for access to all these features. More specifically, a 6'-wide meandering community trail and an 8'-wide Class II bike lane are shown adjacent to the Project on the west side of Briggs Road. The Project will install these improvements concurrently with Briggs Road improvements. A 4'-wide Class II bike lane are shown adjacent to the Project on the north side of Tres Lago Road. The Project will install these improvements concurrently with Tres Lago Road improvements. An 8'-wide Class III bike lane are shown adjacent to the Project on the south side of Old Newport Road. The Project will install these improvements concurrently with Old Newport Road improvements.

As discussed in Threshold a, based on the nature of the private recreational area and related facilities that will be incorporated into the Project, and the requirement to pay in-lieu fees in order to comply with the Quimby Act (as implemented under Municipal Code Section 9.55), and pay Development Impact Fees per Ordinance No. 17-232, (Standard Conditions SC-REC-1 and SC-REC-2), the Project will not cause any significant adverse effects on recreational demand on other existing park and recreation facilities in the vicinity of the Project.

The construction and operations of the proposed recreational facilities, along with the entirety of the Project, would require grading and development activities that would or would have the potential to contribute to physical impacts evaluated in other subchapters of the Draft EIR which include: aesthetics, agriculture and forestry resources, cultural resources, geology and soils, hazards and hazardous resources, noise, public services, transportation/traffic, tribal cultural resources and utilities and service systems. Please refer to these subchapters for the pertinent analysis contained therein, as the on-site recreation resources are a Project component.

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## O. TRANSPORTATION

### 1. Conflict with Plans

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-TR-1 through SC-TR-3, impacts related to transportation resources – conflict with plans will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.16-37 through 4.16-66 and 4.16-74 through 4.16-78, p. 4.16-80 for Standard Conditions)]

Explanation: Construction Traffic

Project construction activities may potentially result in temporary and transient traffic deficiencies related to:

- Construction employee commutes;
- Import of construction materials and soils; and
- Transport and use of heavy construction equipment.

The Applicant would be required to develop and implement a County-approved Traffic Control Plan (TCP) addressing potential construction-related traffic detours and disruptions. In general, the TCP would ensure that to the extent practical, construction traffic would access the project site during off-peak hours; and that construction traffic would be routed to avoid travel through, or proximate to, sensitive land uses. This is considered a standard condition (Standard Condition SC-TR-1) and is not considered unique mitigation under CEQA. Any impacts are considered less than significant.

Future Traffic Analysis - Existing With Project

- *Intersection Capacity Analysis*

All thirteen (13) key study intersections are forecast to operate at acceptable levels of service with the addition of Project traffic during the AM and PM peak hours for the existing with Project traffic conditions. LOS D or better is the minimum acceptable LOS.

The Project is not forecast to have a significant impact at any of the thirteen (13) key intersections under the existing with Project conditions scenario. Impacts are incremental and are considered less than significant. No traffic mitigation measures are required

or recommended for the intersections.

- *Roadway Segment Analysis*

All fourteen (14) key study roadway segments are forecast to operate at acceptable levels of service. LOS D or better is the minimum acceptable LOS.

The Project is not forecast to have a significant impact at any of the fourteen (14) key roadway segments under the existing with Project conditions scenario. LOS for existing with Project traffic conditions is anticipated to be LOS A. Impacts are incremental and are considered less than significant. No traffic mitigation measures are required or recommended for the roadway segments.

The Project will be required to pay DIF and TUMF contributions to several of the affected Study Area roadways and intersections discussed in the Draft EIR. DIF and TUMF are considered standard conditions (Standard Condition SC-TR-2 and Standard Condition SC-TR-3) and are not considered unique mitigation under CEQA.

#### Future Traffic Analysis - Existing With Ambient Growth Year 2020 With Project

- Intersection Capacity Analysis

*All thirteen (13) key intersections are forecast to operate at acceptable LOS during the AM and PM peak hours. LOS D or better is the minimum acceptable LOS.*

The results of the intersection analyses for existing with ambient growth Year 2020 with Project traffic conditions indicate that the Project is not forecast to have a significant impact at any of the thirteen (13) key intersections under the existing with ambient growth with Project conditions scenario. Impacts are incremental and are considered less than significant. No mitigation measures are required or recommended for the intersections.

- *Roadway Segment Analysis*

All fourteen (14) key study roadway segments are forecast to operate at an acceptable LOS. Roadway segments for the existing with ambient growth Year 2020 with Project conditions are anticipated to be operating at primarily LOS A, with one (1) operating at LOS B. Impacts are incremental and are considered less than significant. No mitigation measures are required or recommended for the roadway segments.

The Project will be required to pay DIF and TUMF contributions to

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several of the affected Study Area roadways and intersections discussed above. DIF and TUMF are considered standard conditions (SC-TR-2 and SC-TR-3) and are not considered unique mitigation under CEQA.

Future Traffic Analysis - Existing With Ambient Growth Year 2020  
With Cumulative With Project

- *Intersection Capacity Analysis*

All thirteen (13) key intersections are forecast to operate at acceptable levels of service during the AM and PM peak hours. LOS D or better is the minimum acceptable LOS.

The results of the intersection analyses for existing with ambient growth Year 2020 with cumulative with Project traffic conditions indicate that the Project is not forecast to have a significant impact at any of the thirteen (13) key intersections under the existing with ambient growth with Project conditions scenario. Impacts are incremental and are considered less than significant. No mitigation measures are required or recommended for the intersections.

- *Roadway Segment Analysis*

All fourteen (14) key study roadway segments operate at acceptable LOS for the existing with ambient growth Year 2020 with cumulative with Project conditions. Roadways are anticipated to operate at primarily LOS A, with two (2) operating at LOS B, and one (1) operating at LOS C. Impacts are incremental and are considered less than significant. No mitigation measures are required or recommended for the roadway segments.

The Project will be required to pay DIF and TUMF contributions to several of the affected Study Area roadways and intersections discussed in the Draft EIR. DIF and TUMF are considered standard conditions (SC-TR-2 and SC-TR-3) and are not considered unique mitigation under CEQA.

*Basic Freeway Segment Capacity Analysis*

Given that the maximum Level of Service is a low LOS C, it is determined that no additional analysis is needed for the Caltrans Facilities since the Project generates between 17 and 58 peak hour trips assigned to a state highway facility and all freeway segments are forecast to operate at an acceptable LOS C or better during the AM and PM peak hours under existing traffic conditions.

Any impacts to freeway segment capacity are incremental and are considered less than significant.

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**2. VMT**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to transportation resources – VMT will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.16-78 through 4.16-79)]

Explanation: In the fall of 2013, Senate Bill 743 (SB 743) was passed by the legislature and signed into law by the governor. For some parts of California (and eventually the entire state), this legislation will change the way that transportation studies are conducted for environmental documents. In the areas where SB 743 is implemented, delay-based metrics such as roadway capacity and level of service will no longer be the performance measures used for the determination of the transportation impacts of projects in studies conducted under CEQA. Instead, new performance measures such as Vehicle Miles Traveled (VMT) will be used.

During the preparation of the traffic impact study, guidelines for the implementation of SB 743 were not yet incorporated into CEQA. Therefore, the traffic impact study followed current practice regarding state and local guidance as of the date of preparation. In December 2018, CEQA Guidelines were updated to include a threshold for evaluating traffic impacts using the VMT methodology. This new methodology is required to be used statewide for projects beginning in or after July 2020 unless the lead agency adopts the VMT thresholds earlier. As such, and because the City of Menifee, as the lead agency has not yet adopted VMT thresholds, the analysis for this project utilizes the LOS methodology.

Notwithstanding, for purposes of full disclosure, it is estimated that the Project would generate approximately 6,962 annual VMT per capita, based on the California Emissions Estimator Model (CalEEMod) v2016.3.2.

**3. Hazards Due to Design Feature or Incompatible Uses**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to transportation resources – hazards due to design feature or incompatible uses will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.16-79)]

Explanation: The Project site is bordered on the north by single-family homes, on the south by a recreational vehicle campground/park, on the west by a partially developed tract of single-family homes, and on the east by the Ramona Egg Ranch and agricultural fields.

Suburban, residential development on this site has the potential to create conflicts with the existing, adjacent agricultural uses; particularly the Ramona Egg Ranch located to the east of the Project site, across Briggs Road. The Project may increase hazards/incompatibility due to the interface between residential and agricultural uses (e.g. farm equipment).

The Project will not create any roadways or road improvements that could increase hazards to a circulation system design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). Farm equipment does use the local roadways a few times per year to plow, plant or harvest crops, or tend to the chicken coops, particularly on the east side of Briggs Road. These events are rare enough and the roadway improvements provide sufficient improvement to minimize any new hazards to such equipment in the future. To the contrary, roadway improvements to area roadways, as a result of implementation of the Project, will reduce hazards in the area. The roadways will all be designed to meet all City Transportation requirements. Impacts will be considered less than significant, and no mitigation is required.

Once the new roadways are installed there will be sidewalks outside of the vehicle travel lanes that will reduce potential hazards between these various modes of travel in the future. The potential for roadway conflicts with any adjacent agricultural or rural residential land uses will be low, as the Project has been designed with a circulation system that is separate, but complementary, to these adjacent uses.

Overall roadway design and function will be enhanced for the reasons outlined above, thereby reducing the potential for any conflicts with any adjacent rural residential or agricultural operations in the future. Any hazards to farm equipment are considered less than significant because access to all adjacent property will be enhanced by the Project-related roadway improvements.

#### **4. Emergency Access**

Threshold d.: Would the Project result in inadequate emergency access?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-TR-3, impacts related to transportation resources – emergency access will be less than significant. [Pub. Res. Code §21081(a)(1);

Guidelines § 15091(1). (Initial Study [Threshold e], p. 82)

Explanation: A limited potential exists to interfere with an emergency response or evacuation plan during construction. Construction work in the street associated with the project will be limited to lateral utility connections (i.e., sewer) that will be limited to nominal potential traffic diversion. Control of access will ensure emergency access to the site and Project area during construction through the submittal and approval of a traffic control plan (TCP). The TCP is designed to mitigate any construction circulation impacts. The TCP is a standard condition and is not considered unique mitigation under CEQA. Following construction, emergency access to the Project site and area will remain as was prior to the proposed Project. Any impacts during construction are considered less than significant.

The proposed Project is required to comply with Fire Department requirements for adequate access. Project site access and circulation will provide adequate access and turning radius for emergency vehicles, consistent with the Fire Department's requirements. Any impacts during construction are considered less than significant.

## **P. TRIBAL CULTURAL RESOURCES**

### **1. Tribal Cultural Resources**

Threshold a.: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a Cultural Native American tribe, and that is listed or eligible for listing in the California Register of Historical resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-CUL-1 through SC-CUL-8, impacts related to tribal cultural resources – tribal cultural resources will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.17-7 through 4.17-10, pp. 4.17-10 through 4.17-15 for Standard Conditions [Revised Standard Condition in Section 3.0 Errata of the Final EIR, pp. 3-3 and 3-4])

Explanation: Because the Project includes a General Plan Amendment and a Specific Plan, the Project is also subject to the requirements of SB18. SB18 requires a city or county to consult with the NAHC and any appropriate Native American tribe for the purpose of preserving relevant Traditional Tribal Cultural Places (TTCP) prior

to the adoption, revision, amendment, or update of a city's or county's general plan, specific plan, or designating land as open space. SB18 provides a new definition of TTCP, which requires that the site must be shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. In addition, SB18 law also adds California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.

With input from the Native American Heritage Commission (NAHC), SB18 Notices were sent to the following sixteen (16) Tribes on February 23, 2017. The NAHC uses a broad range for notification.

- Agua Caliente Band of Cahuilla Indians;
- Augustine Band of Cahuilla Mission Indians;
- Cabazon Band of Mission Indians;
- Cahuilla Band of Indians;
- La Jolla Band of Luiseño Indians;
- Los Coyotes Band of Mission Indians;
- Morongo Band of Mission Indians;
- Pala Band of Mission Indians;
- Pauma Band of Luiseño Indians – Pauma & Yuima Reservation;
- Pechanga Band of Mission Indians;
- Ramona Band of Cahuilla Mission Indians;
- Rincon Band of Mission Indians;
- San Luis Rey Band of Mission Indians;
- Santa Rosa Band of Mission Indians;
- Soboba Band of Luiseño Indians; and
- Torres-Martinez Desert Cahuilla Indians.

Based on the City's prior experience with and written request from potentially interested Tribes, AB52 Notices were sent to the following four (4) Tribes on January 5, 2017:

- Agua Caliente Band of Cahuilla Indians;
- Pechanga Band of Mission Indians;
- Rincon Cultural Resources Department; and
- Soboba Band of Luiseño Indians.

Responses were received from the following Tribes on the AB52 and SB18 notices:

- Agua Caliente Band of Cahuilla Indians;
- Augustine Band of Cahuilla Mission Indians;
- Pechanga Band of Mission Indians;
- Rincon Band of Mission Indians; and
- Soboba Band of Luiseño Indians.

Only the Pechanga Band of Mission Indians, Agua Caliente Band of Cahuilla Indians, and the Soboba Band of Luiseño Indians requested formal consultation. The formal calendar end of the 90-day consultation period was June 24, 2018.

Consultation was conducted with the Pechanga Band of Mission Indians and the Soboba Band of Luiseño Indians. The Pechanga Band of Mission Indians requested and was provided a copy of the *Cultural Resources Assessment Report for the Rockport Ranch Project Menifee, California*, prepared by Laguna Mountain Environmental, Inc., December 2017 (CRA, Appendix E1 of the Draft EIR) on August 17, 2017. City Staff met with the Pechanga Band of Mission Indians on November 3, 2017, as the City has regular, on-going meetings with the Tribes, and this Project had been formally submitted to the City prior to the formal consultation period being initiated.

As a result of the consultation process Standard Conditions SC-CUL-1 through SC-CUL-8 (formerly Mitigation Measures MM-CUL-1 through MM-CUL-4) shall be applied to the Project. Implementation of these standard conditions identified above will ensure that in the event that native cultural resources are discovered during ground-disturbing activities all construction activities around the find will be halted, a qualified archaeologist will be notified, uncovered resources will be evaluated, and local tribes will be notified if the find is determined to be prehistoric or historic in nature.

The Soboba Band of Luiseño Indians indicated the City include language for "Inadvertent Archaeological Find", "Human Remains", "Native American (Soboba) Monitoring" and "Archaeologist Retained" for the Project. This language is provided in Standard Conditions SC-CUL-1 through SC-CUL-8, which will ensure that the Project's potential to affect human remains (which may be encountered during ground-disturbing activities) would remain less than significant. The Soboba Band of Luiseño Indians did not request to conduct any monitoring during the ground-disturbing activities. The City has not received a conclusion letter pertaining to AB52 from the Soboba Band of Luiseño Indians, as they typically they will not provide a conclusion letter until they have the Project Conditions of Approval and have had the opportunity to review and comment on the Draft EIR.

The Agua Caliente Band of Cahuilla Indians also requested and was provided a copy of the CRA on August 17, 2017. On August 24, 2017 the Agua Caliente Band of Cahuilla Indians sent the City a letter indicating closure of consultation on this Project.

The Augustine Band of Cahuilla Mission Indians provided the City with a "no comment" letter on April 7, 2017.

Lastly, the Rincon Band of Mission Indians provided the City with a

“no comment” letter on March 6, 2017.

As stated previously, impacts to cultural resources (which could include tribal cultural resources) were addressed in the Cultural Resources Section of the IS. The IS indicated:

*“Because the Project site has experienced severe ground disturbances in the past, any buried archaeological resources would have already been uncovered or destroyed. However, in the unlikely event that archeological materials are uncovered during ground-disturbing activities, Mitigation Measures MM-CUL-1 through MM-CUL-4 shall be implemented to reduce potentially significant impacts to previously undiscovered archaeological resources that may be accidentally encountered during Project implementation to a less than significant level. MM-CUL-1 requires that a qualified archaeologist conduct an archaeological sensitivity training for construction personnel. MM-CUL-2 requires that all ground-disturbing activities be halted or diverted away from the find and that a buffer of at least 50 feet be established around the find until an appropriate treatment plan is coordinated. This will satisfy the Soboba Tribe per their request during consultation. MM-CUL-3 requires that a qualified archaeological monitor be present during all construction excavations into non-fill sediments. MM-CUL-4 requires that the archaeological monitor prepare a final report at the conclusion of archaeological monitoring. With implementation of MM-CUL-1 through MM-CUL-4, impacts will be less than significant.”*

Since the preparation of the Initial Study, the issuance of the NOP and the Scoping Meeting, Mitigation Measures MM-CUL-1 through MM-CUL-4 have been changed to Standard Conditions SC-CUL-1 through SC-CUL-8. The City has changed these to Standard Conditions, as they apply to all projects within the City. It should be noted that these Standard Conditions have the same weight as Mitigation Measures as it pertains to reducing Project impacts.

With implementation of SC-CUL-1 through SC-CUL-8, impacts to tribal cultural resources will be less than significant.

## **2. Tribal Cultural Resources**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-CUL-1 through SC-CUL-8, impacts related to tribal cultural resources – tribal cultural resources will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.17-10, pp. 4.17-10 through 4.17-15 for Standard Conditions [Revised Standard Condition in Section 3.0 Errata of the Final EIR, pp. 3-3 and 3-4])

Explanation: With implementation of SC-CUL-1 through SC-CUL-8, impacts to tribal cultural resources will be less than significant.

## **Q. UTILITIES AND SERVICE SYSTEMS**

### **1. Relocation or Construction of Utilities**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-USS-2, SC-USS-3, and SC-HYD-1 through SC-HYD-5, impacts related to utilities and service systems resources – relocation or construction of utilities will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.18-26 through 4.18-31, pp. 4.18-32 and 4.18-33 for Standard Conditions)

Explanation: Water

A residential daily water usage rate of 265 gallons per day (gpd) was utilized for this Project. This results in a residential Project total water usage of 80,825 gpd (305 units x 265 gpd). Potable water is provided to the Project site by EMWD.

Based on this demand, the Project has been designed for 8” polyvinyl (PVC) pipe to service the Project. Several existing connection points are located under streets adjacent to the Project. Two (2) existing water mains are located on Old Newport Road; one 8” and one 36” concrete-mortar lined and coated (CML&C) water pipes. Briggs Road contains a 12” and a 36” CML&C pipes. One 36” CML&C pipe is located under Tres Lagos Drive. Three (3) potable water connections to the Project will be

made from existing water lines underneath Tres Lagos Drive at the Project entrance, at the entrance on Briggs Road, and the last connection on Old Newport Road at the Project entrance.

Water infrastructure facilities that are located within public rights-of-way shall be maintained by EMWD. Once connections to EMWD are made, 8" PVC pipes will convey water into the Project. Water lines will be placed underneath each internal private street in accordance with EMWD design standards.

The Project does not meet the threshold for the preparation of a Water Supply Assessment (WSA). That threshold is 500 equivalent dwelling units (EDUs). The Project only proposes 305 EDUs. The lake, which will also create water demand, will be primarily supplied with on-site well water. Because the lake will not be served from EMWD's system, it does not need to be included for purposes of a WSA and therefore does not contribute to the overall Project EDUs.

If this were to change and water demand were to come from another source, the water demand to replenish the seepage and evaporation losses should be considered as an annual total for the purposes of the WSA. Based on the data provided in the *Lake-Wetpond Water Supply Technical Memo*, prepared by Excel Engineering, April 25, 2018 (Appendix J4 of the Draft EIR), the losses are estimated to total roughly 3.8 million cubic feet over the course of a year. This estimate is conservative, as it does not account for any natural replenishment that may be provided through rainfall. The estimate also utilizes evapotranspiration as a proxy for actual evaporation rates, which tend to be lower. When considering medium density residential development, EMWD typically assumes a flow factor of 440 gallons per day per dwelling unit, which places the water demand from the lake equivalent to roughly 180 dwelling units, putting the proposed project under the 500 dwelling unit threshold required to trigger a WSA.

According to the Will Serve letter, EMWD is willing to provide water service to the Project. The provision of service is contingent upon the necessary arrangements in accordance with EMWD rules and regulation. Further arrangements for service from EMWD may also include plan check, facility construction, inspection, jurisdictional annexation and payment of financial participation fees.

EMWD relies on MWD's 2015 *RUWMP* to evaluate the reliability of imported supplies and the amount of imported water which will be available in EMWD's service area during normal (aka "average"), single dry, and multiple dry water year periods. MWD's 2015 *RUWMP* detailed its planning initiatives and based on these efforts concluded that with the storage and transfer programs developed, MWD has sufficient supply capabilities to

meet the expected demands of its member agencies from 2020 through 2040 under normal, historic single-dry and historic multiple dry year conditions.

Based on this, EMWD will have sufficient supplies to meet both retail and wholesale demands from 2020 to 2040 under average year conditions, as shown in Draft EIR Table 4.18-9, *Projected Water Supply and Demand Comparison (AFY) - Average Year Hydrology*. In addition, despite an increase in demands, EMWD will have sufficient supplies to meet both retail and wholesale demands from 2020 to 2040 under single-dry year conditions, as shown in Draft EIR Table 4.18-10, *Projected Water Supply and Demand Comparison (AFY) - Single-Dry Year Hydrology*. Lastly, EMWD will have sufficient supplies to meet both retail and wholesale demands from 2020 to 2040 under multiple-dry year conditions, as shown in Draft EIR Table 4.18-11, *Projected Water Supply and Demand Comparison (AFY) - Multiple-Dry Year Hydrology*. Any impacts from the Project will be incremental.

The Project will be required to comply with the EMWD Water Efficient Guidelines for New Development which are in effect at the time of building permit issuance. This is reflected in Standard Condition SC-USS-2, as outlined in Subsection 4.18.5 of the Draft EIR.

The focus of the Water Efficiency Guidelines is on incentive-driven, cost-effective, voluntary water efficiency measures for new residential development. The Water Efficiency Guidelines are divided into two primary sections – (1) indoor guidelines; and (2) outdoor guidelines.

In addition, the Project will be subject to water connection fees. The purposes of these fees are pay for existing and future water facilities/capacity. Standard Condition SC-USS-4 shall be implemented to address these fees.

Due to the sufficient supply, and incorporation of Standard Condition SC-USS-3, any impacts to water facilities are considered less than significant.

As it pertains to the lakes and water for the lakes, the following applies (reference *Lake-Wetpond Water Supply Technical Memo*, prepared by Excel Engineering, April 25, 2018 (Appendix J4 of the Draft EIR))

- The lake is subject to seepage and evapotranspiration, which is both evaporation and transpiration.
- Seepage and evapotranspiration is averaged over 12 months to get an average number for daily usage.
- The combined annual loss from both evaporation-transpiration

and seepage is calculated to be 13,635,579 gallons.

- The average total usage of water applied to maintain the lake level would be 37,357.75 gpd.

The preferred supply of water for the lake is the existing on-site well water. Based on correspondence from EMWD (Gordon Ng, Civil Engineer, Water Supply Planning on April 27, 2018, the District's administrative code does not prohibit the use of a private well as an auxiliary water supply (within EMWD's existing service area). There is sufficient ground water from the existing wells to sustain the lake level mentioned above. A well test conducted in April 2018 showed that this well could generate up to 243 gpm for 6 hours within only 3 feet of drawdown. The month of July sees the greatest losses of surface water volumes to dry air and winds – and for this Project, that peak loss rate is 106,870 cubic feet (cf) for the month. With the peak seepage rate combined, the overall losses during the month of July are 361,322 cf which translates into an average loss rate of 60.54 gallons per minute (gpm). Domestic water could be supplied to the lake as a back-up, but that should be considered as a last resort so as to not create a strain on the water supply.

If available, the Project may incorporate recycled water for landscape irrigation, which helps reduce strain on environmental resources. The Project may use recycled water for irrigation of common area landscaping, open space, parkways, and roadside landscaping adjacent to public roads.

If recycled water infrastructure is available, the Project may opt to incorporate this utility to augment landscape irrigation. Recycled water is available through EMWD via an application process. An existing 18" polyvinyl chloride (PVC) recycled water line is located approximately 0.25 miles west of the Project on Old Newport Road. This recycled water infrastructure is controlled by EMWD. If feasible, an application process would be initiated with EMWD to incorporate recycled water infrastructure into the project design. This process would occur after the approval of TR 37131 and be completed prior to final map approval.

To provide recycled water, EMWD will require proof of permits through Regional Board and CDPH, as appropriate, from the entity responsible for the landscape maintenance and irrigation where the water is used (e.g., park district, transportation department, owner's association).

It is projected that the Project will add in increment of 30,500 gpd of wastewater (based on 100 gpd/day/household at 305 dwelling units). However, given the existing capacity within the EMWD facilities, Project design, and adherence to Standard Condition SC-HYD-5, and Standard Condition SC-USS-3, any impacts are considered less than significant.

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## Wastewater

The Project would result in the development of 305 single-family residential lots. At 3.164 persons per household, per US Census ACS 5-year Estimates, it is anticipated that the Project would result in a direct population increase of approximately 965 persons at Project buildout. The Project is anticipated to generate 30,500 gpd of sewage each day (100 gpd x 305 households).

The current General Plan Land Use designation for the Project site is Agriculture (AG). The proposed General Plan Land Use designation is Specific Plan (SP). The Project is proposing to change the zoning classification for the Project site from Heavy Agriculture (A-2-10) to Specific Plan (SP). The proposed non-agricultural General Plan Land Use designation and zoning classification were not anticipated or analyzed in the *GPEIR*, or in the EMWD wastewater discharges projections.

Two (2) internal pipe sizes are proposed for the Project. Preliminary sewer design concluded 8" and 12" PVC pipes will be needed to adequately service individual homes and community areas discharging wastewater. Pipes will be located underneath the internal private streets. On-street parking will be restricted on the sewer side of the street.

Wastewater will generally flow south toward a connection to a 27" VCP located at Tres Lagos Drive, which will convey wastewater flows offsite to a processing station located approximately 5 miles west of the Project site. An 8" PVC pipe will convey wastewater from courtyard residential and residential lots located along a portion of Street "B," Street "C," and Street "D" toward a connection to a 12" sewer line located at Street "A" and continuing its flow south toward the 27" VCP located at Tres Lagos Drive. The 12" PVC pipe will collect wastewater from the 8" lines at the northern half of the Project and the small group of courtyard residential units located at the midpoint of the Project area. Street "E" will convey wastewater through an 8" PVC line connecting to a 12" PVC pipe located under the southern portion of Street "A" and travelling along Street "A" before connecting to the 27" VCP at Tres Lagos Drive. Reference Figure 3-10, *Sewer Plan*, provided in Chapter 3 of the Draft EIR.

As discussed in Draft EIR Subchapter 4.10, Hydrology and Water Quality, all wastewater associated with the Project's interior plumbing systems will be discharged into the local sewer system for treatment at the regional wastewater treatment plant. Standard Condition SC-HYD-5 is required in order to ensure that the Project's potential impacts to water quality resources (waste discharge requirements) would remain less than significant. Standard Condition SC-HYD-5 is not considered unique mitigation under CEQA.

The Project will be subject to sewer connection fees. The purpose of these fees is to pay for existing and future sewer capacity. Standard Condition SC-USS-3 shall be implemented to address these fees. Standard Condition SC-USS-3 is not considered unique mitigation under CEQA.

EMWD is responsible for all wastewater collection and treatment in its service area. It has four operational regional water reclamation facilities (RWRF's) including 1) San Jacinto Valley RWRF, 2) Moreno Valley RWRF, 3) Temecula Valley RWRF, and 4) Perris Valley RWRF. The Sun City RWRF is inactive with all flows being diverted to the recently expanded (April 2014) Perris Valley RWRF.

As indicated in Draft EIR Table 4.18-12, the combined four active RWRF's, on the whole, are operating at approximately 55% of capacity ( $45,385 \text{ AF Treated} \div 81,800 \text{ AFY Capacity} = \pm 55\%$ ). Individually, the RWRF's are operating 44% to 70% of existing capacity levels (San Jacinto RWRF at 44%; Temecula Valley RWRF at 70%).

All wastewater generated by the interior plumbing system of the Project will be discharged into the local sewer system and conveyed for treatment at the Perris Valley RWRF. Wastewater flows will consist of typical residential wastewater discharges and will not require new methods or equipment for treatment that are not currently permitted for the facility. Connections to local sewer mains will involve temporary and less than significant construction impacts that will occur in conjunction with other on-site improvements.

The most recent expansion allows EMWD to not only meet the projected demands of anticipated development in the region, but also to meet more stringent environmental requirements for wastewater treatment and recycled water quality.

Based on the scope of the Project, any impacts will be incremental. It is projected that the Project will add in increments of 30,500 gpd of wastewater (based on 100 gpd/household). However, given the existing capacity within the EMWD facilities, Project design, and adherence to Standard Condition SC-HYD-5, and Standard Condition SC-USS-3, Any impacts are considered less than significant. Lastly, according to the Will Serve letter, EMWD is willing to provide sewer service to the Project. The provision of service is contingent upon the necessary arrangements in accordance with EMWD rules and regulation. Further arrangements for service from EMWD may also include plan check, facility construction, inspection, jurisdictional annexation and payment of financial participation fees.

### Storm Water Drainage

This issue was discussed in great detail in Draft EIR Chapter 4.10, Hydrology and Water Quality. Impacts were considered less than significant. Standard Conditions SC-HYD-1 through SC-HYD-5 were included in the Project to address Project effects upon storm water drainage facilities.

Therefore, consistent with the analysis in Draft EIR Chapter 4.10, the Project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects with the inclusion of Standard Conditions SC-HYD-1 through SC-HYD-5. Impacts are less than significant.

### Natural Gas

This issue was discussed in great detail in Chapter 4.19, Energy, of the Draft EIR. Impacts were considered less than significant. In addition, according to the Initial Study, the wet and dry utilities and offsite improvements will consist of water lines, sewer lines, dry utilities (including gas, cable and telephone) and offsite improvements to adjacent streets. Gas lines will be located in utility trenches and will connect with an existing 8" gas main at the Project's main entrance on the south side of Old Newport Road. Gas lines will be extended through the Specific Plan area in the same joint trench alignment as electric, cable, and telephone facilities. Natural gas facilities will be installed concurrent with other utilities. Reference Figure 3-11, *Master Electricity and Gas Plan* provided in Chapter 3 of the Draft EIR.

### Telecommunications

According to the Initial Study, the wet and dry utilities and offsite improvements will consist of water lines, sewer lines, dry utilities (including gas, cable and telephone) and offsite improvements to adjacent streets. Telecommunication facilities will be installed concurrent with other utilities.

## 2. Water Supplies

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Conditions SC-USS-2 and SC-USS-4, impacts related to utilities and service systems resources – water supplies will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.18-31, pp. 4.18-32 through 4.18-33 for Standard Conditions)]

Explanation: It is projected that the Project will add in increment of 30,500 gpd of water (based on 100 gpd/day/household). However, given the existing capacity within the EMWD facilities, Project design, and adherence to, Standard Condition SC-USS-2, and Standard Condition SC-USS-4, any impacts are considered less than significant. Lastly, according to the Will Serve letter, EMWD is willing to provide water service to the Project.

### 3. Wastewater Capacity

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-USS-3, impacts related to utilities and service systems resources – wastewater capacity will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, pp. 4.18-31, pp. 4.18-32 through 4.18-33 for Standard Conditions)]

Explanation: It is projected that the Project will add in increment of 30,500 gpd of wastewater (based on 100 gpd/day/household). However, given the existing capacity within the EMWD facilities, Project design, and adherence to Standard Condition SC-USS-3, any impacts are considered less than significant.

### 4. Solid Waste

Threshold d.: Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that with adherence to Standard Condition SC-USS-1, impacts related to utilities and service systems resources – solid waste will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study [Threshold f], p. 92)]

Explanation: Significant impacts could occur if the proposed Project will exceed the existing permitted landfill capacity or violates federal, state, and local statutes and regulations. Waste Management, Inc. (WMI) is the City's franchise hauler for refuse, recycling and green waste materials.

The proposed Project's additional solid waste stream will have a less than significant impact on regional landfill capacity. Most waste collected by WMI from the Project vicinity is delivered to the Moreno Valley Transfer Station located at 17700 Indian Street in Moreno Valley approximately 18 miles north of the Project site.

Residential waste from Moreno Valley Transfer Station is primarily disposed of at the El Sobrante Landfill. The landfill is a Class III municipal solid waste landfill that accept primarily non-hazardous residential and commercial/industrial municipal solid waste.

The El Sobrante Landfill is located at 10910 Dawson Canyon Corona, CA 92883. The El Sobrante Landfill is a 1,322 acre site that was established in 1986 and has a projected remaining life of 50 years. The landfill processes 2 million tons annually, or approximately 5,479 tons daily. The remaining permitted capacity is 209 million cubic yards.

Solid waste generation in Riverside County is evaluated on a per capita generation rate. A residential solid waste generation rate of 13 lbs./residential unit per day was selected to forecast the daily and annual capacity of solid waste generation at full development. 305 single-family residences are proposed.

- Average daily solid waste generation would be about 3,965 pounds per day (1.98 tons).
- Annual average solid waste generation would be about 1,447,225 pounds or about 723.61 tons per year.

Assuming a mandatory 50% recycling rate, daily solid waste generation is forecast to be about 0.99 tons per day for disposal at the El Sobrante Landfill. This is a daily increase of approximately 0.018% on an annual basis. Thus, the proposed Project will incrementally consume some capacity of the existing landfill, but the level of adverse impact is considered less than significant. There is adequate capacity at the El Sobrante Landfill to accommodate the solid waste generated by the proposed Project, and the Project will comply with all laws and regulations in managing solid waste.

There is adequate landfill capacity in the region to accommodate Project-generated waste. Considering the availability of landfill capacity and the relatively nominal amount of solid waste generation from the proposed Project, Project solid waste disposal needs can be adequately met without a significant impact on the capacity of the nearest and optional, more distant, landfills. Therefore, it is not expected that the proposed Project will impact the City's compliance with state-mandated (AB 939) waste diversion requirements. Impacts will be less than significant.

## 5. Comply with Statutes and Regulations

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

Finding: The City of Menifee finds based on the Final EIR and the whole of

the record that the impacts related to utilities and service systems resources – comply with statutes and regulations will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Initial Study [Threshold g], p. 93)

Explanation: The proposed Project is required to comply with all applicable federal, state, County, and City statutes and regulations related to solid waste as a standard Project condition of approval. Impacts will be less than significant.

## **R. WILDFIRE**

### **1. Emergency Plans**

Threshold a.: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to wildfire resources – emergency plans will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.20-7)

Explanation: The Project site is not located within an area identified as a moderate, high or very high fire hazard severity on Exhibit S-6 High Fire Hazard Areas of Menifee General Plan. The hills east of the Project site (easterly of the Ramona Egg Ranch, across Briggs Road) are designated very high fire hazard severity. According to the General Plan, the California Department of Forestry and Fire Protection (Cal Fire) has recommended that the urban, low-lying areas in Menifee be classified as having a Moderate Fire Hazard.

The Project will take access from existing roadways, and roadways that will be improved. These roadways will connect into part of an adopted emergency response plan/emergency evacuation plan, as implemented by the City of Menifee and County of Riverside.

Following construction, emergency access to the Project site and area will remain as was prior to the Project. Therefore, implementation of the Project will not substantially impair an adopted emergency response plan or emergency evacuation plan. Any impacts are considered less than significant.

### **2. Pollutant Concentrations**

Threshold b.: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project, 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?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to wildfire resources – pollutant concentrations will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.20-7)

Explanation: The Project site is not located within an area identified as a moderate, high or very high fire hazard severity on Exhibit S-6 High Fire Hazard Areas of Menifee General Plan. The hills east of the Project site (easterly of the Ramona Egg Ranch, across Briggs Road) are designated very high fire hazard severity. According to the General Plan, the California Department of Forestry and Fire Protection (Cal Fire) has recommended that the urban, low-lying areas in Menifee be classified as having a Moderate Fire Hazard.

The topography of the Project site is flat, and the elevation is approximately 1,440 feet above mean sea level. According to Figure 6-1, *Surrounding Topography*, provided in the Initial Study, there are no steep slopes within a one-quarter mile radius of the Project site. The closest steep slope is located just beyond one-quarter mile to northeast of the Project site. The Ramona Egg Ranch is situated between this slope and the Project site. Between the Ramona Egg Ranch and the Project site is Briggs Road, which due to its width, will serve as a potential fire break.

Based on this information, the Project would not, 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. Any impacts are considered less than significant.

### 3. Associated Infrastructure

Threshold c.: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to wildfire resources – associated infrastructure will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.20-8)

Explanation: The Project site is not located within an area identified as a moderate, high or very high fire hazard severity on Exhibit S-6 High Fire Hazard Areas of Menifee General Plan. The hills east of the Project site (easterly of the Ramona Egg Ranch, across Briggs

Road) are designated very high fire hazard severity. According to the General Plan, the California Department of Forestry and Fire Protection (Cal Fire) has recommended that the urban, low-lying areas in Menifee be classified as having a Moderate Fire Hazard.

The Project does not include and or 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. Any roads and utilities will be installed in accordance with the respective jurisdiction requirements. Briggs Road, as parkway landscaping shall serve as a fire break for the Project. Any impacts will be less than significant.

#### 4. Post-Fire Conditions

Threshold d.: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to wildfire resources – post-fire conditions will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.20-8)]

Explanation: The Project site is not located within an area identified as a moderate, high or very high fire hazard severity on Exhibit S-6 High Fire Hazard Areas of Menifee General Plan. The hills east of the Project site (easterly of the Ramona Egg Ranch, across Briggs Road) are designated very high fire hazard severity. According to the General Plan, the California Department of Forestry and Fire Protection (Cal Fire) has recommended that the urban, low-lying areas in Menifee be classified as having a Moderate Fire Hazard.

The topography of the Project site is flat, and the elevation is approximately 1,440 feet above mean sea level. According to Figure 6-1, *Surrounding Topography*, provided in the Initial Study, there are no steep slopes within a one-quarter mile radius of the Project site. The Project will include hardscape and landscape improvements that would serve to stabilize the built environment. Based on this information, the Project would not 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. Any impacts would be less than significant.

## 5. Wildland Fires

Threshold e.: If located in or near a State Responsibility Area (“SRA”), lands classified as very high fire hazard severity zone, or other hazardous fire areas that may be designated by the Fire Chief, would the Project expose people or structures either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that the impacts related to wildfire resources – wildland fire will be less than significant. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1). (Draft EIR, p. 4.20-9)]

Explanation: The Project site is not located within an area identified as a moderate, high or very high fire hazard severity on Exhibit S-6 High Fire Hazard Areas of Menifee General Plan. The hills east of the Project site (easterly of the Ramona Egg Ranch, across Briggs Road) are designated very high fire hazard severity. According to the General Plan, the California Department of Forestry and Fire Protection (Cal Fire) has recommended that the urban, low-lying areas in Menifee be classified as having a Moderate Fire Hazard.

Please reference the discussions in Thresholds a through d.

Based on this information, the Project would not, expose people or structures either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Any impacts are considered less than significant.

### **SECTION III**

#### **IMPACTS THAT ARE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

The City Council hereby finds that Mitigation Measures have been identified in the EIR and these Findings that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

#### **A. AIR QUALITY**

##### **1. Criteria Pollutant**

Threshold b.: Would the Project 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?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-AQ-1 is feasible and finds that this mitigation measure will reduce the impacts related to air

quality resources – criteria pollutant of resources to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.4-12, through 4.4-17, p. 4.4-21 for Mitigation Measures)

Explanation:

The Project site is located in the South Coast Air Basin (Basin). State and federal air quality standards are often exceeded in many parts of the Basin.

Operation-related Emissions

Operation-related sources of air emissions include the direct emission of criteria pollutants. Direct emission sources include mobile sources such as project-generated traffic, energy sources such combustion of natural gas as an on-site fuel source, and area sources such as the use of landscaping equipment, use of fireplaces, use of consumer products, and application of architectural coatings.

Mobile source emissions were estimated using emission factors derived using CARB's motor vehicle emission inventory program, EMFAC2014. Trip generation rates were taken from the Project's Traffic Impact Analysis (*Revised Traffic Impact Analysis Report, Rockport Ranch, Menifee, California, January 18, 2018 – Revision of the July 16, 2017 Report*), (TIA, Appendix M of the Draft EIR). The TIA estimates that the Project would generate 9.52 average daily trips per day per residence. An average trip length of 6.1 miles was derived from EMFAC2014 data for the Basin subarea in Riverside County. Mobile emissions are estimated by multiplying the Project trip rate, average trip length, and the vehicle emission factors.

Energy use emissions include direct air quality and GHG emissions associated with the combustion of on-site fuel sources, such as natural gas, and indirect GHG emissions associated with the generation of electricity from fossil fuels off-site in power plants. Project energy use was estimated based on the size of the proposed land uses using data compiled from SCAQMD surveys and incorporated into CalEEMod. By default, energy use factors in CalEEMod reflect the most recent 2016 Title 24 energy efficiency requirements.

Direct emissions from combustion of natural gas were modeled using standard emission factors published by the Environmental Protection Agency (EPA). Indirect emissions from electricity use were modeled based on electricity intensity factors for the Project utility provider, Southern California Edison (SCE).

The *AQ/GHG Analysis* derived energy intensity factors from SCE's 2015 Corporate Responsibility Report, which indicates that in 2015 SCE generated 517 pounds of CO<sub>2</sub>e for each megawatt-

hour (MWh) of electricity delivered. Projected 2020 energy-intensity factors for SCE were interpolated based on SCE's existing power mix and Renewables Portfolio Standard requirements. As SCE had a power mix with 24.3 percent renewables in 2015 and would be required to have 33 percent renewables in 2020, the projected 2020 energy intensity factor is expected to be approximately 11.5 percent less than the 2015 energy intensity factor.

Area source emissions associated with the Project include landscaping equipment, fireplaces, consumer product use, and architectural coatings. The use of landscape equipment emits GHGs associated with the equipment's fuel combustion. The landscaping equipment values were derived from the 2011 In-Use Off-Road Equipment Inventory Model (CARB 2011) and take into account building area, equipment emission factors, and the number of operational days (summer days). The parameters for fireplace type and use are based on surveys performed by SCAQMD and account for 25 days of use per year.

Emissions from the use of consumer products such as detergents, cleaning compounds, polishes, floor finishes, disinfectants, and sanitizers, were modeled based on data from CARB's Emissions Inventory and project building areas. Emissions from the application of architectural coatings such as paints, primers, roof coatings, and other materials used to seal materials are calculated using building surface area and typical architectural coating emission factors.

Draft EIR Table 4.4-6, *Unmitigated Project Operational Air Emissions*, summarizes the Project's operational air emissions of criteria pollutants (ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>) from area sources, energy sources and mobile sources.

As shown in Table 4.4-6, all criteria pollutants are below thresholds, with the exception of ROG. The primary source of ROG is the use of wood-fired fireplaces. Mitigation Measure MM-AQ-1 shall be implemented.

Draft EIR Table 4.4-7, *Mitigated Project Operational Air Emissions*, shows operational emissions with the incorporation of Mitigation Measure MM-AQ-1 which requires that no wood-burning fireplaces be installed; rather, all fireplaces will be natural gas-fueled type and any fireplaces shall be specified on construction documents as gas-fueled.

As shown in Table 4.4-7, operational activities would result in air emissions that are less than all applicable significance thresholds. ROG emissions will be greatly reduced from the "unmitigated" condition, to a less than significant level with the incorporation of Mitigation Measure MM-AQ-1. Therefore, Project operation would

not result in regional emissions that would exceed the NAAQS or CAAQS or contribute to existing violations. Any impacts as a result from Project operational activities would be less than significant.

## 2. Other Adverse Emissions

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-AQ-1 is feasible and finds that this mitigation measure will reduce the impacts related to air quality resources – other adverse emissions of resources to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, p. 4.4-20, p. 4.4-21 for Standard Conditions and Mitigation Measures)

Explanation: The potential for an odor impact is dependent on a number of variables including the nature of the odor source, distance between the receptor and odor source, and local meteorological conditions. During construction, potential odor sources associated with the Project include diesel exhaust associated with construction equipment. Diesel exhaust may be noticeable; however, construction activities would be temporary. Therefore, the diesel exhaust odors are not anticipated to result in significant impacts.

Potential odor sources associated with the operation of the project are anticipated to be those that would be typical of any residential development. Residential developments typically do not result in odor impacts; therefore, this impact would be less than significant.

As stated on p. 27 the Initial Study, according to the CEQA Air Quality Handbook, land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). Odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills.

Suburban, residential development on this site has the potential to create conflicts with the existing, adjacent agricultural uses, particularly the Ramona Egg Ranch located to the east of the Project site, across Briggs Road. There may be pressure to convert this adjacent, existing agricultural use to a non-agricultural use primarily due to the odors emanating from the Ramona Egg Ranch. It should be noted that the Project will not be creating this impact and that the existing odors are not required to be analyzed

as part of the Draft EIR.

The following standard condition is proposed to reduce potential land use conflicts from the existing (and future) odors from the established Ramona Egg Ranch. The Project is subject to Assembly Bill 2881 and the Right-to-Farm Disclosure, as discussed above. Mitigation can be achieved by providing disclosure to future residents that the property is located within 1 mile of farmland as designated on the most recent Important Farmland Map. In addition, the Project is subject to City of Menifee Ordinance No. 625 (Right-to-Farm Ordinance). This Ordinance requires prospective buyers of property adjacent to agricultural land to be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities as per provisions of the City's Right-to-Farm ordinance. Standard Condition SC-AG-1, as outlined in Subsection 4.4.5 of the Draft EIR, requires disclosures as part of all home sales transaction(s). Mitigation Measure MM-AQ-1 is also required. Any impacts would be less than significant.

## **B. BIOLOGICAL RESOURCES**

### **1. Adverse Effect Directly or Through Habitat Modifications**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-BIO-1 is feasible and finds that this mitigation measure will reduce the impacts related to biological resources – adverse effect directly or through habitat modifications to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Initial Study, p. 29, pp. 32 through 33 for Mitigation Measures [Revised Mitigation Measure in Section 3.0 Errata of the Final EIR, pp. 3-2and 3-3])

Explanation: The Project site is highly disturbed due to past land use practices related to a commercial dairy. As a result of the disturbance caused by the historic land use practices and the current activity to remove the dairy infrastructure from the site, the vegetation on the Project site is sparse, ruderal, and is not considered sensitive in nature. The dominant vegetation present on site consists almost solely of patches of newly emergent cheeseweed (*Malva parviflora*) and Malabar sprangletop (*Leptochloa fusca*). Ornamental trees and landscaping are found at the northeastern corner of the site related to the residential homes. A complete list of plant species observed on the site is included as Appendix A of the *MSHCP Consistency Analysis* (Appendix D1 of the Draft EIR).

Wildlife common to suburban areas was observed using the site. Some species observed include burrowing owl (*Athene cunicularia*), red-tailed hawk (*Buteo jamaicensis*), common raven (*Corvus corax*), and gull (*Larus sp.*). A complete list of wildlife species observed on the site is included as Appendix A of the *MSHCP Consistency Analysis* (Appendix D1 of the Draft EIR).

Burrowing owls (BUOW) and their nests and eggs are protected from “take” (meaning destruction, pursuit possession, etc.) under the Migratory Bird Treaty Act (MBTA) of 1918 and under Sections 3503, 3503.5, and 3800 of the California Fish and Game Code. Activities that cause destruction of active nests, or that cause nest abandonment and subsequent death of eggs or young, may constitute violations of one or both of these laws.

During the January 2016 burrow survey, a single burrowing owl and burrow with burrowing owl signs (in the form of whitewash and pellets) was observed along the northwest edge of the site, on the bank of a detention basin (reference Figures 2 and 3 of the BUOW Survey in Draft EIR Appendix D2). However, during the March and April 2016 burrowing owl surveys, no burrowing owls, active burrows, or new signs of burrowing owls were observed. Some whitewash remained on the previously active burrow location, but by the final survey, the burrow was being utilized by a California ground squirrel and the whitewash was no longer visible. No other burrowing owls or features potentially occupied by burrowing owls were detected during the survey.

Although the burrowing owl was no longer present on site during the burrowing owl portion of the survey, suitable habitat is present and the site could eventually be reoccupied. The potential reoccupation of the suitable habitat would represent a significant impact. Implementation of Mitigation Measure MM-BIO-1 will ensure that potential impacts to burrowing owls are reduced to less than significant levels by requiring that a preconstruction survey for burrowing owl is prepared no more than 30 days prior to ground disturbance, in accordance with MSHCP survey requirements. The Project site is not within any other MSHCP survey areas, within a criteria cell, or within or near any MSHCP Special Linkage areas. The site does not contain vernal pools or riparian habitat. The Project will not conflict with the provisions of the MSHCP with implementation of Mitigation Measure MM-BIO-1.

However, with incorporation of Mitigation Measure MM-BIO-1 the Project would not 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 (CDFW) or U.S. Fish and Wildlife Service.

## 2. Movement of any Native Resident or Migratory Fish or Wildlife Species

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-BIO-2 is feasible and finds that this mitigation measure will reduce the impacts related to biological resources – movement of any native resident or migratory fish or wildlife species to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Initial Study, p. 31, pp. 32 through 33 for Mitigation Measures)

Explanation: Nesting bird species are protected by California Fish and Game Code Sections 3503 and 3503.5 and by the MBTA of 1918 (16 USC 703-711), which make it unlawful to take, possess, or needlessly destroy the nest or eggs of any migratory bird or bird of prey.

The Project site, and areas in the immediate vicinity of the Project contains trees, shrubs, and grasslands that provide suitable nesting habitat for a number of migratory bird species known to nest in the Project area. The ornamental trees and shrubs at the north end of the Project site and the mature eucalyptus windrow adjacent to the southern boundary of the Project site provide potential roosting, foraging, and nesting habitat for migratory birds and raptors, such as hawks and owls.

Impacts to nesting bird species must be avoided at all times. The period from approximately 15 February to 31 August is the expected breeding season for bird species occurring in the Project area. Under Mitigation Measure MM-BIO-2, if Project activity or vegetation removal must be initiated during the breeding season, a qualified biologist should check for nesting birds within three days prior to such activity. If active bird nests are found, avoidance buffers will need to be observed and implemented. With these measures, impacts to nesting birds will be less than significant.

## 3. Conflict with Plans

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measures MM-BIO-1 and MM-BIO-2 are feasible and finds that these mitigation measures will reduce the

impacts related to biological resources – conflict with plans to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.5-18 through 4.5-25, pp. 4.5-25 through 4.5-26 for Standard Conditions and Mitigation Measures [Revised Mitigation Measure in Section 3.0 Errata of the Final EIR, pp. 3-2 and 3-3])

Explanation:

The Project is located within the Sun City/Menifee Area Plan of the MSHCP but is not located within a Criteria Area or Conservation Area, or adjacent to a Criteria Area or Conservation Area. Since the Project is not located within a Criteria Area or Conservation Area, or adjacent to a Criteria Area or Conservation Area, it is not subject to the Property Owner Initiated Habitat Evaluation and Acquisition Negotiation Strategy (Section 6.1.1 of the MSHCP Guidelines), Urban/Wildlands Interface Guidelines (Section 6.1.4 of the MSHCP Guidelines), or Fuels Management (Section 6.4 of the MSHCP Guidelines). Lastly, no riparian/riverine/vernal pool resources are present; therefore, no analysis is required per Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools) of the MSHCP Guidelines.

Draft EIR Figure 4.5-2, *Survey Areas*, shows that the Project site is within the Narrow Endemic Plants Survey Area (NEPSSA) plants and the burrowing owl (BUOW) survey area.

Narrow Endemic Plants Survey Area (NEPSSA) Plants

Suitable soils and/or habitat conditions for six (6) NEPSSA species do not occur on site; therefore, focused surveys are not required, pursuant to Section 6.1.3 (Protection of Narrow Endemic Plant Species) of the MSHCP Guidelines. In addition, none of these species was observed during the January 2016 field survey. Draft EIR Table 4.5-3, *MSHCP Narrow Endemic Plant Survey Species*, below, details habitat suitability for each of these species within the study area.

Burrowing Owl Survey Area

Burrowing owls and their nests and eggs are protected from “take” (meaning destruction, pursuit possession, etc.) under the Migratory Bird Treaty Act (MBTA) of 1918 and under Sections 3503, 3503.5, and 3800 of the California Fish and Game Code. Activities that cause destruction of active nests, or that cause nest abandonment and subsequent death of eggs or young, may constitute violations of one or both of these laws.

Pursuant to Section 6.3.2 (Additional Survey Needs and Procedures) of the MSHCP Guidelines, surveys were conducted for the presence of the burrowing owl. During the January 2016 burrow survey, a single burrowing owl and burrow with burrowing

owl signs (in the form of whitewash and pellets) was observed along the northwest edge of the site, on the bank of a detention basin (reference Draft EIR Figure 4.5-3, *Survey Results and Photograph Locations*,). However, during the March and April 2016 burrowing owl surveys, no burrowing owls, active burrows, or new signs of burrowing owls were observed. Some whitewash remained on the previously active burrow location, but by the final survey, the burrow was being utilized by a California ground squirrel and the whitewash was no longer visible. No other burrowing owls or features potentially occupied by burrowing owls were detected during the survey.

Although the burrowing owl was no longer present on site during the burrowing owl portion of the survey, suitable habitat is present, and the site could eventually be reoccupied. The potential reoccupation of the suitable habitat would represent a significant impact. Implementation of Mitigation Measure MM-BIO-1 and MM-BIO-2, will ensure that potential impacts to burrowing owls are reduced to less than significant levels by requiring that a preconstruction survey for burrowing owl is prepared no more than 30 days prior to ground disturbance and requiring that if grading is to occur during the nesting season (February 15 – August 31), a nesting bird survey shall be conducted within three (3) days prior to grading permit issuance, in accordance with MSHCP survey requirements.

With incorporation of Mitigation Measure MM-BIO-1 and MM-BIO-2, Project impacts would be reduced to less than significant level such that the Project would not conflict with the MSHCP (the adopted Habitat Conservation Plan).

Payment of the Stephens' Kangaroo Rat Fee, and the MSHCP Mitigation Fee and are mandatory. Standard Condition SC-BIO-1 and Standard Condition SC-BIO-2 require the Project applicant to pay these fees prior to the issuance of a grading permit and building permit, respectively. Payment of this fee is not considered unique mitigation under CEQA.

## C. **ENERGY**

### 1. **Wasteful Consumption of Resources**

**Threshold a.:** Would the Project result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

**Finding:** The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-GHG-1 is feasible and finds that this mitigation measure will reduce the impacts related to energy resources – wasteful consumption of resources to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines §

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15091(1)]. (Draft EIR, pp. 4.19-5 through 4.19-7)

Explanation:

Construction-related Energy Use

During construction, energy use would occur in two general categories: fuel use from vehicles used by workers commuting to and from the construction site, and fuel use by vehicles and other equipment to conduct construction activities. The construction equipment and worker trips required for the Project were determined as a part of the *Air Quality and Greenhouse Gas Analysis for the Rockport Ranch Project, Menifee, California*, dated January 29, 2018 prepared by RECON Environmental, Inc. (AQ/GHG Analysis, Appendix C of the Draft EIR). Heavy-duty construction equipment is usually diesel powered.

Fuel consumption associated with on-road worker trips and delivery and hauling trips were calculated using the total trips and trip lengths calculated in the AQ/GHG Analysis and EMFAC2014 fuel consumption rates. Fuel consumption associated with on-site construction equipment was calculated using the equipment quantities and phase lengths calculated in the AQ/GHG Analysis and California Air Resources Board OFF-ROAD model. Off-site and on-site fuel consumption that would occur over the entire construction period is summarized in Draft EIR Tables 4.19-1, *Off-site Construction Vehicle Fuel Consumption*, and 4.19-2, *On-site Construction Vehicle Fuel Consumption*, respectively.

Consistent with federal requirements, all equipment was assumed to meet CARB Tier 3 In-Use Off-Road Diesel Engine Standards. There are no known conditions in the Project area that would require nonstandard equipment or construction practices that would increase fuel-energy consumption above typical rates. Therefore, the Project would not result in the use of excessive amounts of fuel or other forms of energy during construction. Impacts would be less than significant.

Transportation-Related Energy Use

Buildout of the Project and occupation by residents would result in transportation energy use. Trips by individuals traveling to and from the Project site would result from use of passenger vehicles or public transit. Passenger vehicles would be mostly powered by gasoline, with some fueled by diesel or electricity. Public transit would be powered by diesel or natural gas, and could potentially be fueled by electricity. Trip generation rates were taken from the *Revised Traffic Impact Analysis Report - Rockport Ranch Project, Menifee, California*, dated January 18, 2018, prepared by Linscott, Law & Greenspan (TIA, Appendix M of the Draft EIR). The TIA estimates that the Project would generate 3,307 daily trips. An average trip length of 6.05 miles was derived from EMFAC2014 data for the air basin subarea in Riverside County. Thus, the

Project would generate approximately 17,567 daily vehicle miles traveled (VMT) and approximately 6,411,875 annual VMT. Total gasoline and diesel fuel consumption was calculated using EMFAC2014 fuel consumption rates and fleet data for light duty autos. The results are summarized in Draft EIR Table 4.19-3, *Vehicle Fuel/Electricity Consumption*.

An existing neighborhood shopping center is located in the vicinity of the Project, approximately 0.5 mile west of the Project site, and a larger regional shopping center is located less than two miles west of the project site. In addition, bus routes are located in the vicinity of the Project site along Menifee Road, approximately 0.75 mile west of the Project site. The proximity of regional shopping and local bus routes would help reduce VMT generated by the Project. In addition, Project fuel consumption would decline over time beyond initial operational year of the Project as a result of continued implementation of increased federal and state vehicle efficiency standards. There is no component of the Project that would result in unusually high vehicle fuel use during operation.

#### **D. GEOLOGY AND SOILS**

##### **1. On- Or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction or Collapse**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-GEO-1 is feasible and finds that this mitigation measure will reduce the impacts related to geology and soils resources – on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.7-17 through 4.7-19, pp. 4.7-19 through 4.7-20 for Standard Conditions and Mitigation Measures)

Explanation: Liquefaction / Lateral Spreading

Liquefaction describes a phenomenon in which cyclic stresses, produced by earthquake-induced ground motion, create excess pore pressures in relatively cohesionless soils. These soils may thereby acquire a high degree of mobility, which can lead to lateral movement, sliding, consolidation and settlement of loose sediments, sand boils and other damaging deformations. The Project site is mapped within a "low" zone of potentially liquefiable soils. Liquefaction is not considered a hazard at the site due to great depth to groundwater (greater than 90 feet) and the underlying dense nature of the subsurface soils.

Lateral spreading is defined as the mostly horizontal movement of gently sloping ground (less than 5% surface slope) due to elevated pore pressures or liquefaction in underlying, saturated soils. Lateral spreading of the ground surface during a seismic activity usually occurs along the weak shear zones within a liquefiable soil layer and has been observed to generally take place toward a free face (i.e. retaining wall, slope, or channel) and to lesser extent on ground surfaces with a very gentle slope.

As a standard condition of approval, the Project will be required to comply with the requirements of the most recent California Building Code (CBC) at the time of grading and building issuance (Standard Condition SC-GEO-1). This is a standard requirement and is not considered unique mitigation under CEQA.

In addition, Mitigation Measure GEO-1 will be implemented; thereby, the Project will be required to comply with the design recommendations contained in the *Geo Evaluation*.

After incorporation of Standard Condition SC-GEO-1 and Mitigation Measure MM-GEO-1, impacts due to liquefaction and lateral spreading will remain less than significant.

#### Subsidence

The City of Menifee (including the Project site) is above the southwestern part of the San Jacinto Groundwater Basin. Natural replenishment to the basin is via percolation from the San Jacinto River and its tributaries; less recharge comes from rainfall on the valley floor. Natural recharge has been artificially increased since the early 1900s by spreading floodwaters over the adjacent sandy washes in the upper reaches of the River. Today, artificial recharge also occurs by percolation of imported water through infiltration ponds in the upper reaches of the river, Lake Perris, and storage ponds distributed throughout the valleys. Artificial recharge often exceeds natural recharge, especially in dry years. While the Project will increase impervious surfaces from the construction of homes, roadways and other surfaces, it will not preclude any recharge, which could result in subsidence.

Ground subsidence is the gradual settling or sinking of the ground surface with little or no horizontal movement. Most ground subsidence is induced by humans. Subsidence can also occur when dry collapsible soils become saturated. Less commonly, ground subsidence can occur as a response to natural forces such as earthquake movements.

As a standard condition of approval, the Project will be required to comply with the requirements of the most recent California Building Code (CBC) at the time of grading and building issuance (SC-GEO-1). This is a standard requirement and is not

considered unique mitigation under CEQA.

In addition, Mitigation Measure MM-GEO-1 will be implemented; thereby, the Project will be required to comply with the design recommendations contained in the *Geo Evaluation* (Appendix F1 of the Draft EIR). After incorporation of Standard Condition SC-GEO-1 and Mitigation Measure MM-GEO-1, impacts due to subsidence will remain less than significant.

### Collapse

The young and very young alluvial sediments in the City may be locally susceptible to collapse due to their low density, rapid deposition in alluvial fans, and the generally dry condition of the upper soils. The Project site is locally underlain by undocumented artificial fill, older alluvial materials and granitic bedrock at depth; therefore, the potential criteria for collapse is lower than that experienced with young and very young alluvial sediments.

As a standard condition of approval, the Project will be required to comply with the requirements of the most recent California Building Code (CBC) (SC-GEO-1) at the time of grading and building permit issuance. In addition, the Project will be required to comply with the design recommendations contained in the *Geo Evaluation* (Appendix F1 of the Draft EIR). This will ensure that development will be protected from potential collapse. Any impacts are considered less than significant.

Based on this information, the Project site will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in on- or off-site landslide, lateral spreading collapse, or rockfall hazards. As a standard condition, the Project will be required to comply with the CBC (SC-GEO-1), as well as the recommendations contained within the *Geo Evaluation*. This is a standard requirement and is not considered unique mitigation under CEQA.

In addition, Mitigation Measure MM-GEO-1 will be implemented; thereby, the Project will be required to comply with the design recommendations contained in the *Geo Evaluation*. After incorporation of design recommendations, (SC-GEO-1), and MM-GEO-1, impacts due to collapse will remain less than significant.

## **2. Expansive Soils**

Threshold d.: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial direct or indirect risks to life or property?

Finding: The City of Menifee finds based on the Final EIR and the whole of

the record that Mitigation Measure MM-GEO-1 is feasible and finds that this mitigation measure will reduce the impacts related to geology and soils resources – expansive soils to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Initial Study, p. 45)

Explanation: The CBC requires special design considerations for foundations of structures built on soils with expansion indices greater than 20. Based on the results of *Geo Evaluation* (Appendix F1 of the Draft EIR), it is anticipated that the soils near subgrade will classify as having a “very low” to “low” expansion potential ( $20 \leq EI < 50$ ) in accordance with ASTM D 4829. The Project’s will be required to comply with CBC design considerations and recommendations in the *Geo Evaluation*. This is a standard condition and is not considered unique mitigation under CEQA. Any impacts are considered less than significant.

## D. GREENHOUSE GAS EMISSIONS

### 1. Greenhouse Gas Emissions

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-GHG-1 is feasible and finds that this mitigation measure will reduce the impacts related to greenhouse gas emissions resources – greenhouse gas emissions to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.8-15 through 4.8-17, pp. 4.8-18 and 4.8-19 for Mitigation Measures)

Explanation: As shown in Draft EIR Table 4.8-4, Project GHG Emissions with Air Quality Mitigation, without mitigation, Project construction and operation would result in the annual equivalent emission of 4,587 MTCO<sub>2</sub>e in 2021. With incorporation of Mitigation Measure MM-AQ-1, which limits the Project to natural gas fireplaces (no wood-burning fireplaces), GHG emissions would be reduced from 4,587 MTCO<sub>2</sub>e to 4,533 MTCO<sub>2</sub>e (a reduction of 33 MTCO<sub>2</sub>e). It should be noted that the one-time release of subsurface methane associated with project grading would not result in significant impacts related to greenhouse gas emissions. The quantities discussed in the *Methane Investigation* (Appendix H of the Draft EIR) of the Project site are inconsequential relative to the greenhouse gas emissions from other construction sources such as exhaust from equipment use, worker trips, and material hauling trips.

Draft EIR Table 4.8-4, also summarizes the GHG emissions reductions associated with air quality mitigation.

The City uses SCAQMD's Interim CEQA GHG Significance Thresholds. The interim thresholds are a tiered approach; projects may be determined to be less than significant under each tier or require further analysis under subsequent tiers. Because the Project is subject to CEQA and is not subject to a regional GHG emissions reduction plan, the Project does not fall under Tiers 1 or 2.

Accounting for reductions from air quality mitigation measures, construction and operation of the project would result in the annual equivalent emission of 4,555 MTCO<sub>2</sub>e in 2021. This emission level exceeds the 3,000 Residential/Commercial Screening Level; therefore, the Project does not fall under Tier 3.

Under the subsequent Tier 4 – performance standards, the Project is assessed against a Project level threshold of 4.4 MTCO<sub>2</sub>e per SP in 2021. The Project would construct 305 single-family homes. The Citywide average household population is 3.164 persons per household (City of Menifee 2016). Thus, the Project is anticipated to provide residences for approximately 965 people. Without additional mitigation, the Project would achieve an emission rate of 4.8 MTCO<sub>2</sub>e per SP, thereby exceeding the applicable significance threshold and resulting in an impact on the environment.

Mitigation Measure MM-GHG-1 requires the installation of solar photovoltaic (PV) systems to address the impact of Project GHG emissions.

Based on regional solar generation potential estimates provided in the California Air Pollution Control Officers Association's (CAPCOA's) Quantifying Greenhouse Gas Mitigation Measures (CAPCOA 2010), annual generation of 1,678 KWh per KW installed, Mitigation Measure MM-GHG-1 would require installation of approximately 1,707,561 KW of solar PV panels. This equates to approximately 5,599 KWh per residence and would offset approximately 64 percent of Project electricity demand. Draft EIR Table 4.8-5, *Mitigated Project GHG Emissions*, summarizes the air emissions associated with mitigated operations.

As shown in Table 4.8-5, the Project, with mitigation incorporated, would result in the annual equivalent emission of 4,201 MTCO<sub>2</sub>e. This equates to an emissions rate of 4.4 MTCO<sub>2</sub>e per SP in 2021. This emission rate is consistent with applicable significance thresholds (Tier 4 performance standard; 4.4 MTCO<sub>2</sub>e per SP in 2021). With implementation of Mitigation Measure MM-AQ-1 and Mitigation Measure MM-GHG-1, impacts would be reduced to a less than significant level.

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## 2. Plan, Policy, or Regulation

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measures MM-AQ-1 and MM-GHG-1 are feasible and finds that these mitigation measures will reduce the impacts related to greenhouse gas emissions resources – greenhouse gas emissions to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.8-17 and 4.8-18, pp. 4.8-18 and 4.8-19 for Mitigation Measures)

Explanation: Project construction is anticipated to commence in 2018 and would last approximately three years, thus the first operational year would be 2021. State Climate Change Regulations, EO S-3-05 established GHG emission reduction targets for the state, and AB 32 launched the CARB Climate Change Scoping Plan that outlined the reduction measures needed to reach the 2020 target. As discussed in Threshold a, with incorporation of Mitigation Measure MM-AQ-1 and Mitigation Measure MM-GHG-1, the Project emissions in 2021 would be below the significance threshold of 4.4 MTCO<sub>2e</sub> per SP.

The performance standard of 4.4 MTCO<sub>2e</sub> per SP in 2021 was derived from the SCAQMD Tier 4 performance standards; these performance standards were originally intended to demonstrate project consistency with the AB 32 goal of achieving 1990 emission levels by 2020. Thus, performance standards were reduced to match the trajectory needed to achieve the state's 2030 goals. As the Project is consistent with performance standards, it would have a less than significant impact on achieving the 2020 GHG emission reduction targets identified by EO S-3-05 and AB 32, as well as the 2030 GHG emission reduction targets identified by EO B-30-15 and SB 32.

Project emissions would decline beyond initial operational year of the Project, 2021, as a result of continued implementation of federal, state, and local reduction measures such as increased federal and state vehicle efficiency standards, and SCE's increased renewable sources of energy in accordance with Renewables Portfolio Standard goals. Based on currently available models and regulatory forecasting, Project emissions would continue to decline from 2021 through at least 2050. Given the reasonably anticipated decline in Project emissions once fully constructed and operational, the Project is in line with the GHG reductions needed to achieve the 2050 GHG emission reduction targets identified by EO S-3-05.

The City General Plan was adopted in 2013 and includes Policies

OSC 10.1–10.4 (see Subsection 4.8.2.4.b of the Draft EIR) related to climate change. These policies include aligning local GHG reduction targets to be consistent with statewide GHG reduction targets defined in AB 32 and EO S-3-05. The City has not yet adopted its own design review standards for evaluating a project's contribution to communitywide GHG emissions and currently follows SCAQMD guidance for determining whether a project supports state goals. As the Project is consistent with state GHG emission reduction targets, it is also consistent with the intent of City General Plan policies related to climate change.

As the Project would be consistent with 2020 GHG emission reduction targets and would not impede substantial progress toward long-term GHG goals, and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Project impacts would be less than significant with mitigation incorporated.

## **E. HAZARDS AND HAZARDOUS MATERIALS**

### **1. Hazardous Materials**

Threshold b.: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measures MM-HAZ-1 through MM-HAZ-8 are feasible and finds that these mitigation measures will reduce the impacts related to hazards and hazardous materials resources – hazardous materials to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.9-12 through 4.9-19, pp. 4.9-22 through 4.9-24 for Mitigation Measures [Revised Mitigation Measures in Section 3.0 Errata of the Final EIR, pp. 3-5 and 3-6])

Explanation: The *Phase I ESA* (Appendix G1 of the Draft EIR) conducted for the Project site did not reveal evidence of recognized environmental conditions or concerns in connection with the Project site. Due to the apparent age of the structures on-site, federal regulations require an asbestos containing materials (ACM) and lead based paint (LBP) survey must be performed on the existing (4 remaining houses which were not demolished prior to the establishment of the baseline for this EIR) site structures when the structures are not occupied and prior to demolition. Mitigation Measure MM-HAZ-1, as outlined in Subsection 4.9.5 of the Draft EIR, shall be implemented.

With incorporation of MM-HAZ-1, any Project impacts related to potential occurrences of asbestos containing materials (ACM) and

lead based paint (LBP) will be reduced to a less than significant level.

Because of the prior dairy use on the site, the potential exists for methane to be present on-site. For a typical dairy operation, there is variable organic material beneath the surface due to the significant quantities of manure and urine produced by the livestock.

The technical study *Methane Related Services for the Former Abacherli Dairy Site, City of Menifee, Riverside County, California*, prepared by Carlin Environmental Consulting, Inc., February 2016 (MRS, Appendix H of the Draft EIR) was prepared to analyze the methane present on the Project site and was used for the analysis below.

The MRS was conducted for the purpose of providing preliminary information regarding methane beneath the site with the goal of providing guidance during grading and/or development of the site.

Methane production beneath the ground surface is controlled by several factors. It is produced in an anaerobic (oxygen depleted) environment where there is sufficient organic material present. Near the ground surface (upper three feet) there is little methane production because the oxygen content is too high. This is especially true in sandier soils. With depth, the oxygen content decreases and therefore, the potential for methane production increases. Generally, the organic content of soils decreases with depth as the number of roots and other natural organic material decreases. For a typical dairy operation there is variable organic material beneath the surface due to the significant quantities of manure and urine produced by the livestock. The organics are flushed into the subsurface soils through rain and/or with the urine. The area where the waste products are either stockpiled and/or in the stock ponds have increased flushing of organics into the soils and therefore, the methane production is typically greatest in these areas.

Approximately 85% of the Project site was utilized for previous livestock activities and will require evaluation and/or mitigation for methane. Draft EIR Figure 4.9-1, *Livestock Activity Evaluation*, indicates those areas that have been identified to have been utilized for livestock related activities and those areas that did not have related activities (highlighted in green). The non-related activities areas include the residential structure areas, areas that were used primarily related to crops, and the site perimeter areas.

Field testing for methane was conducted at the Project site for the purpose of guiding future grading operations. Thirty-two probe sets were installed in a two-day period (Draft EIR Figure 4.9-2, *Vapor Probe Locations*). This is approximately ½ probe/acre of

land that was utilized for former dairy related activities.

There are three (3) general areas present at the Project site:

- 1) Areas where there was not significant use for domestic animal /dairy related uses (highlighted in green on Figure 4.9-1);
- 2) Areas where domestic animals were present and kept in pens and/or manure stored and spread (areas with no highlights on Figure 4.9-1); and
- 3) Areas of stock ponds or desilting basins that collected the urine and other liquid waste from the animals at the site (areas with red highlights on Figure 4.9-1).

In the areas of former stock pens and other uses, the probes were set at depths of 4 and 8 feet below existing grade. In former pond areas a third probe was placed at a depth of approximately 12 feet below existing grades. Probes were sent deeper below the former pond areas to see if there was significant methane producing materials at depth below these features. The soil-gas probes were installed with a direct push rig that punches a hole in the ground. The tubing and gas probes are then placed in the hole and backfilled with sand surrounding the probes and bentonite plugs between the probe depths. The probe tubes are extended above the surface where they can be connected to a device that monitors/reads the amount of methane gas within the soil column. Each probe was monitored twice after the probes were installed in order to verify consistent results.

The results of the methane monitoring are presented on Draft EIR Table 4.9-1, *Methane Monitoring Results*, below.

The methane concentrations from the vapor probes were compared to these three use areas. Draft EIR Figure 4.9-1, *Livestock Related Activity* indicates the maximum concentration measured (for either of the two readings) for the probes installed at each location.

Analysis of the data in comparison to the past site usage indicates that for those areas that did not have domestic animal use (Area 1 as shown in Figure 4.9-1) had the lowest methane readings. In these areas (highlighted in green on Figure 4.9-1) the maximum concentration of methane detected was less than 200 parts per million (ppm). These areas are considered exempt from methane mitigation and/or testing after grading has been completed. These areas are considered exempt from further testing because they were not areas where livestock was in pens or there were no piles of manure etc.; they were either used for agriculture, for living quarters, or similar uses. The areas not exempt had uses related to livestock or runoff and collection ponds. The methane readings detected at this stage do not influence the exemption. Mitigation Measure MM-HAZ-2, which requires that all grading plans shall be

reviewed to determine the specific lots that are exempt from methane investigation and/or mitigation, and Mitigation Measure MM-HAZ-3, which requires that during grading operations, the grading contractor shall not import fill from other portions of the site (identified as Area 2 and Area 3 on Figure 4.9-1, Livestock Related Activity) that has significant manure or organic content into this area, shall be implemented.

After incorporation of MM-HAZ-2 and MM-HAZ-3 any impacts to Area 1 will be considered less than significant.

In Area 2, as shown in Draft EIR Figure 4.9-1, where the stock pens were located, the concentrations of methane were generally above 100 ppm and below 1,200 ppm. For the County of Riverside there is a threshold of above and below 15,000 ppm. These are considered moderate methane amounts. Manure remnants were observed in the near surface within these former stock pen areas. Mitigation Measures MM-HAZ-4, which requires that prior to grading in Area 2, any near surface highly organic material (which includes former manure stockpiles), shall be skimmed from these areas and removed off-site or placed in an onsite, non-structural location such as a park, and Mitigation Measures MM-HAZ-5, which requires that a minimum of 30 days after grading has been conducted, Area 2 must be tested for methane on a lot-by-lot basis, shall be implemented, as outlined in Subsection 4.9.5 below.

After incorporation of MM-HAZ-4 and MM-HAZ-5 any impacts to Area 2 will be considered less than significant.

In the stock pond and desilting basin areas (Area 3 highlighted in red on Draft EIR Figure 4.9-1) methane concentrations were generally above 200 ppm and were as high as 50,000 ppm. This is considered significant. The pre-grading higher concentrations of methane indicate only that methane producing components are present in these areas and may impact what remedial removals are conducted in this area. These areas have collected urine and other waste products from the former daily operations and the subsurface soils have significant concentrations of organic material that have resulted in the production of methane. The near surface soils may not currently be producing the greatest quantities of methane; however, this may be due to increased oxygen content, which is less favorable for methane production. The production of significant methane was measured at depths of up to 12 feet. It is likely that that methane is being produced at depths greater than 12 feet. Mitigation Measure MM-HAZ-6, requires submittal and approval of a remediation plan to the City Engineering Department (prior to grading permit issuance) and that remedial removals in former stock pond areas be monitored by the Project Geotechnical Consultant, during grading in Area 3, as outlined in Subsection 4.9.5 of the Draft EIR, shall be

implemented.

As it relates to the Project creating other significant hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, during operations, the transport of hazardous materials to the Project site can result in additional potential for accidental spills, leaks, or other hazards such as fire or explosion. For such transporters, the existing regulatory environment will ensure that the hazardous materials and any hazardous wastes transported to and from the Project site will be properly managed. These regulations are codified in Titles 8, 22, and 26 of the California Code of Regulations and Title 40 of the Code of Federal Regulations. Haulers must comply with all existing applicable federal, state and local laws and regulations regarding transport, use, disposal, handling and storage of hazardous wastes and material. Compliance with these laws and regulations related to transportation will minimize potential exposure of humans or the environment to significant hazards from transport of such materials and wastes. Due to the inability to ascertain what these hazardous materials may be at this time; these regulations are considered sufficient to control potential hazards from accidents to a less than significant impact level. Should specific uses generate hazardous materials during the life of the Project, subsequent analysis may be required to ascertain impacts and mitigation, if required (i.e., medical wastes, chemical wastes, etc.).

Lastly, hazardous materials anticipated during operations are anticipated to be those most commonly associated with residences and landscaping, which include cleaning products, petroleum products, etc. These types of hazardous materials are not potentially hazardous to large numbers of people, especially at the scale they would be stored and used with a residential use. Therefore, the Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Remedial removals in the stock pond areas should be based on visual observations by the Project Geotechnical Consultant required pursuant to MM-HAZ-6, to determine if highly organic rich layers are present. Should highly organic rich layers be present, then Mitigation Measure MM-HAZ-7, which requires that remedial removals as deep as 10 feet below the former stock ponds shall be required, and Mitigation Measure MM-HAZ-8, which requires that a minimum of 30 days after grading has been conducted Area 3 must be tested for methane on a lot-by-lot basis, as outlined in Subsection 4.9.5 of the Draft EIR, shall be implemented.

After incorporation of MM-HAZ-4 and Mitigation Measures MM-

HAZ-6 through MM-HAZ-8 any impacts to Areas 2 and 3 will be considered less than significant.

## 2. Excessive Noise

Threshold e.: Would the Project result in a safety hazard or excessive noise for people residing or working in the Project area (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)?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-HAZ-9 through MM-HAZ-11 are feasible and finds that these mitigation measures will reduce the impacts related to hazards and hazardous materials resources – excessive noise to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.9-19 through 4.9-21, pp. 4.9-21 through 4.9-24 for Standard Conditions and Mitigation Measures)

Explanation: Approximately 65% of the Project site is located in the southerly limits of compatibility zone (Zone E) for the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. According to the March Air Reserve Base / Inland Port Airport Land Use Compatibility Plan, Zone E (Other Airport Environs) has low noise impacts (this area is beyond the 55-CNEL noise contour), and risk of accidents is low. There are also no restrictions for dwelling units per acre in this Zone and no hazards to flight. The runway for March Air Reserve Base/Inland Port Airport is located approximately 13 miles to the northwest of the Project site.

The Project is required to be reviewed by the Riverside County Airport Land Use Commission (ALUC) before being considered for approval by the City. If ALUC determines that a development plan is inconsistent with the Airport Land Use Plan, ALUC requires the local agency to reconsider its approval regarding land use compatibility. The local agency may overrule the ALUC by a two-thirds vote of its governing board if it makes specific findings that the proposed action is consistent with Section 21670 of the California Public Utilities Code (California Aeronautics Act).

An application was submitted to ALUC for General Plan Amendment (2016-287), Specific Plan (2017-286), Zone Change (2016-288), and Tentative Tract Map No. 37131 (2016-285). The Project was assigned File No. ZAP1283MA17. The ALUC Director found the Project to be consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (March ALUCP) on September 28, 2017 (reference *ALUC Letter*, Appendix I of the Draft EIR).

The ALUC Letter stated the following:

*“Under the delegation of the Riverside County Airport Land Use Commission (ALUC) pursuant to ALUC Resolution No.15-01 (as adopted on August 13, 2015), staff reviewed City of Menifee Case Nos. 2016-286 (Specific Plan), a proposal to establish a new "Rockport Ranch" Specific Plan with single-family residential and open space/recreation uses on 79.68 acres located at the southwest corner of Old Newport Road and Briggs Road, 2016-287(General Plan Amendment), a proposal to amend the site's General Plan Land Use Element designation from Agriculture (AG) to Specific Plan (SP), and 2016-288, a proposal to change the zoning classification of the site from Heavy Agriculture - 10-Acre Minimum (A-2-10) to Specific Plan (SP).*

*The site is located within Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area (AIA). Within Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, residential density is not restricted.*

*As ALUC Director, I hereby find the above-referenced General Plan Amendment, Specific Plan, and Zone Change CONSISTENT with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan ("March ALUCP").*

*This finding of consistency relates to airport compatibility issues and does not necessarily constitute an endorsement of the proposed General Plan Amendment, Specific Plan, and Zone Change. As the site is located within Compatibility Zone E, both the existing and proposed General Plan designation and zoning of this property are consistent with the March ALUCP.”*

Four conditions were contained in the ALUC Letter. These will be included as Standard Condition SC-AES-1, and Mitigation Measures MM-HAZ-9 through MM-HAZ-11, which require that lighting installed be shielded, prohibited uses during operations, require disclosing proximity to airport, and set parameters for the design of above-ground basins, as outlined in Subsection 4.9.5 of the Draft EIR.

Standard Condition SC-AES-1, and MM-HAZ-9 through MM-HAZ-11 will be incorporated so that future residents of the Project will be aware of the potential impacts from the March Air Reserve Base/Inland Port Airport. This will ensure that any safety hazards for people residing or working in the Project area from the Project (being located proximity the March Air Reserve Base/Inland Port Airport) will be reduced to a less than significant level.

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**F. NOISE****1. Noise Standards**

Threshold a.: Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-NOI-1 is feasible and finds that this mitigation measure will reduce the impacts related to noise resources – noise standards to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.12-21 through 4.12-27, pp. 4.12-29 through 4.12-30 for Standard Conditions and Mitigation Measures)

Explanation: *Operational Noise*

The noise sources associated with proposed single-family residences would be those typical of any residential development (vehicles arriving and leaving, children at play and landscape maintenance machinery, etc.). Most of these noise sources do not have substantial potential to violate noise level standards or result in a substantial permanent increase in existing noise levels. Ground- or roof-mounted heating, ventilation, and air conditioning (HVAC) units may generate noise; however, all HVAC units would be newer models and would be reviewed as part of building inspection. The City's Noise Ordinance Section 9.09.020 (see SC-NOI-2, as outlined in Subsection 4.12.5 of the Draft EIR) exempts all "heating and air conditioning equipment in proper repair."

*Traffic Noise*

Noise generated by future traffic was modeled in SoundPlan using the FHWA's Traffic Noise Model algorithms and reference levels to calculate noise levels at selected receiver locations. In addition to standard input such as topography and barriers, traffic parameters include roadway lengths and gradients; projected hourly traffic volumes; and vehicle mix, distribution, and speed. Noise level contours were calculated based on the peak hour traffic volumes, which were estimated to be 10 percent of the total Average Daily Traffic (ADT) volume. Typically, the predicted CNEL and the maximum daytime hourly Leq calculated are equal.

Roadways in the vicinity of the Project site include Newport Road, Old Newport Road, Menifee Road, Tres Lagos Road, and Briggs Road. The Project would include an extension of Tres Lagos Drive to Briggs Road and improvements to Old Newport Road and

Briggs Road. Consistent with policies from the City's General Plan, traffic noise was assessed based on the maximum level of service (LOS) C ADT volume of the roadway. This condition represents a condition where the maximum number of vehicles are using the roadway at the maximum speed. LOS A and B categories allow full travel speed but do not have as many vehicles, while LOS E and F have a greater number of vehicles, but due to the traffic volume travel at reduced speeds, thus generating less noise.

A vehicle classification mix of 92 percent passenger vehicles, 1.84 percent medium trucks, and 0.74 percent heavy trucks was assumed for secondary highways and collector streets. Traffic speeds were modeled as 40 miles per hour. The Project would not substantially alter the vehicle classifications mix on local or regional roadways. Traffic volumes on adjacent roadways and the distribution of Project-generated traffic are summarized in Draft EIR Table 4.12-9, *Land Use Compatibility – Modeled Traffic Volumes*.

Ground-floor and second-floor traffic noise contours were developed using the SoundPLAN program. The Project includes 6-foot block walls along the rear property lines of parcels. Noise levels were also modeled at specific receiver locations corresponding to the exterior use areas (at property line and 5 feet above grade or 10 feet within rear wall and 5 feet above grade), first floor building façade (20 foot minimum setback from property line, 5 feet above grade), and the second floor building façade (20 foot minimum setback from property line, 14 feet above grade). Modeled ground floor noise contours and receiver locations are shown in Draft EIR Figure 4.12-3, *Ground Floor Traffic Noise Contours*. Modeled second floor (i.e. 14 feet above grade) noise contours are shown in Draft EIR Figure 4.12-4, *Second Floor Traffic Noise Contours*. Noise levels at specific receiver points are summarized in Draft EIR Table 4.12-10, *Traffic Noise Levels*.

As shown in Table 4.12-10, traffic noise levels at the exterior use areas would be 63 CNEL or less. Therefore, the Project would comply with the City's planning policies regarding noise and land use compatibility standard for exterior use areas (65 CNEL). Exterior traffic noise levels would be less than significant.

As shown in Table 4.12-10, traffic noise levels at the first-floor building façades would be 63 CNEL or less. It is assumed that standard construction techniques would result in exterior-to-interior noise level attenuation of at least 20 dB(A) (with windows in a closed position). Interior noise levels would be 43 CNEL or less at rooms on the first floor. Therefore, the Project would comply with the City's planning policies regarding noise and land use compatibility standard for habitable rooms (45 CNEL). Interior traffic noise levels at rooms on the first floor or proposed

residences would be less than significant.

As shown in Table 4.12-10, traffic noise levels at the second-floor building façades of proposed residences along Briggs Road (Receivers 5 through 12) would range from 66 to 68 CNEL. Assuming an exterior-to-interior noise level attenuation of 20 dB(A), interior noise levels at proposed residences along Briggs Road would range from 46 to 48 CNEL at rooms on the second floor with windows in a closed position. These noise levels would exceed the City's interior compatibility standard for habitable rooms (45 CNEL). Mitigation Measure MM-NOI-1, as outlined in Subsection 4.12.5 of the Draft EIR, is designed to reduce significant impacts.

The overall exterior-to-interior sound attenuation of a building façade is affected by the STC rating of all components of the building façade such as windows, doors, finish (such as stucco or wood siding), wall assembly (i.e., framing), etc. The overall sound attenuation is most heavily influenced by the least sound resistant components, which are typically windows and doors.

With incorporation of Mitigation Measure MM-NOI-1 the exterior-to-interior sound attenuation of the second floor building façades of proposed residences along Briggs Road would be anticipated to be 23 CNEL or greater. Therefore, interior noise levels at habitable rooms would range from 43 to 45 CNEL and would comply with the City's interior compatibility standard for habitable rooms (45 CNEL). Interior traffic noise levels at rooms on the second floor would be reduced to a less than significant level with incorporation of MM-NOI-1, which would require sound resistant windows and doors.

The increase in noise due to the addition of Project traffic was calculated by comparing traffic noise levels with and without the Project. The traffic volumes and potential noise level increases are summarized Draft EIR Table 4.12-11, *Off-Site Traffic Noise Level Increases (CNEL)*.

As shown in Table 4.12-11, the resulting noise increases would be less than 3 dB(A) along nearby roadways. As discussed in Section 4.12.2.2.a of the Draft EIR, a change of 3 dB(A) is barely perceptible to the human ear. Therefore, Project traffic would not result in a significant increase in traffic noise levels along existing roadways.

The Project would extend Tres Lagos Drive along the southern boundary of the Project site. The nearest noise-sensitive land uses would be mobile homes in the Wilderness Lakes RV Resort. As shown in Draft EIR Table 4.12-11, Tres Lagos Drive would generate noise levels of approximately 60 CNEL at a distance of 50 feet. Due to the low traffic volumes anticipated on the

extension of Tres Lagos Drive (1,851 ADT), the extension is not anticipated to result in noise levels that conflict with the City's planning policies regarding noise and land use compatibility standard (65 CNEL) at any noise-sensitive land use. Therefore, Project traffic would not result in a significant increase in traffic noise levels along proposed roadways.

**G. Public Services**

**1. Fire Protection**

Threshold a.: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for Fire protection and emergency response services?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-PS-1 is feasible and finds that this mitigation measure will reduce the impacts related to public service resources – fire protection to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.14-6 and 4.14-7, p. 4.14-8 for Standard Conditions and Mitigation Measures)

Explanation: The Project would result in the development of 305 single-family residential lots. At 3.164 persons per household, per US Census ACS 5-year Estimates, it is anticipated that the Project would result in a direct population increase of approximately 965 persons at Project buildout. Note, the US Census ACS 5-year Estimates persons per household is greater than the Department of Finance 2017 rate of 2.95 persons per household.

The first unit from Station #76 should arrive within 5 to 6 minutes after dispatch. Current minimum staffing levels of three persons per responding unit presently meet existing demands. Fire protection and emergency response services will continue to be provided by the Riverside County Fire Department.

The Project site is subject to Ordinance No. 17-232, Development Impact Fees (DIF). DIF shall be paid at the time a certificate of occupancy is issued for the Development Project or upon final inspection, whichever occurs first. However, the fees may be paid at the time application is made for a building permit. DIF is used to pay for fire protection and emergency response services. At the current time, this fee is \$231.00/single family unit.

It should be noted that payment of DIF is required and is not considered unique mitigation under CEQA. Please reference Standard Condition SC-PS-1, in Subsection 4.14.3.4 of the Draft EIR.

An additional performance objective with respect to fire services is the provision of adequate fire flow to provide water pressures great enough to serve the given type of construction. Without adequate fire hydrant spacing and fire flow, structures could be at undue risk and performance objectives are not met. Therefore, impacts related to fire flow would be significant without implementation of Standard Condition SC-PS-2 (Municipal Code Section 8.20 (Fire Code)). With implementation of Standard Condition SC-PS-2, which requires adequate hydrants (spacing), fire flows (volume of flow per minute) and sprinklers for new structures, impacts can be reduced to a less than significant impact level.

The *FIA* (Appendix L1 of the Draft EIR) demonstrates the annual recurring revenues to the City's General Fund at Project build-out will equal \$362,875 compared to recurring fiscal costs of \$310,933, a net benefit to the City of approximately \$51,942. The largest sources of revenue will result from property tax (39.5%), property tax in lieu of VLF (20.5%), and sales tax (15.6%). Based upon the City's review of the *FIA* (*FIA Review*, Appendix L2 of the Draft EIR), the City has determined that there will be a shortfall of revenues. The *FIA Review* states:

*"A separate analysis was prepared for the City that illustrates the impacts to public safety from development. We prepared a tabular analysis that included information planned for FY 2017-18 and determined the appropriate set of General Fund revenues and expenditures on a per capita basis. SCG evaluated this cost per capita assuming a full build-out scenario and determine the proportionate share associated to the development of new residential properties. This report translates to (\$479) for each newly developed detached single family residential and (\$354) per multi-family residential unit needed to mitigate future impacts."*

Given the net negative impact the Project will have on the City's General Fund, the developer shall establish a funding mechanism, such as a safety services tax or payment of an in-lieu fee to mitigate its impact to the City's General Fund for Public Safety Services. This is included in Mitigation Measure MM-PS-1.

With the incorporation of Mitigation Measure MM-PS-1, future demands on the provision of fire protection and emergency response services will be more than fulfilled in the future after it is developed. Any impact will be reduced to a less than significant level.

## 2. Police Protection

Threshold b.: Would the project result in substantial adverse physical impacts associated with the provision of 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 Police protection?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Standard Condition SC-PS-3 and Mitigation Measures MM-PS-1 and MM-PS-2 are feasible and finds that these mitigation measures will reduce the impacts related to public service resources – police protection to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.14-10 through 4.14-12, pp. 4.14-12 through 4.14-13 for Standard Conditions and Mitigation Measures [Revised Mitigation Measure in Section 3.0 Errata of the Final EIR, pp. 3-6 and 3-7])

Explanation: The Project would result in the development of 305 single-family residential lots. At 3.164 persons per household, per US Census ACS 5-year Estimates, it is anticipated that the Project would result in a direct population increase of approximately 965 persons at Project buildout. Note, the US Census ACS 5-year Estimates persons per household is greater than the Department of Finance 2017 rate of 2.95 persons per household.

Using the City of Menifee's preferred staffing ratio of 0.64 officers per 1,000 people (recently approved in 2018 by the City Council), the Project would generate a total demand for 0.59 additional officers, which is a need for 0.59 more officers than would be generated if the land use and zoning were left unchanged. Sheriff Services will continue to be provided by the Riverside County Sheriff Department. Since police protection services are based upon per capita service levels, the Project will require an incremental increase in these services to maintain current service levels. With the increase in sworn Sheriff's officers to serve the Project area, the Project contributes to maintaining the current response times within the Sheriff's Perris service area.

The City development review process and building permit plan check process include review by the Community Development Department to ensure incorporation of defensible space concepts in site design and construction. This is reflected in Mitigation Measure MM-PS-2, which requires all Project development to incorporate defensible space concepts (Defensible space, is defined by Crime Prevention Through Environmental Design (CPTED) as an area that citizens feel they own, respect, and wish to defend.), and that the design of each tract be reviewed with the Sheriff's Office prior to approval of any tentative tract maps, conditional use permits or other entitlements.

The Project site is subject to Ordinance No. 17-232, Development Impact Fees (DIF). DIF shall be paid at the time a certificate of

occupancy is issued for the Development Project or upon final inspection, whichever occurs first. However, the fees may be paid at the time application is made for a building permit. DIF is used to pay for police protection services. At the current time, this fee is \$231.00/single family unit.

It should be noted that payment of DIF is required and is not considered unique mitigation under CEQA. Please reference Standard Condition SC-PS-3, in Subsection 4.14.3.4 of the Draft EIR. A portion of the development impact fees/tax revenue can be used to fund the acquisition of land, buildings, staffing, and equipment necessary to offset project-related law enforcement demand impacts.

The *FIA* (Appendix L1 of the Draft EIR) demonstrates the annual recurring revenues to the City's General Fund at Project build-out will equal \$362,875 compared to recurring fiscal costs of \$310,933, a net benefit to the City of approximately \$51,942. The largest sources of revenue will result from property tax (39.5%), property tax in lieu of VLF (20.5%), and sales tax (15.6%). Based upon the City's review of the *FIA*, the City has determined that there will be a shortfall of revenues. The *FIA Review* (Appendix L2 of the Draft EIR) states:

*"A separate analysis was prepared for the City that illustrates the impacts to public safety from development. We prepared a tabular analysis that included information planned for FY 2017-18 and determined the appropriate set of General Fund revenues and expenditures on a per capita basis. SCG evaluated this cost per capita assuming a full build-out scenario and determine the proportionate share associated to the development of new residential properties. This report translates to (\$479) for each newly developed detached single family residential and (\$354) per multi-family residential unit needed to mitigate future impacts."*

Given the net negative impact the Project will have on the City's General Fund, the developer shall establish a funding mechanism, such as a safety services tax or payment of an in-lieu fee to mitigate its impact to the City's General Fund for Public Safety Services. This is included in Mitigation Measure MM-PS-1.

With the incorporation of Mitigation Measure MM-PS-1, and payment of DIF (Standard Condition SC-PS-3), potential impacts related to the need for new or physically altered Sheriff Services are will be reduced to a less than significant level.

## **H. TRANSPORTATION**

### **1. Conflict with Plans – Pedestrian and Bicycle Paths, and Mass Transit**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-TR-1 is feasible and finds that this mitigation measure will reduce the impacts related to transportation resources – conflict with plans – pedestrian and bicycle paths, and mass transit to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, pp. 4.16-66 through 4.16-78, pp. 4.16-80 and 4.16-81 for Standard Conditions and Mitigation Measures)

Explanation: Future Traffic Analysis - Existing With Ambient Growth Year 2040 With Cumulative With Project

Draft EIR Figure 4.16-17, *Year 2040 Existing With Ambient Growth With Cumulative With Project AM Peak Hour Traffic Volumes* and Draft EIR Figure 4.16-18, *Year 2040 Existing With Ambient Growth With Cumulative With Project PM Peak Hour Traffic Volumes* present existing with ambient growth Year 2040 with cumulative with Project AM and PM peak hour traffic volumes at the key study intersections, respectively Figure 4.16-18 also presents the daily traffic volumes for the key study roadway segments.

#### Intersection Capacity Analysis

Review of Draft EIR Table 4.16-16, *Existing With Ambient Growth Year 2040 With Cumulative With Project Conditions Peak Hour Intersection Capacity Analysis Summary*, indicates that for the existing with ambient growth Year 2040 with cumulative with Project traffic conditions, two (2) of the key intersections are forecast to operate at unacceptable levels of service during the AM and PM peak hours (LOS F) when compared to the LOS standards of LOS D. The remaining eleven (11) key study intersections currently operate at an acceptable LOS during the AM and PM peak hours.

The following improvements listed below have been identified to mitigate the traffic impacts of the Project in the existing with ambient growth Year 2040 with cumulative with Project traffic conditions at the following two (2) cumulatively impacted intersections:

- Intersection 4. Menifee Road at Newport Road: Modify the traffic signal and provide for a southbound right-turn overlap phase.
- Intersection 11. Briggs Road at Holland Road: Widen and/or restripe Holland Road to provide an exclusive eastbound and westbound left-turn lane.

As shown in Draft EIR Table 4.16-17, Existing With Ambient Growth Year 2040 With Cumulative With Project Traffic Conditions Intersection Fair Share Contribution, Project fair share responsibility is 9.17% and 2.23% of the improvements to the intersection of Menifee Road/Newport Road and Briggs Road/Holland Road, respectively.

After implementation of Mitigation Measure MM-TR-1, all the impacted intersections are forecast to operate at an acceptable LOS of D. Payment of fair share contributions is considered adequate mitigation under CEQA. Any impacts will be reduced to a less than significant level.

#### Future Traffic Analysis – Caltrans Facilities Analysis

Caltrans requires the use of analysis methods provided in the Highway Capacity Manual (HCM) for the analysis of ramp intersections and basic freeway segments. Caltrans “endeavors to maintain a target LOS at the transition between LOS C and LOS D on state highway facilities”; it does not require that LOS D (shall) be maintained. However, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS.

For the *TIA* (Appendix M of the Draft EIR), LOS D was used as the target level of service standard and was utilized to assess the Project impacts at the state-controlled study intersections.

#### *Ramp Intersection Capacity Analysis*

Ramp Intersection Capacity Analyses were conducted for the following two (2) key ramp study intersections:

1. I-215 Southbound Ramps at Newport Road
2. I-215 Northbound Ramps at Newport Road

Draft EIR Tables 4.16-6, 4.16-10, 4.16-14, and 4.16-16, summarized the peak hour LOS results for the two (2) ramp intersections for existing, existing plus Project traffic conditions, existing plus ambient growth (Year 2020) plus Project traffic conditions, Year 2020 cumulative plus Project traffic conditions, and Year 2040 cumulative plus Project traffic conditions, respectively.

As shown in column (4) of Table 4.16-16, the implementation of recommended mitigation measures at the impacted intersections, mitigates the impacts of the Project. Project fair share responsibility is 9.17% and 2.23% of the improvements to the intersection of Menifee Road/Newport Road and Briggs Road/Holland Road, respectively. After implementation of Mitigation Measure MM-TR-1, all the impacted intersections are

forecast to operate at an acceptable LOS of D. Payment of fair share contributions is considered adequate mitigation under CEQA. Any impacts to these intersections will be reduced to a less than significant level.

## I. UTILITIES AND SERVICE SYSTEMS

### 1. Relocation or Construction of Utilities

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-GHG-1 is feasible and finds that this mitigation measure will reduce the impacts related to utilities and service systems resources – relocation or construction of utilities to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, p. 4.18-30, pp. 4.18-32 and 4.18-33 for Mitigation Measures)

Explanation: Electric Power

This issue was discussed in great detail in Chapter 4.19, Energy, of the Draft EIR. Impacts were considered less than significant with Mitigation Measure MM-GHG-1 incorporated. In addition, according to the Initial Study, the wet and dry utilities and offsite improvements will consist of water lines, sewer lines, dry utilities (including gas, cable and telephone) and offsite improvements to adjacent streets. Electric power facilities will be installed concurrent with other utilities. Reference Figure 3-11, *Master Electricity and Gas Plan* provided in Chapter 3 of the Draft EIR. Additionally, there are existing Southern California Edison (SCE) overhead distribution lines along Briggs Road and Old Newport road. The existing SCE overhead poles with two 12kV distribution lines and SCE communication lines along Old Newport Road will be converted to underground lines. The existing SCE overhead poles with two 115kV transmission lines along Briggs Road (14 poles total) will be relocated into the parkway behind the curb, gutter, and sidewalk. The transmission lines and poles will remain overhead on the newly relocated poles; however, the SCE distribution lines, and SCE communication lines will be converted to underground lines.

## J. ENERGY

### 1. Wasteful Consumption of Resources

Threshold a.: Would the Project result in potentially significant environmental

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impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-GHG-1 is feasible and finds that this mitigation measure will reduce the impacts related to energy resources – wasteful consumption of resources to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, p. 4.19-7 through 4.19-8, p. 4.19-9 for Mitigation Measures)

Explanation: Building-Related Energy Use

Electricity service to the Project site is provided by SCE, and natural gas service to the Project site is provided by Southern California Gas Company. The proposed single-family residential units would use electricity and natural gas to run various appliances and equipment, including space and water heaters, air conditioners, ventilation equipment, lights, and numerous other devices. Generally, electricity use is higher in the warmer months due to increased air conditioning needs, and natural gas use is highest when the weather is colder as a result of high heating demand. Residential uses would likely require the most energy use in the evening as people return from work.

As a part of the *AQ/GHG Analysis* (Appendix C of the Draft EIR) prepared for the Project, CalEEMod was used to estimate the total electricity and natural gas consumption associated with the Project.

Additionally, to reduce GHG emissions, Mitigation Measure MM-GHG-1 was included in the analysis which requires, prior to the issuance of a building permit the Project applicant, or an agent thereof, shall submit plans for review and approval to the Building and Safety Department for the solar photovoltaic (PV) systems. Prior to occupancy, the Project applicant, or an agent thereof, shall install solar photovoltaic (PV) systems capable of a total generation of 1,707,561 kilowatt-hours (KWh) per year. Solar PV panels may be located on the rooftops of residences or where allowed by the Specific Plan. Where the Project is completed in phases, residences may be occupied if the Project applicant can demonstrate to the satisfaction of City staff that the relative portion of the total solar generation is met (i.e., renewable generation is equal to or greater than 5,599 KWh annually per residence).

Draft EIR Table 4.19-4, Electricity and Natural Gas Use, summarizes the anticipated energy and natural gas use, and GHG-1 electricity generation.

As such, operation of the Project would not create a land use pattern that would result in wasteful, inefficient, or unnecessary

use of energy. Impacts would be less than significant.

## 2. State or Local Plan

Threshold b.: Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that Mitigation Measure MM-GHG-1 is feasible and finds that this mitigation measure will reduce the impacts related to energy resources – state or local plan to a less than significant level. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, p. 4.19-8 and 4.19-9, p. 4.19-9 for Mitigation Measures)

Explanation: Buildout of the Project would result in an increase of electricity and natural gas usage when compared to the existing condition. The applicable state plans that address renewable energy and energy efficiency are CALGreen, the California Energy Code, and RPS. The Project would be required to meet the mandatory energy requirements of CALGreen and the California Energy Code (Title 24, Part 6 of the California Code of Regulations) and would benefit from the efficiencies associated with these regulations as they relate to building heating, ventilating, and air conditioning mechanical systems, water-heating systems, and lighting. Additionally, rebate and incentive programs that promote the installation and use of energy-efficient plug-in appliances and lighting would be available as incentives for future development. In addition, the project would implement Mitigation Measure MM-GHG-1 and would generate approximately 64 percent of the total required electricity on site from a renewable energy source. Further, electricity would be provided to the project by SCE, which currently has an energy mix that includes 32 percent renewables and is on track to achieve 50 percent by 2030 as required by RPS. Thus, there are no features of the Project that would support the use of excessive amounts of energy or would create unnecessary energy waste, or conflict with any adopted plan for renewable energy efficiency. Impacts would be less than significant with the incorporation of Mitigation Measure MM-GHG-1.

### **SECTION IV**

#### **IMPACTS THAT CANNOT BE FULLY MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

The City Council hereby finds that, despite the incorporation of Mitigation Measures identified in the EIR and in these Findings, the following environmental impacts cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

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**A. AIR QUALITY****1. Air Quality Plan**

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

Finding: The City of Menifee finds based on the Final EIR and the whole of the record that even with adherence to Standard Conditions SC-AQ-1 through SC-AQ-4, and implementation of Mitigation Measure MM-AQ-1 (which is feasible) that these standard conditions and this mitigation measure will not reduce the impacts related to air quality resource – air quality plan to a less than significant level. This will remain a significant and unavoidable impact. [Pub. Res. Code §21081(a)(1); Guidelines § 15091(1)]. (Draft EIR, p. 4.4-11, pp. 4.4-21 through 4.4-22 for Standard Conditions and Mitigation Measures)

Explanation: The South Coast Air Basin (Basin) is designated as in attainment or unclassifiable attainment (expected to be meeting the standard despite a lack of monitoring data) for all federal air quality standards except for the 8-hour ozone and PM<sub>2.5</sub> standards. The Basin is also designated as in nonattainment for state air quality standards for 8-hour ozone and PM<sub>2.5</sub>, and additionally is in nonattainment of state PM<sub>10</sub> standards. The regional air quality plan, the 2016 AQMP (AQMP), outlines measures to reduce of ozone and PM<sub>2.5</sub>. Whereas reducing PM concentrations is achieved by reducing emissions of PM<sub>2.5</sub> to the atmosphere, reducing ozone concentrations is achieved by reducing the precursors of photochemical formation of ozone, VOC, and oxides of nitrogen (NO<sub>x</sub>).

The growth forecasting for the AQMP is based in part on the land uses established by local general plans. Thus, if a project is consistent with land use as designated in the local general plan, it can normally be considered consistent with the AQMP. Projects that propose a different land use than is identified in the local general plan, may also be considered consistent with the AQMP if the proposed land use is less intensive than buildout under the current designation.

The General Plan land use designation for the project site is Agriculture (AG). This land use designation allows for row crops, groves, nurseries, dairies, poultry farms, processing plants, and other related uses; one single-family residence per 10 acres is allowed. The Project would develop detached single-family residences at a density of approximately of 4 dwelling units per acre.

Given that the proposed density of single-family residences was not anticipated under the existing General Plan land use

designation, the proposed land uses would intensify the development and associated population projections planned for under the City's General Plan. Therefore, the Project would conflict with and exceed the assumptions used to develop the AQMP. This inconsistency can only be corrected when SCAQMD amends AQMP based on updated Southern California Association of Governments (SCAG) growth projections after the Project has been approved.

It should be noted that the Project will comply with several SCAQMD Rules that are currently in effect. These are included as Standard Conditions SC-AQ-1 through SC-AQ-4, as outlined in Subsection 4.4.5, of the Draft EIR.

In addition, Mitigation Measure MM-AQ-1, as outlined in Subsection 4.4.5 of the Draft EIR, shall be implemented to reduce Project ROG impacts.

As discussed in Thresholds "b" and "c" of the Draft EIR, the Project impacts are within the SCAQMD standards with mitigation incorporated.

SCAG periodically revises growth projections based on local General Plan Housing and Land Use Element Updates, and SCAQMD incorporated revised growth projections into AQMP assumptions. Therefore, the inconsistency would eventually be addressed and incorporated into the regional air quality plan.

However, in the interim period, direct and cumulative impacts would be significant. It is beyond the scope of the Project to affect when regional agencies update regional growth forecasts and plans; therefore, no mitigation is feasible at the project-level. Impacts will remain significant and unavoidable.

## **SECTION V** **CUMULATIVE IMPACTS**

Regarding the project's potential to result in cumulative impacts, the City hereby finds as follows:

### **A. AESTHETICS**

As described in Subchapter 4.2 of the Draft EIR, development of the Project will contribute to the change of the general area with an intensification of development substantially greater than that which presently occurs on the site or in the surrounding vicinity (to the east of Briggs Road), and what was anticipated under the General Plan. There will be an associated change in views, both to and from the Project site. As discussed in the Initial Study, the Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view from a state scenic highway. The Project site is not located within view from a state scenic highway. In addition, with adherence

to code requirements and Project design features, the Project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. No cumulative impacts are anticipated on these issues that were discussed in the Initial Study.

No scenic views will be significantly altered due to implementation of the Project. The height, colors, materials, and development fabric are consistent with the surrounding development to the north, west, and somewhat to the south. The Project will be a contrast to the rural agricultural uses to the east. The Project, when placed in the context of the development to the north, west, and south, and utilizing Briggs Road as an “urban growth limit” of the City, is appropriate for a Project of this nature, in this location. The Specific Plan provides for development standards and design guidelines that represent the most recent desires of the City for development of this nature. With adherence to the Specific Plan, the Project will not substantially degrade the existing visual character or quality of the site and its surroundings. For these reasons, the aesthetic impacts associated with the change of land use will not represent any cumulative impact to aesthetics as defined in the City’s General Plan.

## **B. AGRICULTURE AND FORESTRY RESOURCES**

As stated in the Initial Study, there is no timberland zoning on the Project site, nor is there any forest land on the Project site.

The City is focusing on developing land in an economically productive way that would serve the growing population. Thus, Menifee’s future development emphasizes mixed-use, commercial, industrial, and residential projects rather than supporting the continuation of agricultural uses, which are becoming less economically viable.

The Project-specific *LESA* (Appendix B of the Draft EIR) indicated that the Project will have a less than significant impact due to the conversion of agricultural lands. As described in Subchapter 4.3 of the Draft EIR, Standard Condition SC-AG-1 have been included proposed to reduce conflicts between the Project and existing agricultural uses in proximity of the Project site to a less than significant level. The Project site is not subject to the Williamson Act.

Since the Project will not have any significant adverse impact to agricultural or forestry resources or resource values, it cannot make a cumulatively considerable contribution to such resources or values. The Project’s cumulative agricultural and forestry impacts are considered less than significant.

## **C. AIR QUALITY**

The Project area is designated as an extreme non-attainment area for ozone and a non- attainment area for PM<sub>10</sub> and PM<sub>2.5</sub>.

The Project-specific evaluation of emissions, as described in Subchapter 4.4 of the Draft EIR, demonstrates that after implementation of Standard Conditions SC-AQ-1 through SC-AQ-4, the Project would not result in exceedances of regional air quality thresholds during construction. Therefore, the Project construction-source air emissions would be considered a less than significant impact.

Project operational-source emissions will exceed applicable SCAQMD regional

thresholds for emissions. With the implementation of Mitigation Measure MM-AQ-1, any impacts, namely ROG, can be reduced to a less than significant level. All other criteria pollutants are below thresholds. Per SCAQMD significance guidance, these impacts at the Project level will not have a cumulatively significant impact persisting over the life of the Project.

Conflicts due to odors between the Project and the adjacent Ramona Egg Ranch can be addressed through providing disclosure to future residents that the property is located within 1 mile of farmland as designated on the most recent Important Farmland Map. In addition, the Project is subject to City of Menifee Ordinance No. 625 (Right-to-Farm Ordinance). This Ordinance requires prospective buyers of property adjacent to agricultural land to be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities as per provisions of the City's Right-to-Farm ordinance (Standard Condition SC-AG-1). These impacts are not considered cumulative in nature.

Given that the proposed density of single-family residences was not anticipated under the existing General Plan land use designation, the proposed land uses would intensify the development and associated population projections planned for under the City's General Plan. Therefore, the Project would conflict with and exceed the assumptions used to develop the AQMP. Therefore, the Project would conflict with and exceed the assumptions used to develop the AQMP. It should be noted that the Project impacts are within the SCAQMD standards with mitigation incorporated. However, this inconsistency can only be corrected when SCAQMD amends AQMP based on updated SCAG growth projections after the Project has been approved. Until this occurs, direct and cumulative impacts would be significant. It is beyond the scope of the Project to affect when regional agencies update regional growth forecasts and plans; therefore, no mitigation is feasible at the project-level.

#### **D. BIOLOGICAL RESOURCES**

Cumulative biological impacts are defined as those impacts resulting from the development within the MSHCP Plan Area as a result of build out of the Cities and County's General Plans. (MSHCP EIR/EIS). The MSHCP establishes the management of biological resources in western Riverside County (including the City of Menifee) that defines cumulative biological resource values and measures the loss of biology resources that constitutes a cumulative adverse impact.

Development of the Project will contribute to the change of the general area with an intensification of development substantially greater than that which presently exists or can occur on the site or in the surrounding vicinity. The Project will not cause adverse cumulative effects related to the reduction of sensitive vegetation communities or degradation of other biology values present in western Riverside County (including the City of Menifee).

As discussed in Subchapter 4.5 of the Draft EIR, with adherence to Standard Conditions SC-BIO-1 and SC-BIO-2, and incorporation of Mitigation Measures MM-BIO-1 (Revised Mitigation Measure in Section 3.0 Errata of the Final EIR) and MM-BIO-2, the Project will have a less than significant 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; and will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native

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resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

The Project will have no impacts (including cumulative impacts) as it pertains to effects on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service; or on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

There are no significant biology resources located within the Project site and the Project can be implemented consistent with the criteria identified in the MSHCP, with adherence to Standard Conditions SC-BIO-1 and SC-BIO-2, and incorporation of Mitigation Measures MM-BIO-1 and MM-BIO-2.

Based on adherence to Standard Conditions SC-BIO-1 and SC-BIO-2, and incorporation of Mitigation Measures MM-BIO-1 and MM-BIO-2, and the overall lack of any habitat to support sensitive species or a substantial wildlife population, the Project will not result in adverse cumulative biology resource impacts that rise to a cumulatively considerable level. Project biology impacts are less than significant.

#### **E. CULTURAL RESOURCES**

The cumulative study area for cultural, archaeological, and/or paleontological resources is the geographical area of the City of Menifee, which is the geographical area covered by the City General Plan, including all goals and policies included therein. Future development in the City could include excavation and grading that could potentially impact cultural, archaeological, and/or paleontological resources and human remains. The cumulative effect of the Project is the continued loss of these resources. The Project, in conjunction with other development in the City, has the potential to cumulatively impact cultural, archaeological, and/or paleontological resources; however, it should be noted that each development proposal received by the City undergoes environmental review pursuant to CEQA. If there is a potential for significant impacts to cultural, archaeological, and/or paleontological resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. If subsurface cultural, archaeological, and/or paleontological resources are assessed and/or protected as they are discovered, impacts to these resources would be less than significant. In addition, the City's General Plan policies would be implemented as appropriate to reduce the effects of additional development within the City.

As presented in Subchapter 4.6 of the Draft EIR, with implementation of Standard Conditions SC-CUL-1 through SC-CUL-9 (Revised Mitigation Measure in Section 3.0 Errata of the Final EIR), the contribution of the Specific Plan to the cumulative loss of known and unknown cultural, archaeological, and/or paleontological resources throughout the City would be reduced to a less than significant level.

#### **F. GEOLOGY AND SOILS**

According to Subchapter 4.7 of the Draft EIR, development of the Project will be affected by geotechnical constraints on the property. None of the future Project-related activities are forecast to cause changes in geology or soils or the constraints affecting the Project area that cannot be fully mitigated. Geology and soil resources are inherently site

specific and the only cumulative exposure would be to a significant geological or soil constraint (onsite fault, significant ground shaking that could not be mitigated or steep slopes creating a landslide exposure). Therefore, the Project has no potential to make a cumulatively considerable contribution to any significant geology or soils impact. Project soil and geology impacts are less than significant with the incorporation of Standard Conditions SC-GEO-1 through SC-GEO-3 and Mitigation Measure MM-GEO-1, which requires compliance with recommendations contained in the *Geo Evaluation* (Appendix F1 of the Draft EIR).

## **G. GREENHOUSE GAS EMISSIONS**

GHG emissions are assumed to be cumulative. An individual project such as the Project cannot generate enough greenhouse gas emissions to effect a discernible change in global climate. For example, statewide GHG source emissions totaled about 427 MMT CO<sub>2</sub>e in 1990, 480 MMT CO<sub>2</sub>e in 2005, and 442 MMT CO<sub>2</sub>e in 2014. The Project will generate less than annual equivalent emission of 4,201 MTCO<sub>2</sub>e, or about 0.0095% of the 2014 amount.

However, the Project may contribute to global climate change by its incremental contribution of greenhouse gases. As presented in Subchapter 4.8 of the Draft EIR, with implementation of Standard Condition SC-GHG-1, Mitigation Measure MM-AQ-1, and Mitigation Measure MM-GHG-1, emission rates will be consistent with applicable significance thresholds (Tier 4 performance standard; 4.4 MTCO<sub>2</sub>e per SP in 2021). With implementation of these mitigation measures, impacts would be reduced to a less than significant level.

Thus, the Project would not result in significant GHG impacts nor would it result in a substantial increase in the severity of GHG impacts with implementation of the mitigation measures. Project-related GHG emissions are not considered to be cumulatively considerable and would not result in a significant impact on global climate change. Project GHG emissions are a less than significant impact.

## **H. HAZARDOUS AND HAZARDOUS MATERIALS**

The hazardous materials study area considered for cumulative impacts consists of (1) the area that could be affected by proposed activities, such as the release of hazardous materials, and (2) the areas affected by other projects whose activities could directly or indirectly affect the presence or fate of hazardous materials on site. In general, only the Project site and areas adjacent to the Project site are considered for cumulative impacts due to the limited potential impact area associated with release of hazardous materials into the environment.

As stated in Subchapter 4.9 of the Draft EIR, Project construction would involve the routine use of hazardous materials, including fuels, paints, and solvents. However, the amount of these materials during construction would be limited and regulated. Therefore, they would not be considered a significant environmental hazard. Implementation of BMPs would further reduce any impacts associated with hazardous materials during Project construction. This is reflected in the Standard Condition SC-HYD-1, which requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP). No cumulative impacts will occur.

Project operational activities would involve the use of storage of household hazardous materials typical of residences. These uses would not present a significant hazard to the residents of the community or to the environment with regulatory compliance procedures in place. This is also reflected in the Standard Condition SC-HYD-2, which requires the

preparation of a WQMP. No cumulative impacts will occur.

There are no private airstrips within two miles of the Project site. The closest private airstrip, Pines Private Airfield, is located approximately 2.8 miles to the southeast of the Project site. No cumulative impacts will occur.

A limited potential exists to interfere with an emergency response or evacuation plan during construction. The majority of the construction work in the street associated with the Project will be limited to lateral utility connections (e.g., sewer) that will be limited to nominal potential traffic diversion. There are also 14 existing SCE overhead poles with two 115kV transmission lines along Briggs Road that will be relocated into the parkway behind the curb, gutter, and sidewalk. Control of access will ensure emergency access to the site and Project area during construction through the submittal and approval of a TCP. The TCP is designed to mitigate any construction circulation impacts. The TCP is included as Standard Condition SC-TR-1 and is not considered unique mitigation under CEQA. Following construction, emergency access to the Project site and area will remain as was prior to the Project.

There are no existing schools located within one-quarter mile of the Project site. No elementary or middle school is proposed within one-quarter mile of the Project site. The Project is located within the Heritage High School boundary (26001 Briggs Road), which is located approximately 3.6 miles due north of the Project site. Perris Unified High School District has identified a site for its 4<sup>th</sup> high school (High School #4). This school is currently proposed on 52-acres, located at the northwest corner of Wickerd and Leon Road, approximately 1.9 miles south-southeast of the Project site. Based on this information, the Project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school and will not result in any cumulative impacts.

The Project is not located on a site listed on the state Cortese List, which is a compilation of various sites throughout the state that have been compromised due to soil or groundwater contamination from past uses. No cumulative impacts will occur.

The Project site is not located within a fire hazard zone. There are no wildland conditions in the suburbanized area where the Project site is located. No cumulative impacts will occur.

Due to the apparent age of the structures on-site, federal regulations require an asbestos containing materials and lead based paint survey must be performed on the existing site structures when the structures are not occupied and prior to demolition. With incorporation of Mitigation Measure MM-HAZ-1, any Project impacts related to potential occurrences of ACM and LBP will be reduced to a less than significant level. No cumulative impacts will occur.

Because of the prior dairy use on the site, the potential exists for methane to be present on-site. For a typical dairy operation, there is variable organic material beneath the surface due to the significant quantities of manure and urine produced by the livestock. There are three (3) general areas present at the Project site: areas where there was not significant use for domestic animal /dairy related uses (highlighted in green and labeled Area 1 on Draft EIR Figure 4.9-1; areas where domestic animals were present and kept in pens and/or manure stored and spread (areas with no highlights and labeled Area 2 on Figure 4.9-1); and areas of stock ponds or desilting basins that collected the urine and other liquid waste from the animals

at the site (areas with red highlights and labeled Area 3 on Draft EIR Figure 4.9-1. Mitigation Measures MM-HAZ-2 through MM-HAZ-8 will be incorporated to ensure that any potential impacts from methane on site will be reduced to a less than significant level. No cumulative impacts will occur.

The Project site is located in a compatibility zone (Zone E) for the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. Approximately 65% of the Project site is located at the southerly limits of Zone E. The runway for March Air Reserve Base/Inland Port Airport is located approximately 13 miles to the northwest of the Project site. Mitigation Measures MM-HAZ-9 through MM-HAZ-11 will be incorporated so that future residents of the Project will be aware of the potential impacts from the March Air Reserve Base/Inland Port Airport. This will ensure that any safety hazards for people residing or working in the Project area from the Project (being located proximity the March Air Reserve Base/Inland Port Airport) will be reduced to a less than significant level. No cumulative impacts will occur.

Based on adherence to Standard Conditions SC-HYD-1, SC-HYD-2, SC-TR-1, and SC-AES-1, and incorporation of Mitigation Measures MM-HAZ-1 through MM-HAZ-11 (Revised Mitigation Measures in Section 3.0 Errata of the Final EIR), the Project will not result in adverse cumulative hazard and hazardous materials impacts that rise to a cumulatively considerable level.

#### **I. HYDROLOGY AND WATER QUALITY**

The Project has been evaluated as to whether it will have a potential to cause significant flood hazards and a potential to substantially degrade water quality onsite and downstream. Based on the information presented in Chapter 4.10 of the Draft EIR, Standard Conditions SC-HYD-1 through SC-HYD-5, and design measures to control the Project's contributions to flood hazards and water quality degradation have been defined and are available to control future hydrology and water quality degradation to a less than significant impact level. With implementation of the proposed stormwater management design, as outlined in the Project Specific WQMPs, and Standard Conditions SC-HYD-1 through SC-HYD-5, future stormwater runoff after development of the Project site is not forecast to make a cumulatively considerable contribution to downstream flood hazards and water quality in the Santa Ana River Watershed. This conclusion is based on the findings that the proposed Standard Conditions SC-HYD-1 through SC-HYD-5, and design measures will not increase runoff from the project site and will provide adequate attenuation of water pollutants in runoff from this residential area so as not to make a cumulatively considerable contribution to the runoff volume or water pollution within the Santa Ana River Watershed. Project hydrology and water quality cumulative impacts are less than significant.

#### **J. LAND USE AND PLANNING**

Implementation of the Project, when considered in conjunction with other existing and planned developments in the Project area, would result in developing a former dairy site (which currently has four residences located on site) to 305 single-family residential lots, with 20.1-acres of trails, open space, and recreation, and 21.18-acres of roads. The cumulative study area analyzed for potential land use impacts is the City of Menifee.

The current General Plan Land Use designation on the Project site is Agriculture (AG). The proposed General Plan Land Use designation is Specific Plan (SP). The Project is proposing to change the zoning classification on the Project site from Heavy Agriculture (A-2-

10) to Specific Plan (SP). The proposed non-agricultural General Plan Land Use designation and zoning classification were not anticipated or analyzed in the GPEIR.

In addition, at 3.164 persons per household, per US Census ACS 5-year Estimates, it is anticipated that the Project would result in a direct population increase of approximately 965 persons at Project buildout. The 965 potential new residents that would be created by the proposed residential development were not anticipated to be within the growth assumptions estimated in the SCAG RTP/SCS. Project consistency with the RTP/SCS (Draft EIR Table 4.11-2, *RTP/SCS Goals*) demonstrates that Project impacts will be considered less than significant impact.

The Project site is bordered on the north by single-family homes, on the south by a recreational vehicle campground/park, on the west by a partially developed tract of single-family homes, and Agricultural uses exist to the east of the Project site. Briggs Road represents an easterly "urban growth limit" to the City. The Project would be a continuation of the development pattern to the north and to the east and would represent a logical stopping point for suburban style development within the City.

Based on the surrounding development pattern, and the urban growth line provided by Briggs Road, any land use conflicts with the General Plan or zoning from the Project are considered less than significant. Lastly, as discussed in Draft EIR Subchapter 4.3, Agriculture and Forestry Resources, due to the suburban pattern of development existing and planning in the Project vicinity, the current high value of the land and quality of the water supply available from the wells on site makes this site unsuitable for continuing agricultural use.

The IS determined that the Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. No impact will occur.

Therefore, based on the analysis contained in Subchapter 4.11 of the Draft EIR, the Project will not result in significant cumulative impacts.

Implementation of the Project will also result in cumulative impacts to the existing zoning; however, the Project will be consistent with the proposed zoning with the approval of the Project's General Plan Amendment (GPA) and Change of Zone (CZ).

#### **K. MINERAL RESOURCES**

As described in the Initial Study, the Project site and surrounding area do not contain any existing mineral development or any identified potential for mineral resource development. For mineral issues the amount of a mineral resource available in the region was used as the basis for cumulative impact analysis. Development of the Project will not cause any adverse impacts to mineral resource or values. As a result, the Project has no potential to contribute to any cumulative loss of mineral resources or values. The Project will have no cumulative adverse impact to mineral resources.

#### **L. NOISE**

For the Project, cumulative impacts are the incremental effects of the Project when viewed in connection with the effects of past, current, and potential future projects within the

cumulative impact area of the City of Menifee. The cumulative impact area for the Project is the site and its immediate environs.

As stated in Subchapter 4.12 of the Draft EIR, Project construction will not result in exposure of persons to or generation of noise levels in excess of standards established in the City's General Plan, as implemented by the City's Noise Ordinance. Any construction-related noise impacts are considered less than significant.

Any permanent increases in ambient noise levels in the Project vicinity (above levels existing without the Project) are considered less than significant with the incorporation of Project design features (6' high wall in rear yards), Standard Conditions SC-NOI-1 and SC-NOI-2, and Mitigation Measure MM-NOI-1.

As vibration levels would generally not be perceptible to the average person and would not result in cosmetic nor structural damage to buildings, vibration impacts from Project construction would be less than significant.

The Project would include development of a community park. No substantial sources of vibration would be associated with Project operation. Impacts would be less than significant.

Based on this information, no cumulative impacts are anticipated from the implementation of the Project.

#### **M. POPULATION AND HOUSING**

As defined in the *CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for population and housing. The cumulative study area used to assess potential cumulative population and housing impacts includes the City of Menifee and the County of Riverside, which is the regional context for the Project.

According to Subchapter 4.13 of the Draft EIR, the Project would result in the development of 305 single-family residential lots. At 3.164 persons per household, per US Census ACS 5-year Estimates, it is anticipated that the Project would result in a direct population increase of approximately 965 persons at Project buildout. The 965 potential new residents that would be created by the proposed residential development was not anticipated to be within the growth assumptions estimated in the SCAG RTP/SCS.

The Project represents a 1.02% increase in population over estimated 2017 population and a 0.79% increase in population over projected 2040 population in the City of Menifee and represents a 0.038% increase in population over estimated 2017 population and a 0.030% increase in population over projected 2040 population in Riverside County.

The Project represents a 1.11% increase in households over 2017 estimate households, and a 0.63% increase in households over projected 2040 households in the City of Menifee and represents a 0.058% increase in households over estimated 2017 households, and a 0.029% increase in households over projected 2040 households in Riverside County.

These increases are incremental increases to population and households; however, due to their small percentage in relation to the City and County, they are not considered substantial increases to population and households.

The IS determined that the Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. No impact will occur.

Therefore, the residential population and housing growth from the Project is not considered cumulatively considerable and significant.

#### **N. PUBLIC SERVICES**

Based on the information presented in Draft EIR Subchapter 4.14, the Project represents a 1.02% increase in population over estimated 2017 population and a 0.76% increase in population over projected 2040 population in the City of Menifee and represents a 0.038% increase in population over estimated 2017 population and a 0.030% increase in population over projected 2040 population in Riverside County.

The Project represents a 1.11% increase in households over 2017 estimate households, and a 0.63% increase in households over projected 2040 households in the City of Menifee and represents a 0.058% increase in households over estimated 2017 households, and a 0.029% increase in households over projected 2040 households in Riverside County.

These increases are incremental increases to population and households; however, due to their small percentage in relation to the City and County, they are not considered substantial increases to population and households.

Thus, the Project will have a cumulative adverse impact to the Fire Department's ability to provide an acceptable level of service without offset of the project's demand. These impacts are forecast to include an increased number of emergency and public service calls due to the increased presence of structures and population.

The Project shall participate in the DIF (Standard Condition SC-PS-1) Program as adopted by the City to mitigate a portion of these impacts. This will provide funding for capital improvements such as land, equipment purchases and fire station construction. The 305 units envisioned for the Project will contribute incrementally to cumulative impacts related to the need for fire station construction and other mitigation to reduce cumulative effects on fire protection and emergency response services. In addition, the Project shall establish a funding mechanism, such as a safety services tax or payment of an in-lieu fee to mitigate its impact to the City's General Fund for Public Safety Services to mitigate any impacts.

The Project's potentially significant or cumulative considerable impacts to fire protection and emergency response services can be reduced to less than significant and payment of fees by all cumulative projects can effectively reduce the overall cumulative impacts to such services. Therefore, cumulative fire protection impacts are considered less than significant.

The cumulative change in type and amount of development within the planning area will require more police protection commensurate with development levels and population for each of the proposed cumulative projects. Based on this information, the Project would make an incremental contribution to a cumulative adverse demand impact to the County Sheriff Department's ability to provide an acceptable level of service without mitigation. These impacts are forecast to include an increased number of emergency and public service calls

due to the increased presence of urban/suburban uses and population.

As stated above, the Project would be required to participate in the DIF Program as adopted by the City of Menifee to mitigate a portion of these impacts. The fee program is intended to provide funding to expand services to meet service demands and offset the impacts of new projects and population. The Sheriff Department reserves the right to negotiate developer agreements associated with the development of land and/or construction of Sheriff Services support facilities to meet service demands.

Based on the incorporation of Mitigation Measure MM-PS-1, Mitigation Measure MM-PS-2, payment of DIF (Standard Condition SC-PS-3) and annual taxes generated by the Project, the Project's potentially significant cumulative impacts to police protection can be reduced to a less than significant level. Based on this analysis, cumulative police protection impacts are considered less than significant.

The Project, in conjunction with other projects anticipated within the Project area will generate students in excess of what the local schools are presently able to accommodate. The payment of school impact fees (Standard Condition SC-PS-4) and provision of school sites within each future development, commensurate with each project's level of impact, is considered adequate fair share contribution to cumulative impacts associated with development that leads to a determination of less than significant. Project school impacts are less than significant.

The Project, in conjunction with other projects anticipated within the Project area will generate additional demand upon library services and the need for books. The payment of DIF (Standard Condition SC-PS-5) is considered adequate fair share contribution to cumulative impacts associated with development that leads to a determination of less than significant. Project library impacts are less than significant.

## **O. RECREATION**

The cumulative study area for recreation resources is the City of Menifee, which is the area used by the City when determining its park-to-population ratio goals. The City of Menifee requires a minimum of five acres of public open space to be provided for every 1,000 City residents.

As described in Subchapter 4.15 of the Draft EIR, the Project proposes 20.1-acres of private recreational open space and trails. Landscaped open space consists of 8.9-acres for the development of paseos, passive landscape areas, and perimeter landscaping. The Project will also provide 11 combined acres for parks and recreational areas, tot lots, a pool, sidewalks/trails and lakes. The main purpose for the lake is retention/detention; however, passive recreational opportunities (walks, seating) will be provided. Sidewalks and trails are planned for access to all these features. No parkland credit is being provided for these private facilities.

As stated in the *GPEIR*, General Plan buildout would create demand for 407 acres of new parkland. The General Plan designates 725 acres of parkland. At General Plan buildout, there would be a demand for 407 acres of new parkland. This results in an excess of 318 acres of parkland in the City. The Project will generate the need for 4.83 acres (which, due to its Agricultural Land Use Designation, was not anticipated in the City's General Plan). Even with the addition of these 4.83 acres, the demand would increase to 411.83 acres, which is

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still well within the designated acreage for parkland in the City at buildout.

The Project will be required to pay in-lieu fees in order to comply with the Quimby Act (as implemented under Municipal Code Section 9.55) and pay Development Impact Fees per Ordinance No. 17-232. Based upon this, it was determined that the Project will not cause any significant adverse effects on recreational demand on other existing park and recreation facilities in the vicinity of the Project.

Implementation of the Project in combination with cumulative projects in the area would increase use of existing parks and recreation facilities. However, as future residential development is proposed, the Project would require developers to provide the appropriate amount of parkland or pay the in-lieu fees, which would contribute to future recreational facilities. Payment of these fees and/or implementation of new parks on a project-by-project basis would offset cumulative parkland impacts by providing funding for new and/or renovated parks equipment and facilities, or new parks. The cumulative impacts associated with development of the Project would be a less than significant impact to recreation resources.

The cumulative impacts associated with development of the Project would be less than significant impact to Recreation resources.

#### **P. TRANSPORTATION**

The Project will have no impact that would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; or conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would have a less than significant impact that could result in inadequate emergency access. No cumulative impacts will occur.

As stated in Subchapter 4.16 of the Draft EIR, the Project will contribute to the generation of additional traffic on local and regional roadways. The Project is not consistent with the land use and density for the site as identified in the City's adopted General Plan; however, it is consistent with the General Plan's Circulation Element, i.e. the Project will install adjacent roadways to General Plan standards and will pay fair share funds to improvements on area roadways and provide payment of TUMF and DIF.

As part of the analysis contained in the *TIA* (Appendix M of the Draft EIR), cumulative impacts were analyzed for existing with ambient growth (Year 2020) with Project with cumulative traffic conditions, and existing with ambient growth (Year 2040) with Project with cumulative traffic conditions. The analysis concluded that Project impacts would be less than significant and less than significant with mitigation incorporated under these two scenarios, respectively. Therefore, any cumulative impacts from Project implementation will not be considered cumulatively considerable.

#### **Q. TRIBAL CULTURAL RESOURCES**

The cumulative study area for tribal cultural resources is the geographical area of the City of Menifee, which is the geographical area covered by the City General Plan, including all goals and policies included therein, as well as the historic tribal area contained therein. Future development in the City could include excavation and grading that could potentially impact tribal cultural resources and human remains. The cumulative effect of the Project is

the continued loss of these resources. The Project, in conjunction with other development in the City, has the potential to cumulatively impact tribal cultural resources; however, it should be noted that each development proposal received by the City undergoes environmental review pursuant to CEQA. If there is a potential for significant impacts to tribal cultural resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. If subsurface tribal cultural resources are assessed and/or protected as they are discovered, impacts to these resources would be less than significant. In addition, the City's General Plan policies would be implemented as appropriate to reduce the effects of additional development within the City.

As described in Subchapter 4.17 of the (Appendix C of the Draft EIR), implementation of Standard Conditions SC-CUL-1 through SC-CUL-8, as revised from the Initial Study, the contribution of the Project to the cumulative loss of known and unknown tribal cultural resources throughout the City would be reduced to a less than significant level.

## **R. UTILITIES AND SERVICE SYSTEMS**

According to EMWD, there is an adequate water supply and sewer capacity, respectively, to meet the demand of the Project. Based on the information presented in Subchapter 4.18 of the Draft EIR, water and wastewater management systems and utility systems (electricity, natural gas and telecommunications), are capable of meeting the cumulative demand for these systems. With adherence *Standard Conditions SC-USS-2* through *SC-USS-4* and to *SC-HYD-1*, *SC-HYD-2*, *SC-HYD-3*, and *SC-HYD-5*, and impacts are considered less than significant. Thus, the Project will not cause cumulatively considerable significant adverse impacts on these systems.

Cumulative impacts to landfill capacity will be less than significant due to the Project construction debris and operational waste representing a less than substantial cumulative increment with adherence to Standard Condition *SC-USS-1*. Therefore, due to available capacity and implementation of Standard Condition *SC-USS-1*, which provides for recycling on site to reduce Project operational waste, cumulative impacts to the existing landfills resulting from waste generated by Project implementation are considered less than significant.

## **S. ENERGY**

As described in Subchapter 4.19 of the Draft EIR, energy usage is assumed to be cumulative. The Project will result in an incremental use of energy during construction and operations. The energy demands of the Project can be accommodated within the context of available resources and energy delivery systems. The Project would therefore not cause or result in the need for additional energy producing or transmission facilities. The Project would not engage in wasteful or inefficient uses of energy and aims to achieve energy conservations goals within the State of California. Any impacts would be reduced to a less than significant level with the incorporation of Mitigation Measure *MM-GHG-1*.

Project construction and operations would not result in the inefficient, wasteful or unnecessary consumption of energy. Project-related energy usage is not considered to be cumulatively considerable and would not result in a significant impact with the incorporation of Mitigation Measure *MM-GHG-1*.

**T. WILDFIRE**

According to the IS and Subchapter 4.20 of the Draft EIR, the Project would have a less than significant impact such that it would impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan (see Standard Condition SC-TR-1). The Project site is not located within an area identified as a moderate, high or very high fire hazard severity on Exhibit S-6 High Fire Hazard Areas of Menifee General Plan. The hills east of the Project site (easterly of the Ramona Egg Ranch, across Briggs Road) are designated very high fire hazard severity. According to the General Plan, the California Department of Forestry and Fire Protection (Cal Fire) has recommended that the urban, low-lying areas in Menifee be classified as having a Moderate Fire Hazard. The Project will not have a cumulative effect 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; 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; 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; or, expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (see Standard Condition SC-PS-1 and Standard Condition SC-PS-2).

**SECTION VI**  
**FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

Sections 15126(c) and 15126.2(c) of the CEQA Guidelines, require that an EIR address any significant irreversible environmental changes that would occur should the project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

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

In the case of the proposed project, its implementation would involve a land use, development, and implementation framework to support the proposed residential, commercial and business park uses. Significant irreversible changes that would be caused by implementation of the project would be:

- Construction activities that would require the commitment of nonrenewable and/or slowly renewable energy resources; human resources; and natural resources such as lumber and other forest products, sand and gravel, asphalt, steel, copper, lead,

other metals, water, and fossil fuels.

- Operation that would require the use of natural gas and electricity, petroleum-based fuels, fossil fuels, and water. The commitment of resources required for the construction and operation of the project would limit the availability of such resources for future generations or for other uses during the life of the project.
- An increased commitment of social services and public maintenance services (e.g., police, fire, sewer, and water services) to serve the projects new residents and employees.
- Employment growth related to project implementation would increase vehicle trips over the long term. Emissions associated with such vehicle trips would continue to contribute to the South Coast Air Basin's nonattainment designations for ozone, and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) under the California and National Ambient Air Quality Standards (AAQS), and nonattainment for nitrogen dioxide (NO<sub>2</sub>) under the California AAQS.
- Long-term irreversible commitment of vacant parcels of land in the City of Menifee.

Given the low likelihood that the land would revert to lower intensity uses or to its current form, the proposed project would generally commit future generations to these environmental changes. However, the project area is already identified for future development, and served by existing infrastructure. The commitment of resources to the proposed project is not unusual for or inconsistent with projects of this type and scope. However, once these commitments are made, it is improbable that the project area would revert back to its current condition. Thus, the proposed project would result in significant irreversible changes to the environment throughout the lifespan of the structures.

## **SECTION VII** **GROWTH-INDUCING IMPACTS**

Section 15126.2(e) of the State CEQA Guidelines requires a Draft EIR to discuss the ways the project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. In accordance with State CEQA Guidelines Section 15126.2(e), a project would be considered to have a growth-inducing effect if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing in the surrounding environment;
- Remove obstacles to population growth (e.g., construction of an infrastructure expansion to allow for more construction in service areas);
- Tax existing community service facilities, requiring the construction of new facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

In addition, CEQA Guidelines state that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

The current General Plan Land Use designation on the Project site is Agriculture (AG). The proposed General Plan Land Use designation is Specific Plan (SP). The Project is proposing to change the zoning classification on the Project site from Heavy Agriculture (A-2-10) to Specific Plan (SP). The proposed non-agricultural General Plan Land Use designation and zoning classification were not anticipated or analyzed in the GPEIR.

The Project site is bordered on the north by single-family homes, on the south by a recreational vehicle campground/park, on the west by a partially developed tract of single-family homes, and Agricultural uses exist to the east of the Project site. This is also the situation for the development to the north and south of the Project site. It could be said that Briggs Road represents an easterly “urban growth limit” to the City. It could also be said that the Project would be a continuation of the development pattern to the north and the west and would represent a logical stopping point for suburban style development within the City.

In summary, the Project would result in an increased expected population on the site of approximately 965 people. Thus, the Project would be directly growth-inducing. But this growth represents a 1.02% increase in population over estimated 2017 population and a 0.79% increase in population over projected 2040 population in the City of Menifee and represents a 0.038% increase in population over estimated 2017 population and a 0.030% increase in population over projected 2040 population in Riverside County.

Implementation of the Project would not result in the extension of major infrastructure into an area not currently served, potentially inducing premature development. The Project would not indirectly induce population growth by extending infrastructure that may cause adjacent land to become more suitable for development, as this exists to the north, south, west and east of the Project site. The Project would not be a new large project with the potential to create a significant “multiplier effect.” The infrastructure that is being developed would only support the project and not future development. Finally, the Project would not create or change a land use plan that might cause a potential for growth, because the available land and the land uses permitted result in the attraction of new development.

Based on this information, direct impacts from the Project will be less than significant.

The indirect effects from the Project infrastructure extensions and improvements (roadways, sewer and drainage), while anticipated under the Specific Plan, will also be considered less than significant.

## **SECTION VIII** **ALTERNATIVES**

### **A. BACKGROUND**

The Draft EIR analyzed three alternatives to the project as proposed and evaluated these alternatives for their ability to avoid or reduce the project’s significant environmental effects while also meeting the majority of the project’s objectives. The City finds that it has considered and rejected as infeasible the alternatives identified in the Draft EIR and described below. This section sets forth the potential alternatives to the project analyzed in the Draft

EIR and evaluates them in light of the project objectives, as required by CEQA.

Where significant impacts are identified, section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

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

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

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

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

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

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.

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**B. PROJECT OBJECTIVES**

The following objectives have been established for the project (Draft EIR, p. 3-1):

The following are the proposed project's objectives, as outlined in the Rockport Ranch Specific Plan No. 260:

- Provide a variety of housing opportunities through a range of unit types, sizes, and number of different bedroom counts, including 3-, 4-, 5-, and 6-bedroom units, as well as a range of affordability to accommodate a full spectrum of family demographics and the growing housing needs of the region;
- Create a development which maximizes recreational open space within the Plan Area;
- Provide development standards to regulate the nature and appearance of all construction within the Rockport Ranch Specific Plan area through integration of land form use, architectural design, unified landscape theme, and recreation areas;
- Design a safe and efficient circulation system that adequately supports the appropriate level of traffic in and around the Plan area, including vehicular, bicycle, pedestrian, and equestrian modes of travel;
- Develop a financing plan that provides for the efficient and timely provision of infrastructure and public services prior to and as development occurs;
- Implement a maintenance program which will ensure all common areas are maintained to standards set forth in the City's General Plan; and
- Finance and/or contribute to all appropriate community and city-wide infrastructure.

**C. ALTERNATIVES CONSIDERED BUT REJECTED FROM DETAILED ANALYSIS**

Section 15126.6(c) of the State CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process; and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; and/or (iii) inability to avoid significant environmental impacts.

The following alternatives were considered but rejected as part of the environmental analysis for the project.

- **Light Industrial or Commercial Alternative:** In order to identify an alternative with the potential to eliminate the project's significant impacts, a light industrial or commercial project was considered. However, a light industrial or commercial project would have no demand in this area due to City's desire to these uses within other portions of the City, and due to the lack of any rationale for a light industrial use to locate in this general project area. It would also not meet most of the project objectives identified above. As a result, this alternative was rejected during the scoping and project planning phase of the project. (Draft EIR, p. 5-2.)
- **Substantially Lower Density Alternative:** In order to identify an alternative with the potential to project's significant impacts, a substantially lower density alternative was considered. A substantially lower density, with substantially fewer dwelling units would not generate sufficient funds to meet the goals of the Project

proponent, as well as fit in with the existing development character of the Project vicinity. Based on these findings, this alternative was rejected during the scoping and project planning phase of the project. (Draft EIR, p. 5-2.)

Finding: The City Council rejects the Light Industrial or Commercial Alternative and the Substantially Lower Density Alternative, on the following grounds: (1) failure to meet most of the project objectives. Therefore, the Light Industrial or Commercial Alternative and the Substantially Lower Density Alternative were not carried forward for further analysis.

#### **D. EVALUATION OF ALTERNATIVES SELECTED FOR ANALYSIS**

The alternatives selected for further detailed review within the Draft EIR focus on alternatives that could the project's significant environmental impacts, while still meeting most of the basic project objectives. Those alternatives include:

- **Alternative 1: No Project Alternative** (Draft EIR, pp. 5-3 through 5-9)
- **Alternative 2: Existing General Plan Alternative** (Draft EIR, pp. 5-9 through 5-16)
- **Alternative 3: Reduced Project Intensity Alternative** (Draft EIR, pp. 5-16 through 5-23)

##### **1. Alternative 1: No Project/No Build Alternative**

Description: The No Project Alternative (NPA) is required under CEQA to evaluate the environmental effects associated with no action on the part of the Lead Agency. The NPA assumes the property remains in its current state – 4 single-family residences and vacant land. The NPA includes continued use of the 4 single-family residences and vacant land and no additional changes to the existing land uses. This alternative evaluates the environmental impacts resulting from a hypothetical continuance of the existing land uses.

Impacts: Alternative 1 would eliminate all of the significant and unavoidable impacts of the proposed project and was also determined to be an environmentally superior alternative to the Project, with the exception of hazards and hazardous materials and water and water quality.

Attainment of Project Objectives: Alternative 1 would meet Project objectives because no development is included as a part of the NPA. It is also unlikely that the NPA is feasible, since the retention of the 4 homes within the Project area will be difficult due to the changes in land use occurring within the Project area. No fees and funding would be provided to upgrade regional transportation infrastructure, public services, and utilities.

Finding: The City Council rejects Alternative 1: No Project/No Build Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet any of the project objectives.

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**2. Alternative 2: Existing General Plan Alternative (EGPA)**

Description: The Existing General Plan Alternative (EGPA) (Alternative 2) consists of developing the project site under the existing General Plan Land Use designation of Agriculture (AG). With an AG Land Use designation, other agricultural uses, besides dairy uses may be allowed on the Project site, consistent with the A-1 Zone (Light Agriculture) as described in Section XIII of the City's Zoning Code. The A-1 Zone has been selected, as is less intensive than the A-2 Zone (Heavy Agriculture).

Impacts: The development associated with Alternative 2 would result in comparable or less impact for all environmental issues except for hazards and hazardous materials and hydrology/water quality.

Attainment of Project Objectives: Alternative 2 has a comparable negative effect on the ability of the Project to meet overall development (i.e., development feasibility) and certain Project objectives may not be attained because certain improvements.

Finding: The City Council rejects Alternative 2: Existing Specific Plan Alternative (ESPA), on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to avoid or reduce the project's significant and unavoidable impacts; and (2) the alternative fails to meet some of the project objectives.

**3. Alternative 3: Reduced Project Intensity Alternative (RPIA)**

Description: Under the Reduced Project Intensity Alternative (RPIA) the entirety of the Project would be developed as "standard" detached single-family development at the lower end of the density range for the 2.1-5 Dwelling Units/Acre Residential (2.1-5 R) General Plan Land Use Designation. In total, 160 dwelling units would be under the RPIA. This is a decrease of 145 dwelling units (a 48% reduction) on the Project site, when compared to the Project.

Impacts: Alternative 3 would result in comparable or less impact for all environmental issues that the Project; however, Alternative 3 will not eliminate the Project's significant and unavoidable impacts associated with air quality.

Attainment of Project Objectives: Alternative 3 has a comparable negative effect on the ability of the Project to meet overall development (i.e., development feasibility) and certain Project objectives may not be attained, because certain improvements and other infrastructure improvements may not be feasible. The RPIA, due to its reduced density would not help meet the anticipated market needs and public demand by providing a range of housing types which will be marketable within the developing economic profile of the City of Menifee Area as well as the County of Riverside.

Finding: The City Council rejects Alternative 3: Reduced Project Intensity Alternative (RPIA), on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to avoid the project's significant and unavoidable impacts relating to air quality; (2) the alternative would only marginally fulfill the project objectives.

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**E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

The Reduced Project Intensity Alternative (RPIA) has been determined to be the environmentally superior alternative. However, State CEQA Guidelines Section 15126.6(e)(2) indicates that where the no project alternative is environmentally superior, the Draft EIR “shall also identify an environmentally superior alternative among the other alternatives.” Between the proposed project and the two remaining alternatives, Alternative 3 has been determined to be environmentally superior due to fewer unavoidable significant adverse environmental impacts. However, this alternative’s potential infeasibility due to inability to afford all of the required infrastructure improvements and mitigation measures may eliminate it from actual consideration by the project proponent.

**SECTION IX**  
**ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS**

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

Having reduced the adverse significant environmental effects of the project to the extent feasible by adopting the mitigation measures; having considered the entire administrative record on the project; the City Council has weighed the benefits of the project against its unavoidable adverse impacts after mitigation in regards to air quality. While recognizing that the unavoidable adverse impacts are significant under CEQA thresholds, the City Council nonetheless finds that the unavoidable adverse impacts that will result from the project are acceptable and outweighed by specific social, economic and other benefits of the project.

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

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

1. Provide a new community within the City of Menifee that includes a mixture of housing, and recreational opportunities.

2. Develop a project that generates adequate funds to cover its own long-term maintenance costs for all project-related roadways.
3. Develop a project that results in a neutral net fiscal impact and provides fiscal revenues that cover fiscal costs.
4. Adopt a Specific Plan that takes into account site-specific constraints and opportunities, engineering feasibility, market conditions, economic viability, protection and buffering of existing, established neighborhoods, and establishes development standards and design guidelines that ensure an attractive, safe, and desirable residential community.
5. Provide a variety of residential lots, that provide housing opportunities that are desired by young professionals, young families, and seniors alike.
6. Take advantage of existing local and regional transportation connections by placing residential housing where future residents can easily access Briggs Road and Newport Road.
7. The existing Southern California Edison (SCE) overhead poles with two 12kV distribution lines and SCE communication lines along Old Newport Road will be converted to underground lines. The existing SCE overhead poles with two 115kV transmission lines along Briggs Road (14 poles total) will be relocated into the parkway behind the curb, gutter, and sidewalk. The transmission lines and poles will remain overhead on the newly relocated poles; however, the SCE distribution lines and SCE communication lines will be converted to underground lines. This will be a substantial offsite infrastructure contribution/benefit.

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