

**CEQA FINDINGS OF FACT  
FOR THE NEWLAND SIMPSON ROAD PROJECT EIR  
HEMET, CALIFORNIA  
STATE CLEARINGHOUSE NO. 2023120462**

Public Resources Code (PRC) 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 the California Environmental Quality Act (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 would avoid or substantially lessen such significant effects.”

Agencies demonstrate compliance with section 21002’s mandate by adopting findings before approving projects for which EIRs are required. (See PRC, § 21081, subd. (a); State CEQA Guidelines § 15091, subd. (a).) The approving agency must make written findings for each significant environmental effect identified in an EIR for a proposed project and must reach at least one of three permissible conclusions (State CEQA Guidelines § 15091, subd. (a)(3)):

- The first possible finding is that “[c]hanges or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (State CEQA Guidelines § 15091, subd. (a)(1).)
- The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding” and that “[s]uch changes have been adopted by such other agency or can and should be adopted by such other agency.” (State CEQA Guidelines § 15091, subd. (a)(2).)
- The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.”

Agencies must not adopt a project with significant environmental impacts if feasible alternatives or mitigation measures would substantially lessen the significant impacts. Public Resources Code section 21061.1 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.” State CEQA Guidelines section 15364 adds “legal” considerations as another indicium of feasibility (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565).

Project objectives also inform the determination of “feasibility.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.)

Further, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) An agency should not, however, adopt *infeasible* mitigation measures or alternatives (State CEQA Guidelines § 15091, subsd. (a), (b)). Further, 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).

Notably, Section 21002 requires an agency to “substantially lessen or avoid” 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 Federation, 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”).

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the Project lies with some other agency. (State CEQA Guidelines § 15091, subds. (a), (b). 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*, *supra*, 52 Cal.3d at p. 576).

The City of Hemet has determined that based on all the evidence presented, including, but not limited to, the Final EIR, written and oral testimony given at meetings and hearings on the Project, and submission of testimony from the public, organizations and regulatory agencies, the following levels of environmental impacts associated with the Project are:

- (1) less than significant and do not require mitigation;
- (2) potentially significant and each of these impacts would be avoided or reduced to a level of insignificance through the identified mitigation measures; or
- (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

## **SECTION I**

### **ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

The Final EIR includes the Draft Environmental Impact Report (EIR) dated May 17, 2024, written comments on the Draft EIR that were received during the public review period of May 17, 2024, through July 1, 2024, written responses to those comments and changes to the Draft EIR, and the Final EIR Errata making minor corrections and revisions to the Final EIR. In conformance with CEQA and the State CEQA Guidelines, the City of Hemet conducted an extensive environmental review of the Newland Simpson Road Project:

- Under CEQA, a Lead Agency may proceed directly with preparation of the EIR without preparation of an Initial Study if it is clear that an EIR will be required (State CEQA Guidelines Section 15060[d]). The City of Hemet has made such a determination for this Project and has not prepared an Initial Study. The City of Hemet concluded that an EIR should be prepared, and the Notice of Preparation (NOP) was released for a 30-day public review period from December 18, 2023, through January 19, 2024. The NOP was posted at the Riverside County Clerk's Office on December 15, 2023.
- Completion of a scoping process, in which the public was invited by the City of Hemet to participate. The scoping meeting for the EIR was held on January 3, 2024, at 5:00 p.m. at the Hemet Public Library Conference Room located at 300 E Florida Avenue in Hemet. The notice of a public scoping meeting was included in the NOP distributed on December 18, 2023.
- Preparation of a Draft EIR by the City of Hemet, which was made available for a 45-day public review period (May 17, 2024, through July 1, 2024). The Notice of Availability (NOA) for the Draft EIR was sent to all persons, agencies and organizations on the interested persons list, posted onsite, and posted at the Riverside County Clerk's Office and the State Clearinghouse (SCH) at the Governor's Office of Planning and Research (OPR) on May 17, 2024. Copies of the Draft EIR were made available for public review at the City of Hemet, Community Development Department, located at 445 E Florida Avenue, Hemet, CA 92543. The Draft EIR was also available for review and download via the following City website location: <https://www.hemetca.gov/797/Environmental-Documents>
- The Final EIR contains comments on the Draft EIR, responses to those comments, revisions to the Draft EIR, if any, and appended documents. The Final EIR was released for a 10-day agency and public review period prior to certification of the Final EIR.
- After considering the EIR and in conjunction with making these findings, the City of Hemet hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the Project will result in significant effects on the environment. However, the significant effects will be eliminated or substantially lessened where feasible and the City has determined that remaining significant effects are found to be acceptable under Section 15093.
- The Mitigation Monitoring and Reporting Program (MMRP) is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City of Hemet finds that these mitigation measures are fully enforceable conditions on the Project and shall be binding upon the City and affected parties.
- The City of Hemet finds that the Project is in the public interest and is necessary for the public health, safety, and welfare.

- The City of Hemet hereby certifies the Final EIR in accordance with the requirements of CEQA.
- Pursuant to CEQA Guidelines Section 15095, staff is directed as follows: a) copy of the Final EIR and CEQA Findings of Fact shall be retained in the Project files; b) copy of the Final EIR and CEQA Findings of Fact shall be provided to the Project applicant who is responsible for providing copy of same to all CEQA "responsible" agencies.

## **SECTION II**

### **RESOLUTION REGARDING ENVIRONMENTAL TOPIC AREAS WITH NO IMPACT**

Based upon the EIR prepared for the Project, the City determined that the Project would have no impact or a less than significant impact on the following environmental topic areas and that no further, detailed analysis of these topics was required in the EIR:

- Mineral Resources
- Recreation

The evidence in support of the finding that the Project will not have a significant impact on these environmental topic areas are set forth in the Draft EIR which is incorporated by reference.

Based upon the EIR prepared for the Project, the City determined that the Project would have no impact on the following environmental topic areas:

#### **A. Agriculture and Forestry**

**Impact Finding AG-3:** The Project would not conflict with the 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)) (Draft EIR at p. 5.2-9).

**Facts in Support of Findings:** There is no forest land or forest resources on or in proximity to the Project site. Additionally, the Project site is designated for Mixed-Use (MU) by the General Plan and has a zoning designation of Business Park (B-P) and is not designated or zoned for forest or timberland or used for foresting. As such, development of the proposed Project would not 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)) and no impact would occur.

**Impact Finding AG-4:** The Project would not result in the loss of Forest land or conversion of Forest land to non-forest use (Draft EIR at p. 5.2-9).

**Facts in Support of Findings:** The Project site is located in an urbanizing area of the City. There is no forest land in the vicinity of the Project site. Therefore, development of the proposed Project would not cause loss of forest land or convert forest land to non-forest use. No impacts would occur to forest land.

#### **B. Biological Resources**

**Impact Finding BIO-2:** The Project would not have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or United States Fish and Wildlife Service (Draft EIR at p. 5.4-18).

**Facts in Support of Findings:** The General Biological Assessment describes that the Project site does not contain any drainage, riparian, or riverine features (Appendix E to the Draft EIR). The Project site is not located within the federally designated Critical Habitat. The nearest designated Critical Habitat for Coastal California gnatcatcher within the Domenigoni Mountains is located approximately 0.25 miles south of the Project site. Therefore, the Project would not result in impacts related to riparian habitat or other sensitive natural community.

**Impact Finding BIO-3:** The Project would not have a substantial adverse impact on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling hydrological interruption, or other means (Draft EIR at p. 5.4-19).

**Facts in Support of Findings:** The General Biological Assessment describes that the Project site does not include any wetlands or vernal pools. There are no California Department of Fish and Wildlife (CDFW), United States Army Core of Engineers (USACE), or Regional Water Quality Control Board (RWQCB) jurisdictional waters within the Project site boundaries. Therefore, the Project would not impact federally protected wetlands.

**Impact Finding BIO-5:** The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Draft EIR at p. 5.4-19).

**Facts in Support of Findings:** The proposed Project would not conflict with any local policies or ordinances protecting biological resources such as trees. Any Project activities that have the potential to impact onsite trees are required to make an application to the board of park commissioners to comply with Chapter 66, Article IV of the Municipal Code. No trees are located on the Project site. Therefore, development of the Project site would not conflict with this ordinance. Therefore, implementation of the proposed Project would not conflict with local policies or ordinances protecting trees and no impact would occur.

### **C. Cultural Resources**

**Impact Finding CUL-1:** The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to California Code of Regulations (CCR) Section § 15064.5. (Draft EIR at p. 5.5-6).

**Facts in Support of Findings:** The Project site is currently utilized for agricultural purposes with associated farming infrastructure and does not have any structures onsite that could be considered a historical resource. Offsite improvement areas are developed with roadways. The Project site is adjacent to undeveloped, vacant land and agricultural uses. As discussed in the Cultural Resources Study (Appendix F to the Draft EIR), there are no historic structures within or adjacent to the Project site. As such, there are no existing historical resources within the Project site or within the immediate vicinity of the Project, and impacts related to historic resources would not occur from implementation of the Project.

### **D. Geology and Soils**

**Impact Finding GEO-1i:** The Project would not 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 (Draft EIR at p. 5.7-9).

**Facts in Support of Findings:** The Project site is not within an Alquist Earthquake Fault Zone, and there are no known active faults within 500 feet of the site. The nearest active fault zones are the San Jacinto Fault Zone, located approximately five miles northeast of the Project site and the Elsinore Fault Zone, located approximately thirteen miles southwest of the Project site (California Department of Conservation, 2021). Since the site is not located within an Alquist-Priolo Earthquake Fault Zone, impacts related to the surface rupture of a known earthquake fault would not occur on the Project site.

**Impact Finding GEO-5:** The Project would not result in soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (Draft EIR at p. 5.7-12).

**Facts in Support of Findings:** The Project includes the construction of an onsite sewer system which would connect to a new offsite sewer main in Simpson Road, which would be constructed as part of the proposed Project. The Project would not use septic tanks or alternative wastewater disposal systems. As a result, no impacts related to septic tanks or alternative wastewater disposal systems would occur from implementation of the proposed Project.

#### **E. Hazards and Hazardous Materials**

**Impact Finding HAZ-4:** The Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section § 65962.5 and, as a result, create a significant hazard to the public or environment. (Draft EIR at p. 5.9-16).

**Facts in Support of Findings:** The Phase I Environmental Site Assessment (ESA) (Appendix K to the Draft EIR) concluded that there are no hazardous materials sites within or adjacent to the Project site. However, as shown on Table 5.9-1, the Phase I ESA determined that there are two sites within 1 mile of the Project site that are listed on hazardous materials databases. However, neither of these sites are considered a recognized environmental condition (REC) for the Project site. Therefore, the Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section § 65962.5 and no impact would occur.

#### **F. Land Use and Planning**

**Impact Finding LU-1:** The Project would not physically divide an established community (Draft EIR at p. 5.11-18).

**Facts in Support of Findings:** The proposed Project would develop two industrial warehouse buildings on a site that is currently surrounded by predominantly vacant land and agricultural uses. The Project site is utilized primarily for agricultural purposes. Entitlements for the Project would include a General Plan Amendment to change the existing land use designation from Mixed Use (MU) to Business Park (BP) (see Figure 2.1, *Land Use Plan, Hemet General Plan*). However, the Project would be consistent with the surrounding uses. The surrounding area is currently vacant but areas to the north and west are zoned for business park and mixed uses. Therefore, the Project would not physically divide an established community, and would result in no impact.

#### **G. Population and Housing**

**Impact Finding POP-2:** The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (Draft EIR at p. 5.13-7).

**Facts in Support of Findings:** The Project site currently does not contain any housing and is utilized for farming activities, with no structures or improvements on site, with the exception of the roadway improvements of Warren Road and Simpson Road. Therefore, the proposed Project would not displace any existing people or housing units that would require construction of replacement housing, and no impacts would occur.

#### **H. Utilities and Service Systems**

**Impact Finding UT-7:** The Project would comply with federal, State, and local statutes and regulations related to solid waste (Draft EIR at p. 5.17-16).

**Facts in Support of Findings:** All solid waste-generating activities within the City are subject to the requirements set forth in the 2022 California Green Building Standards Code that requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, and AB 341 that requires diversion of a minimum of 75 percent of operational solid waste. Implementation of the proposed Project would be consistent with all state regulations, as ensured through the City's development project permitting process. Therefore, the proposed Project would comply with all solid waste statute and regulations; and impacts would not occur.

### **SECTION III**

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

Section § 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as “less than significant” where no mitigation is required. These findings will nevertheless fully account for all such effects identified in the Draft EIR in this Section II. Thus, the City hereby finds that the following potential environmental impacts of the Project are less than significant and do not require the imposition of mitigation measures:

#### **A. Aesthetics**

**Impact Finding AES-1:** The Project would not have a substantial adverse effect on a scenic vista (Draft EIR at p. 5.1-7).

**Facts in Support of Findings.** The Project would develop two industrial warehouse buildings that would be approximately 60 feet tall and would include a landscape setback of approximately 20 feet along the northern border of the site along Simpson Road, building setbacks of approximately 185 feet from the east and west property lines, a landscape setback of approximately 20 feet along the western property line, and a landscape setback of approximately 5 feet along the southern property line so as not to encroach into the existing public long-distance views.

The proposed Project has a minimum landscaped setback of 30 feet along Simpson Road and 20 feet from Warren Road, building setbacks of approximately 185-feet from the east and west property lines, and a landscape setback of approximately 10-feet along the southern property line. The building setbacks would ensure that public views along the nearby roads would not be impacted, and landscaping would ensure that views of the site would be broken up and avoid monotonous views of the large walls of the buildings. In addition, the Project would also install a 12-foot-wide sidewalk on all Project frontages on Warren Road and Simpson Road which would further setback the buildings from the road. The proposed Project’s six-foot concrete wall along the western property line would be perpendicular to any public views facing south on Simpson Road and would therefore not interfere with any long-range views. The building height, massing, setbacks, new sidewalks and layered landscaping along Simpson Road and Warren would ensure that public views of the Domenigoni Mountains located 0.75 miles south of the site remain visible to vehicles and pedestrians traveling along Warren Road and Simpson Road, as shown in Figure 5.1-1 of the Draft EIR. The buildings would be constructed with a maximum building height allowed of 60 feet based on the Project’s provision of a setback at least 100 feet from the residential uses to the southeast and would continue to provide long range views of the surrounding foothills. Thus, long range views of the Domenigoni and Lakeview Mountains would continue to be available from public vantage points on surrounding streets. Therefore, the Project has a less than significant impact on any scenic vistas in the area.

**Impact Finding AES-2:** The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway (Draft EIR at p. 5.1-8).

**Facts in Support of Findings.** The nearest Eligible State Scenic Highway is State Route 74, located 2.5 miles north of the Project site. The closest Officially Designated State Scenic Highway is State Route 74 located at the west boundary of the San Bernardino National Forest, approximately 9.8 miles northeast from the Project site. The Project site is not visible from State Route 74 at any point. Both Warren Road and Simpson Road are designated as Scenic Highways by the City of Hemet. The Project will comply with the landscaping, easement, and the 25-foot right of way setback

regulations set by the Scenic Highway Setback Manual Design Criteria. Furthermore, there are no existing trees, rock outcroppings, or historic buildings within the Project site that would be removed or substantially damaged as a result of the Project. Therefore, the Project would not substantially damage scenic resources within a state scenic highway and impacts would be less than significant.

**Impact Finding AES-3:** The Project would not conflict with applicable zoning and other regulations governing scenic quality (Draft EIR at p. 5.1-8).

**Facts in Support of Findings.** The Project site is located in an “urbanized area,” as defined by Public Resources Code Section § 21071. The site has a City of Hemet General Plan land use designation of Mixed Use (MU) and zoning designation of Business Park (B-P). The Project includes a General Plan Amendment to change the land use designation from Mixed Use (MU) to Business Park (BP), which would be consistent with the Project site’s existing zoning designation of B-P. The BP zoning designation provides for single and multi-tenant light industrial, flex office, and office uses. As shown on Tables 5.1-1 and 5.1-2 of the Draft EIR, the proposed Project would be consistent with both the zoning code development standards and the City General Plan regulations regarding scenic quality. Therefore, while the Project would change the visual character of the site, it would not conflict with applicable zoning and other regulations governing scenic quality and its surroundings and impacts would be less than significant.

**Impact Finding AES-4:** The Project would not create new sources of substantial light or glare, which would adversely affect day or nighttime views in the area (Draft EIR at p. 5.1-11).

**Facts in Support of Findings.** There are no existing sources of light or glare within the Project site as it is currently utilized for agricultural purposes.

#### Construction

Due to the distance between the construction area and the adjacent residences and motorists on adjacent roadways, the temporary construction security lights may result in glare to residents and motorists. However, temporary lighting would be required to be hooded or oriented away from the property boundaries pursuant to City of Hemet Municipal Code Sec. 90-1046(e), as included as PPP AE-1 in the Draft EIR, which would reduce impacts to a less than significant level.

#### Operation

Development of the Project would introduce new sources of light and glare into the area from street lighting, parking lot light poles, and outdoor building lighting. The spill of light onto surrounding properties and “night glow” would be reduced by using hoods and other design features on the light fixtures used within the proposed Project. The Project will comply with the City of Hemet Municipal Code Section § 90-1046(e) and confirmed by the City during the permitting process and thus would ensure that impacts related to light and glare are less than significant.

#### **Plans, Programs, and Policies:**

**PPP AE-1: Exterior lighting.** All lighting shall be directed or shielded away from nearby residential zones and contained within the boundaries of the site. Adequate lighting shall be provided to maintain a safe, on-site environment consistent with California Building Code (CBC) standards.

**Aesthetics Cumulative Finding:** The Project would not have a cumulatively adverse impact related to aesthetics. A less than significant cumulative impact would occur (Draft EIR at p. 5.1-12).

**Facts in Support of Findings:** Implementation of the proposed Project would result in a coordinated development from implementation of the design guidelines and development standards that would

be ensured through the City's development permitting process. Therefore, cumulative impacts would be less than significant.

Other cumulative development projects are located outside of the viewshed of the Project site. As shown on Figure 5-1 of the Draft EIR, the only project within the viewshed of the proposed Project would be Rancho Diamante II, which proposes 145 dwelling units on 4.1-acres approximately 0.55 miles north of the Project site along Sanderson Avenue.

As evidenced by the General Plan provisions, the City has long anticipated that this area would be developed for new urban uses. The cumulative change in visual condition that would result from the proposed Project, in combination with future nearby projects would not be considered adverse, because the proposed Project would implement the City's General Plan and Municipal Code regulations as amended related to architecture, landscaping, signs, lighting, and other related items that are intended to improve visual quality. Thus, the proposed Project would result in a less than significant cumulatively considerable impact related to scenic quality.

## **B. Agriculture and Forestry**

**Impact Finding AG-2:** The Project would not conflict with existing zoning for agricultural use or a Williamson Act contract (Draft EIR at p. 5.2-8).

**Facts in Support of Findings** As shown on Exhibit 4.2-1 of the City of Hemet General Plan Final EIR, the Project site is not under a Williamson Act Contract (DOC, 2022). The Project site is designated by the Hemet General Plan as Mixed Use (MU) and has a zoning designation of Business Park (B-P). The entirety of the Project site, with the exception of offsite roadways, is utilized for farming of row crops. Within the City of Hemet there are two zoning designations for agricultural uses, Light Agricultural Zone (A-1) and Heavy Agricultural Zone (A-2). As the Project site does not have an A-1 or A-2 zoning designation, the Project would not conflict with an existing zoning for agricultural uses. Therefore, the Project would not conflict with an existing zoning for agricultural uses or a Williamson Act Contract and impacts would be less than significant.

## **C. Air Quality**

**Impact Finding AQ-3:** The Project would not expose sensitive receptors to substantial pollutant concentrations (Draft EIR at p. 5.3-28).

### **Facts in Support of Findings:**

#### CO Hotspots

An adverse CO concentration, known as a "hot spot," would occur if an exceedance of the State's one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9 ppm were to occur. The 2003 AQMP estimated traffic volumes that could generate CO concentrations to result in a "hot spot". As shown on Table 5.3-9 of the Draft EIR, the busiest intersection evaluated was that at Wilshire Boulevard and Veteran Avenue, which has a daily traffic volume of approximately 100,000 vehicles per hour (vph) and AM/PM traffic volumes of 8,062 vph and 7,719 vph respectively. The 2003 AQMP estimated that the 1-hour concentration for this intersection was 4.6 ppm; this indicates that, should the daily traffic volume increase four times to 400,000 vehicles per day, CO concentrations ( $4.6 \text{ ppm} \times 4 = 18.4 \text{ ppm}$ ) would still not likely exceed the most stringent 1-hour CO standard (20.0 ppm).

Operation of the proposed Project at buildout during AM peak hour would result in a total of 146 new trips through area intersections and a total of 197 new trips in the PM peak hour through area intersections. These trips would be distributed throughout the vicinity of the Project and would not result in daily traffic volumes of 100,000 vehicles per day or more. As such, Project-related traffic volumes are less than the traffic volumes identified in the 2003 AQMP; and are not high enough to generate a CO “hot spot”. Therefore, impacts related to CO “hot spots” from operation of the proposed Project would be less than significant.

#### Localized Construction Air Quality Impacts

Table 5.3-10 of the Draft EIR identifies daily localized emissions that are estimated to occur during construction of the Project. As shown, emissions during the peak construction activity would not exceed the SCAQMD’s localized significance thresholds under this scenario, and impacts would be less than significant.

#### Localized Operational Air Quality Impacts

As shown on Table 5.3-11, emissions from operation of the Project would not exceed the SCAQMD’s localized significance thresholds for any criteria pollutant at the nearest sensitive receptor. Therefore, implementation of the proposed Project would result in a less than significant impact related to localized operational emissions.

#### Friar Ranch Case

The SCAQMD discusses that it may be infeasible to quantify health risks caused by projects similar to the proposed Project, due to many factors. It is necessary to have data regarding the sources and types of air toxic contaminants, location of emission points, velocity of emissions, the meteorology and topography of the area, and the location of receptors (worker and residence). For extremely large regional projects (unlike the proposed Project), the SCAQMD states that it has been able to correlate potential health outcomes for very large emissions sources – as part of their rulemaking activity, specifically 6,620 lbs./day of NO<sub>x</sub> and 89,180 lbs./day of VOC were expected to result in approximately 20 premature deaths per year and 89,947 school absences due to O<sub>3</sub>. The proposed Project does not generate anywhere near 6,620 lbs/day of NO<sub>x</sub> or 89,190 lbs/day of VOC emissions as shown on Tables 5.3-7 and 5.3-8 of the Draft EIR. Therefore, the proposed Project would not be expected to exceed the most stringent applicable federal or state ambient air quality standards for emissions of CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

#### Diesel Mobile Source Health Risk

A Construction and Operational Health Risk Assessment, included as Appendix D to the Draft EIR, was prepared to evaluate the health risk impacts as a result of exposure to DPM as a result of heavy-duty diesel trucks traveling to and from the site, maneuvering onsite, and entering and leaving the site during construction and operation of the proposed buildings. SCAQMD recommends using a risk level of 10 in one million as the cancer risk threshold. A risk level of 10 in one million implies a likelihood that up to 10 people, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of toxic air contaminants over a specified duration of time.

**Construction Impacts.** The land use with the greatest potential exposure to Project construction-source DPM emissions is Location R1 which is located approximately 1,607 feet west of the Project site at an existing residence located at 35125 Simpson Road. As shown in Table 5.3-12 of the Draft EIR, at the maximum individual cancer risk (MICR) attributable to Project construction-source DPM emissions is estimated at 0.55 in one million, which is less than the SCAQMD significance

threshold of 10 in one million. At this same location, non-cancer risks were estimated to be  $<0.01$ , which would not exceed the applicable threshold of 1.0. Location R1 is the nearest receptor to the Project site and would experience the highest concentrations of DPM during Project construction due to meteorological conditions at the site. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity. As such, construction of the Project would not cause a significant human health or cancer risk to nearby residences and impacts would be less than significant.

### **Operational Impacts**

#### *Residential Exposure.*

The residential land use with the greatest potential exposure to Project operational-source DPM emissions is Location R3 which is located approximately 1,993 feet northeast of the Project site at an existing residence located at 5599 Cottage Drive, as shown on Figure 5-3.1 of the Draft EIR. As shown in Table 5.3-13 of the Draft EIR, the MEIR, the maximum incremental cancer risk attributable to Project operational-source DPM emissions is estimated at 1.47 in one million, which is less than the SCAQMD significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable significance threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project operational activity. All other receptors would experience less risk than what is identified for this location.

#### *Worker Exposure*

The worker receptor land use with the greatest potential exposure to Project operational source DPM emissions is Location R6, which represents the potential worker receptor located approximately 405 feet west of the Project site. As shown in Table 5.3-13 of the Draft EIR, at the maximally exposed individual worker (MEIW), the maximum incremental cancer risk impact is 0.09 in one million which is less than the SCAQMD's threshold of 10 in one million. Maximum non-cancer risks at this same location were estimated to be less than 0.01, which would not exceed the applicable significance threshold of 1.0. All other worker receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEIW identified herein. As such, the Project would not cause a significant human health or cancer risk to nearby workers.

#### *School Child Exposure*

The nearest schools are Harmony Elementary School, which is located approximately 7,063 feet northeast of the Project site, and West Valley High School, which is located approximately 7,780 feet northeast of the Project site. Because there is no reasonable potential that TAC emissions would cause significant health impacts at distances of more than 0.25 mile or 1320 feet, from the air pollution source, there would be no significant impacts that would occur to any schools in the vicinity of the Project.

### **Combined Construction and Operational Impacts**

The land use with the greatest potential exposure to Project construction-source and operational-source DPM emissions is Location R1, which is 1,607 feet from the Project site. The MEIR, the maximum incremental cancer risk attributable to the Project construction-source and operational-source DPM emissions are estimated at 1.29 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to nearby residences, and impacts would be less than significant.

As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity. All other receptors are located further away from construction activity and would experience less risk than what is identified for this location. Construction of the Project would not cause a significant human health or cancer risk to nearby residences and impacts would be less than significant.

**Plans, Programs, and Policies:**

**PPP AQ-3: Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines.** The Project is required to obtain a permit from SCAQMD for the proposed diesel fire pump and would be required to comply with Rule 1470, regulating the use of diesel-fueled internal combustion engines.

**Impact Finding:** The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (Draft EIR at p. 5.3-41).

**Facts in Support of Findings:** The type of facilities that are considered to result in other emissions, such as objectionable odors, include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities.

The proposed Project would implement industrial warehouse development within the Project site. This land use does not involve the types of uses that would emit objectionable odors affecting a substantial number of people. During construction, emissions from construction equipment, architectural coatings, and paving activities may generate odors. However, these odors would be temporary, intermittent in nature, and would not affect a substantial number of people. In addition, all Project-generated solid waste would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations and would not generate objectionable odors. If potential concerns related to odors are identified for future building uses, the City would require appropriate hazardous materials permitting (as detailed in Section 5.9, *Hazards and Hazardous Materials* of the Draft EIR) and odor minimization plans or features would be required in compliance with SCAQMD Rule 402, included as PPP AQ-4 of the Draft EIR, which would prevent nuisance odors. Therefore, impacts associated with other operation- and construction-generated emissions, such as odors, would be less than significant.

**Plans, Programs, and Policies:**

**PPP AQ-4: Rule 402.** The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

**D. Energy**

**Impact Finding E-1:** The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation (Draft EIR at p. 5.6-7).

**Facts in Support of Findings:**Construction

During construction of the proposed Project, energy would be consumed in three general forms, petroleum-based fuels, electricity, and energy used in the production of construction materials. Construction activities related to each phase of the proposed warehouse Project would not be expected to result in demand for fuel greater on a per-unit-of-development basis than other development projects in southern California.

The energy analysis modeling for construction of the Project (included as Appendix G to the Draft EIR) details that the total construction would utilize 894,494 kWh of electricity as detailed in Table 5.6-1 of the Draft EIR. Also, as shown in Table 5.6-2 of the Draft EIR, construction of the Project is estimated to result in the need for 146,442 gallons of diesel fuel.

Construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations and compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption on the Project site. Overall, construction activities would require limited energy consumption and would comply with all existing regulations. Thus, impacts related to construction energy usage would be less than significant.

Operation

Once operational, the Project would generate demand for electricity, natural gas, as well as gasoline for motor vehicle trips. Operational use of energy includes the heating, cooling, and lighting of buildings, water heating, operation of electrical systems and plug-in equipment within buildings, parking lot and outdoor lighting, and the transport of electricity and water to the areas where they would be consumed.

As detailed in Table 5.6-5 of the Draft EIR, operation of the Project is estimated to result in an annual VMT of 14,754,276 miles and a fuel consumption of 773,174 gallons per year. CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of vehicles to no more than 5 minutes. The idling restrictions would preclude unnecessary and wasteful consumption of fuel due to unproductive idling of trucks. As presented in Table 5.6-6 of the Draft EIR, Project stationary sources would consume an estimated 3,428 gallons of diesel fuel. Operation of the cargo handling equipment would require approximately 18,568 kBtu per year of natural gas, as shown on Table 5.6-7 of the Draft EIR. The proposed buildings would not utilize natural gas. As shown on Table 5.6-8 of the Draft EIR, the Project would utilize approximately 5,892,788 kWh per year of electricity. Furthermore, the Project buildings would be solar ready in compliance with current Title 24 requirements, which would allow for installation of rooftop solar. As such, the Project would not inhibit the use of renewable energy.

Because this use of energy is typical for urban development as discussed in the Energy Analysis included in the Draft EIR Appendix G, no operational activities or land uses would occur that would result in extraordinary energy consumption, and through City permitting process, assurance would be provided that existing regulations related to energy efficiency and consumption, such as Title 24 regulations and CCR Title 13, Motor Vehicles, section 2449(d)(3) related to idling, would be implemented. Therefore, impacts related to operational energy consumption would be less than significant.

**Impact Finding E-2:** The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency (Draft EIR at p. 5.6-12).

**Facts in Support of Findings:** The proposed Project would be required to meet the CCR Title 24 energy efficiency standards in effect during permitting of proposed Project. The City's administration of the CCR Title 24 requirements includes review of design components and energy conservation measures that occurs during the permitting process, which ensures that all requirements are met. In addition, Project design and operation would comply with State Building Energy Efficiency Standards, appliance efficiency regulations, and green building standards. The Project buildings would be solar ready in compliance with current Title 24 requirements, which would allow for installation of solar.

Moreover, the City of Hemet adopted a Climate Action Plan (CAP) in 2018 to help reduce energy consumption and GHG emissions to become a more sustainable community and to meet the goals of State Assembly Bill 32 (AB 32). The CAP outlines various measures and strategizes numerous methods on how the City's long-term vision can be achieved. As discussed in Draft EIR Section 5.8, *Greenhouse Gas Emissions*, the proposed Project would be consistent with CAP energy and water efficiency strategies, which would reduce the Project's overall energy consumption. Overall, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and impacts would be less than significant.

**Energy Cumulative Finding:** The Project would not have a cumulatively adverse impact related to Energy. A less than significant impact would occur (Draft EIR at p. 5.6-13).

**Facts in Support of Findings:** All development projects throughout the region are required to comply with the energy efficiency standards in the Title 24 requirements. Additionally, some of the developments could provide for additional reductions in energy consumption by use of solar panels, sky lights, etc. With implementation of the existing energy conservation regulations, cumulative electricity and natural gas consumption would not be cumulatively wasteful, inefficient, or unnecessary.

Petroleum consumption associated with the proposed Project would be primarily attributable to transportation, especially vehicular use. However, state fuel efficiency standards and alternative fuels policies (per AB 1007 Pavely) would contribute to a reduction in fuel use, and the federal Energy Independence and Security Act and the state Long Term Energy Efficiency Strategic Plan would reduce reliance on non-renewable energy resources. For these reasons, the consumption of petroleum would not occur in a wasteful, inefficient, or unnecessary manner and would be less than cumulatively considerable.

## **E. Geology and Soils**

**Impact Finding GEO-1 ii:** 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 (Draft EIR at p. 5.7-9).

**Facts in Support of Findings:** The Project site is within a seismically active region, with numerous faults capable of producing significant ground motions. Therefore, Project implementation could subject people and structures to hazards from ground shaking. However, seismic shaking is a risk throughout southern California, and the Project site is not at greater risk of seismic activity or impacts as compared to other areas within the region.

The CBC includes provisions to reduce impacts caused by major structural failures or loss of life resulting from earthquakes or other geologic hazards. For example, Chapter 16 of the CBC contains requirements for design and construction of structures to resist loads, including earthquake loads. The CBC provides procedures for earthquake resistant structural design that include considerations

for onsite soil conditions, occupancy, and the configuration of the structure including the structural system and height.

The City has adopted the CBC as part of its Municipal Code (Chapter 14, Article II, Section 14-40), which regulates all building and construction projects within the City and implements a minimum standard for building design and construction that includes specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. Structures built in the City are required to be built in compliance with the CBC. The Project would be required to adhere to the provisions of the CBC as part of the building plan check and development review process. Compliance with the requirements of the CBC for structural safety would reduce hazards from strong seismic ground shaking. Because the proposed Project would be required to be constructed in compliance with the CBC and the City's Municipal Code, which would be verified through the City's plan check and permitting process and is included as PPP GEO-1, the proposed Project would result in a less than significant impact related to strong seismic ground shaking.

**Plans, Program and Policies:**

**PPP GEO-1: CBC Compliance.** The Project is required to comply with the California Building Standards Code as included in Chapter 14, Article II, Division 3, Section 14-40 of the Hemet Municipal Code to preclude significant adverse effects associated with seismic and soils hazards. CBC related and geologist and/or civil engineer specifications for the proposed Project are required to be incorporated into grading plans and building specifications as a condition of construction permit approval.

**Impact Finding GEO-1iii:** The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction (Draft EIR at p. 5.7-10).

**Facts in Support of Findings:** The Geotechnical Report (included as Appendix H to the Draft EIR) determined that the use of shallow foundations, as proposed by the Project, would resist the effects of settlement such that the proposed buildings would not catastrophically fail in the event of a seismically induced liquefaction event. In addition, all structures built in the City are required to be developed in compliance with the CBC (California Code of Regulations, Title 24, Part 2), which is adopted as City of Hemet Municipal Code Chapter 14, Article II, Division 3, Section 14-40. Compliance with the CBC would require proper construction of building foundations and floor slabs to withstand the effects of potential ground movement, including liquefaction. Furthermore, the Geotechnical Investigation (Appendix H) includes recommendations for grading and foundation strength, such as the use of reinforcements, that would ensure that the proposed Project would be consistent with CBC requirements for reducing risk related to liquefaction.

The City of Hemet Building and Safety Division reviews structural plans and geotechnical data prior to issuance of a grading permit and conducts inspections during construction, which would ensure that all required CBC measures are incorporated. Compliance with the CBC as included as a condition of approval and verified by the City's review process would ensure that impacts related to liquefaction are less than significant.

**Plans, Program and Policies:**

**PPP GEO-1: CBC Compliance.** As listed previously.

**Impact Finding GEO-1iv:** The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides (Draft EIR at p. 5.7-10).

**Facts in Support of Findings:** According to the Geotechnical Investigation (Appendix H to the Draft EIR), the Project site is relatively flat, with an approximately 0.6 slope in the southerly direction, and the immediate vicinity does not contain any hills or steep slopes. The Project site is not directly adjacent to the Domenigoni Mountains; the nearest foothills of the mountains are 0.3 miles to the southeast of the Project site. As such, impacts related to landslides would be less than significant.

**Impact Finding GEO-2:** The Project would not result in substantial soil erosion or the loss of topsoil (Draft EIR at p. 5.7-10).

### **Facts in Support of Findings:**

#### **Construction**

Grading activities that would be required for the Project would expose and loosen topsoil, which could be eroded by wind or water. However, Hemet Municipal Code Chapter 67 requires the preparation of an erosion and sediment control plan prior to the issuance of grading permits. Section 67-18 requires that such an erosion and sediment control plan must meet the objectives of the California Regional Water Quality Control Board (RWQCB) National Pollutant Discharge Elimination System (NPDES) Storm Water Permit Order No. R8-2013-0024 (MS4 Permit).

Pursuant to the MS4 Permit requirements, a Stormwater Pollution Prevention Plan (SWPPP) is required by these City and RWQCB regulations to be developed by a Qualified SWPPP Developer, which would be implemented by the City's conditions of approval. The SWPPP is required to address site-specific conditions related to specific grading and construction activities that could cause erosion and the loss of topsoil and provide erosion control BMPs to reduce or eliminate the erosion and loss of topsoil. With compliance with the Municipal Code Section 67-18, stormwater management requirements, RWQCB SWPPP requirements, and installation of BMPs, which would be implemented by the City's Project review by the Building and Safety Division, construction impacts related to erosion and loss of topsoil would be less than significant.

#### **Operation**

The proposed Project includes installation of landscaping adjacent to the proposed buildings and throughout the proposed parking areas. With this landscaping, areas of exposed topsoil that could erode by wind or water, would not exist upon operation of the proposed Project. In addition, as described in Draft EIR Section 5.10, *Hydrology and Water Quality*, the hydrologic features of the proposed Project have been designed to slow, filter, and retain stormwater within landscaping and the proposed infiltration basins, which would also reduce the potential for stormwater to erode topsoil. Furthermore, implementation of the Project requires City approval of a Water Quality Management Plan (WQMP), which would ensure that RWQCB requirements and appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur. As a result, with implementation of existing requirements, impacts related to substantial soil erosion or loss of topsoil would be less than significant.

**Impact Finding GEO-3:** The Project would not be located on a geologic unit or soil that is unstable, or that would be unstable as a result of the project and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse (Draft EIR at p. 5.7-11).

**Facts in Support of Findings:** The Geotechnical Investigation (Appendix H to the Draft EIR) describes that native alluvium soils encountered beneath the artificial fill at all of the boring locations generally possess medium dense silty sands, sandy silts, and sands with varying amounts of silt with varying clay content. The Geotechnical Investigation describes that the recommended remedial grading would remove all undocumented fill soils and a portion of the near-surface native alluvial soils and replace these soils as compacted structural fill (SCG, 2022). Excavation and recompaction of the artificial fill soils and near-surface alluvium would be conducted in compliance with the CBC as required through the City's permitting process.

The Project site and the adjacent parcels are relatively flat and do not contain any hills or steep slopes. There is approximately 9 feet of elevation differential throughout the site (Appendix H to the Draft EIR). In addition, remedial grading and site preparation would further level the Project site. Therefore, impacts related to landslides resulting from the proposed Project would be less than significant.

Potentially liquefiable soils were found between depths of approximately 30 and 50 feet. Soils below the historic high groundwater table are considered non-liquefiable due to an adequate factor of safety or adequate cohesive characteristic. As recommended by the Geotechnical Investigation, (Appendix H to the Draft EIR) the use of shallow foundations would prevent the potential collapse of soil as a result of Project implementation.

According to the Geotechnical Investigation, (Draft EIR Appendix H) an estimated shrinkage potential of 3 to 13 percent is expected during removal and recompaction of the artificial fill and near-surface native soils. A subsidence of 0.1 feet in the soils below the zone of removal is estimated to occur within the Project site. Compliance with the CBC would be required by the Hemet Building and Safety Division, as implemented as a condition of approval in connection with grading and building permits. Compliance with the requirements of the CBC as part of the building plan check and development review process, would ensure that impacts related to subsidence would be less than significant.

**Impact Finding GEO-4:** The Project would not be located on expansive soil, as defined in table 18-1-B of the uniform building code (1994), creating substantial direct or indirect risks to life or property (Draft EIR at p. 5.7-12).

**Facts in Support of Findings:** The Geotechnical Investigation describes that the Project site's near-surface soils consist of silty sands, sands, and sandy silts with no appreciable clay content. According to the Geotechnical Investigation, these materials are considered non-expansive (Appendix H to the Draft EIR). In addition, as described above, compliance with the CBC is a standard City practice and is included as a condition of approval. Therefore, compliance with the requirements of the CBC as part of the building plan check and development review process, would ensure that expansive soil related impacts would be less than significant.

**Geology and Soils Cumulative Finding:** The Project would not have a cumulatively adverse impact related to geology and soils. A less than significant impact would occur (Draft EIR at p. 5.7-13).

**Facts in Support of Findings:** Direct and indirect impacts related to geology and soils would be mitigated through mandatory conformance with the CBC, City of Hemet Municipal Code, and site-specific geotechnical recommendations, which would be incorporated as part of the Project's design and construction efforts. With the exception of erosion hazards, potential hazardous effects related to geologic and soil conditions are unique to each project site, and inherently restricted to the developments proposed. Because of the site-specific nature of these potential hazards and the

measures to address them, there would be no direct or indirect connection to similar potential issues or cumulative effects at the Project site.

Impacts related to erosion and loss of topsoil could be cumulatively considerable. However, mandates related to the NPDES permit, preparation of a WQMP, Erosion Control Plan, and SWPPP, as well as compliance with SCAQMD Rule 403 (Fugitive Dust) incorporate measures during construction activities to ensure that significant erosion impacts do not occur. Other development projects in the vicinity of the Project site would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts, thus cumulative impacts associated with wind and water erosion hazards would be less than significant.

## **F. Hazards and Hazardous Materials**

**Impact Finding HAZ-1:** The Project would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials (Draft EIR at p. 5.9-13).

### **Facts in Support of Findings:**

#### Construction

Project construction would involve the use and disposal of various hazardous materials. However, construction contractors would be required to comply with federal, state, and local laws and regulations regarding the transport, use, and storage of hazardous materials. Additionally, construction activities would require implementation of a Stormwater Pollution Prevention Plan (SWPPP), which is mandated by the National Pollution Discharge Elimination System General Construction Permit (included as PPP HYD-1 herein) and enforced by the Santa Ana Regional Water Quality Control Board (RWQCB) and the City during the construction permitting and inspection process. Mandatory compliance with applicable laws and regulations related to the routine transport, use, and disposal of hazardous materials during construction activities at the Project site would be ensured during Project permitting procedures by City of Hemet Building and Safety requirements to limit potentially significant hazards to construction workers, the public, and the environment, which would reduce potential impacts to a less than significant level.

#### Operation

Depending on the type of operators that would occupy the proposed buildings, operations would require the use of various types and quantities of hazardous materials, including lubricants, solvents, cleaning agents, wastes, paints and related wastes, petroleum, wastewater, batteries, (lead acid, nickel cadmium, nickel, iron, carbonate), scrap metal, and used tires. Under California Health and Safety Code Section § 25531 et seq., CalEPA requires businesses operating with a regulated substance that exceeds a specified threshold quantity to register with a managing local agency, known as the Certified Unified Program Agency (CUPA). In Hemet, the Riverside County Department of Environmental Health (DEH) is the CUPA. The Riverside County DEH requires businesses subject to any of the CUPA permits to file a Hazardous Materials Business Plan (HMBP). Compliance with existing laws and regulations governing hazard and hazardous materials would reduce potential impacts related to the routine transport, use, and disposal of the hazardous materials to less than significant.

### **Plans, Program and Policies:**

**PPP HYD-1: NPDES/SWPPP.** Since this Project is one acre or more, the permit holder shall comply with all of the applicable requirements of the National Pollutant Discharge Elimination System

(NPDES) and shall conform to NPDES Best Management Practices for Stormwater Pollution Prevention Plans (SWPPP) during the life of this permit. Prior to issuance of any grading or construction permits - whichever comes first - the Applicant shall provide the Building and Safety Department evidence of submitting a Notice of Intent (NOI), develop and implement a SWPPP and a monitoring program and reporting plan for the construction site.

**Impact Finding HAZ-2:** The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset of accident conditions involving the release of hazardous materials to the environment (Draft EIR at p. 5.9-14).

### **Facts in Support of Findings:**

#### Construction

Equipment that would be used in construction of the Project has the potential to release gas, oils, greases, solvents, and spills of paint and other finishing substances. However, the amount of hazardous materials onsite would be limited, and construction activities would be required to adhere to all applicable regulations regarding hazardous materials storage and handling, as well as to implement construction BMPs (through implementation of a required SWPPP implemented by City conditions of approval, and included as PPP HYD-1 to prevent a hazardous materials release and to promptly contain and clean up any spills, which would minimize the potential for harmful exposures. With compliance to existing laws and regulations, which is mandated by the City through construction permitting, the Project's construction-related impacts would be less than significant.

#### Operation

The future tenants within the Project site may use, store, and dispose of various types and quantities of hazardous materials that would be required to comply with regulations and standards. The proposed development would be required to implement a WQMP, included as PPP HYD-2. BMPs would be incorporated in the WQMP that would protect human health and the environment should any accidental spills or releases of hazardous materials occur during operation of the Project. Therefore, operations within the Project site would not result in a significant hazard to the public or the environment through reasonably foreseeable upset and accident involving hazardous material. Impacts related to hazardous materials from operation would be less than significant.

### **Plans, Programs, and Policies:**

**PPP HYD-1: NPDES/SWPPP.** As listed previously.

**PPP HYD-2: WQMP.** Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Building and Safety Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that would be incorporated into the development Project in order to minimize the adverse effects on receiving waters.

**Impact Finding HAZ-3:** The Project would not emit hazardous emissions or handle hazardous or acutely hazardous material, substances or waste within 0.25 miles of an existing or proposed school (Draft EIR at p. 5.9-15).

### **Facts in Support of Findings:**

The closest school sites to the Project site are the Harmony Elementary School, located at 1500 South Cawston Avenue, Hemet, CA 92545, approximately 7,063 feet (or 1.4 miles) northeast of

the Project site, and West Valley High School, which is located at 3401 Mustang Way, Hemet, approximately 7,780 feet northeast (1.47 miles) of the Project site. Therefore, there are no schools located within 0.25 mile of the Project site. As such, there would be no impacts that would occur to schools within 0.25 mile of the Project.

The use of hazardous materials related to the proposed industrial uses would be limited and used and disposed of in compliance with federal, state, and local regulations, which would reduce the potential of accidental release into the environment. Further, emissions that would be generated from construction and operation of the proposed Project were evaluated in the air quality analysis in Section 5.3, *Air Quality* of this Draft EIR, which determined that emissions generated from the proposed Project would not result in impacts to sensitive receptors, including schools. Thus, the proposed Project would not emit hazardous or handle acutely hazardous materials, substances, or waste within 0.25 mile of school, and impacts would be less than significant.

**Impact Finding HAZ-5:** The Project would not 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 plan has not been adopted, be within 2 miles of a public airport use, airport, or public use airport (Draft EIR at p. 5.9-16).

**Facts in Support of Findings:** The Project site is approximately 1.6 miles southwest of the Hemet-Ryan Airport. According to the Hemet-Ryan Airport Land Use Compatibility Plan the Project site is in Zone E of the Airport Influence Area which is the outermost zone and does not have compatibility criteria limits related to development standards and is located outside all three of the designated Hemet-Ryan Airport noise contours (55 CNEL, 60 CNEL and 65 CNEL). Thus, the Project would not result in a safety hazard or excessive noise for people residing or working within two miles of a public airport, and impacts would be less than significant.

**Impact Finding HAZ-6:** The Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan (Draft EIR at p. 5.9-16).

**Facts in Support of Findings:**

Construction

The proposed construction activities, including equipment and supply staging and storage, would occur within and adjacent to the Project site and would not restrict access of emergency vehicles to the Project site or adjacent areas. During construction of the Project driveways and connections to existing infrastructure along Simpson Road and Warren Road, the roadways would remain open to ensure adequate emergency access to the Project area and vicinity. Construction activities within the Project site that may temporarily restrict vehicular traffic would be required to implement adequate measures to facilitate the safe passage of persons and vehicles during required temporary road restrictions (Title 24, California Code of Regulations, Part 9). In accordance with Section 503 of the California Fire Code, prior to any activity that would encroach into a right-of-way, the area of encroachment must be safeguarded through the installation of safety devices to ensure that construction activities do not physically interfere with emergency access or evacuation. Therefore, the Project would not block any routes that could be used as evacuation or conflict with an emergency response plan, and impacts related to interference with an adopted emergency response of evacuation plan during construction activities would be less than significant.

Operation

The Project would include vehicular access to the Project site from six driveways along Simpson Road. As described in Section 5.15, *Transportation*, these driveways would provide adequate and

safe circulation to, from, and through the Project site and would provide a variety of routes for emergency responders to access the site and surrounding areas. Furthermore, drivers are expected to comply with all state driving laws, roadway signage, as well as restrictions related to vehicle stopping and parking. Therefore, the Project would not impair implementation or interfere with adopted emergency response or evacuation plans. Impacts would be less than significant.

**Impact Finding HAZ-7:** The Project would not 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 (Draft EIR at p. 5.9-17).

**Facts in Support of Findings:** The Project site is currently utilized for farming activities and contains no existing structures, other than irrigation infrastructure and is located in an agricultural area that is not within an identified wildland fire hazard area, as identified by CAL Fire, or an area where residences are intermixed with wildlands. Project implementation would require adherence to the City's Land Development and Engineering Standards and the following sections of the City Development Code to reduce potential fire hazards: Chapter 14: Buildings and Building Regulations, Division 5 - California Electrical Code; Division 6 - California Mechanical Code; and Division 10 - California Fire Code. The Project would also be required to comply with guidelines from the Hemet Fire Department related to fire prevention and would be subject to review for fire safety during the plan check process by the City's Building and Safety Division in connection with the issuance of permits for the Project. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death from wildfires, and impacts would be less than significant.

## **G. Hydrology and Water Quality**

**Impact Finding HYD-1:** The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (Draft EIR at p. 5.10-11).

### **Facts in Support of Findings:**

#### Construction

Pollutants of concern during construction activities generally include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. In addition, chemicals, liquid products, petroleum products (such as paints, solvents, and fuels), and concrete-related waste may be spilled or leaked during construction, which would have the potential to be transported via storm runoff into nearby receiving waters and eventually may affect surface or groundwater quality. During construction activities, excavated soil would be exposed, thereby increasing the potential for soil erosion and sedimentation to occur compared to existing conditions. In addition, during construction, vehicles and equipment are prone to tracking soil and/or spoil from work areas to paved roadways, which is another form of erosion that could affect water quality. However, the use of BMPs during construction implemented as part of a SWPPP as required by the NPDES General Construction Permit and included as PPP HYD-1 would serve to ensure that Project impacts related to construction activities resulting in a degradation of water quality would be less than significant. Pursuant to City of Hemet Municipal Code, Chapter 14, Section 14-471, Compliance with the NPDES Permit, the Project Applicant would be required to implement the requirements of the NPDES permit. Compliance with the Hemet Municipal Code, MS4 permit, and other applicable requirements, which would be verified during the City's construction permitting process, would ensure that Project impacts related to construction activities resulting in a degradation of water quality would be less than significant.

## Operation

In accordance with State Water Resources Board Order R8-2010-0036, NPDES No. CAS618033, the proposed Project would be required to incorporate a WQMP with post-construction (or permanent) Low Impact Development (LID) site design, source control, and treatment control BMPs, included as PPP HYD-2. Runoff would be detained in either one of the four underground infiltration basins and/or one of the two above ground infiltration basins for high flow storm events throughout the Project site as shown in Figure 5.10-1 of the Draft EIR.

Per the City of Hemet Storm Drain Criteria and Drainage Design Manual, the Project would be retaining the post-development 100-year, 3-hour storm volume requirement of 437,103 CF. As shown in Table 5.10-2, the proposed Project would be sized to capture a total volume of 553,321 CF, thereby 26.5 percent above the City's requirement. With implementation of the operational source and treatment control BMPs that is outlined in the WQMP (Appendix L2) that would be reviewed and approved by the City during the Project permitting and approval process, potential pollutants would be reduced to the maximum extent feasible, and implementation of the proposed Project would not substantially degrade water quality. Therefore, impacts would be less than significant.

### **Plans, Program and Policies:**

**PPP HYD-1: NPDES/SWPPP.** As listed previously.

**PPP HYD-2: WQMP.** As listed previously.

**Impact Finding HYD-2:** The Project would not substantially decrease groundwater supplies or interfere with groundwater recharge such that the Project may impede sustainable groundwater management of the basin (Draft EIR at p. 5.10-17).

**Facts in Support of Findings:** Development of the proposed Project would introduce approximately 2,598,375 SF of impervious surfaces to the existing vacant site conditions. The proposed Project would install an on-site storm drain system that would convey runoff to four underground infiltration basins and two above ground infiltration basins that would capture, filter, and infiltrate runoff. The Project would also include 483,977 SF of landscaping that would infiltrate stormwater on-site. As a result, the proposed Project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. The proposed Project would have a less than significant impact.

### **Plans, Program and Policies:**

**PPP HYD-2: WQMP.** As listed previously.

**Impact Finding HYD-3:** The Project would not substantially alter the existing drainage pattern of the 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 a substantial erosion or siltation on- or off-site (Draft EIR at p. 5.10-17).

### **Facts in Support of Findings:**

## Construction

The Project site is generally flat and does not contain substantial slopes that could induce significant erosion or siltation. There are also no streams or rivers on site. Project construction would be permitted under the NPDES Construction General Permit (PPP HYD-1), which requires preparation

and implementation of a SWPPP by a Qualified SWPPP Developer (QSD). The SWPPP is required to address site specific conditions related to potential sources for sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alteration of drainage pattern during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP would prevent construction-related impacts related to potential alteration of a drainage pattern or erosion from development activities.

### Operation

The development would result in an increase in impervious areas and the Project would increase surface flows compared to existing conditions. However, the stormwater runoff from the addition of impervious surfaces onsite from development of the Project would be conveyed into four underground and two above ground infiltration basins. Any additional runoff volume would be discharged via an outlet pipe and conveyed downstream to Salt Creek Channel with a maximum outlet flow rate equal or less than the existing condition 100-year and 3-hour storm event. Further, the BMPs identified in the WQMP would reduce the potential for erosion and siltation. As part of the permitting approval process, the proposed drainage, water quality design, and engineering plans would be reviewed by the City's Engineering Department to ensure they meet the City's NPDES Permit requirements and limit the potential for erosion and siltation. Overall, adherence to the existing regulations and PPP HYD-2 would ensure that Project impacts related to erosion and siltation from operational impacts would be less than significant.

### **Plans, Program and Policies:**

**PPP HYD-1: NPDES/SWPPP.** As listed previously.

**PPP HYD-2: WQMP.** As listed previously.

**Impact Finding HYD-4:** The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite (Draft EIR at p. 5.10-19).

### **Facts in Support of Findings:**

#### Construction

Construction of the proposed Project would include activities that could temporarily alter the existing drainage pattern of the site and could result in flooding on- or off-site if drainage is not properly controlled. However, implementation of the Project requires a SWPPP that would address site specific drainage issues related to construction of the Project and include BMPs to eliminate the potential for flooding or alteration of the drainage pattern during construction activities. Compliance with the City's NPDES Permit and a SWPPP, as verified by the City through the construction permitting process, would prevent construction-related impacts related to potential increase in runoff or flooding on or off-site from development activities. Therefore, impacts would be less than significant.

#### Operation

As a result of the proposed increase impervious surface area, the Project would increase surface flows, compared to existing conditions. However, installation of new storm water drainage facilities and pervious landscaped areas would be installed by the Project which would ensure that stormwater would be captured and treated onsite and not be allowed to flow off site. The proposed

infiltration system would capture the Project's 100-year, 3-hour storm volume requirement, per the County's LID requirements. In addition, landscaped areas would accept runoff water from impervious surfaces and control the rate and velocity of stormwater flows and would control the amount of discharge into the off-site drainage system. Thus, implementation of the Project would not substantially increase the rate or amount of surface runoff, such that flooding would occur, and impacts would be less than significant.

**Plans, Program and Policies:**

**PPP HYD-1: NPDES/SWPPP.** As listed previously.

**PPP HYD-2: WQMP.** As listed previously.

**Impact Finding HYD-5:** The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would 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 (Draft EIR at p. 5.10-19).

**Facts in Support of Findings:** The proposed infiltration system would capture the 72-hour rainfall depth for a 100-year 3-hour rain event, per the City's LID requirements. Any additional runoff volume would be discharged via an outlet pipe and conveyed downstream to the Salt Creek Channel with a maximum outlet flow rate equal or less than the existing condition 100-year and 3-hour storm event. The Preliminary WQMP details that the storm drain facilities would be sized adequately for the 100-year, 3-hour storm volume requirement. Additionally, infiltration through underlying soil media would provide additional filtration and treatment of captured stormwater runoff. Runoff would flow through a series of gravel and media, as well as the proposed infiltration basin, prior to entering the storm drain system and the Salt Creek Channel. Therefore, the Project would result in a less than significant impact on the capacity of existing or planned stormwater drainage systems and/or additional sources of polluted runoff.

**Plans, Program and Policies:**

**PPP HYD-2: WQMP.** As listed previously.

**Impact Finding HYD-6:** The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows (Draft EIR at p. 5.10-20).

**Facts in Support of Findings:** According to FEMA FIRM Map 06065C2085G, the Project site is within a "0.2% Annual Chance Flood Hazard, Zone X" flood plain area defined as areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. In addition, Zone X flood plain areas are outside the 100-year floodplain. Therefore, the proposed Project is located outside any 100-year flood zones and has low risk due to flooding.

The proposed Project would install an on-site storm drain system and landscaping that would capture, filter, and infiltrate runoff. The design runoff volume would be stored and infiltrated to meet the 100-year, 3-hour storm volume requirement, and any additional runoff volume generated by the high flow runoff storm event would be discharged via an outlet pipe and conveyed downstream to Salt Creek Channel. The drainage facilities proposed for the Project have been sized to adequately accommodate the stormwater flows from the proposed development and are

consistent with the County and City drainage plans and MS4 permit requirements. Thus, although the proposed Project would result in an increase in impervious surfaces on the site, the proposed drainage infrastructure would maintain the existing drainage pattern and accommodate flows, such that storm flows would not be impeded or redirected. Therefore, impacts would be less than significant.

### **Plans, Program and Policies:**

**PPP HYD-2: WQMP.** As listed previously.

**Impact Finding HYD-7:** The Project would not, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation (Draft EIR at p. 5.10-20).

**Facts in Support of Findings:** According to FEMA FIRM Map 16071C8665H, the Project site is not located within a flood hazard zone and would result in a less than significant impact on flood hazard. In addition, tsunamis are large waves that occur in coastal areas; therefore, since the City is not located in a coastal area, no impacts due to tsunamis would occur.

As shown in Figure 5.10-2 of the Draft EIR, the Project site is within the dam inundation area of Diamond Valley Lake. Diamond Valley Lake is a water storage reservoir approximately 3.5 miles south of the Project site. Dam failure and inundation could occur when an earthquake, design flaw, or overflow during storms cause a dam to flood. The nearest active fault zone is the San Jacinto Fault Zone, located approximately five miles northeast of the lake. Due to the Project's proximity to the Saddle Dam and lake, this would result in flood hazard impacts.

The General Plan includes policies and programs PS-PS-6, PS-6.1, PS-6.2, PS-6.5, PS-6.7, and PS-6.8, which would prevent the exposure of people or structures to flood hazards, including dam inundation and seiche hazards. The policies and programs ensure waterways and channels are clear and preserved in a natural state, ensure potential flood hazards are mitigated, require identification of funding sources, require incorporation of state and federal flood zone regulations into the City's Municipal Code, require appropriate flood control facilities for all development, and require site-specific studies to identify setbacks from a floodway. In addition, future land uses consistent with the City's General Plan would not place housing or other structures in a 100-year flood hazard area, within which the Project is not located. Therefore, due to compliance with and implementation of General Plan policies and programs, potential dam inundation impacts would be less than significant.

In summary, impacts regarding release of pollutants due to Project inundation from flood hazards, tsunamis, or seiches would be less than significant.

**Impact Finding HYD-8:** The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Draft EIR at p. 5.10-25).

**Facts in Support of Findings:** The Project applicant would be required to prepare and implement a SWPPP during Project construction to avoid potential construction-related water quality impacts (PPP HYD-1 and PPP HYD-2) per the Construction General Permit. The Project applicant would also be required to prepare and implement a WQMP to treat and capture post-construction stormwater runoff as part of Project operation per the County's MS4 NPDES permit. Through implementation of the applicable construction and post-construction permitting requirements, the Project would not conflict with or obstruct implementation of a water quality control plan.

Based on the 2020 Urban Water Management Plan (UWMP) for Eastern Municipal Water District (EMWD), it is anticipated that existing and future water entitlements from groundwater, surface

water, and purchased or imported water sources, plus recycling and conservation, would be sufficient to meet the forecast demand for EMWD's entire service area. The Project's components are not anticipated to obstruct groundwater facilities as groundwater facilities are not planned by EMWD for this Project. Thus, impacts related to conflict with, or obstruction of a water quality control plan or sustainable groundwater management plan would be less than significant.

**Hydrology and Water Quality Cumulative Finding:** The Project would not have a cumulatively adverse impact related to Hydrology and Water Quality. A less than significant impact would occur (Draft EIR at p. 5.10-25).

**Facts in Support of Findings:**

Water Quality

Related developments within the watershed would be required to implement water quality control measures pursuant to the same NPDES General Construction Permit that requires implementation of a SWPPP (for construction), a WQMP (for operation) and BMPs to eliminate or reduce the discharge of pollutants in stormwater discharges, reduce runoff, reduce erosion and sedimentation, and increase filtration and infiltration, in areas permitted. The NPDES permit requirements have been set by the SWRCB and implemented by the Santa Ana RWQCB to reduce incremental effects of individual projects so that they would not become cumulatively considerable. Therefore, overall potential impacts to water quality associated with present and future development in the watershed would not be cumulatively considerable with compliance with all applicable laws, permits, ordinances and plans. The proposed Project would be implemented in compliance with all regulations, as would be verified during the permitting process. Therefore, cumulative impacts related to water quality would be less than significant.

Drainage

With implementation of the Project the onsite pervious surfaces would increase, and stormwater runoff would be accommodated by the proposed stormwater drainage basin infrastructure. Additionally, existing drainage flow patterns would be maintained. As a result, the proposed Project would not generate runoff that could combine with additional runoff from cumulative Projects that could cumulatively combine to impact drainage. Thus, cumulative impacts related to drainage would be less than significant.

**H. Land Use and Planning**

**Impact Finding LU-2:** The Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Draft EIR at p. 5.11-19).

**Facts in Support of Findings:**

2020 RTP/SCS

The 2020 RTP/SCS Goals that are relevant to the proposed Project focus largely on maximizing mobility, encouraging development patterns and densities that reduce infrastructure costs, and providing efficiency. The proposed Project would be consistent with the applicable SCAG's 2020 RTP/SCS goals, as detailed in Draft EIR Table 5.11-1. Therefore, implementation of the proposed Project would not result in conflict with RTP/SCS goals, and impacts would not occur.

### Land Use Consistency

Under the General Plan the Project site is assigned a Land Use Designation of Mixed Use (MU) and is zoned Business Park (B-P) under the Zoning Map. The Project would include a General Plan Amendment to change the existing Land Use Designation from MU to BP, consistent with existing B-P zoning. The General Plan states that the BP designation provides for single and multitenant light industrial, flex office, and office uses. Suitable uses include corporate and general business offices, medical uses, research and development, e-commerce, and light manufacturing. B-P allows for industrial and related uses including warehousing/distribution, assembly and light manufacturing, repair facilities, and business parks, including corporate offices developed at a maximum Floor Area Ratio (FAR) of 0.6. The proposed Project would be consistent with the General Plan designation following approval of the proposed General Plan Amendment.

### General Plan Goals, Policies, and Objectives

A detailed analysis of the proposed Project's consistency with the applicable goals, policies, and objectives of the City's General Plan that serve to avoid or mitigate environmental impacts is provided in Table 5.11-2 of the Draft EIR. As described, the proposed Project would be consistent with the relevant goals, policies, and objectives of the City's General Plan that avoid or mitigate environmental impacts, and impacts related to conflict with a General Plan policy related to an environmental effect would be less than significant.

### Hemet-Ryan Airport Land Use Compatibility Plan (ALUCP)

The Project site is located approximately 1.6 miles southwest of the Hemet-Ryan Airport. The Hemet-Ryan Airport Land Use Compatibility Plan (ALUCP) as adopted in 1992 and amended in 2009 is the applicable Compatibility Plan for the Hemet-Ryan Airport. The most recent Hemet-Ryan ALUCP was adopted on February 9, 2017, and establishes a compatibility map delineation, and specific compatibility policies.

According to the Hemet-Ryan Airport Land Use Compatibility Plan the Project site is in Zone E of the Airport Influence Area and is located outside all three of the designated Hemet-Ryan Airport noise contours (55 CNEL, 60 CNEL and 65 CNEL). The site is also outside of the established airport safety zones. Additionally, given that the proposed Project would include a General Plan Amendment, ALUC review of the Project is required.

**Land Use and Planning Cumulative Finding:** The Project would not have a cumulatively adverse impact related to Land Use and Planning. A less than significant impact would occur (Draft EIR at p. 5.11-45).

**Facts in Support of Findings:** Cumulative projects in the City of Hemet would utilize regional planning documents such as SCAG's 2020 RTP/SCS during planning, and the City's General Plan, to the extent that they are applicable. Cumulative projects in this jurisdiction would be required to comply with the applicable land use plan or they would not be approved without a General Plan amendment.

While the Project requires a General Plan amendment to change the land use designation of the site, the proposed Project would be consistent with the General Plan land use designation and zoning designation after the amendment and would be consistent with the surrounding uses. Thus, the Project would not contribute to a cumulatively considerable impact.

## I. Noise

**Impact Finding NOI-2:** The Project would not generate excessive groundborne vibration or groundborne noise levels (Draft EIR at p. 5.12-33).

### **Facts in Support of Findings:**

#### Construction

Demolition, excavation, and grading activities are required for the Project and can result in varying degrees of groundborne vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Table 5.12-19 of the Draft EIR presents the expected Project-related vibration levels at the adjacent receiver locations. At distances ranging from 930 to 1,993 feet from Project construction activities, construction vibration velocity levels are estimated to range from 0.000 to 0.001 PPV in/sec and would not exceed the FTA's most stringent threshold of 0.3 in/sec PPV threshold at any receiver locations. Other building structures surrounding the Project site are farther away and would experience further reduced vibration. Therefore, impacts related to construction vibration would be less than significant.

#### Operation

Operation of the proposed industrial warehouse buildings would include heavy trucks for loading dock activities, deliveries, and moving trucks, and garbage trucks for solid waste disposal. Typical vibration levels for heavy truck activity at normal traffic speeds would be approximately 0.006 in/sec PPV, based on the FTA's *Transit Noise Impact and Vibration Assessment*. Truck movements onsite and on Simpson Road and Warren Road would be travelling at very low speed, so it is expected that truck vibration at nearby sensitive receivers would be less than FTA's *Transit Noise Impact and Vibration Assessment* vibration standard of 0.2 in/sec PPV, and therefore, would be less than significant.

**Impact Finding NOI-3:** The Project would not expose people residing or working in the Project area to excessive airport noise related to a public airport (Draft EIR at p. 5.12-34).

**Facts in Support of Findings:** The Project site is located approximately 1.6 miles southwest of Hemet-Ryan (HR) Airport. Policy 4.1.5 *Noise Exposure for Other Land Uses* of the Riverside County Airport Land Use Compatibility Policy Document (RC ALUCP) indicates that the Project's industrial land uses would experience *clearly acceptable* exterior noise levels below 60 dBA CNEL. The Project site is located outside the 55 dBA CNEL noise level contour boundaries and is considered *clearly acceptable*. Therefore, based on the RC ALUCP compatibility criteria, "the activities associated with the specified land use can be carried out with essentially no interference from the noise exposure." Thus, implementation and development of the Project would not result in a safety hazard or exposure to excessive noise for people residing or working in the area, and impacts would be less than significant. would not be exposed to excessive noise levels from airport operations, and therefore, impacts would be less than significant.

## J. Population and Housing

**Impact Finding POP-1:** The Project would not 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) (Draft EIR at p. 5.13-6).

**Facts in Support of Findings:** The proposed Project would result in an overall site FAR of approximately 0.43, which is within the allowed maximum FAR of 0.60 for the Business Park land

use designation. In addition, the proposed Project does not involve construction of any new residential uses and would not contribute to a direct increase in the City's population. Thus, buildout of the proposed Project would be within the maximum planned development capacity under the General Plan. However, the proposed Project may indirectly contribute to population growth within the City by creating jobs both during construction and operation.

### Construction

Based on construction estimates from the Air Quality Impact Analysis (included as Appendix C to the Draft EIR), construction would require approximately 250 construction workers during this 14-month period. Workers are anticipated to come from the City and surrounding jurisdictions and commute daily to the jobsite. Approximately 2,623 individuals are employed in the construction industry in the City of Hemet and 77,582 individuals are employed in the construction industry in Riverside County as a whole, which could meet the construction needs of the Project. Therefore, implementation of the proposed Project would not induce substantial unplanned population growth directly or indirectly through construction employment that could cause substantial adverse physical changes in the environment. Construction impacts would be less than significant.

### Operation

For purposes of analysis, employment estimates were calculated using data and average employment density factors utilized in the County of Riverside General Plan EIR listed in Table 3.G – Employment Factors. The General Plan EIR estimates that Light Industrial (LI) uses would employ approximately one worker for every 1,030 SF of building area. Thus, the proposed Project would generate approximately 1,158 employees.

As shown in Table 5.13-3 of the Draft EIR, employment in the City of Hemet is expected to increase by 19,074 jobs between 2021 and 2045. Based on these growth projections, full buildout of the Project would represent approximately 6.1 percent of projected employment growth within the City of Hemet. Thus, the employment growth that would occur from the proposed Project is within the growth projections used to prepare SCAG's 2020-2045 RTP/SCS.

The employees that would fill these roles are anticipated to come from within the City or the region, as the unemployment rate of the City of Hemet as of August 2023 was 6.3 percent, and the County of Riverside was 5.4 percent. Thus, direct impacts related to population growth in an area would be less than significant.

### Infrastructure

Development of the proposed Project includes installation of new onsite water, sewer, stormwater drainage lines, and improved roadways as outlined in Section 3.0 of the Draft EIR, *Project Description*. These improvements are all planned for by the City of Hemet General Plan and would not constitute roadway expansions that would indirectly contribute to population growth.

The Project includes construction of an off-site 24-inch sewer main in Simpson Road. Under the General Plan, the Project site and vicinity were assumed to be built out consistent with mixed use development. Therefore, buildout of infrastructure within the Project vicinity has been planned for by the General Plan. Thus, the infrastructure proposed by the Project would not induce unplanned population growth either directly or indirectly that could cause substantial adverse physical changes in the environment, and impacts would be less than significant.

**Population and Housing Cumulative Finding:** The Project would not have a cumulatively adverse impact related to population and housing. A less than significant impact would occur (Draft EIR at p. 5.13-7).

**Facts in Support of Findings:** The existing land use designation of the site is Mixed Use to Business Park that allows a FAR of up to 0.60. As the Project would result in a FAR of 0.43, the proposed Project would not exceed the planned growth of the area and would not result in a cumulatively considerable increase in growth within the City of Hemet.

The proposed Project would generate approximately 1,158 permanent jobs at full buildout, which is 6.1 percent of the growth projection anticipated by SCAG's 2020-2045 RTP/SCS, to occur between 2021 and 2045. The proposed Project is within the growth projections used to prepare RTP/SCS, thus, impacts related to cumulative growth would be less than significant and not cumulatively considerable.

#### **K. Public Services**

**Impact Finding PS-1:** The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios and response times or other performance objectives for fire protection services (Draft EIR at p. 5.14-8).

**Facts in Support of Findings:** Construction and operation of the Project would increase the number of structures and employees in the Project area thus increasing demand for fire protection and emergency medical services. However, there are five existing fire stations that currently serve the City, three of which are within 5.0 miles of the Project site. The closest fire station to the Project site, Station 4, is located at 1035 S Cawston Avenue, approximately 2.6 miles northeast of the Project site.

The proposed warehouse buildings would be concrete (which is generally non-flammable) tilt up construction which contains a low fire hazard risk rating with a wood roof. The buildings would be equipped with one of more of the following: fire extinguishers, wet and dry sprinkler systems, pre-action sprinkler systems, fire alarm systems, fire pumps, backflow devices, and clean agent waterless fire suppression systems pursuant to the California Fire Code adopted under Chapter 14, Section 40 of the Municipal Code, CBC, and other existing regulations regarding fire safety, as currently adopted by the City. The Project would be required to adhere to the California Fire Code which would minimize the demand upon fire stations, personnel, and equipment. Additionally, the Project would be required to pay Development Impact Fees pursuant to Municipal Code, Chapter 58-61. Development impact fees collected would ensure the level of fire protection services in the City and particularly around the Project site, are maintained and can be applied to the purchase of equipment, maintenance of existing facilities, and the construction of facilities as needed. Therefore, Project impacts to fire services would be less than significant.

**Impact Finding PS-2:** The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios and response times or other performance objectives for police services (Draft EIR at p. 5.14-9).

**Facts in Support of Findings:** Operation of the Project is estimated to generate a need for 1,158 employees. It is anticipated that some of these employees would come from within the region and thus would not contribute to a large increase in population. The police station that would serve the Project site is the west end Substation, located approximately 4.1 miles northeast of the Project site.

Because the Project would not contribute to a substantial or unanticipated population increase as discussed in Section 5.13 of the Draft EIR, *Population and Housing*, the Project would not result in the need for new or expanded police services or facilities to support the Project.

Additionally, the Project would be required to pay development impact fees outlined as the Capital Facility Fee pursuant to Municipal Code Chapter 58. The collection of development impact fees would ensure the level of police protection services is maintained and the fees can be applied to the purchase of equipment, maintenance of existing facilities, and the construction of facilities as needed. Therefore, Project impacts to police services would be less than significant.

**Impact Finding PS-3:** The Project would not result in substantial adverse physical impacts associated with school services or the provision of new or physically altered school facilities (Draft EIR at p. 5.14-9).

**Facts in Support of Findings:** The proposed Project is not anticipated to contribute a large increase in population, as the employees needed to operate the Project are anticipated to come from within the Project region as discussed in Draft EIR Section 5.13, *Population and Housing*, and substantial in-migration of employees that could generate new students is not anticipated to occur.

Additionally, under state law, development projects are required to pay school impact fees in accordance with Senate Bill 50 (SB 50) at the time of building permit issuance (included as PPP PS-1). The funding program established by SB 50 allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs and has been found by the legislature to constitute “full and complete mitigation of the impacts of any legislative or adjudicative act...on the provision of adequate school facilities” (Government Code Section § 65995[h]). As such, impacts on school services would be less than significant.

#### **Plans, Programs, and Policies:**

**PPP PS-1: School Impact Fees.** Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the applicant shall provide payment of the appropriate fees set forth by the Hemet Unified School District related to the funding of school facilities pursuant to Government Code Section § 65995 et seq.

**Impact Finding PS-4:** The Project would not result in substantial adverse physical impacts associated with park and recreational services or the provision of new or physically altered park facilities (Draft EIR at p. 5.14-10).

**Facts in Support of Findings:** The proposed warehouse development would not directly provide new housing opportunities. Although the proposed Project is anticipated to generate 1,158 new employees, these employees are anticipated to come from within the Project region. Although new employees may occasionally use local parks, such an increase in use would be limited and would not result in deterioration of facilities such that the construction or expansion of recreational facilities would be necessary. Therefore, any increased demand for public parks within the City due to Project implementation would be less than significant.

**Impact Finding PS-5:** The Project would not result in substantial adverse physical impacts associated with other government services or the provision of new or physically altered public facilities (Draft EIR at p. 5.14-10).

**Facts in Support of Findings:** The closest library facility to the Project site is the Hemet Public Library, located at 300 East Latham Avenue, approximately 4.8 miles northeast of the site. Demand placed on libraries is based on the generation of a resident population associated with a person’s

place of residence, and not typically their place of employment. The closest public health care facility to the Project site is the Hemet Valley Healthcare Center, located at 371N Weston Pl, approximately 5.16 miles from the Project site. The proposed Project is not anticipated to generate a population increase, as the employees needed to operate the Project are anticipated to come from within the Project region. As such, the proposed Project would not directly create a demand for public library facilities or public health care facilities (such as hospitals), nor would it directly result in the need to modify existing or construct new public service facilities. Additionally, the proposed Project would adhere to the payment of Development Impact Fees as outlined in Chapter 58 of the Municipal Code to ensure a fair share of costs associated with the proposed Project are paid for public facilities, including library facilities. Therefore, the Project would result in a less than significant impact related to public facilities.

**Public Services Cumulative Finding:** The Project would not have a cumulatively adverse impact related to Public Services. A less than significant impact would occur (Draft EIR at p. 5.14-11).

**Facts in Support of Findings:** The Project would not significantly increase the need for public services in the Project area, in the cities surrounding the Project site, or within the region. The Project applicant would pay the required development impact fees and School Impact Fees. Additionally, the Project would not impact acceptable service ratios, staffing levels, adequate equipment, response times, and other performance objectives or result in the need for new or the expansion of existing government services and facilities. Related projects in the region would be required to demonstrate their level of impact on public services and also pay their proportionate development fees. Therefore, the Project would result in a less than significant cumulative impact related to public services.

#### **L. Transportation**

**Impact Finding TR-1:** The Project would not conflict with a program, plan or ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. (Draft EIR p. 5.15-12).

#### **Facts in Support of Findings:**

##### Transit Facilities

The Project would include construction of new sidewalks on all Project frontages as shown in Figure 3-7 of the Draft EIR, *Conceptual Site Plan*, that would provide additional pedestrian access to the existing bus stops near the Project site. The proposed Project would not alter or conflict with existing transit stops and schedules, and impacts related to transit services would not occur.

##### Bicycle Facilities

There are no existing bike routes within the vicinity of the Project site. However, the existing designated bike routes nearest the Project site include Class 2 routes along Simpson Road, Warren Avenue, Mustang Way, and Domenigoni Parkway. In addition, a Class 3 bike route is currently designated adjacent to the site to the south. Implementation of the Project would not alter or conflict with existing or planned bike lanes or bicycle transportation. Thus, impacts related to bicycle facilities would not occur.

##### Pedestrian Facilities

The proposed Project would construct sidewalks along all Project frontages along Simpson Road and Warren Road, as shown in Figure 3-7 of the Draft EIR, *Conceptual Site Plan*. Because no

sidewalks currently exist along the Project site frontages, the Project would improve pedestrian facilities and the sidewalk network along the Project frontages. The proposed Project would not conflict with pedestrian facilities and would provide additional facilities. Thus, impacts would be less than significant.

#### Truck Route Facilities

The existing truck routes that currently serve the Project vicinity include regional truck routes following SR 74, SR 79, and Domenigoni Parkway, and local truck routes following Florida Avenue, Warren Road, Sanderson Avenue, and Domenigoni Parkway. The Project includes six driveways along Simpson Road and truck movement to and from the Project site would utilize existing truck routes through the Simpson Road and Warren Road intersection. The Proposed Project is consistent with the truck routes identified in the City's General Plan Circulation Element. Thus, impacts related to truck route facilities would not occur.

#### Roadway Facilities

**Operation.** As shown in Table 5.15-5 of the Draft EIR, the proposed Project is estimated to generate approximately 2,539 daily trips, 146 AM (112 inbound and 34 outbound) peak hour trips, and 197 PM (55 inbound and 142 outbound) peak hour trips. In terms of passenger car equivalent (PCE), the proposed Project is estimated to generate approximately 3,235 daily PCE trips, 188 AM (140 inbound and 48 outbound) peak hour PCE trips, and 240 PM (71 inbound and 169 outbound) peak hour PCE trips. The City of Hemet General Plan established a LOS policy standard within the City. According to Circulation Element Policy C-1.3, Traffic Flow, the LOS standard for the City is to "Maintain LOS C or better for roadway segment operations, and LOS D or better for peak-hour intersection movements. Although LOS congestion is no longer a CEQA significance threshold, the City uses LOS analyses to identify specific improvements that individual projects need to install or contribute to as part of maintaining and improving the overall network.

As shown in Table 5.15-6 of the Draft EIR, in Opening Year Conditions, among the study area intersections, both the intersection of SR-79 and Domenigoni Parkway and the intersection of Warren Road and Stetson Avenues would operate at an unsatisfactory LOS F during the AM & PM peak hour. Intersection #5 (Warren Road/Domenigoni Parkway) would operate at an unsatisfactory LOS E during the AM peak hour. Consequently, the proposed Project's LOS levels at the respective intersections would be above the City's LOS standard.

It should also be noted that intersection #1 (SR 79/SR 74) would operate at an unsatisfactory LOS F during the PM peak hour under cumulative conditions. As such, the Project would be required to pay fair share for improvements to achieve a satisfactory intersection LOS D. As these recommended improvements are related to restriping and signal installation to existing streets, none of the improvements would result in any direct or indirect environmental impacts outside of those discussed throughout the entirety of the EIR. Therefore, the Project would not result in vehicle trips that could conflict with a program, plan, or policy addressing the circulation system, and impacts would be less than significant.

**Construction.** During construction, there would also be passenger car construction trips associated with crew arrivals and departures. The weekday AM peak period is 7:00 a.m. to 9:00 a.m., and the weekday PM peak period is 4:00 p.m. to 6:00 p.m. It is anticipated the majority of construction crews would arrive and depart outside the peak hours, while delivery trucks would arrive and depart throughout the day, seven days a week. As shown on Table 5.15-7 of the Draft EIR, the building construction phase of construction would generate the most vehicular trips per day from approximately 499 workers and 177 vendors per day, which would result in a total of 676 daily

trips. In addition, as part of the grading plan and building plan review processes, the City permits would require appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures, if any. Therefore, construction impacts related to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system would be less than significant.

**Impact Finding TR-3:** The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Draft EIR at p. 5.15-18).

#### **Facts in Support of Findings:**

##### Construction

The Project proposes development of the Project site in one phase lasting approximately 14 months. During construction, construction worker vehicles, haul trucks, and vendor trucks would be staged on the portion of the Project site under construction for the duration of the construction period. As part of the grading plan and building plan review processes, City permits would require appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures and measures to properly route heavy-duty construction vehicles entering and leaving the site (as applicable). As a result, impacts related to vehicular circulation design features and incompatible uses during construction of the proposed Project would be less than significant.

##### Operation

Onsite traffic signing and striping would also be implemented in conjunction with detailed construction plans with implementation of the Project. Additionally, sight distance at the Project's access points would be reviewed with respect to City standards at the time of final grading, landscape, and street improvement plan reviews. Additionally, Project frontage improvements and site access points would be constructed to be consistent with the identified roadway classifications and respective cross-sections in accordance with the Hemet General Plan Circulation Element. Compliance with existing regulations would be ensured through the City's construction permitting process. As a result, impacts related to vehicular circulation design features would be less than significant.

**Impact Finding TR-4:** The Project would not result in inadequate emergency access (Draft EIR at p. 5.15-19).

#### **Facts in Support of Findings:**

##### Construction

The roadway improvements and installation of driveways that would be implemented during construction of the proposed Project could require the temporary closure of travel lanes, but full roadway closure and traffic detours are not expected to be necessary. Also, construction activities would be required to implement measures to facilitate the passage of persons and vehicles through/around any required temporary road restrictions and ensure the safety of passage in accordance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), which would be ensured through the City's construction permitting process. Thus, implementation of the proposed Project through the City's permitting process would ensure existing regulations are adhered to and would reduce potential construction related emergency access impacts to a less than significant level.

**Transportation Cumulative Finding:** The Project would not have a cumulatively adverse impact related to Transportation. A less than significant impact would occur (Draft EIR at p. 5.15-20).

**Facts in Support of Findings:**

Vehicle Traveled

Cumulative VMT impacts are assessed based on the Project's effect on overall Citywide VMT. As shown in Table 5.15-9 of the Draft EIR, the Project would result in an overall reduction in Citywide VMT in both baseline and cumulative 2025 conditions. As such, cumulative VMT impacts would be less than significant.

Design, Roadway, and Emergency Access Hazards

The proposed circulation layout would be required to be installed in conformance with City design standards to ensure that no potentially hazardous design features or inadequate emergency access would be introduced by the Project that could combine with potential hazards from other projects. In addition, cumulative development in the City and surrounding jurisdictions would be subject to site-specific reviews, including reviews by police and fire protection authorities that would not allow potential cumulatively considerable design hazards. Therefore, potential impacts related to circulation design features and emergency access would not occur from the Project and would not combine with hazards from other projects. Thus, cumulative impacts would be less than significant.

Alternative Transportation

Cumulative development in the City and surrounding jurisdictions would be subject to site-specific reviews, including reviews of sidewalk, bike lane, and bus stop designs that would not allow potential cumulatively considerable impacts related to alternative transportation. Therefore, the Project would not cumulatively combine with other projects to result in impacts related to alternative transportation. Thus, cumulative impacts would be less than significant.

**M. Utilities and Service Systems**

**Impact Finding UT-1:** The Project would not require or result in the relocation or construction of new water facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects (Draft EIR at p. 5.17-7).

**Facts in Support of Findings:** The proposed Project would construct new on-site water service lines that would connect to the water main within Simpson Road. The Project would also construct new on-site irrigation lines that would connect to the existing 36-inch recycled water main in Simpson Road. Additional off-site water infrastructure would not be required to be constructed to serve the proposed Project.

The new and existing onsite water system would convey water supplies to the proposed industrial warehouses and landscaping through plumbing/landscaping fixtures that are compliant with the CALGreen Plumbing Code for efficient use of water. Compliance with General Plan policies CSI-1.2, CSI-1.3, CSI-2.1, and CSI-2.2 require coordination with EMWD to ensure that existing facilities would be able to serve the proposed Project, which has been fulfilled through preparation of the Water Supply Assessment (WSA).

The construction activities related to the new onsite water infrastructure that would be needed to serve the proposed warehouse facility is included as part of the proposed Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. For example, analysis of construction emissions for excavation and installation of the wastewater

infrastructure is included in Draft EIR Sections 5.3, *Air Quality*, and 5.8, *Greenhouse Gas Emissions*, and noise related to construction activities is included in Section 5.12 of the Draft EIR, *Noise* and mitigation measures have been recommended, as necessary. Since the Project proposes to connect to existing water infrastructure, it would not result in the construction of new offsite water facilities or expansion of existing offsite facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant.

**Impact Finding UT-2:** The City would have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years (Drafty EIR at p. 5.17-7).

**Facts in Support of Findings:** A WSA (included as Appendix P to the Draft EIR) was prepared by EMWD to evaluate the capacity for the District to supply water to the Project. Based on the General Plan land use, the 2020 Urban Water Management Plan (UWMP) assumed that the parcels comprising the Project site would be developed as a mixed-use area; as such, the projected demand of the site was estimated to be 175.56 AFY (Appendix P). However, based on the specifics of the proposed Project, EMWD determined that the Project would require approximately 41.50 AFY, which is well below the limits of the estimated demand considered in the 2020 UWMP.

The UWMP assessed the projected water demand and supply in the service area and concluded that EMWD has an adequate water supply to meet demands under all climatic conditions (normal, single-dry, and multiple-dry years) within its service area through 2045.

It is anticipated that existing and future water entitlements from groundwater, surface water, and purchased or imported water sources, plus recycling and conservation, would be sufficient to meet the Project's demand at buildout, in addition to forecast demand for EMWD's entire service area. Thus, impacts related to the need for new or expanded water supplies and entitlements would be less than significant.

**Impact Finding UT-3:** The Project would not require or result in the relocation or construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Draft EIR at p. 5.17-10).

**Facts in Support of Findings:** The proposed Project would install on-site sewer infrastructure and a new 24-inch sewer main in Simpson Road, which is part of construction of the proposed Project and would not result in any physical environmental effects beyond those described throughout the EIR. For example, analysis of construction emissions for excavation and installation of the wastewater infrastructure is included in Draft EIR Sections 5.3, *Air Quality*, and 5.8, *Greenhouse Gas Emissions*, and noise related to construction activities is included in Section 5.12 of the Draft EIR, *Noise*, and mitigation measures have been recommended, as necessary. In addition, the proposed Project would be required to be compliant with the City of Hemet General Plan Policies CSI-1.2 and CSI-1.3, which requires coordination with EMWD during design of the proposed sewer line.

As the proposed Project includes facilities to serve Project operations, it would not result in the need for construction of other new wastewater facilities or expansions, the construction of which could cause significant environmental effects. Therefore, potential impacts related to wastewater infrastructure would be less than significant.

**Impact Finding UT-4:** The Project would not result in a determination by the wastewater treatment provider that would serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments (Draft EIR at p. 5.17-10).

**Facts in Support of Findings:** The San Jacinto Regional Water Reclamation Facility, which would serve the site, has an excess treatment capacity of approximately 7 million gallons per day. Implementation of the Project would utilize approximately 1.2 percent of the daily excess treatment capacity. Thus, the wastewater treatment plant has ample capacity, and the proposed Project would not create the need for any new or expanded wastewater facility (such as conveyance lines or treatment facilities). Therefore, the proposed Project would result in less than significant impacts related to wastewater treatment capacity.

**Impact Finding UT-5:** The Project would not require or result in the relocation or construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Draft EIR at p. 5.17-13).

**Facts in Support of Findings:** The proposed Project's runoff would be collected by two underground infiltration chambers at Building 1, two underground infiltration chambers and one aboveground infiltration basin at Building 2, and an aboveground infiltration basin in the ancillary truck trailer lot. Onsite basins would include an emergency pump overflow that would discharge onsite and ultimately discharge to Salt Creek Channel, mimicking existing conditions. A 24-inch storm drain would also be constructed to connect with the existing drain line on Warren Road. The proposed Project would not require the construction of new public drainage facilities.

Impacts associated with the Project's proposed onsite stormwater drainage infrastructure, such as air quality, greenhouse gas, and noise, are included as part of the construction of the Project and would not result in any physical environmental effects beyond those identified in their respective sections of the EIR. Therefore, Project impacts due to stormwater drainage infrastructure would be less than significant.

**Impact Finding UT-6:** The Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (Draft EIR at p. 5.17-15).

**Facts in Support of Findings:**

Construction

Construction of the proposed Project would generate approximately 2,319 tons of waste. The 2022 California Green Building Standards Code requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. Thus, construction activities would generate approximately 812 tons of solid waste to be disposed of at the landfills. As described in Section 3.0 of the Draft EIR, *Project Description*, construction activities would occur over a 14-month period. This equates to approximately 2 tons of debris per day (excluding landfill closure days). Therefore, construction waste generated by the proposed Project would be accommodated by the landfills and would not result in excess waste.

Operation

As included within the Air Quality Impact Analysis of the Draft EIR, CalEEMod version 2022.1.1 estimated that the proposed Project would result in approximately 1,121 tons of solid waste per year (Draft EIR Appendix C). AB 341 requires diversion of a minimum of 75 percent of operational solid waste, which would reduce the volume of landfilled solid waste to approximately 280 tons per year, or approximately 0.9 ton per day (excluding landfill closure days).

The El Sobrante, Lamb Canyon, and Badlands landfills have a daily capacity of approximately 10,779 tpd. Therefore, solid waste generated by the Project would represent 0.01 percent of the

landfills' combined capacity. Thus, operational waste generated by the proposed Project would be accommodated by the landfills and the proposed Project would not result in excess solid waste. Construction and operational impacts related to solid waste would be less than significant.

**Impact Finding UT-8:** The Project would not require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects (Draft EIR at p. 5.17-18).

**Facts in Support of Findings:** The proposed Project would connect to the existing electricity power lines within Simpson Road. The Project would not require or result in the construction of new facilities or the expansion of existing facilities; adequate commercial electricity supplies are presently available to meet the incremental increase in demand attributed to the Project.

The proposed Project would not require the use of natural gas. Therefore, no impacts related to natural gas infrastructure would occur.

The proposed Project would connect to the existing telecommunication lines along Simpson Road, which would be provided by a private telecommunication company on an as-needed basis. The proposed Project is not anticipated to require or result in the construction of new communications facilities or the expansion of existing facilities. Impacts would be less than significant.

The Project Applicant would be responsible for coordinating with each utility company to ensure utility improvements occur according to standard construction and operation procedures administered by the California Public Utilities Commission. Each of the utility systems is available along Simpson Road, and the proposed Project would connect to these existing lines. Since the footprint of proposed utility improvements is encompassed by the Project site, impacts associated with such improvements have been addressed throughout the EIR and mitigated to the extent feasible as applicable. Therefore, potential impacts associated with utilities, including electricity, natural gas and communication systems would be less than significant.

**Utilities and Service Systems Cumulative Finding:** The Project would not have a cumulatively adverse impact related to utilities and service systems. A less than significant impact would occur (Draft EIR at p. 5.17-20).

**Facts in Support of Findings:**

Water

The Draft EIR determined that the Project would result in an increase in water demand of 41.50 AFY, which is 134.06 AFY less than what was anticipated for the site in the 2020 UWMP. This estimate is also conservative as it does not take into account the existing agricultural water use at the Project site. It is anticipated that existing and future water entitlements from groundwater, surface water, and purchased or imported water sources, plus recycling and conservation, would be sufficient to meet the proposed Project's demand in addition to forecast demand for EMWD's entire service area. As a result, the Project is within the regional water demand projections for the EMWD service area and would not result in a cumulatively considerable increase in water supply demands that would require new or expanded entitlements. Cumulative impacts would be less than significant.

Wastewater

The sewer system and wastewater treatment plant would have sufficient capacity to handle the increased flow resulting from implementation of the proposed Project. The continued regular

assessment, maintenance, and upgrades of the sewer system by EMWD would reduce the potential of cumulative development projects to result in a cumulatively substantial increase in wastewater such that new or expanded facilities would be required. The proposed Project, and other development projects within the City of Hemet, would be required to coordinate with EMWD to ensure adequate infrastructure would be available pursuant to General Plan policies CSI-1.2 and CSI-1.3. Thus, increases in wastewater in the sewer system would result in a less than significant cumulative impact.

### Stormwater

Stormwater infrastructure within the vicinity of the proposed Project is maintained by the City. The proposed Project includes installation of a storm drain system that would direct runoff to the on-site proposed infiltration systems. Overflow from the underground infiltration system would be directed to the Salt Creek Channel. Unless a project is within a hydromodification exemption area, state and regional regulations require development projects to maintain pre-project hydrology, such that no net increase of offsite stormwater flows would occur. RWQCB permit conditions require a hydrology/drainage study to demonstrate that all runoff would be appropriately conveyed and not leave the Project site at rates exceeding pre-project conditions, prior to receipt of necessary permits. As a result, increases of runoff from cumulative projects that could cumulatively combine to impact stormwater drainage capacity would not occur, and cumulative impacts related to drainage infrastructure would be less than significant.

### Solid Waste

Based on values provided by the Riverside County Department of Waste Resources, the three landfills have a combined capacity of 10,779 tpd. The approximately one ton of solid waste per day from operation of the proposed Project would represent approximately 0.01 percent of total daily remaining capacity. Therefore, the landfills servicing the City of Hemet would have sufficient capacity to serve the proposed Project and the increase in solid waste from full buildout of the proposed Project. Impacts would be less than significant and would not be cumulatively considerable.

### Dry Utilities

Cumulative impacts related to the provision of facilities for electricity and communications systems have been evaluated throughout this EIR, primarily associated with the emissions resulting from construction. Mitigation measures have been recommended in cases where cumulatively considerable impacts associated with utilities infrastructure were identified. In addition, existing dry utility lines are present along Simpson Road. Therefore, cumulatively considerable impacts associated with the provision of utility facilities to serve the proposed Project would be less than significant.

## **N. Wildfire**

**Impact Finding WF-1:** The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan based on its location near state responsibility area and lands classified as very high fire hazard severity zones (Draft EIR at p. 5.18-9).

**Facts in Support of Findings:** The Project site is not located within a state responsibility area or area classified as a very high fire hazard severity zone. Properties to the south just across Domenigoni Parkway are within very high fire hazards severity zones. The County of Riverside has implemented a Multi-Jurisdictional LHMP, which the City of Hemet participates in, that identifies

risks by natural and human-made disasters and ways to minimize the damage from those disasters. In addition, the City maintains its own Hemet EOP.

### Construction

According to the City's Safety Element there are no specific designated evacuation routes within the City. The proposed construction activities, including equipment and supply staging and storage, would occur within the Project site and would not restrict access of emergency vehicles to the Project site or adjacent areas. During construction of driveways to Simpson Road, as well as connections to existing infrastructure along Simpson Road and widening of Warren Road, the roadways would remain open to ensure adequate emergency access to the Project area and vicinity. Construction activities within the Project site that may temporarily restrict vehicular traffic would be required to implement adequate measures to facilitate the safe passage of persons and vehicles during required temporary road restrictions. In accordance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), prior to any activity that would encroach into a right-of-way, the area of encroachment must be safeguarded through the installation of safety devices to ensure that construction activities would not physically interfere with emergency access or evacuation. Therefore, the Project would not block any evacuation routes along any of the roadways or conflict with an emergency response plan, and impacts related to interference with an adopted emergency response of evacuation plan during construction activities would be less than significant.

### Operation

The Project would include vehicular access to the Project site from Simpson Road. Building 1 would be accessed by two 40-foot-wide driveways and one 26-foot-wide driveway along Simpson Road. Building 2 would be accessed by one 40-foot-wide driveway and one 26-foot-wide driveway. The ancillary trailer parking lot would be accessed by one 40-foot-wide driveway from Simpson Road. Truck access would be provided through the inbound and outbound driveways along Simpson Road. Internal circulation for Buildings 1 and 2 and the ancillary trailer parking lot would be provided by 26-foot to 70-foot-wide drive aisles. The Project would provide adequate and safe circulation to, from, and through the Project site and would provide a variety of routes for emergency responders to access the site. Therefore, operation of the Project would not impair implementation or interfere with adopted emergency response or evacuation plans. Impacts would be less than significant.

**Impact Finding WF-2:** 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 based on its location near state responsibility areas and lands classified as very high fire hazard severity zones (Draft EIR at p. 5.18-10).

**Facts in Support of Findings:** The Project site is not located within a state responsibility area or area classified as a very high fire hazard severity zone. Areas adjacent to the Project site across Domenigoni Parkway to the south are classified as very high fire hazard severity zones. No significant slopes occur onsite or in the immediate vicinity. Elevations on the site range from 1,505 feet above mean sea level (AMSL) at the southwestern portion of the site to 1,510 feet AMSL at the northeastern portion of the site. Further, the predominant wind direction at the Project site area is typically from the west and north. This suggests that a fire burning in the foothills southeast of the Project site has a low probability of being blown toward the site during typical prevailing wind conditions. While it is possible that a wildfire does not behave according to historic weather patterns, the Project site is not within a fire hazard zone, it is unlikely that this worst-case scenario would occur.

The Project would be required to comply with California Fire Code and City of Hemet Municipal Code Article IX, which provide requirements to reduce the potential of fires that include vegetation management, construction materials and methods, installation of automatic sprinkler systems, and fire flows (the quantity of water available for fire-protection purposes). Overall, the Project would not exacerbate wildfire risks, and impacts would be less than significant.

**Impact Finding WF-3:** The Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks emergency water source, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment based on its location near state responsibility area and lands classified as very high fire hazard severity zones (Draft EIR at p. 5.18-11).

**Facts in Support of Findings:** The Project site is not located within a state responsibility area or area classified as a very high fire hazard severity zone. While the Project does propose the buildout of the right of way on both Simpson and Warren Road, the Project does not include installation or maintenance of infrastructure related to fuel breaks, emergency water sources, or power lines that could exacerbate wildfire risk. Further, the Project would be required to comply with California Fire Code and Municipal Code Article IX, which provide requirements to reduce the potential of fires that include vegetation management, construction materials and methods, installation of automatic sprinkler systems, and fire flows (the quantity of water available for fire-protection purposes). Compliance with these requirements would be verified by the City prior to issuance of building permits for the Project. Overall, the Project would not exacerbate wildfire risks, and impacts would be less than significant.

**Impact Finding WF-4:** 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 based on its location near state responsibility area and lands classified as very high fire hazard severity zones (Draft EIR at p. 5.18-11).

**Facts in Support of Findings:** The Project site is not located within a state responsibility area or area classified as a very high fire hazard severity zone. No significant slopes occur onsite or in the immediate vicinity. Elevations on the site range from 1,417 feet AMSL to 1,427 feet AMSL. The nearest slopes are located approximately 0.25-mile southeast of the Project site across Domenigoni Parkway within the Domenigoni Mountains. The nearest body of water is the Salt Creek Channel located adjacent to the southern border of the Project site. However, the Project would maintain the existing topography at the Project site and would not result in the creation of new slopes on- or off-site. As further discussed in Section 5.10 of the Draft EIR, *Hydrology and Water Quality*, the hydrologic features of the proposed Project have been designed to slow, filter, and retain stormwater with landscaping and the proposed aboveground and underground infiltration basins, which would also reduce the potential for flooding onsite from runoff from wildfire-affected areas. As such, should a wildfire occur within the vicinity of the Project site, the drainage facilities onsite would capture and slow post-fire runoff, minimizing the potential for flooding downstream. Therefore, the Project would not expose people or structures to significant risks associated with wildfire, and impacts would be less than significant.

**Wildfire Cumulative Finding:** The Project would not have a cumulatively adverse impact related to wildfire. A less than significant impact would occur (Draft EIR at p. 5.18-12).

**Facts in Support of Findings:** As with the proposed Project, any cumulative project that is proposed to be constructed adjacent to or within a fire hazard zone, either in a local responsibility area or State responsibility area, would be required to adhere to the requirements set forth in the California

Fire Code and Hemet Municipal Code. Cumulative projects as well as the proposed Project would be required to include fire sprinklers and fire alarms as required by existing regulation, which would be verified through the City's permitting process. Compliance with state and local standards would minimize wildfire risk at each project location. With compliance with these regulations, cumulative impacts related to wildfire would be less than significant.

## **SECTION IV**

### **IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT**

The City hereby finds that mitigation measures have been identified in the EIR that would 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 would reduce them to a less than significant level are detailed in the EIR and summarized below.

#### **A. Air Quality**

**Impact Finding AQ-1:** The Project would not conflict with or obstruct implementation of an applicable air quality plan (Draft EIR at p. 5.3-24).

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Draft EIR

**Facts in Support of Findings:** The South Coast Air Quality Management District's (SCAQMD) 2022 Air Quality Management Plan (AQMP) is the applicable air quality plan for the proposed Project site. Projects that are consistent with the regional population, housing, and employment forecasts identified by SCAG are considered to be consistent with the AQMP growth projections, since the forecast assumptions by SCAG forms the basis of the land use and transportation control portions of the AQMP.

The projections contained in the AQMP for achieving air quality goals are based on the assumptions in SCAG's RTP/SCS regarding population, housing, and employment growth trends. According to SCAG's 2020—2045 RTP/SCS, employment in the City of Hemet is expected to increase by 18,500 jobs between 2016 and 2045. Based on the Riverside County General Plan EIR employment generation factors of 1,030 SF of Light Industrial (LI) uses per employee, implementation of the proposed Project would create up to an additional 1,158 jobs in Hemet. The additional 1,158 employees would fall within the 18,500 projected jobs for the City. Therefore, the Project's labor demand would not substantially increase population, households, or employment in the City. Therefore, the Project is consistent with the SCAQMD 2022 AQMP and would not result in an impact related to Criterion No.1.

Construction of the proposed Project would result in regional construction-source emissions that would exceed the SCAQMD thresholds of significance for emissions of NO<sub>x</sub> and VOCs. However, proposed Mitigation Measure AQ-1 would require the proposed Project to use "Super-Compliant" low VOC paints and would reduce VOC emissions to less than significant levels. Mitigation Measure AQ-2 would require that diesel-powered construction equipment used on site would have to meet CARB Tier 4 Final emissions standards. With implementation of Mitigation Measure AQ-2, construction emissions associated with NO<sub>x</sub> would be below the SCAQMD's threshold.

Overall, the proposed Project's would be consistent with SCAG's regional growth forecasts, and the proposed Project would not lead to increased regional air quality construction or operational emissions that would exceed thresholds with the inclusion of Mitigation Measures AQ-1 and AQ-2.

#### **Plans, Programs and Policies:**

**PPP AQ-1: Rule 403.** The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.

- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day.
- The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.

**PPP AQ-2: Rule 1113.** The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of Volatile Organic Compound (VOC)) and/or High Pressure Low Volume (HPLV) applications shall be used.

#### **Mitigation Measures:**

**Mitigation Measure AQ-1:** The Project shall utilize “Super-Compliant” low VOC paints for nonresidential interior and exterior surfaces and low VOC paint for parking lot surfaces. Super-Compliant low VOC paints have been reformulated to be more stringent than the regulatory VOC limits put forth by SCAQMD’s Rule 1113. Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Alternatively, the applicant may utilize tilt-up concrete buildings that do not require the use of architectural coatings.

**Mitigation Measure AQ-2:** Prior to the start of construction activities, the Project Applicant, or the Applicant designee, shall ensure that all diesel-powered equipment is powered with CARB-certified Tier 4 Final engines, except where the Project Applicant establishes to the satisfaction of the City of Hemet that Tier 4 Final equipment is not available. An exemption from these requirements may be granted by the City if the City documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment to the maximum extent feasible. Before an exemption may be considered by the City, the Project Applicant shall be required to demonstrate that at least two construction fleet owners/operators were contacted and that those owners/operators confirmed Tier 4 Final equipment is not/would not be available. In order to meet this requirement to demonstrate that such equipment is not available, the Applicant must seek bids/proposals from contractors of large fleets, defined by the CARB as, “A fleet with a total max hp (as defined below) greater than 5,000 hp.” In the event that Tier 4 Final equipment is not available, Tier 4 interim equipment shall be required. In the event that Tier 4 Interim equipment is not available, Tier 3 equipment shall be used. All construction equipment shall be tuned and maintained in accordance with the manufacturer’s specifications.

**Impact Finding AQ-2:** The Project would not result in a cumulatively considerable net increase of a criteria pollutant for which the project region is in non-attainment under an applicable Federal or State Ambient Air Quality Standard (Draft EIR at p. 5.3-25).

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Draft EIR

#### **Facts in Support of Findings:**

##### Construction

Table 5.3-6 of the Draft EIR provides the maximum daily emissions of criteria air pollutants from construction of the Project. As shown, NO<sub>x</sub> and VOC emissions resulting from Project construction would exceed the thresholds established by the SCAQMD. The majority of NO<sub>x</sub> emissions would occur from construction equipment exhaust from the excavation, grading, and soils export/import

needed for Project construction. The majority of VOC emissions would be generated during the architectural coatings phase of construction. However, Mitigation Measure AQ-1 requires the proposed Project to use “Super-Compliant” low VOC paints to reduce VOC emissions to less than significant levels and Mitigation Measure AQ-2 requires all diesel-powered equipment to meet CARB Tier 4 Final emissions standards in order to reduce diesel exhaust construction emissions to a less than significant level, as shown on Draft EIR Table 5.3-7. Therefore, criteria emissions impacts related to construction of the proposed Project would be less than significant with the implementation of Mitigation Measures AQ-1 and AQ-2.

### Operation

Operation of the proposed Project would include emissions from vehicles traveling to the Project site and from vehicles in the parking lots and loading areas. Area source emissions would occur from operation of a 238-horsepower diesel fire pump, which would be regulated by, and would require a permit from SCAQMD (PPP AQ-4). Additionally, four 175 horsepower natural gas-powered cargo handling equipment would be utilized in the truck court areas. As shown in Table 5.3-8 of the Draft EIR, the Project’s net operational activities would not exceed the numerical thresholds of significance established by the SCAQMD for emissions of any criteria pollutants and impacts would be less than significant.

### Health Impact of Emissions

Most local agencies, including the City of Hemet, lack the data to do their own assessment of potential health impacts from criteria air pollutant emissions, as would be required to establish customized, locally-specific thresholds of significance based on potential health impacts from an individual development project. The Project’s regional emissions would be less than the SCAQMD’s regional thresholds. Given the regional nature of such emissions and numerous unpredictable factors, an analysis that correlates health with regional emissions is not possible. It should also be noted that the EIR does identify health concerns related to NO<sub>x</sub> emissions. Table 5.3-1 of the Draft EIR includes a list of criteria pollutants and summarizes common sources and effects. Thus, the EIR’s analysis is reasonable and intended to foster informed decision making and impacts related to regional emissions would be less than significant.

### Plans, Programs, and Policies:

**PPP AQ-1: Rule 403.** As listed previously.

**PPP AQ-2: Rule 1113.** As listed previously.

### Mitigation Measures:

**Mitigation Measure AQ-1:** As listed previously.

**Mitigation Measure AQ-2:** As listed previously.

**Air Quality Cumulative Finding:** The Project would not have a cumulatively adverse impact related to Air Quality. A less than significant impact would occur with implementation of mitigation (Draft EIR at p. 5.1-42).

**Facts in Support of Findings:** Per SCAQMD’s methodology, if an individual project would result in air emissions of criteria pollutants that exceeds the SCAQMD’s thresholds for project-specific impacts, then it would also result in a cumulatively considerable net increase of these criteria pollutants.

Emissions from construction would be below regional and localized thresholds for pollutants with implementation of Mitigation Measures AQ-1 and AQ-2. Emissions from Project operation would not exceed SCAQMD's thresholds for any criteria pollutant at the regional or local level after implementation of existing regulations. Therefore, construction and operational emissions would not be cumulatively considerable and would be less than significant with implementation of mitigation.

As discussed in Impact AQ-3 of the Draft EIR, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction or operation activity. Therefore, impacts on human health risks would not be cumulatively considerable and would be less than significant.

As discussed in Impact AQ-4 of the Draft EIR, the Project would not expose surrounding uses to objectionable odors. Thus, there is no potential for odors from the Project to combine with odors from surrounding development Projects and expose nearby sensitive receptors to offensive odors. Therefore, the Project would not result in significant cumulative impacts related to odors.

## **B. Biological Resources**

**Impact Finding BIO-1:** The Project would not cause 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 regulation, or by the California Department of Fish and Wildlife or U.S. Wildlife service (Draft EIR at p. 5.4-17).

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

**Facts in Support of Findings.** The Project site is comprised of two types of vegetation communities and land covers: agricultural fields and developed/disturbed. Neither vegetation community is considered sensitive pursuant to local or regional plans, policies, regulations or by CDFW or USFWS.

### Special-Status Plants

The Project site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Narrow Endemic Plant Species Survey Area (NEPSSA) for Munz's onion, San Diego ambrosia, Many-stemmed dudleya, Spreading navarretia, California Orcutt grass, and Wright's trichocoronis. No special-status plants were detected on the Project site during the field survey conducted on July 8, 2022, and no special-status plant species are expected to occur on the Project site due to the absence of suitable habitat. As a result, Project development and operation would not result in a substantial adverse effect either directly or indirectly, or through habitat modification, on any plant species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulation or by the CDFW or USFWS. Therefore, no impact would result from Project development and operation.

### Special-Status Animal Species

No animal species listed as state and/or federal Threatened, Endangered, or Candidate were detected on the site during the reconnaissance surveys. However, the Project site is located within the Western Riverside County MSHCP Additional survey area for burrowing owls. The focused surveys found that the Project site provides suitable burrows/nesting opportunities for the burrowing owl species. Due to the fact that burrowing owl were observed within the 500-foot buffer area and since the Project site is located in the Western Riverside County MSHCP burrowing owl survey area, the Project would include Mitigation Measure BIO-1, which requires a pre-construction burrowing

owl survey to be performed no more than 30 days prior to initial ground disturbing activities to ensure that no owls have colonized the Project site. With implementation of Mitigation Measure BIO-1, the development of the Project would not result in a substantial adverse effect, either directly or through habitat modification, on any animal species identified as a Threatened, Endangered, or Candidate species in local or regional plans, policies, regulation or by the CDFW or USFWS.

**Mitigation Measures:**

**Mitigation Measure BIO-1:** A pre-construction/ clearance burrowing owl survey shall be performed no more than 30 days prior to initial ground disturbance activity to determine presence/absence of the species. A qualified biologist shall survey the Project site and a buffer zone, 500-feet outside the Project limits for burrows that could be used by burrowing owls. If the burrow is determined to be occupied, the burrow shall be flagged, and a 160-foot diameter buffer shall be established during nonbreeding season or a 250-foot diameter buffer during the breeding season. If burrows onsite are unoccupied, construction may proceed.

If the site survey determines the presence of burrowing owl, mitigation in accordance with the California Department of Fish and Wildlife CDFW shall be implemented as follows:

If burrowing owls are identified as being resident on-site outside the breeding season (September 1 to February 14) they shall be relocated to other sites by a permitted biologist (permitted by CDFW), as allowed in the CDFW Staff Report on Burrowing Owl Mitigation (March 2012).

If an active burrow is found during the breeding season, the burrow shall be treated as a nest site and temporary fencing shall be installed at a distance from the active burrow, to be determined by the biologist, to prevent disturbance during grading or construction. Installation and removal of the fencing shall be done with a biological monitor present.

Active relocation and eviction/passive relocation shall require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the Wildlife Agencies.

**Impact Finding BIO-4:** The Project would not 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 (Draft EIR at p. 5.4-19).

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

**Facts in Support of Findings.** The Project site is relatively flat, and no hillside or drainages exist on the site. Areas of industrial, residential, and undeveloped land are located beyond the roadways adjacent to the site. No wildlife movement corridors were found to be present within or adjacent to the Project site. Development of the site would not result in impacts related to established native resident or migratory wildlife corridor.

However, the Project site contains shrubs that can support nesting birds and raptors protected under the Federal Migratory Bird Treaty Act and Sections § 3503, 3503.5, and 3513 of the California Fish and Game Code during the nesting season. The Biological Assessment prepared for the Project site indicates that grading activities or vegetation removal during the nesting bird season of February 1 through September 15 might result in potential impacts to nesting birds (Hernandez, 2024). Therefore, if vegetation is required to be removed during nesting bird season, Mitigation Measure BIO-2 has been included to require a nesting bird survey to be conducted within three days prior to initiating vegetation clearing. With the implementation of Mitigation Measure BIO-2

and the policies of the General Plan, impacts related to nesting birds would be reduced to a less than significant level.

**Mitigation Measures:**

**Mitigation Measure BIO-2: Nesting Bird Survey.** Vegetation removal should occur outside of the nesting bird season (generally between February 1 and August 31). If vegetation removal is required during the nesting bird season, the applicant shall conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys shall be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist shall determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities shall stay outside of a 200-foot buffer around the active nests. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and Riverside County Environmental Programs Department verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.

**Impact Finding BIO-6:** The Project would not conflict with the provisions of an adopted habitat conservation plan, natural conservation community plan, or other approved, local, regional, or state conservation plan (Draft EIR at p. 5.4-20).

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

**Facts in Support of Findings.** The Project site is located within the Western Riverside County MSHCP within the Harvest Valley/Winchester Area Plan. The Project site is not located within a Criteria Cell or Cell group. Since the site is located within a designated area requiring surveys for burrowing owl, and consistent with the MSHCP requirements, focused surveys were conducted and concluded that burrowing owls do not currently exist on the Project site. However, a pair of burrowing owls were observed beyond the Project site within the surrounding 500-foot buffer area within Salt Creek Channel. As such, a 30-day preconstruction survey is required prior to the commencement of Project activities, as included in Mitigation Measure BIO-1. With implementation of Mitigation Measure BIO-1, potential conflict with the MSHCP would be less than significant.

Regarding MSHCP Section 6.1.2, the Project area does not contain any drainage, riparian, or riverine features. In addition, none of the riparian/riverine bird species listed in Section 6.1.2 of the MSHCP were found within the Project area. Due to the lack of suitable riparian habitat on the Project site, focused surveys for riparian/riverine bird species listed in Section 6.1.2 of the MSHCP are not warranted and were not conducted. The Project site is within the NEPSSA survey area for Munz's onion, San Diego ambrosia, Many-stemmed dudleya, Spreading navarretia, California Orcutt grass, and Wright's trichocoronis. Based on the habitat assessment and survey, no suitable habitat for these narrow endemic species occurs on the Project site. Thus, impacts related to MSHCP Sections 6.1.2 and 6.1.3 would not occur.

The proposed Project is not located within or adjacent to a Western Riverside County MSHCP Conservation Area or a Criteria Cell. As a result, the Project would not conflict with MSHCP Sections 6.1.4 or 6.1.1. Additionally, the Project applicant would be required to pay habitat conservation fees required pursuant to Municipal Code Section 58-98, included as PPP BIO-1. With payment of

fees pursuant to PPP BIO-1 and incorporation of Mitigation Measure BIO-1, the Project would not result in any conflicts with the MSHCP, and impacts would be less than significant with mitigation incorporated.

**Plans, Programs, and Policies:**

**PPP BIO-1: MSHCP Fees.** Prior to the issuance of any grading permits, fees required pursuant to the Western Riverside MSHCP implemented under Hemet Municipal Code Section 58-98 shall be submitted to the Western Riverside County MSHCP. The Western Riverside MSHCP requires a per-acre local development impact and mitigation fee payment prior to the issuance of a grading permit.

**Mitigation Measures:**

**Mitigation Measure BIO-1:** As listed previously.

**Biological Resources Cumulative Finding:** The Project would not have a cumulatively adverse impact related to biological resources. A less than significant impact would occur with incorporation of mitigation (Draft EIR at p. 5.1-42).

**Facts in Support of Findings:** None of the projects identified in Table 5-1 of the Draft EIR are proposed adjacent to the Project site. However, there are multiple cumulative projects within the Hemet area, in the general vicinity of the Project which have the potential to impact biological resources in the area. Focused biological resource studies (Appendix E) have been conducted to assess potential impacts associated with development of the proposed Project. The proposed Project would not have significant impacts related to jurisdictional waters, wildlife movement, local ordinances or regulations protecting biological resources, habitat conservation plans, plant communities, and habitat fragmentation. In addition, although the proposed Project could have significant impacts to nesting birds, compliance with the below mitigation measures would reduce impacts to less than significant levels.

All other cumulative projects in the City and County would be required to comply with applicable survey requirements pursuant to the City of Hemet, County of Riverside, and Western Riverside MSHCP. If necessary, cumulative projects would be required to provide mitigation for impacts to biological resources. Since all projects would be required to implement their respective mitigation measures, their contribution to impacts to biological resources would not be cumulatively considerable. Therefore, the Project would not combine with other projects to produce a cumulatively considerable impact to biological resources. Thus, impacts related to biological resources would be less than significant.

**Mitigation Measures:**

**Mitigation Measure BIO-1:** As listed previously.

**Mitigation Measure BIO-2:** As listed previously.

**C. Cultural Resources**

**Impact Finding CUL-2:** The Project would not cause a substantial adverse change in the significance of an archeological resource pursuant to Section § 15064.5 (Draft EIR at p. 5.5-7).

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

**Facts in Support of Findings:** The Cultural Resources Study, included as Appendix F to the Draft EIR, prepared for the Project included an archaeological records search that was completed at the University of California, Riverside, Eastern Information Center (UCR-EIC). The records search indicated that 45 cultural resources have been recorded within 1-mile of the Project area, with none of the previously recorded resources occurring onsite. Furthermore, the cultural resources survey conducted found no existing archaeological resources at the site. However, due to the number of previously identified resources within 1-mile of the Project site, there is a potential for previously unknown archaeological resources to be below the site soil surface that could be impacted during construction activities. Therefore, Mitigation Measure CUL-1 has been included to require a qualified professional archeologist to prepare and implement a Cultural Resource Monitoring Program (CRMP). In addition, the Project shall implement Mitigation Measure CUL-2, which requires preparation of a Final Monitoring Report. With implementation of Mitigation Measures CUL-1 and CUL-2, and the policies of the General Plan, impacts to cultural resources would be reduced to a less than significant level.

**Mitigation Measures:**

**Mitigation Measure CUL-1:** Cultural Resources Monitoring Program. Prior to issuance of grading permits the applicant/developer shall provide evidence to the City of Hemet Planning Division that a qualified professional archeologist meeting the Secretary of Interior's PQS for Archaeology (as defined in the Code of Federal Regulations, 36 CFR Part 61) has been retained to prepare a Cultural Resource Monitoring Program (CRMP) and to conduct monitoring of rough grading activities. The CRMP shall be developed in coordination with the consulting tribe(s) and address the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural, tribal cultural and historic resources to a level that is less than significant as well as address potential impacts to undiscovered buried archaeological resources associated with this project. The Archaeologist shall conduct Cultural Resource Sensitivity Training, in conjunction with the Tribe(s) Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session shall focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

The retained Qualified archeologist and Consulting Trib(s) representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

In the event that a resource is inadvertently discovered during ground-disturbing activities, work shall be halted within 60 feet of the find until it can be evaluated by the qualified archaeologist. Construction activities can continue in other areas. If the find is considered a "resource" the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines § 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section § 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section § 15126.4(b)(3)(C), if unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the developer/applicant's expense. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to consulting tribe(s) for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

**Mitigation Measure CUL-2:** Monitoring Report. A final monitoring report shall be prepared by the qualified archaeologist prior to issuance of any certificate of occupancy. The final monitoring report(s) created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe(s) for review and comment. After approval of all parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe(s).

**Impact Finding CUL-3:** The Project would not disturb any human remains, including those interred outside of formal cemeteries (Draft EIR at p. 5.5-7).

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

**Facts in Support of Findings:** The Project site has not been previously used as a cemetery based on the historical background of the site provided in the Cultural Resources Study. Thus, human remains are not anticipated to be uncovered during Project construction. However, most land within the southern California region has potential to uncover remains as most of the region was populated with native tribes. In addition, California Health and Safety Code Section § 7050.5, CEQA Section § 15064.5, and Public Resources Code Section § 5097.98, included as Mitigation Measure CUL-3, mandate the process to be followed in the event of an accidental discovery of any human remains. Specifically, California Health and Safety Code Section § 7050.5 requires that if human remains are discovered, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of death, and made recommendations concerning the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section § 5097.98 of the Public Resources Code. Therefore, with implementation of Mitigation Measure CUL-3 and the policies of the General Plan, impacts from development of the Project on human remains would be less than significant.

**Mitigation Measures:**

**Mitigation Measure CUL-3: Inadvertent Discovery of Human Remains.**

- a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), and work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; Project personnel/observers would be restricted. The County Coroner shall be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code § 7050.5. and Public Resources Code (PRC) § 5097.98. No photographs shall be taken except by the coroner, with written approval by the consulting Tribe(s).
- b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
- c. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for

final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

- d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial shall not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations shall be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Division.

**Cultural Resources Cumulative Finding:** The Project would not have a cumulatively adverse impact related to cultural resources. A less than significant impact would occur with incorporation of mitigation (Draft EIR at p. 5.1-42).

### **Facts in Support of Findings:**

#### Historic Resource

Record searches and field surveys determined the absence of historical resources within or adjacent to the Project site. Therefore, Project implementation would have no potential to contribute towards a significant cumulative impact to historical sites and/or resources, and cumulatively considerable impacts would not occur.

#### Archeological Resources

Construction activities within the Project site, as with other development projects in the region, may uncover subsurface prehistoric archaeological resource that meet the CCR § 15064.5 definition. However, mitigation has been included to reduce the potential of the Project result in an impact to an archaeological resource that could contribute to a significant cumulative impact. With compliance with project-specific mitigation, the Project would result in a less than significant cumulatively considerable impact.

#### Disturbance of Human Remains

Mandatory compliance with the provisions of California Health and Safety Code § 7050.5, Public Resources Code § 5097 et seq., and CEQA Guidelines Section § 15064.5 would assure that the Project, in addition to all development projects, treat human remains that may be uncovered during development activities in accordance with prescribed, respectful, and appropriate practices, thereby avoiding significant cumulative impacts. With compliance with applicable guidelines, cumulative impacts related to the disturbance of human remains would be less than significant.

### **Mitigation Measures:**

**Mitigation Measure CUL-1:** As listed previously.

**Mitigation Measure CUL-2:** As listed previously.

**Mitigation Measure CUL-3:** As listed previously.

### **D. Geology and Soils**

**Impact Finding GEO-6:** The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Draft EIR at p. 5.7-12).

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

**Facts in Support of Findings:** Earthmoving activities, including grading and trenching activities, have the potential to disturb previously unknown paleontological resources. The Paleontological Assessment (Appendix I to the Draft EIR) describes that the Project site is underlain by Holocene and late Pleistocene young alluvial fan sediments which are further underlain by late to middle Pleistocene old alluvial fan deposits. Due to the occurrence of terrestrial vertebrate fossils at shallow depths from Pleistocene alluvial fan sediments across the Inland Empire, the sediments underlying the Project site are considered as having high paleontological sensitivity (Appendix I to the Draft EIR).

Various mammalian fossils had been discovered within 2 miles of the Project site (Appendix I to the Draft EIR). Based on the presence of nearby significant fossil localities, the underlying Pleistocene old alluvial fan deposits mapped at the Project site are considered to have a high potential to yield significant paleontological resources. As such, the Paleontological Assessment (Appendix I) concluded that the Project site has a high sensitivity for paleontological resources. As a result, Mitigation Measure PAL-1 is included to require preparation of a Paleontological Resources Impact Mitigation Program (PRIMP). With implementation of Mitigation Measure PAL-1, impacts to paleontological resources would be less than significant.

#### **Mitigation Measures:**

**Mitigation Measure PAL-1: Paleontological Monitoring.** Prior to the issuance of grading permits, the Applicant shall provide a letter to the City, or City designee, from a professional paleontologist, stating that a qualified paleontologist (who meets the Society of Vertebrate Paleontology's (SVP, 2020) definition for qualified profession paleontologist) has been retained to provide services for the proposed Project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite. The PRIMP shall be provided to the City for review and approval. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. Prior to commencement of grading activities, the City of Hemet Planning Division, or designee, shall verify that all Project grading and construction plans specify the requirements herein related to the PRIMP and the unanticipated discovery of paleontological resources.

The PRIMP shall also require that in areas mapped as late to middle Pleistocene old alluvial fan deposits, monitoring shall be conducted full-time in undisturbed alluvium starting at the surface. In areas mapped as Holocene to late Pleistocene young alluvial valley deposits, monitoring shall be conducted full-time in undisturbed alluvium starting at a depth of five feet below the surface during grading or excavation activities. In the event paleontological resources are encountered, ground disturbing activity within 50 feet of the area shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered pursuant to the guidelines of the Society of Vertebrate Paleontology (SVP, 2020).

Criteria for discarding specific fossil specimens shall be made explicit in the PRIMP. If the qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by Project construction, then recovery techniques shall be applied. Actions include recovering a sample of the fossiliferous material prior to construction, monitoring construction activities and halting construction if an important fossil needs to be recovered, and/or cleaning,

identifying, and cataloging specimens for curation and research purposes. Recovery, salvage, and treatment shall be done at the Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource. If no institution accepts the fossil(s), they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school. A report documenting the results of the monitoring, including any salvage activities and the significance of any fossils, shall be prepared and submitted to the City, or City designee. The report and inventory, when submitted to the City of Hemet Planning Division, shall signify completion of the program to mitigate impacts to paleontological resources.

**Paleontological Resources Cumulative Finding:** The Project would not have a cumulatively adverse impact related to paleontological resources. A less than significant impact would occur with incorporation of mitigation (Draft EIR at p. 5.7-13).

**Facts in Support of Findings:** The Project site is underlain by deep sediments that are sensitive to paleontological resources. However, with incorporation of Mitigation Measure PAL-1 and compliance with City General Plan policies, which protect paleontological resources from loss or destruction and require that new development include appropriate mitigation to preserve the quality and integrity of these resources, avoid them when possible, and salvage and preserve them if avoidance is not possible. These measures would reduce the potential for the Project to result in cumulatively considerable impacts to a less than significant level.

#### **Mitigation Measures:**

**Mitigation Measure PAL-1:** As listed previously.

#### **E. Tribal Cultural Resources**

**Impact Finding TCR-1:** The Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historic resources as defined in Public Resources Code Section 5020.1(K) (Draft EIR at p. 5.16-4).

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

**Facts in Support of Findings:** The City sent letters to Native American representatives identified by NAHC, notifying them of the proposed Project in accordance with SB 18 and AB 52.

The City consulted with each tribe that requested consultation. During the course of the tribal consultation process, no Native American tribe provided the City with substantial evidence indicating that tribal cultural resources, as defined in PRC Section § 21074, are present on the Project site or have been found previously on the Project site. However, due to the Project site's location in an area where Native American tribes are known to have a cultural affiliation, there is the possibility that archaeological resources, including tribal cultural resources, could be encountered during ground disturbing construction activities. As such, Project-specific Mitigation Measures TCR-1 and TCR-2 would be implemented, which require tribal monitoring by one of the consulting Tribes and measures for the inadvertent discovery of cultural resources. With implementation of General Plan policies and Mitigation Measures CUL-1, CUL-2, TCR-1, and TCR-2, impacts to tribal cultural resources would be less than significant.

**Mitigation Measures:**

**Mitigation Measure CUL-1:** As listed previously.

**Mitigation Measure CUL-2:** As listed previously.

**Mitigation Measure TCR-1: Tribal Monitoring Services Agreement.** Prior to the issuance of grading permits, the Applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians (MBMI), Soboba Band of Luiseño Indians, or Agua Caliente Band of Cahuilla Indians (ACBCI) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.

**Mitigation Measure TCR-2: Inadvertent Discovery of Cultural Resources.** In the event that previously unidentified cultural resources are unearthed during construction, the Qualified Archaeologist and the Tribal Monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the Qualified Archaeologist and Tribal Monitor[s]. The Archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The Qualified Archaeologist, in consultation with the Lead Agency, the consulting Tribe[s], and the Tribal Monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the Qualified Archaeologist in consultation with the Tribe[s] and the Tribal Monitor[s] and shall be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

- A. Full avoidance.
- B. If avoidance is not feasible, Preservation in place.
- C. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.
- D. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1)

**Impact Finding TCR-2:** The Project would not cause a substantial adverse change in the significance of 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, that considers the significance of the resource to a California Native American tribe (Draft EIR at p. 5.16-5).

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

**Facts in Support of Findings:** None of the Native American tribes contacted by the City provided substantial evidence indicating that tribal cultural resources, as defined in Public Resources Code

Section 21074, are present on the Project site or have been found previously on the Project site. The Project site contains no known resources significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section § 5024.1. However, Mitigation Measures CUL-1 and CUL-2 and TCR-1 and TCR-2 are included such that an archaeological and Native American monitor to be present for all ground disturbing activities to monitor for any unexpected resources that may be unearthed during ground disturbing activities. With implementation of the General Plan policies and Mitigation Measures CUL-1, CUL-2, TCR-1, and TCR-2, impacts to a tribal cultural resource would be less than significant.

As discussed in Section 5.5 of the Draft EIR, *Cultural Resources*, in the unlikely event that human remains are encountered during grading or soil disturbance activities, the California Health and Safety Code Section § 7050.5 Compliance with the established regulatory framework (i.e., California Health and Safety Code Section § 7050.5 and Public Resources Code Section § 5097.98, included as Mitigation Measure CUL-3 as requested by the Tribes listed above) would provide that any potential impacts to human remains and tribal cultural resources would be less than significant.

**Mitigation Measures:**

**Mitigation Measure CUL-1:** As listed previously.

**Mitigation Measure CUL-2:** As listed previously.

**Mitigation Measure CUL-2:** As listed previously.

**Mitigation Measure TCR-1: Tribal Monitoring Services Agreement.** As listed previously.

**Mitigation Measure TCR-2: Inadvertent Discovery of Cultural Resources.** As listed previously.

**Tribal Cultural Resources Cumulative Finding:** The Project would not have a cumulatively adverse impact related to tribal cultural resources. A less than significant impact would occur with incorporation of mitigation (Draft EIR at p. 5.16-6).

**Facts in Support of Findings:** The Project's potential to result in cumulatively considerable impacts to tribal cultural resources were analyzed in conjunction with other projects located in the influence areas of the tribes in the region. There is potential for tribal cultural resources to be uncovered during construction activities from the Project. Other development projects within the region would have a similar potential to uncover tribal cultural resources. Cumulative impacts could be reduced by each development project's compliance with applicable regulations, consultations required by AB 52, SB 18, and project-specific mitigation. Project implementation of Mitigation Measures CUL-1 through CUL-3 and Mitigation Measures TCR-1 through TCR-2 would reduce Project-level impacts to less than significant, and the Project's contribution for cumulatively significant impacts on inadvertent discoveries on tribal cultural resources would also be reduced to less than cumulatively considerable.

**Mitigation Measures:**

**Mitigation Measure CUL-1:** As listed previously.

**Mitigation Measure CUL-2:** As listed previously.

**Mitigation Measure CUL-2:** As listed previously.

**Mitigation Measure TCR-1: Tribal Monitoring Services Agreement.** As listed previously.

**Mitigation Measure TCR-2: Inadvertent Discovery of Cultural Resources.** As listed previously.

## **SECTION V**

### **RESOLUTION REGARDING SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS**

Public Resources Code section §21002 states that “it is the policy of the state 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. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

Section §15364 of the State CEQA Guidelines defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

The City Council hereby finds that, despite the incorporation of feasible measures outlined in the Final EIR, the following impacts cannot be fully mitigated to a less than significant level. Despite these significant and unavoidable impacts, the City nevertheless approves the Project because of the benefits described in the Statement of Overriding Considerations included herein.

#### **A. Agriculture and Forestry**

**Impact Finding AG-1:** The Project 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 (FMMP) of the California Resources Agency, to non-agricultural use (Draft EIR at p. 5.2-7).

**Facts in Support of Findings:** According to the FMMP, the Project site contains approximately 9.2 acres of Prime Farmland and 63.9 acres of Farmland of Statewide Importance, as shown on Figure 5.2-1 of the Draft EIR. The entirety of the Project site, with the exception of offsite roadways, is utilized for farming of row crops. Project implementation would cause the conversion of 73.1 acres of farmland designated as Prime Farmland as well as Farmland of Statewide Importance and reduction in overall acreage of agricultural lands within the City. According to the LESA Model Significance thresholds (Appendix B to the Draft EIR), sites receiving a score of between 40 and 59 points are considered significant only if both the Land Evaluation and Site Assessment weighted factor subscores are each greater than or equal to 20 points. Both the Land Evaluation and Site Assessment subscores for the proposed Project exceed 20 points. Therefore, the Project’s conversion of the site’s Farmlands to nonagricultural uses is considered significant.

There are no feasible mitigation measures to reduce impacts associated with the Project’s conversion of Prime Farmland and Farmland of Statewide Importance to nonagricultural uses. Retention of onsite agricultural uses would be infeasible as it would prevent the development of onsite buildings, which would inhibit implementation of the Project as a whole. Replacement of agricultural resources offsite would be infeasible as creation of new farmland-status properties within the City is outside of the Applicant control. Additional offsite mitigation would be infeasible as it would require the Applicant to purchase replacement acreage for farmland currently not in use elsewhere in California and restore it as viable farmland; however, distant mitigation would not reduce impacts as the Project parcels have no relationship to the loss of agricultural lands within the City or County. Overall, no feasible mitigation measures exist which would substantially lessen the Project’s significant impacts related to the conversion of Prime Farmland and Farmland of Statewide Importance to nonagricultural use. Therefore, impacts would be significant and unavoidable.

**Impact Finding AG-5:** The Project would 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 (Draft EIR at p. 5.2-9).

**Facts in Support of Findings:** Project implementation would result in the conversion of farmland onsite to nonagricultural use and could facilitate the conversion of existing farmland within the vicinity to nonagricultural use. The Project's zone of influence pursuant to the LESA model includes land within a one-quarter mile radius of the Project site (Appendix B to the Draft EIR). Outside of the Project site, within the Project's zone of influence per the LESA model, approximately 326.2 acres are designated as Prime Farmland and approximately 253.9 acres are designated as Farmland of Statewide Importance. While these lands are currently utilized for agricultural production, they are designated for future development by the City of Hemet General Plan with land use designations of Mixed Use and Low Density Residential. Nevertheless, the Project site and surrounding areas are currently under agricultural production and development of the site could result in an increased development pressure on the surrounding agricultural sites. Therefore, there is the potential that the Project would influence the conversion of surrounding farmland to nonagricultural use. As a result, the Project would indirectly cause changes in the environment that would convert other farmland to nonagricultural use. Therefore, impacts related to the conversion of farmland would be significant.

**Agriculture and Forestry Cumulative Finding:** The Project would have a cumulatively adverse impact related to agriculture and forestry. A significant impact would occur (Draft EIR at p. 5.2-10).

**Facts in Support of Findings:** Continued conversion of agricultural lands to urban uses would substantially reduce overall agricultural productivity in the City and the County region. The overall decrease in farmland within the City was identified as a significant cumulative impact in the General Plan EIR. According to the City of Hemet General Plan EIR, the only agricultural land that would not be converted to nonagricultural uses would be approximately 2,614 acres designated for Agriculture or Open Space by the General Plan, located primarily within the eastern portion of the City (Hemet, 2012a). Although the site is designated for non-agricultural uses by the General Plan, implementation of the Project would contribute to the reduction of agricultural uses and farmland within the region and would cumulatively contribute to the loss of agricultural resources. Therefore, cumulative impacts related to agricultural would be significant and unavoidable.

There are no forest resources or woodland vegetation within the immediate vicinity of the Project site and limited lowland woodlands within the peripheries of the City. Project implementation would not directly impact forest land, timberland, or timberland zoned Timberland Production. Therefore, the Project would not cumulatively contribute to forest resource impacts.

## **B. Greenhouse Gases**

**Impact Finding GHG-1:** The Project would generate greenhouse gas emissions, either directly or indirectly, in a way that would have a significant impact on the environment (Draft EIR at p. 5.8-11).

**Facts in Support of Findings:** Long-term operations of uses proposed by the Project would generate GHG emissions from the following primary sources: area source, energy source, mobile source, on-site cargo handling equipment, stationary source, water supply, treatment and distribution, and solid waste emissions.

The Greenhouse Gas Analysis (Appendix J to the Draft EIR) describes the GHG emissions to be generated from the proposed Project at buildout are primarily associated with non-construction related mobile sources, such as vehicle and truck trips. The annual GHG emissions associated with the proposed Project are summarized in Table 5.8-2 of the Draft EIR. As shown, construction and operation of the Project would generate a net total of approximately 10,362.39 MTCO<sub>2e</sub> per year, thereby exceeding the screening threshold of 3,000 MTCO<sub>2e</sub> per year.

Mitigation Measures GHG-1 through GHG-10 aims to reduce the Project's GHG emissions. However, there is no way to quantify the reductions from implementation of Mitigation Measures GHG-1 through GHG-10 in the CalEEMod. Although it is likely that with implementation of all the measures would decrease Project emissions, in order to provide a conservative evaluation of Project impacts, no reductions in emissions are assumed to occur. Further, there are no feasible Project measures that would reduce substantially vehicular emissions, and more than 79 percent of all GHG emissions (by weight) would be generated by Project mobile sources (vehicle trips). Under the proposed Project, neither the Project Applicant nor the Lead Agency (City of Hemet) can substantively or materially affect reductions in Project mobile-source emissions. Therefore, impacts related to GHG emissions would be significant and unavoidable.

### **Mitigation Measures**

**Mitigation Measure GHG-1:** Prior to the issuance of each building permit, the Project Applicant shall provide the City of Hemet with sufficient evidence demonstrating all light bulbs and light features within the Project are Energy Star certified.

**Mitigation Measure GHG-2:** Prior to the issuance of each building permit, the Project Applicant shall provide the City of Hemet with sufficient evidence demonstrating the building will provide water efficient toilets (1.5 gallons per minute [gpm]).

**Mitigation Measure GHG-3:** Prior to the issuance of each building permit, the Project Applicant shall provide the City of Hemet with sufficient evidence demonstrating the building will provide waterless urinals).

**Mitigation Measure GHG-4:** Prior to the issuance of each building permit, the Project Applicant shall provide the City of Hemet with sufficient evidence demonstrating the building will provide water efficient faucets (1.28 gpm).

**Mitigation Measure GHG-5:** Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas of the warehouse portion of the Project that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than five (5) minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and the CARB to report violations. Prior to the issuance of an occupancy permit, the City shall conduct a site inspection to ensure that the signs are in place.

**Mitigation Measure GHG-6:** Prior to issuance of a building permit, the Project Applicant shall provide the City with an onsite signage program that clearly identifies the required onsite circulation system. This shall be accomplished through posted signs and painting on driveways and internal roadways.

**Mitigation Measure GHG-7:** Prior to issuance of an occupancy permit, the City shall confirm that signs clearly identifying approved truck routes have been installed on Simpson Road and Warren Road.

**Mitigation Measure GHG-8:** Prior to issuance of an occupancy permit, the Project Applicant shall install a sign on the property with telephone, email, and regular mail contact information for a designated representative of the tenant who would receive complaints about excessive noise, dust, fumes, or odors. The sign shall also identify contact data for the City for perceived Code violations. The tenant's representative shall keep records of any complaints received and actions taken to communicate with the complainant and resolve the complaint. The tenant's representative shall endeavor to resolve complaints within 72 hours.

**Mitigation Measure GHG-9:** All on-site outdoor cargo-handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) shall be electric or non-diesel fueled. All on-site indoor forklifts shall be powered by electricity.

**Mitigation Measure GHG-10:** Prior to tenant occupancy for each building/occupancy, each owner/tenant shall develop a use/occupant-specific transportation demand management (TDM) program. The TDM program shall be submitted to the City Planning Division and City Building & Safety Division for review and approval as part of tenant improvements plan(s) documentation. Recommended California Air Pollution Control Officers Association (CAPCOA) TDM program elements are listed below:

- Provide pedestrian and bicycle network improvements within the development connecting to existing off-site facilities.
- Where applicable ensure design of key intersections and roadways encourage the use of walking, biking and where applicable transit.
- Commute trip reduction (CTR) programs offered to encourage the use of vanpools, carpooling, public transit, and biking.
- Provide CTR program marketing including information sharing and marketing to promote and educate employees about their travel choices to the employment location.
- CTR programs may also provide for alternative work or compressed work schedules to reduce the number of days an employee commutes to work.
- Provision of on-site facilities to provide end of trip services for bicycling such as secure bike parking and storage lockers.
- Provide reserved preferential parking spaces for car-share, carpool, and ultra-low or zero emission vehicles.

**Impact Finding GHG-2:** The Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Draft EIR at p. 5.8-13).

**Facts in Support of Findings:** The proposed Project would not interfere with the state's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by 2045 because it does not interfere with implementation of the GHG reduction measures listed in CARB's Updated Scoping Plan (2022). As detailed in Table 5.8-3 of the Draft EIR, the Project would not conflict with the relevant General Plan goals and policies related to GHGs.

The City of Hemet Climate Action Plan (CAP) addresses GHG reduction through 2020. As the Project's Opening Year is 2026 and because the City's CAP has not been updated to reflect post-2020 targets, in order to provide a conservative analysis, the Project would result in a significant impact related to potential conflict with the CAP as the City's CAP needs to be updated to address post-2020 GHG reduction targets. The specific measures to determine consistency with the post-2020 GHG reduction targets are unknown at this time. Furthermore, as analyzed under the GHG technical analysis for the proposed Project under Draft EIR Section 5.8 GHG Emissions, despite the

implementation of Mitigation Measure GHG-1 through GHG-10, the proposed Project would have a significant and unavoidable impact from GHG emissions exceeding SCAQMD thresholds. Overall, the proposed Project would result in a conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs as it would conflict with the City of Hemet CAP, and impacts would be significant and unavoidable.

#### **Mitigation Measures**

**Mitigation Measure GHG-1:** As listed previously.

**Mitigation Measure GHG-2:** As listed previously.

**Mitigation Measure GHG-3:** As listed previously.

**Mitigation Measure GHG-4:** As listed previously.

**Mitigation Measure GHG-5:** As listed previously.

**Mitigation Measure GHG-6:** As listed previously.

**Mitigation Measure GHG-7:** As listed previously.

**Mitigation Measure GHG-8:** As listed previously.

**Mitigation Measure GHG-9:** As listed previously.

**Mitigation Measure GHG-10:** As listed previously.

**Greenhouse Gases Cumulative Finding:** The Project would have a cumulatively adverse impact related to greenhouse gas emissions. A cumulatively significant impact would occur (Draft EIR at p. 5.8-16).

**Facts in Support of Findings:** The analysis of GHG emission impacts under CEQA contained in the EIR effectively constitutes an analysis of the Project's contribution to the cumulative impact of GHG emissions. CEQA Guidelines Section § 15183.5(b) states that compliance with GHG related plans can support a determination that a project's cumulative effect is not cumulatively considerable. As described previously, the estimated GHG emissions from development and operation of the Project would exceed SCAQMD thresholds. Despite implementation of Mitigation Measures GHG-1 through GHG-10, impacts would remain significant. Therefore, the Project would result in cumulatively considerable GHG impacts and cumulative GHG impacts would be significant and unavoidable.

#### **Mitigation Measures:**

**Mitigation Measure GHG-1:** As listed previously.

**Mitigation Measure GHG-2:** As listed previously.

**Mitigation Measure GHG-3:** As listed previously.

**Mitigation Measure GHG-4:** As listed previously.

**Mitigation Measure GHG-5:** As listed previously.

**Mitigation Measure GHG-6:** As listed previously.

**Mitigation Measure GHG-7:** As listed previously.

**Mitigation Measure GHG-8:** As listed previously.

**Mitigation Measure GHG-9:** As listed previously.

**Mitigation Measure GHG-10:** As listed previously.

### **C. Noise**

**Impact Finding NOI-1:** The Project would 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 or other agencies (Draft EIR at p. 5.12-17).

#### **Facts in Support of Findings:**

##### Construction

Construction equipment typically would include a combination of trucks, power tools, concrete mixers, and portable generators that, when combined can reach high noise levels. Noise levels generated by heavy construction equipment range from approximately 68 dBA Leq to 81 dBA Leq at 50 feet from the noise source, as shown on Table 5.12-3 of the Draft EIR and are provided in Appendix M to the Draft EIR. As shown on Table 5.12-4 of the Draft EIR, construction noise from the Project at the nearby receiver locations would range from 38.6 to 50.5 dBA Leq. As detailed in Table 5.12-5 of the Draft EIR, the nearest receiver locations would satisfy the reasonable daytime 80 dBA Leq significance threshold during Project construction activities. In addition, Chapter 30, Article II, Section 30-32(33) of the Hemet Municipal Code permits construction activities between the hours of 6:00 a.m. and 6:00 p.m. during the months of June through September and between the hours of 7:00 a.m. and 6:00 p.m. during the months of October through May. Construction activity is not permitted on Sundays. Exceptions to these standards may be granted only by the City building official and/or the City Council. Construction occurring consistent with these provisions is exempt from regulation. The proposed Project's construction activities would occur pursuant to these regulations. Thus, the construction activities would be in compliance with the City's construction-related noise standards. Therefore, impacts related to construction noise would be less than significant.

##### Off-Site Roadway and Utility Improvements

It is expected that the off-site construction activities would not take place at any one location for the entire duration of construction due to the nature of the linear construction activity. Construction noise from this off-site work would, therefore, be relatively short-term and would only last for 14 months and the noise levels would be reduced as construction work moves linearly along the selected alignment and farther from sensitive uses. Therefore, due to the temporary nature of Project construction, impacts related to the construction of off-site roadway and utility improvements would be less than significant. However, in order to further reduce noise levels for nearby sensitive receptors, the Project would implement Project Design Features (PDFs) NOI-1 through NOI-7 standard best management practices as Project Design Features.

##### Nighttime Concrete Pour

As shown on Draft EIR Table 5.12-6, concrete pouring activities would range from 31.1 to 35.2 dBA L<sub>max</sub> at the nearby receiver locations and would occur at the beginning of building construction. Chapter 30, Article II, Section 30-32(33) of the Hemet Municipal Code permits construction activities between the hours of 6:00 a.m. and 6:00 p.m. during the months of June through September and between the hours of 7:00 a.m. and 6:00 p.m. during the months of October through May (included as PPP NOI-1). Since the nighttime concrete pours would take place outside the permitted time

allowed in the City, the Project Applicant would be required to obtain authorization for nighttime work from the City of Hemet.

With the authorization from the City of Hemet, the nighttime concrete pour activities would satisfy the 70 dBA  $L_{eq}$  nighttime residential noise level threshold at all the nearest noise sensitive receiver locations. Therefore, impacts from nighttime concrete pouring activities onto nearby receptors would be less than significant.

### Operation

To present the potential worst-case noise conditions, this analysis assumes the proposed warehouse buildings would be operational 24 hours per day, seven days per week. Consistent with similar warehouse uses, the business operations of the proposed Project would primarily be conducted within the enclosed buildings, except for traffic movement, parking and loading and unloading of trucks at designated loading bays. The Project site is located within the vicinity of existing residences, which are sensitive receivers, located at approximately 930 feet to the southeast of the Project site. The locations of operational noise sources are shown in Figure 5.12-5 of the Draft EIR.

**Operational Noise Standard Compliance.** Table 5.12-9 of the Draft EIR shows that these operational noise levels would not exceed the City's exterior noise level standards at all nearby sensitive receiver locations located between 930 and 1,834 feet away from the Project site. Thus, operational impacts from the proposed Project would be less than significant.

**Operational Noise Level Increases.** The difference between the combined Project operational and ambient noise levels describes the noise level increases to the existing ambient noise environment. As indicated on Tables 5.12-10 through 5.12-11, the increase in noise would range from 0.0 to 0.2 dBA  $L_{eq}$ , which would not generate a significant daytime or nighttime operational noise level increase at the nearby receiver locations. Therefore, impacts would be less than significant.

### Off-Site Traffic Noise

The proposed Project would generate traffic-related noise from operations. To identify the potential of traffic from the proposed Project to generate noise impacts, noise contours were developed based on the Traffic Impact Analysis included as Appendix N of the Draft EIR. Noise contour boundaries represent the equal levels of noise exposure and are measured in CNEL from the center of the roadway.

**Opening Year Project Traffic Noise Level Increases.** Table 5.12-15 of the Draft EIR shows the Opening Year with Project conditions would range from 67.6 to 73.5 dBA CNEL. Table 5.12-17 of the Draft EIR shows that the Project off-site traffic noise level increases would range from 0.0 to 3.0 dBA CNEL. Based on the significance criteria for off-site traffic noise presented in Table 5.12-4 of the Draft EIR, land uses adjacent to the study area roadway segments would experience potentially significant Project-related traffic noise level impacts at three road segments: Warren Road south of Stetson Avenue and Mustang Way road segments and Simpson Road east of the SR-79 road segment .

To reduce the potentially significant Project traffic noise level increases on these three road segments, potential noise reducing actions associated with truck traffic, including rubberized asphalt hot mix pavement and off-site noise barriers, were analyzed. However, the use of rubberized asphalt or off-site noise barriers would not effectively reduce the off-site traffic noise-level increases at the adjacent land uses to the impact roadway segments. Although the following PDFs would be implemented, the Project's off-site traffic noise level increases at adjacent noise sensitive land uses would be a significant and unavoidable impact.

**Plans, Programs, and Policies:**

**PPP NOI-1: Construction Noise.** Chapter 30, Article II, Section 30-32(33) of the Hemet Municipal Code permits construction activities between the hours of 6:00 a.m. and 6:00 p.m. during the months of June through September and between the hours of 7:00 a.m. and 6:00 p.m. during the months of October through May. Exceptions to these standards may be granted only by the City building official and/or the City Council. Construction occurring consistent with these provisions is exempt from regulation.

**Project Design Features (PDFs):**

**PDF NOI-1:** All construction activities shall comply with HMC Section 30-32[a][43], restricting construction activities to the approved hours of construction as set forth on a permit or other city entitlement as issued by the City's building official, Planning Commission, or City Council, or as otherwise prohibited by the Hemet Building Code.

**PDF NOI-2:** Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards).

**PDF NOI-3:** All stationary construction equipment shall be placed in such a manner so that the emitted noise is directed away from any sensitive receivers.

**PDF NOI-4:** Construction equipment staging areas shall be located at the greatest feasible distance between the staging area and the nearest sensitive receivers.

**PDF NOI-5:** The construction contractor shall limit equipment and material deliveries to the same hours specified for construction equipment.

**PDF NOI-6:** Electrically powered air compressors and similar power tools shall be used, when feasible, in place of diesel equipment.

**PDF NOI-7:** No music or electronically reinforced speech from construction workers shall be allowed.

**Noise Cumulative Finding:** The Project would have a cumulatively adverse impact related to noise. A significant cumulative impact would occur (Draft EIR at p. 5.1 2-35).

**Facts in Support of Findings:** Development of the proposed Project in combination with the related projects would result in an increase in construction-related and traffic-related noise in the city. However, the City's Municipal Code Chapter 30, Article II, Section 30-32(33) permits construction activities between the hours of 6:00 a.m. and 6:00 p.m. during the months of June through September and between the hours of 7:00 a.m. and 6:00 p.m. during the months of October through May (included as PPP NOI-1). As shown on Figure 5-1 and listed Table 5-1 of the Draft EIR, there are no cumulative projects adjacent to or within hearing distance of the Project site. The closest cumulative project is Rancho Diamante II, which proposes 145 dwelling units on 4.1-acres approximately 0.55 miles north of the Project site along Sanderson Avenue. Construction activities for this Project would also be required to adhere to Municipal Code construction noise regulations. Thus, construction noise and vibration levels from the Project would not combine to become cumulatively considerable, and cumulative noise and vibration impacts associated with construction activities would be less than significant.

Cumulative mobile source noise impacts would occur primarily as a result of increased traffic on local roadways due to the proposed Project and related projects within the study area analyzed in Appendix N to the Draft EIR. The noise levels associated with these traffic volumes with the proposed Project were identified previously in Table 5.11-17. As shown, cumulative development

along with the proposed Project would increase local noise levels by a maximum of 3 dBA CNEL. As the increase is above the 1.5 dBA threshold for those roadway segments and would double under the proposed Project, even with the implementation of PDFs NOI-1 through NOI-7, cumulative impacts associated with traffic noise would be cumulatively considerable and significant and unavoidable.

#### **D. Transportation**

**Impact Finding TR-2:** The Project conflicts or is inconsistent with CEQA Guidelines Section 15064.3, subdivision 9B) regarding Vehicle Miles Traveled (Draft EIR at p. 5.15-16).

**Facts in Support of Findings:** The proposed Project would not meet Screening Criteria 1, 2, 3 and 4 of the City of Hemet's *Transportation Impact Analysis Guidelines* VMT screening thresholds. Therefore, a VMT Analysis was prepared for the Project and is included herein as Appendix P to the Draft EIR. The existing baseline VMT/Service Population is 24.3 VMT/Service Population. A project would result in a significant project generated VMT impact if the project VMT exceeds 24.3 VMT/Service Population. As shown in Table 5.15-8 of the Draft EIR, the Project VMT/Service Population would be 29.5 VMT/Service Population or 21.6 percent above the City's threshold under baseline conditions and 27.6 VMT/Service Population or 13.6 percent above the City's threshold under cumulative conditions. Therefore, Project VMT impacts would be significant. The *City of Hemet Traffic Impact Analysis Guidelines for CEQA & VMT* lists examples of mitigation options for reducing impacts related to VMT. Considering the measures recommended by City's guideline, individual Project mitigation measures are recommended to mitigate the Project specific VMT impacts. Here, proposed mitigation measures and the effectiveness of such mitigation measures were determined using the methodology provided in California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (hereafter CAPCOA Guidance). Two out of 34 VMT reduction measures were determined to be applicable to the proposed Project

California Air Pollution Control Officers Association (CAPCOA) measure T-6 requires implementation of a commute trip reduction project; and CAPCOA measure T-18 requires provision of pedestrian improvements, thereby reducing the number of trips, VMT, and GHG emissions. With compliance with existing rules, and implementation of CAPCOA measures T-6 and T-18 that are included as Mitigation Measure GHG-10 and Project Design Feature TR-1, the Project VMT would be reduced by 13.82 percent. Despite this reduction, the Project VMT would continue to exceed the baseline threshold. As the Project transit analysis zone's (TAZ's) VMT/SP is over 15 percent above the City baseline, there is no feasible way to fully reduce VMT to a level that is less than significant. Therefore, the Project VMT impact would be significant and unavoidable.

#### **Project Design Features (PDFs):**

**PDF TR-1: Sidewalks.** The Project would construct sidewalks along the Project's frontage on Simpson Road and Warren Road.

#### **Mitigation Measures:**

**MM GHG-10:** As listed previously.

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## **SECTION VI**

### **RESOLUTION REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

Section § 15126.2(c) of the CEQA Guidelines requires that an EIR discuss “any significant irreversible environmental changes which would be involved in the proposed action should it be implemented.” Generally, a project would result in significant irreversible environmental changes if one of the following scenarios is involved:

- The project would involve a large commitment of nonrenewable resources.
- Irreversible damage can result from environmental accidents associated with the project.
- The proposed consumption of resources is not justified (e.g., the Project results in the wasteful use of energy).

The Project would result in or contribute to the following irreversible environmental changes:

- Land in the Project site would be committed to industrial warehousing uses once the proposed buildings are constructed. Secondary effects associated with this irreversible commitment of land resources include:
  - Changes in views associated with construction of the new buildings and associated development (Draft EIR Section 5.1, *Aesthetics*)
  - Increased vehicle miles traveled on area roadways (Draft EIR Section 5.1.5, *Transportation*).
  - Emissions of air pollutants and greenhouse gas emissions associated with Project construction and operation (Draft EIR Section 5.3, *Air Quality* and Section 5.8, *Greenhouse Gas Emissions*).
  - Consumption of non-renewable energy associated with construction and operation of the proposed Project due to the use of automobiles, trucks, lighting, heating, and cooling systems, appliances, etc. (Draft EIR Section 5.6, *Energy*).
  - Increased ambient noise associated with an increase in activities and traffic from the Project (Draft EIR Section 5.1.2, *Noise*).
  - The Project would result in conversion of the Prime Farmland and Farmland of Statewide Importance to non-agricultural uses (Draft EIR Section 5.2, *Agriculture and Forestry*).

Construction of the proposed Project as described in Draft EIR Section 3.0, *Project Description*, would require the use of energy produced from non-renewable resources and construction materials. With regard to energy usage from the proposed Project, as demonstrated in the analyses contained in Section 5.6 of the Draft EIR, *Energy*, the proposed Project would not involve wasteful or unjustifiable use of non-renewable resources, and conservation efforts would be enforced during construction and operation of proposed development. The proposed development would incorporate energy-generating and conserving Project design features, including those required by the California Building Code, California Energy Code Title 24, which specify green building standards for new developments. In addition, as listed in Section 5.8 of the Draft EIR, *Greenhouse Gas Emissions*, the proposed Project would include sustainability features via Mitigation Measures GHG-1 through GHG-10 that would result in additional energy-efficiency.

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## SECTION VII

### RESOLUTION REGARDING GROWTH-INDUCING IMPACTS AND COMMITMENT OF RESOURCES

Draft EIR Section 6.0, *Other CEQA Considerations*, evaluates the potential for the proposed Project to affect economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

**Impact Growth-1 Finding:** The Project would not directly or indirectly foster economic or population growth, or the construction of additional housing (Draft EIR at p. 6-2). Impacts would be less than significant.

**Facts in Support of Findings:** The Project would require approximately 250 construction workers and 1,158 operational employees. The Project would not directly result in population growth, as it does not propose the construction of housing units. The resulting operational employees may indirectly foster population growth; however, it would not be unexpected and would not constitute substantial unplanned growth.

According to regional population projections included in SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the City of Hemet is projected to increase its population by 52 percent and its housing stock by 79 percent by 2045 at an annual population growth rate of 1.79 percent (between 2016 and 2045). Over this same time period, employment in the City is expected to increase by 85 percent by 2045 or 2.93 percent annually. As shown in Table 5.13-3 of the Draft EIR, employment in the City of Hemet is expected to increase by 19,074 jobs between 2021 and 2045. Based on these growth projections, full buildout of the Project would represent approximately 6.1 percent of projected employment growth within the City of Hemet.

Because it is anticipated that most of the future employees from implementation of the Project would already be living in the Inland Empire area, including both Riverside and San Bernardino Counties, the Project's introduction of employment opportunities would not induce substantial growth in the area and cause the need for additional housing.

The City of Hemet has had unemployment rates ranging between 5.1 and 20.2 percent from 2014 to 2024, and most of the new jobs that would be created by the Project would be positions that do not require a specialized workforce, and this type of workforce exists in the City of Hemet and surrounding communities. In addition, the City of Hemet had a housing vacancy rate of 7.5 percent (2,730 housing units) in 2023 so if a portion of employees do relocate from outside the City, there is sufficient housing in the City (DOF, 2023). Thus, the Project would not result in the influx of new labor to serve the increased economic activities that would result from implementation of the Project.

**Impact Growth-2 Finding:** The Project would not remove obstacles to growth (Draft EIR at p. 6-4). Impacts would be less than significant.

**Facts in Support of Findings:** As described in Section 3.0 of the Draft EIR, *Project Description*, the Project includes various roadway improvements to accommodate the safe passage and turning movements of the vehicles that would access the site on Simpson Road and Warren Road. The Project does not propose roadway extensions into new undeveloped areas that would allow for additional growth and development.

The Project site is currently served by existing water and storm drain facilities within Simpson Road. The Project also proposes installation of new potable water lines, irrigation lines, sewer lines, and

stormwater drainage facilities on the site that would connect to surrounding, existing infrastructure in Simpson Road and Warren Road in order to accommodate the demands of the Project. The Project would also install a 24-inch sewer line in Simpson Road that would connect to the existing sewer line west of the Project site. Therefore, the Project would not expand sewer services into unplanned areas. The proposed infrastructure improvements have been designed to serve only the demands of the Project. Therefore, the Project would not result in significant growth inducing impacts.

**Impact Growth-3 Finding:** The Project would not require the construction of new or expanded facilities that could cause significant environmental effects (Draft EIR at p. 6-4). Impacts would be less than significant.

**Facts in Support of Findings:** The proposed Project would slightly increase the demand for fire protection and emergency response and police protection due to the increase in development and people at the Project site. However, as described in Section 5.15, *Public Services*, the proposed Project would not require development of additional facilities or expansion of existing facilities to maintain existing levels of service for public services. Based on service ratios and build out projections within the General Plan, the proposed Project would not create a demand for services beyond the capacity of existing facilities. Therefore, the proposed Project would not have significant growth inducing consequences that would require the need to expand public services to maintain desired levels of service.

**Impact Growth-4 Finding:** The Project would not encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively (Draft EIR at p. 6-4). Impacts would be less than significant.

**Facts in Support of Findings:** Development of the Project site may place further development pressure on areas to the north, west, east, and south, which are mostly undeveloped and utilized for agricultural purposes. However, the proposed Project site has been long planned for urban uses by the General Plan. Areas surrounding the Project site that are not publicly owned are planned for growth by the City of Hemet General Plan and are designated for future Mixed Use and Low-Density Residential development. Therefore, the area is planned for the increase in mixed use development and the Project would not result in any additional impacts on the environment other than what has been forecasted under the City's General Plan. The Project would not individually or cumulatively encourage or facilitate substantial unplanned growth.

## **SECTION VIII**

### **RESOLUTION REGARDING ALTERNATIVES**

The City of Hemet hereby declares that it has considered and rejected as infeasible the alternatives identified in the Draft EIR and described below. Section § 15126.6 of the State CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly achieve most of its basic objectives, but would avoid or substantially lessen any of the significant effects identified in the EIR analysis. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, an EIR must consider a reasonable range of alternatives that are potentially feasible; an EIR is not required to consider alternatives that are infeasible. In addition, an EIR should evaluate the comparative merits of the alternatives. Therefore, this section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the objectives of the Project, as required by CEQA.

#### **Objectives**

The following objectives have been identified in order to aid decision makers in their review of the proposed Project and its associated environmental impacts.

- To make efficient use of underutilized property in the City of Hemet by adding to its potential for employment-generating uses in order to attract new businesses and promote economic growth.
- To reduce the need for members of the local workforce to commute outside the Project vicinity to work.
- To develop an underutilized property to host a variety of industrial uses permissible under the current zoning code and help meet demand for businesses in the Inland Empire.
- To develop a new industrial project that is located along, and would utilize, a major truck route to limit truck traffic through residential neighborhoods.
- To develop an underutilized property consistent with the current zoning that is conveniently located in proximity to the State Route (SR) 74 and State Route (SR) 79 and has access to available infrastructure, including roads and utilities to accommodate the growing need for goods movement within southern California.

#### **Alternatives**

Key provisions of the State CEQA Guidelines relating to the alternatives analysis (Section § 15126.6 et seq.) are summarized below:

- The discussion of alternatives shall focus on alternatives to the Project or its location that 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.
- The “No Project” alternative shall be evaluated along with its impact. The “No Project” analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved.
- The range of alternatives required in an EIR is governed by a “rule of reason;” therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project.

- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR.
- An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.

### **Rationale for Selecting Potentially Feasible Alternatives**

The alternatives in an EIR must include a no-project alternative and a range of reasonable alternatives to the Project if those reasonable alternatives would attain most of the Project objectives while substantially lessening the potentially significant project impacts. The range of alternatives discussed in an EIR is governed by a “rule of reason,” which the State CEQA Guidelines Section § 15126.6(f)(3) defines as:

. . . set[ting] forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be 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. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making.

Among the factors that may be taken into account when addressing the feasibility of alternatives (as described in the State CEQA Guidelines Section 15126.6(f)(1)) are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the Project proponent could reasonably acquire, control, or otherwise have access to an alternative site. An EIR need not consider an alternative whose effects could not be reasonably identified, and whose implementation is remote or speculative.

For purposes of this analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic Project objectives, while significantly lessening any significant effects of the Project.

### **Alternatives Analysis**

The goal for evaluating any alternatives is to identify ways to avoid or lessen the significant environmental effects resulting from implementation of the proposed Project, while attaining most of the Project objectives. The City of Hemet has included the following 3 alternatives for consideration:

- No Project/No Development Alternative
- Reduced Project Alternative
- No Project/Build Out of the Existing Land Use Alternative

### **Alternatives Not Selected for Analysis**

**Alternate Site Alternative.** An alternate site for the Project was eliminated from further consideration. Based on a review of available sites for sale and the City of Hemet General Plan land use map, there are no other available, undeveloped properties of similar size (7,488 developable acres) that are zoned for industrial uses. There are no suitable sites within the control of the Project applicant. However, in the event that other land of suitable size could be purchased, the Project could have the same potential impacts to air quality, biological resources, cultural

resources, energy, greenhouse gas emissions, noise, paleontological resources, traffic and tribal cultural resources. Moreover, other possible sites may not be located in proximity to SR 74 and SR 79, the only established highway level transportation routes, and with access to available infrastructure, including roads and utilities thereby possibly resulting in greater potential impacts. Therefore, analysis of an alternative site for the proposed Project is neither meaningful nor necessary, because the impacts and need for mitigation resulting from the proposed Project would not be avoided or substantially lessened by its implementation. Given these reasons, it would be infeasible to develop and operate the Project on an alternate site with fewer environmental impacts while meeting Project objectives. Therefore, the Alternative Site Alternative was rejected from further consideration.

### **Alternatives Evaluated**

#### **Alternative 1 – No Project/No Build Alternative**

The No Project/No Development Alternative would result in continuation of the existing uses within the Project site, and the proposed development would not occur. As a result, this alternative would avoid the need for mitigation measures that are identified in Chapter 5.0 of this Draft EIR, which include measures related to air quality, biological resources, cultural resources, greenhouse gas emissions, paleontological resources, transportation, and tribal cultural resources. This alternative would also avoid the significant and unavoidable impacts to air quality, agriculture, greenhouse gas emissions, noise, and vehicle miles traveled. This alternative would result in lessened impacts to all of the 16 environmental topics analyzed in the Draft EIR (see Draft EIR Table 8-3).

However, the environmental benefits of the proposed Project would also not be realized, including providing jobs onsite that would result in a better jobs-housing balance in Hemet, which is currently considered housing rich. In addition, the No Project/ No Build Alternative would not meet any of the Project objectives as shown on Table 8-4 of the Draft EIR. The No Project/ No Build Alternative would not make efficient use of underutilized property pursuant to existing zoning to provide for employment-generating uses for the local workforce, attract new businesses, promote economic growth, or utilize existing truck routes and infrastructure to accommodate the growing needs for goods movement within the region. None of these Project objectives would be met.

**Finding:** The City of Hemet finds that the No Project/No Build Alternative would not redevelop the site to provide development consistent with other regional redevelopment in the Mixed Use #4 Focus Area, would not develop industrial uses near existing truck routes pursuant to existing zoning to provide employment for the local workforce and promote economic growth and would not implement SCAG RTP/SCS policies related to providing additional employment centers near existing housing. Overall, the No Project/No Build Alternative fails to meet any of the Project objectives (Draft EIR at p. 8-3) and is rejected on that basis.

#### **Alternative 2 – Reduced Project Alternative**

Under this alternative, the 66.38-acre western developable portion of the Project site would be developed with one 225,000 SF speculative warehouse building. Development under the Reduced Project Alternative would reduce Project square footage by approximately 81 percent. In addition, only 66.38-acres of the site would be developed as opposed to the 74.88-acres proposed by the Project. Many of the mitigation measures would still be applicable to this alternative; however, this alternative would result in lessened impacts to 14 of the 18 environmental topics analyzed in the Draft EIR

The Reduced Project Alternative would partially meet the majority of Project objectives, but not to the same extent as the proposed Project. This alternative would develop a property with industrial uses with nearby access to the freeway, by adding employment-generating uses and would attract new businesses and employment. Furthermore, the Reduced Alternative would reduce the need for the local workforce to commute outside of the Project vicinity. This alternative would develop a speculative warehouse building within close proximity to SR-74. However, this alternative would not meet the main Project objectives to the extent that the proposed Project would as it would bring less jobs to the area and provide less utilization for the site located along truck routes.

**Finding:** The City of Hemet finds that the Reduced Project Alternative would result in less industrial space and a reduced improvement to the jobs-housing balance and VMT would occur. In addition, the Reduced Project Alternative would not eliminate all of the significant and unavoidable impacts of the proposed Project or eliminate the need for mitigation. Thus, the Reduced Project Alternative would not achieve the Project objectives to the same extent as the proposed Project, would continue to result in significant and unavoidable impacts, and would continue to require mitigation. The Reduced Project Alternative is rejected on that basis.

### **Alternative 3 – No Project/Build Out of the Existing Land Use Alternative**

Under this alternative, the Project site would be developed with a two-story 242,000 SF commercial building with 142,000 SF of commercial/retail space on the bottom floor and 100,000 SF of commercial office space as well as 171 dwelling units within eight separate three-story structures. Development under the No Project/Build out of Existing Land Use Alternative would reduce Project square footage, however the Project would bring more occupants and vehicle trips to the Project site. While some impacts would be reduced, many of the impacts under this alternative would increase. All mitigation measures would still be applicable to this alternative; however, this alternative would result in lessened impacts to 4 of the 18 environmental topics analyzed in this Draft EIR.

The No Project/Build out of Existing Land Use Alternative would not meet many of the Project objectives. This alternative would develop a two-story 242,000 SF commercial building with 142,000 SF of commercial/retail space on the bottom floor and 100,000 SF of commercial office space as well as 171 dwelling units within eight separate three-story structures. The alternative would add employment-generating uses and would attract new businesses and employment. Furthermore, the No Project/Build out of Existing Land Use Alternative would reduce the need for the local workforce to commute outside of the Project vicinity. However, this alternative would not meet the main Project objectives related to the development of industrial uses near existing truck routes in order to better serve the movement of goods.

**Finding:** The City of Hemet finds that the No Project/Build Out of the Existing Land Use Alternative would not assist the City in developing industrial uses near existing truck routes. In addition, the No Project/Build Out of Existing Land Use Alternative would not eliminate all of the significant and unavoidable impacts of the proposed Project or eliminate the need for mitigation. In fact, it would create additional impacts related to noise and air quality. Thus, the No Project/Build Out of the Existing Land Use and Zoning Alternative would not achieve the Project objectives to the same extent as the proposed Project as it would not take advantage of the sites positioning located near truck routes. The No Project/Build Out of the Existing Zoning Alternative is rejected on that basis.

### **Environmentally Superior Alternative**

Section § 15126.6(e)(2) of the 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 CEQA Guidelines also state that should it be determined that the No Project/No Build Alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives.

The EIR for the Project identified No Project/No Development Alternative has been identified as the Environmentally Superior Alternative. Therefore, pursuant to CEQA, because the Environmentally Superior Alternative among the other alternatives would be Alternative 2: Reduced Project Alternative, which would involve developing the Project site with one 225,000 SF speculative warehouse building.

This alternative would result in lessened impacts to 16 of the 18 environmental topics analyzed in the EIR. However, this alternative would be required to implement applicable mitigation measures regarding biological resources, cultural resources, geology and soils, and tribal cultural resources, similar to the Project. Moreover, the Reduced Project Alternative would not meet the Project objectives to the same extent as the Project.

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## IX. STATEMENT OF OVERRIDING CONSIDERATIONS

### Introduction

The City of Hemet is the Lead Agency under CEQA for preparation, review and certification of the EIR for Newland Simpson Road Project (Project). As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed Project. In making this determination the City is guided by CEQA Guidelines Section § 15093, *Statement of Overriding Considerations*, which states:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal (sic) project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to CEQA Guidelines Section 15091.

In addition, Public Resources Code Section § 21081(b) requires that where a public agency finds that 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 an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section § 21081(b) and the State CEQA Guidelines Section § 15093, the City has balanced the benefits of the proposed Project against the unavoidable adverse impacts associated with the Project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the proposed Project, none of which both meet the Project objectives and is environmentally preferable to the proposed Project for the reasons discussed in the Findings and Facts in Support of Findings.

The City of Hemet, as the Lead Agency for this Project, and having reviewed the EIR for Newland Simpson Road Project, and reviewed all written materials within the City’s public record and heard all oral testimony presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the Project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the Project.

## Overriding Considerations

The City, after balancing the specific economic, legal, social, technological, and other benefits of the Project, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations which outweigh the unavoidable, adverse environmental impacts of the Project, each of which standing alone is sufficient to support approval of the Project, in accordance with CEQA Guideline Section § 21081(b) and CEQA Guideline Section § 15093. The specific economic, legal, social, technological, or other benefits of the Project are as follows:

1. The Economic Benefit Analysis estimates that the Project would create 1,253 total long-term labor and office jobs which would generate \$72.55 million in labor income on an annual basis. In addition, the Project would generate 902 total jobs during construction, generating \$54.26 million in labor income during the construction period.
2. The City of Hemet has had unemployment rates ranging between 3.6 and 15.3 percent over the last five years (EDD 2024). The Project would provide new employment opportunities for people living in Hemet and the surrounding cities with ample opportunities for career training and advancement. Most of the new labor and office jobs that would be created by the proposed Project would be positions that are anticipated to be filled by people who would already be living within Hemet and surrounding communities.
3. Based on the analysis of revenues and expenditure, the Project would generate a surplus to the City's general fund, which can be reinvested into public services, infrastructure, and community programs.
4. The Project would also contribute \$1.2 million in one-time site development impact fees and \$2.2 million in building development impact fees to the City and various other agencies including fees for fire services; fees for storm drain facilities; transportation fees, inclusive of specific fees to be used toward the Domenigoni Parkway median project and the City's Traffic Signal Synchronization project; and fees for the Hemet Unified School District.
5. The Developer is expected to spend \$12,104,512 on offsite improvements, street enhancements and utilities.
6. The Project implements capital investment through construction of a new building to enhance the City's economic and fiscal viability pursuant to the City of Hemet General Plan.
7. The Project would improve the jobs-housing balance in Hemet by providing a substantial number of new job opportunities near existing housing, reducing commute times and increasing economic stability for local residents.
8. The Project would implement roadway and pedestrian improvements that would be a catalyst to future pedestrian improvements, which would improve pedestrian safety for current and future residents in the area and workers at the facility.
9. The Project transforms an underutilized site with an economically viable development consistent with the General Plan objectives for the Mixed Area #4 Focus Area, including General Plan Policy LU-9.6. The City's General Plan identifies the need for a balanced employment base with a diversity of businesses, including industrial businesses. The Project would provide an industrial employment hub in proximity to highways and available truck routes. By allowing industrial development in this location, more employment opportunities would be available to the community.
10. The Project implements the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Land Use Policies related to population and housing by providing employment centers near a housing rich area.

11. Consistent with the General Plan, the Project facilitates the economic development of the City by creating an expanded employment base by creating building space for multiple businesses, providing new diverse employment opportunities.

## **SECTION X**

### **RESOLUTION REGARDING CERTIFICATION OF THE EIR**

The City of Hemet (City) finds that it has reviewed and considered the Final EIR in evaluating the proposed Project, that the Final EIR is an accurate and objective statement that fully complies with CEQA, State CEQA Guidelines and that the Final EIR reflects the independent judgment of the City.

The City of Hemet declares that no new significant information as defined by State CEQA Guidelines Section § 15088.5 has been received by the City after circulation of the Draft EIR that would require recirculation.

The City of Hemet certifies the EIR based on the entirety of the record of proceedings, including but not limited to the following findings and conclusions:

#### **Findings:**

The following significant environmental impacts have been identified in the EIR and would require mitigation as set forth in Section V of this Resolution but cannot be mitigated to a level of insignificance:

- Agriculture and Forestry (Project-related and cumulative),
- Greenhouse Gas Emissions (Project-related and cumulative),
- Noise (Project-level and Cumulative), and
- Transportation (Project-level).

#### **Conclusions:**

1. Except as to those impacts stated above relating to agriculture and forestry, greenhouse gas emissions, noise, and transportation, all significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance.
2. Other alternatives to the proposed Project, which could potentially achieve the basic objectives of the proposed Project, have been considered and rejected in favor of the proposed Project.
3. Environmental, economic, social, and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

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**SECTION XI**

**RESOLUTION ADOPTING A MITIGATION MONITORING AND REPORTING PLAN**

Pursuant to Public Resources Code Section § 21081.6, the City of Hemet hereby adopts the Mitigation Monitoring and Reporting Plan attached to this Resolution as Exhibit A. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Plan shall control.

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**SECTION XI****RESOLUTION REGARDING CONTENTS AND CUSTODIAN OF RECORDS**

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Hemet Planning Division Counter. The custodian for these records is the City of Hemet. This information is provided in compliance with Public Resources Code (PRC) section § 21081.6.

The record of proceedings for the City's decision on the Project consists of the following documents, at a minimum:

1. The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the Project;
2. All comments submitted by agencies or members of the public during the 45-day comment periods on the Draft EIR;
3. The Final EIR for Newland Simpson Road Project, including comments received on the Draft EIR, responses to those comments, and technical appendices;
4. The Mitigation Monitoring and Reporting Plan (MMRP) for the Project;
5. All findings, resolutions and ordinances adopted by the City in connection with the Newland Simpson Road Project, and all documents cited or referred to therein;
6. All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Newland Simpson Road Project;
7. All documents submitted to the City by other public agencies or members of the public in connection with the Newland Simpson Road Project up through Project approval. Matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations;
8. Any documents expressly cited or referenced in these findings, in addition to those cited above; and
9. Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The following location is where review of the record of proceedings may be performed:

City of Hemet, Community Development Department  
244 E Florida Avenue  
Hemet, CA 92543

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