Stetson Corner

CEQA Findings of Fact

Environmental Impact Report, SCH No. 2020031032

City Site Development Review No. 19-010, Conditional Use Permit 19-009, and Tentative Map 37779

July 2021

Lead Agency:

City of Hemet
Planning Division
445 E Florida Avenue
Hemet, California 92543

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I. INTRODUCTION

I.A Findings of Fact

The Planning Commission of the City of Hemet (City) in its capacity as the CEQA Lead Agency adopts the following Findings of Fact for the Stetson Corner Project (hereinafter referred to as the "project"). The environmental effects of the project were identified and analyzed in the Stetson Corner Draft Environmental Impact Report ("Draft EIR") (March 2021) and in the Final Environmental Impact Report (June 2021) (State Clearinghouse No. 2020031032) which includes Responses to Comments, the Final Environmental Impact Report, and the Mitigation Monitoring and Reporting Program ("MMRP") (collectively, "Final EIR"). The Final EIR is hereby incorporated by reference.

The California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000, *et seq.*) and the CEQA Guidelines (Guidelines) (14 Cal. Code Regs. Sections 15000, *et seq.*) promulgated thereunder, require that the environmental impacts of a project be examined before a project is approved. In addition, if significant impacts have been identified, CEQA and the Guidelines require that a public agency prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. It is the discretion of the decision-maker certifying the Final EIR to determine the adequacy of the proposed Findings. Specifically, Guidelines Section 15091 provides:

a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

    1) Changes 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.

    2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

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

b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements are also incorporated in Public Resources Code Section 21081.

The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of mitigation measures as set forth in Guidelines Section 15370, including:

a) Avoiding the impact altogether by not taking a certain action or parts of an action.

b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency's views on the ultimate balancing of the merits of approving a project despite its environmental damage. As no significant unavoidable impacts were identified in the Final EIR, a Statement of Overriding Considerations is not required for the project.

Having received, reviewed, and considered the information contained in the Final EIR for the project, State Clearinghouse No. 2020031032, as well as all other information in the Record of Proceedings (as defined below) on this matter, the following Findings are hereby adopted by the City Planning Commission in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

The City Planning Commission has reviewed and considered the Final EIR for the project. The City Planning Commission certifies that the Final EIR has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's requirements, and that the Final EIR reflects the independent judgment of the Planning Commission. In certifying the Final EIR as adequate

under CEQA, the City Planning Commission adopts these CEQA Findings of Fact for the Stetson Corner Project.

II. SUMMARY OR PROJECT DESCRIPTION

The project applicant, Sage Investco, LLC, proposes to develop a gas station with supporting retail and restaurant amenities at the southeast corner of Sanderson and Stetson Avenues in the City. More specifically, the applicant is proposing to develop a 12-bay gas station with supporting commercial uses including an approximately 4,088 square-foot convenience store (7-Eleven store), an approximately 2,660 square-foot drive-thru fast food restaurant, and an approximately 3,590 square-foot car wash with 21 self-serve vacuum stations (with 20 vehicle stalls) under a 3,096-square-foot canopy. The total commercial building area of the proposed project would be 13,434 square feet. The convenience store, restaurant, and gas station would operate 24 hours a day, while the car wash would operate every day from 7:00 a.m. to 7:00 p.m., with hours extended to 9:00 p.m. during the summer. Landscaping would be provided along the perimeter of the site, as well as within the parking medians and adjacent to proposed structures. The project would also provide a meandering sidewalk along the Sanderson Avenue project frontage. The site is designated as Business Park (BP) and zoned Limited Manufacturing (M-1). The project would be consistent with the M-1 zoning with approval of a Conditional Use Permit.

The project applicant is requesting the following discretionary approvals from the City to allow for development of the proposed project: (1) a Development Plan Review, (2) a Conditional Use Permit (CUP), and (3) a Tentative Parcel Map. The Development Plan would provide precise engineering and construction plans for the components of the proposed project. A CUP is required to accommodate a gasoline service station with or without a convenience store, and the drive-thru fast food restaurant. Additionally, a CUP is also required because the project requests a Type 20 Alcoholic Beverage Control (ABC) license for the off-sale of beer and wine from the convenience store for off-site consumption. The Tentative Parcel Map would reconfigure the existing two parcels into five parcels and two lettered Sanderson Avenue right-of-way lots. Improvement plans, final map, and grading plans would be subject to a development plan review by the City prior to ground disturbance.

II.A Project Location and Environmental Setting

The approximately 8.7-acre project site is located at the southeast corner of Sanderson and Stetson Avenues in the City of Hemet in western Riverside County. The site is about 2.25 miles southwest of downtown Hemet. The project site is approximately 1.25 miles south of State Route (SR) 74 and 0.8 miles east of the Hemet-Ryan Airport. The project site is comprised of two existing parcels, Assessor's Parcel Numbers 460-150-014 and 460-150-015.

II.B Site Land Use and Zoning

The project site currently consists of combination of vacant land and an existing industrial development. The eastern approximately 2-acres of the site is currently undeveloped, vacant land. This eastern undeveloped area is gated, and two access driveways along Stetson Avenue to this vacant area exist. The western portion of the site consists of unpaved area, which is used for overflow parking for when the 1.5-acre paved parking lot is full. Cargo containers and temporary canopies are also present on the western unpaved area of the site.

The existing on-site industrial development consists of what is known as the McCrometer facility. McCrometer manufactures flow meters for liquid, steam, and gas flow measurement (McCrometer 2020). This industrial development is fenced and consists of permanent buildings, temporary use areas, and parking lots. The McCrometer buildings include five main warehouse-style buildings in the center of the site, as well as smaller ancillary buildings, such as the security check in building. The McCrometer buildings are all one story and were constructed between 1978 and 1985. One building also features a cylindrical tower that rises a second story in height.

The site is zoned Limited Manufacturing (M-1) and has a General Plan land use designation of Business Park (BP).

II.C Surrounding Environment

The project site is surrounded by existing development, including single-family residential uses to the north, south, and east of the site; an recreational vehicle (RV) and vehicle storage lot directly east of the site; and the Page Plaza 40-acre commercial shopping center directly west of the project site. Specifically, to the north is the Terra Linda community, to the south is the Willowalk community, to the east is the Seven Hills community, and to the west is Page Plaza. The Terra Linda and Willowalk communities consist of two-story single-family houses, while the Seven Hills community consists of one-story single-family houses. The RV and vehicle storage lot exists directly east of the site, separating the project site from the Seven Hills community. Three homes within the Seven Hills community are located adjacent to the southeastern portion of the project site and south of the RV/vehicle storage lot.

Large concrete masonry and stone walls separate the project site from the existing land uses to the south and east. The wall along the southern property line of the project site is approximately 15-foot tall and drops to about 12 feet tall along the border of the newly proposed McCrometer parking lot. There is also a wall along the eastern property line of the project site ranges from approximately 6 to 10 feet tall, as the wall is slightly shorter along the RV/vehicle storage lot than along the three aforementioned residences.

Page Plaza to the west of the site contains 360,000 square feet of various commercial and retail uses, and associated parking areas, including a 220,000 square foot Wal-Mart Supercenter, a pharmacy, a bank, a convenience store, a gas station, and multiple restaurants. Further west and south of Stetson Avenue, beyond the commercial uses at Page Plaza, exist more single-family residential neighborhoods, the Riverdale Apartment complex, and the Hemet Center for Medical Excellence. North of Stetson Avenue is the Stetson Avenue Channel, comprised of an unvegetated, concrete, trapezoidal channel managed by the Riverside County Flood Control District. Residential uses to the north of the site are separated from the project site by Stetson Avenue and the Channel. Additionally, there is a vacant and undeveloped lot to the northwest of the project site. While currently vacant, the property to the northwest is currently entitled under the Stetson Crossing Specific Plan (SP 07-04). The Specific Plan allows for a 190,000 square foot multi-tenant retail shopping center. Various industrial and manufacturing uses also currently exist beyond this vacant lot, further northwest from the project site. The Hemet-Ryan Airport is also located 0.8-miles to the northwest.

II.D Project Components and Improvements

The proposed project proposes to develop a 12-bay gas station and commercial uses including with an approximately 4,088 square-foot convenience store (7-Eleven store), an approximately 2,660 square-foot drive-thru fast food restaurant, and an approximately 3,590 square-foot car wash with 21 self-serve vacuum stations[1] under a 3,096-square-foot canopy. Commercial building area would total 13,434 square feet. The project structures would be approximately 26 feet tall, well below the allowed building height of 60 feet. The project's architectural design includes visual interest features including stone veneers, garden trellises, decorative eves, and articulation. Landscaping and supporting infrastructure improvements would also be provided. The project proposes two new driveways as well as sidewalk corridor improvements on Sanderson Avenue. No new driveways would be added to Stetson Avenue, but the existing driveways would be improved to meet the site access needs to the project.

Table 3-1. Proposed Uses

Use	Square-Feet
Commercial	
Gas Station and Convenience Store	4,088
Drive-Thru Fast-Food Restaurant	2,660
Car Wash and Vacuum Stations (Including Covered Canopy)	6,686
Total	**13,434**

[1] Note there are 21 vacuum stations but there are only 20 vehicle stalls.

Signage would also be provided as a part of the proposed project. This includes a multi-tenant monument sign along each frontage roadway as well as a single-tenant fuel price along each frontage roadway. Signage would comply with Municipal Code standards and requirements including Municipal Code Section 90-1248(4), Design, material, construction and maintenance standards; Section 90-1273, Permanent signs for automobile service stations and drive-in restaurants; Section 90-1271, Permanent signs permitted in manufacturing zones (M-1 and M-2); and Section 90-1251(g), LED display board signs.

Construction of the proposed project would last for 7 months, beginning 2021. Construction phases would include demolition, site preparation (clearing and grubbing), grading, trenching, building construction, paving, and architectural coating. The new parking lot would be constructed first so adequate parking would be provided for the existing development throughout the construction activities. The total graded area would include 4.76 acres. It is anticipated that the proposed project would require 300 cubic yards (cy) of cut and 7,000 cy of soil import. Typical construction equipment would include dozers, excavators, graders, cranes, forklifts, tractors, pavers, and rollers.

Once in operation, the convenience store, restaurant, and gas station would operate 24 hours a day. The car wash would operate every day from 7:00 a.m. to 7:00 p.m., with hours extended to 9:00 p.m. during the summer.

The existing McCrometer structures would remain on site and no changes to those uses or structures would be included in the proposed project. However, the proposed project would demolish and relocate a portion of the existing McCrometer parking lot to the eastern, currently vacant portion of the site to allow for the construction and operation of the new commercial uses within the western portion of the project site. The replacement parking lot for McCrometer would include 208 parking spaces on the eastern portion of the site; and a total of 50 new parking spaces would be provided for the proposed commercial uses on the western portion of the project site.

II.E Discretionary Actions and Associated Project Approvals

The project requires the discretionary approvals from the City, as well as other permits and approvals from other agencies, as shown in Table 2 below.

Table 2. Proposed Approvals and Permits

Discretionary Approval/Permit	Brief Description	Agency Title	Agency Type
Development Plan Review	To review the proposed site plan for development.	City of Hemet	Lead Agency
Conditional Use Permit	To accommodate operation of a gasoline service station, drive-thru and for the sale of alcoholic beverages.	City of Hemet	Lead Agency
Tentative Parcel Map	To reconfigure the existing two parcels into five new parcels.	City of Hemet	Lead Agency

Table 2. Proposed Approvals and Permits

Discretionary Approval/Permit	Brief Description	Agency Title	Agency Type
Improvement Plans	Improvement plans are prepared by a Registered Civil Engineer and in conformance with the City's Standard Specifications for Public Works Construction, Storm Drain Development Standards, Storm Drain Criteria, and Drainage Design Manual, the Municipal Code and applicable Ordinances.	City of Hemet	Lead Agency
Final Map	To provide the final map of the project pursuant to the Subdivision Map Act.	City of Hemet	Lead Agency
Grading Plan	To grade the site for the proposed development, a grading plan and grading permit is required.	City of Hemet	Lead Agency
ABC License	The project is pursuing a license to sell alcoholic beverages.	California Department of Alcoholic Beverage Control	Responsible Agency
Underground Storage Tank Approval Hazardous Materials Business Plan	The project includes underground diesel and petroleum storage tanks for the proposed gas station, and may include the storage and use of chemicals under the control of the Department of Environmental Health for the other proposed uses.	Riverside County Department of Environmental Health	Responsible Agency
Air Quality Management District Approval	The proposed gas station would require a permit from the Air Quality Management District. The project must comply with Rule 461, Gasoline Transfer and Dispensing.	South Coast Air Quality Management District	Responsible Agency

II.F Project Design Features and Compliance Measures

The project incorporates a number of project design features (PDFs) and compliance measures (CMs). These represent standard measures that are implemented by projects in compliance with regulations, as well as project design features. Refer to Table 3, Project Design Features and Compliance Measures, below.

Table 3. Project Design Features and Compliance Measures

Topic	Description
Aesthetics	
CM-AES-1	Prior to the issuance of building permits, the City shall confirm the proposed project conforms to the City of Hemet Commercial Design Guidelines.
CM-AES-2	Prior to issuance of any demolition or construction permit that involves removal of street trees, the City shall verify conformance with the City of Hemet Municipal Code Section 66-95(d), Inspection, maintenance and removal related to street trees.
CM-AES-3	Prior to the issuance of building permits, the City shall confirm lighting conforms to the City of Hemet Municipal Code Section 90-1046(e), Exterior lighting,

Table 3. Project Design Features and Compliance Measures

Topic	Description
CM-AES-4	Prior to the issuance of building permits, the City shall confirm signage conforms to the City of Hemet Municipal Code. This includes Municipal Code Section 90-1248(4), Design, material, construction and maintenance standards; Section 90-1273, Permanent signs for automobile service stations and drive-in restaurants; Section 90-1271, Permanent signs permitted in manufacturing zones (M-1 and M-2); and Section 90-1251(g), LED display board signs.
CM-AES-5	Prior to the issuance of grading permits for the western area of the property near Sanderson Avenue, the City shall confirm the streetscape design conforms to the Scenic Highway Setback Manual.
CM-AES-6	Prior to the issuance of building permits, the City shall confirm landscaping conforms to the City of Hemet Landscape Design Guidelines.
CM-AES-7	Prior to the issuance of building permits, the City shall confirm lighting conforms to the City of Hemet Municipal Code Section 90-1424(i), Off-Street Parking, Illumination.
Air Quality	
PDF-AQ-1	Prior to issuance of a grading permit, the City shall verify the grading plans identify the following dust control measures: • Watering the active sites approximately two times daily depending on weather conditions. • All grading and excavation operations shall be halted when wind speeds exceed 25 miles per hour. • Dirt and debris spilled onto paved surfaces at the project site and on the adjacent roadways shall be swept, vacuumed, and/or washed at the end of each workday. • All trucks hauling dirt, sand, soil, or other loose material to and from the construction site shall be covered and/or a minimum 2 feet of freeboard shall be maintained.
CM-AQ-1	The project shall be constructed to meet the California Building Code, including Title 20 Standards, CALGreen Code (Title 24, Part 11) and California Energy Code (Title 24, Part 6) requirements. This includes conformance with the provision of designated preferred parking spaces for low-emitting, fuel-efficient and carpool/vanpool vehicles (see CBC Table 5.106.5.2; 6 spaces marked "Clean Air/Vanpool/EV" for the project) as well as EV Ready spaces (see CBC Table 5.106.5.3.3; 4 spaces for the project). In addition, bike parking shall be required per CBC 5.106.4.1 (5% of the number of parking spaces, which is 4 spaces).
Biological Resources	
CM-BIO-1	Prior to issuance of building permits, the project applicant shall pay the applicable Multiple Species Habitat Conservation Plan (MSHCP) Development Mitigation Fee and the applicable Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) Development Mitigation Fee.
Geology and Soils	
CM-GEO-1	Prior to the issuance of any grading or building permit, it shall be confirmed that future building plans shall be prepared in accordance with the American Society of Civil Engineers (ASCE) 7-16 Standard and the California Building Code Chapter 18, including (but are not limited to) the requirements for foundation and soil investigations (Sections 1803 and 1803A); excavation, grading, and fill (Sections 1804 and 1804A); damp-proofing and water-proofing (Sections 1805 and 1805A); allowable load-bearing values of soils (Sections 1806 and 1806A); the design of foundation walls, retaining walls, embedded posts and poles (Sections 1807 and 1807A), and foundations (Sections 1808 and 1808A); and design of shallow foundations (Sections 1809 and 1809A) and deep foundations (Sections 1810 and 1810A). Such information shall be documented in a design-level geotechnical evaluation. Future building plans shall also specifically confirm to the California Green Building Standards Code standards.
Greenhouse Gas	
PDF-GHG-1	The project would include the following as a project design feature (PDF): • Low flush toilets and on-site storm water capture • Native drought resistant vegetation into landscape plans
CM-GHG-1	Buildings shall be constructed to meet the California Building Code, including Title 20 Standards, CALGreen Code (Title 24, Part 11) and California Energy Code (Title 24, Part 6) requirements. This includes

Table 3. Project Design Features and Compliance Measures

Topic	Description
	CALGreen Code requirements for construction waste reduction, disposal, and recycling, including the requirement to recycle and/or salvage for reuse a minimum of 50% of the non-hazardous construction waste in accordance with Section 5.408.1.1, 5.408.1.2, or 5.408.1.3.
CM-GHG-2	Lighting shall meet energy efficiency requirements adopted pursuant to AB 1109.
CM-GHG-3	Landscaping shall comply with the Model Water Efficient Landscaping Ordinance (CCR, Title 23, Division 2, Chapter 2.7.).
CM-GHG-4	Construction and operations shall comply with the California Air Resources Board (CARB) requirements, including those related to refrigerants (CCR, Title 17, Division 3, Chapter 1, Subchapter 10, Article 4, Subarticle 5.1, Section 95380 et seq.), aerosol coating products (CCR, Title 17, Division 3, Chapter 1, Subchapter 8.5.), CARB In-Use-Off-Road Diesel Vehicle Regulations.
CM-GHG-5	Commercial uses shall comply with the Mandatory Commercial Recycling (AB 341) requirements.
	Hydrology and Water Quality
CM-HYD-1	Prior to the issuance of a grading permit, the applicant shall prepare a Stormwater Pollution Prevention Plan in accordance with Order Number R8-2010-003, National Pollutant Discharge Elimination System Permit Number CA18033, as amended.
CM-HYD-2	Prior to the issuance of a building permit, the applicant shall prepare final project-specific Storm Water Management Plan and a final Drainage Report in accordance with Order Number R8-2010-003, National Pollutant Discharge Elimination System Permit Number CA18033, as amended.
	Noise
CM-NOI-1	All construction activities shall occur during the permissible hours as defined in Sections 30-32 and 90-1048 of the City's Municipal Code.
PDF-NOI-1	Prior to issuance of a conditional use permit, the City shall verify the conditional use permit includes a condition that limits the operations of the car wash and associated customer vacuum units to daytime hours (7:00 a.m. to 7:00 p.m.), with hours extended to 9:00 p.m. during the summer.
PDF-NOI-2	Prior to the issuance of a grading permit, the grading permit shall be verified to identify the following measures: 1. During construction activities, the project contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices. 2. The project contractor shall locate equipment staging areas to create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction. 3. All idling construction equipment shall be turned off when not in use. 4. Construction equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.
	Public Services
CM-SRV-1	Prior to the issuance of a building permit, the applicant shall pay applicable commercial Developer Impact Fees, including, but not limited to, Fire Suppression Facility, Law Enforcement Facility fees, Lighting & Landscaping Maintenance, Retention Basin Capacity, Sewer Connection, Storm Drainage Facilities, and Transportation Uniform Mitigation Fee.
CM-SRV-2	Prior to the issuance of a building permit for the car wash facility, the plans shall demonstrate compliance with California Water Code Division 6, Part 2.12 [10950-10953] as applicable: (a) Install, use, and maintain a water recycling system that recycles and reuses at least 60 percent of the wash and rinse water. (b) Use recycled water provided by a water supplier for at least 60 percent of its wash and rinse water.
CM-SRV-3	Prior to the issuance of a building permit, the applicant shall provide payment of the Riverside County Flood Control and Water Conservation District Salt Creek-South Hemet Area Drainage Plan fee, as applicable per the County of Riverside Ordinance No. 460.

Table 3. Project Design Features and Compliance Measures

Topic	Description
Transportation	
CM-TRA-1	Prior to the issuance of a grading permit, the City shall verify that no construction work would be performed within the public right-of-way. If construction work would occur within the public right-of-way, the applicant shall submit a Construction Traffic Management Plan in accordance with the California Manual on Uniform Traffic Control Devices (CA MUTCD; Caltrans 2014) for review and approval by the City Engineer.

II.G Project Objectives

The underlying purpose of the project is to provide a gas station with supporting retail and restaurant amenities on an underutilized site in the City. Project implementation is guided by the following statement of project objectives:

1. Provide an economically viable commercial development that includes a gas station and supporting related commercial amenities along a major thoroughfare in the City of Hemet.
2. Promote efficient use of land and revitalize an underutilized infill site within an urbanized area.
3. Provide visual and functional compatibility with adjacent areas, and with the existing on-site uses.
4. Enhance both vehicular and pedestrian/bicycle movement through the area consistent with the Scenic Highway Setback Manual, and provide adequate site access to promote visitors to the site.
5. Preserve the existing McCrometer development on the property and minimize disturbance to its operations.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

Notice of Preparation. In accordance with Guidelines Section 15082, the City distributed a Notice of Preparation (NOP) of an EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on March 24, 2020 for a 30-day comment period which ended on April 23, 2020. Various agencies and other interested parties responded to the NOP. Pursuant to Senate Bill 18 and Assembly Bill 52, the City provided consultation opportunities with Native American tribes. The City's NOP and associated comments are included in the Final EIR as Appendix A.

Notice of Availability. A Notice of Availability (NOA) of the Draft EIR was mailed to organizations and parties expressing interest in the project on March 31, 2021 notifying the general public, public agencies, and interested individuals and organizations that a 45-day public review period would begin on March 31, 2021 and end on May 17, 2021. The NOA was also filed with the City Clerk, published in the Press Enterprise, mailed to adjacent property owners, and posted on the City's website.

Notice of Completion. A Notice of Completion the Draft EIR was circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research on March 31, 2021.

Draft EIR. The Draft EIR for the project was prepared and circulated for review and comment by the public, agencies, and organizations and was circulated for public review and comment pursuant to CEQA State Guidelines for a period of 45 days: March 31, 2021 to May 17, 2021. The Draft EIR and related technical studies were made available for review during the public review period on the City's website at https://www.hemetca.gov/797/Environmental-Documents. Public notices and project updates concerning the City's review process were also posted on the City's website.

Response to Comments. The public comment period on the Draft EIR concluded on May 17, 2021. During the 45-day public review period, staff received five comment letters and emails from residents, businesses, agencies, or other community members. Pursuant to Guidelines Section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues. These comments and the response to comments have been incorporated into the Final EIR.

Final EIR. The Final EIR was distributed on July 20, 2021 and made available for public review by posting it on the City's website at https://www.hemetca.gov/797/Environmental-Documents. The Final EIR was prepared by the City in accordance with the CEQA statute and Guidelines. The Final EIR contains copies of all comments and recommendations received on the Draft EIR, a list of persons, organizations and public agencies commenting on the Draft EIR, responses to comments received during public review, revisions and clarifications to the Draft EIR and its technical appendices, and the MMRP.

Planning Commission Public Hearing. On July 20, 2021, the City of Hemet Planning Commission held a public hearing on the project, associated entitlements, and the Final EIR.

EIR Certification. The Planning Commission hereby certifies that:

a. The Final EIR constitutes an adequate, accurate, objective and complete final environmental impact report in full compliance with the requirements of CEQA and the Guidelines;

b. The Final EIR has been presented to the Planning Commission and the Planning Commission has reviewed and considered the information contained in the Final EIR prior to taking action on the project; and

c. The Final EIR, as certified, reflects the City Planning Commission's independent judgment and analysis.

Pursuant to Guidelines Section 15091(e), the administrative record of these proceedings is located, and may be obtained from, the City of Hemet, Community Development Department, Planning Division, 445 E Florida Avenue, Hemet, CA 92543. The custodian of these documents and other materials is the Community Development Department, Planning Division.

Notice of Determination. Upon approval of the project, the City shall file a Notice of Determination with the County Clerk of Riverside County and with the State Office of Planning and Research, pursuant to the provisions of CEQA, Public Resources Code Section 21152.

IV. ENVIRONMENTAL IMPACT FINDINGS

IV.A Legal Requirements for Impact Findings

The CEQA statute at Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects[...]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures that will avoid or substantially lessen such significant effects." However, "in the event [that] 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…"

The principles established in Section 21002 are implemented, in part, through the requirement that an agency must adopt findings before approving a project for which an EIR has been certified which identified one or more significant environmental effects of a project. For each significant environmental effect identified in the EIR, the approving agency must issue a written finding, accompanied by a brief explanation of the rationale for each finding, reaching one or more of three permissible conclusions stated at Guidelines Section 15091(a):

1. Changes 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.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Guidelines § 15091(a)).

"Feasible" in this context means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (CEQA, Public Resources Code, § 21061.1, Guidelines § 15364, *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565). The concept of "feasibility" of a particular alternative or mitigation measure promotes the underlying goals and core objectives of a project (see *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 18; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). 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.

CEQA equates "mitigating" with "substantially lessening" the effects of a project. (CEQA, Pub. Res. Code §§ 21002, 21081, Guidelines § 15091.) For purposes of these Findings, the term "avoid" means to not result in a significant impact, while the term "substantially lessen" refers to the effectiveness of a mitigation measure or measures to substantially reduce the severity of a significant effect to a level which is less than significant. Although Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than significant level or has simply been lessened but remains significant.

In short, 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 modifications or alternatives are not required, however, where such changes are infeasible (Guidelines § 15091 (a)(3)). With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects" (CEQA Guidelines Sections 15093 and 15043(b). The California Supreme Court has stated that, "[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" (*Goleta, supra, 52 Cal.3d at p. 576*; see also *Cherry Valley Pass Acres Neighbors v. City of Beaumont (2010) 190 Cal.App.4th 316, 357-359*).

This section makes those findings required by Guidelines Section 15091. In making each of the findings below, the City has considered the compliance measures (CMs), project design features (PDFs), and applicable plans, programs, and policies listed in the Final EIR. The Final EIR, responses to comments in the Final EIR, all documents included in the record of proceedings, and/or other documents identified in these findings, which are hereby incorporated by reference as if fully set forth herein.

IV.B Summary of Impact Findings

The Final EIR contains an environmental analysis of the potential impacts associated with implementing the proposed project. In preparing the requisite environmental analysis, the City has considered the project's PDFs and CMs, as well as the applicable plans, programs, regulations, and policies to which the project is subject.

Based on the analysis in the Final EIR and other substantial evidence in the administrative record relating to the project, the City finds and determines that the project will have no impact or a less

than significant impact, and that no mitigation measures are needed, with respect to the following environmental impact categories:

1. Aesthetics
2. Agriculture and Forestry Resources
3. Energy
4. Greenhouse Gas Emissions
5. Hazards and Hazardous Materials
6. Hydrology and Water Quality
7. Land Use
8. Mineral Resources
9. Noise
10. Population and Housing
11. Public Services
12. Recreation
13. Utilities and Service Systems
14. Wildfire

The following environmental impact categories were evaluated in the Final EIR and, it was determined that the potentially significant impacts of the project would be reduced below a level of significance with the implementation of the mitigation measures described therein. Based on this analysis in the Final EIR and other evidence in the administrative record relating to the project, the City finds and determines that the project will have a less than significant impact with mitigation incorporated with respect to the following impact categories:

1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Geology and Soils
5. Transportation
6. Tribal Cultural Resources

Based on the analysis in the Final EIR and other evidence in the administrative record relating to the project, the project was not identified to result in a significant and unavoidable impact in any impact category.

IV.C Environmental Impacts Determined to be Not Significant or Less than Significant

Guidelines Section 15128 requires an EIR to contain a brief statement indicating reasons that various possible significant effects of a project were determined not to be significant and therefore are not discussed in detail in the EIR. In Chapters 4 and 5 of the EIR, the City identified and discussed the following environmental issue areas determined to be less than significant and therefore no mitigation is required: Aesthetics, Agriculture and Forestry Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

The City finds that, based on substantial evidence in the record, each of the following individual and cumulative environmental effects of the project will be less than significant and no mitigation is required pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a).

IV.C.1 Aesthetics

a) Less than significant impact on a scenic vista.
b) No impacts from substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
c) Less than significant impact related to substantially degrading the existing visual character or quality of the site and its surroundings in non-urbanized areas and related to conflicts with applicable zoning and other regulations governing scenic quality in urbanized areas.
d) Less than significant creation of a new source of substantial light or glare, which will adversely affect day or nighttime views in the area.
e) No cumulatively considerable impact on aesthetics.

Refer to Final EIR Section 4.1.4 and 4.1.5 for supporting analysis.

IV.C.2 Agriculture and Forestry Resources

a) No impact from the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses.

b) No impact from conflict with existing zoning for agricultural use, or a Williamson Act contract.

c) No impact from 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)).

d) No impact from loss of forest land or conversion of forest land to non-forest use.

e) No impact from 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.

f) No cumulatively considerable impact on agricultural resources.

Refer to Final EIR Section 5.1 for supporting analysis.

IV.C.3 Air Quality

a) Less than significant impact from conflicts with or obstruction of implementation of the applicable air quality plan.

b) Less than significant impacts related to a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

c) Less than significant impacts related to other emissions (such as those leading to odors) adversely affecting a substantial number of people.

d) Less than cumulatively considerable impact on air quality.

Refer to Final EIR Section 4.2.4 and 4.2.5 for supporting analysis.

IV.C.4 Biological Resources

a) No impact related to a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.

b) No impact related to a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

c) No impact related to interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeding the use of native wildlife nursery sites.

Refer to Final EIR Section 4.3.4 and 4.3.5 for supporting analysis.

IV.C.5 Cultural Resources

a) No impact due to a substantial adverse change in the significance of a historical resource pursuant to§ 15064.5.

Refer to Final EIR Section 4.4.4 and 4.4.5 for supporting analysis.

IV.C.6 Energy

a) Less than significant impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

b) Less than significant impacts related to conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

c) No cumulatively considerable impact on energy.

Refer to Final EIR Section 5.2 for supporting analysis.

IV.C.7 Geology and Soils

a) Less than significant impacts related to causing potential direct or indirect substantial adverse effects, including the risk of loss, injury, or death involving: (a) 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 based on other substantial evidence of as known fault. (Refer to Division of Mines and Geology Special Publication 42); (b) strong seismic ground shaking; (c) seismic-related ground failure, including liquefaction; or (d) landslides.

b) Less than significant impact related to substantial soil erosion or loss of topsoil.

c) Less than significant impact from being located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) Less than significant impact from being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

e) No impact from having soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Refer to Final EIR Section 4.5.4 and 4.5.5 for supporting analysis.

IV.C.8 Greenhouse Gas Emissions

a) Less than significant impact related to the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

b) Less than significant impact related to conflicts with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases.

c) No cumulatively considerable impact with respect to greenhouse gas emissions.

Refer to Final EIR Section 4.6.4 and 4.6.5 for supporting analysis.

IV.C.9 Hazards and Hazardous Materials

a) Less than significant impact related to a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b) Less than significant impact related to a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c) No impact related to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

d) Less than significant impact related to the location of the project on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

e) Less than significant impact related to project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.

f) Less than significant impact related to impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan.

g) No impact related to the exposure of people or structures, either directly or indirectly ,to a significant risk of loss, injury or death involving wildland fires.

h) No cumulatively considerable impact with respect to hazards and hazardous materials.

Refer to Final EIR Section 4.7.4 and 4.7.5 for supporting analysis.

IV.C.10 Hydrology and Water Quality

a) Less than significant impact related to violation of any water quality standards or waste discharge requirements.

b) Less than significant impact related to the substantial decrease of groundwater supplies or interference with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

c) Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will result in substantial erosion or siltation on or off site.

d) Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or

through addition of impervious surfaces, in a manner which will substantially increase the rate or amount of surface runoff in a manner which will result in flooding on or off site.

e) Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

f) No impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will impede or redirect flood flows.

g) No impact related to risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.

h) Less than significant impact related to conflict with or obstruction of a water quality control plan or sustainable groundwater management plan.

i) No cumulatively considerable impact with respect to hydrology or water quality.

Refer to Final EIR Section 5.3 for supporting analysis.

IV.C.11 Land Use

a) Less than significant impact related to the physical division of an established community.

b) Less than significant impact related to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

c) No cumulatively considerable impact with respect to land use and planning.

Refer to Final EIR Section 5.4 for supporting analysis.

IV.C.12 Mineral Resources

a) No impact related to loss of availability of a known mineral resource that will be of value to the region and the residents of the state.

b) No impact related to the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

c) No cumulatively considerable impact to mineral resources.

Refer to Final EIR Section 5.5 for supporting analysis.

IV.C.13 Noise

a) Less than significant impact related to the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

b) Less than significant impact related to the generation of excessive groundborne vibration or groundborne noise levels

c) Less than significant impact related to a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, in the location where the project expose people residing or working in the project area to excessive noise levels.

d) No cumulatively considerable impact to noise.

Refer to Final EIR Section 4.8.4 and 4.8.5 for supporting analysis.

IV.C.14 Population and Housing

a) Less than significant impact related to the direct or indirect inducement of substantial unplanned population growth.

b) No impact related to the displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

c) No cumulatively considerable impact related to population and housing.

Refer to Final EIR Section 5.6 for supporting analysis.

IV.C.15 Public Services

a) Less than significant impacts from creation of adverse physical impacts associated with the provision of, or need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

    - Fire Protection
    - Police Protection
    - Schools
    - Parks
    - Other Public Facilities

b) No cumulatively considerable impact related to fire protection, police protection, schools, parks, or other public facilities.

Refer to Final EIR Section 5.7 for supporting analysis.

IV.C.16 Recreation

a) No significant impact from increase in use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated.

b) No significant impact from inclusion of recreational facilities or requirement of the construction or expansion of such facilities which might have an adverse physical effect on the environment.

c) No cumulatively considerable impact related to recreation.

Refer to Final EIR Section 5.8 for supporting analysis.

IV.C. 17 Transportation

a) Less than significant impacts from a conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

b) Less than significant impacts from a conflict or inconsistency with CEQA Guidelines section 15064.3,subdivision (b).

c) Less than significant impact related to inadequate emergency access.

Refer to Final EIR Section 4.9.4 and 4.9.5 for supporting analysis.

IV.C.18 Tribal Cultural Resources

a) No Impact related to listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

b) A potentially significant impact related to the potential to contribution to a cumulatively considerable impact associated with tribal cultural resources. Refer to Section V.D.6 below.

IV.C.19 Utilities and Service Systems

a) Less than significant impacts from requiring or resulting in the relocation or construction of new or expanded water, wastewater treatment, or storm drainage, electric power, natural gas, or telecommunications facilities.

b) Less than significant impact related to having sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

c) Less than significant impact related to determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

d) Less than significant impacts related to the generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

e) Less than significant impact related to compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

f) No cumulative impact related to utilities and service systems.

Refer to Final EIR Section 5.9 for supporting analysis.

IV.C.20 Wildfire

a) Less than significant impacts related to substantial impairment of an adopted emergency response plan or emergency evacuation plan.

b) No impact related to the exposure of project occupants to pollutant concentrations from wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.

c) No impact from requiring the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

d) No impacts related the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

e) No cumulatively considerable impact related to wildfire.

Refer to Final EIR Section 5.10 for supporting analysis.

IV.D Findings Regarding Significant Impacts that will be Mitigated to Below a Level of Significance (CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1)

Pursuant to Public Resource Code Section 21081(a)(1) and Guidelines Section 15091(a)(1), the City finds that, for each of the following significant effects identified in the Final EIR related to air quality, biological resources, cultural resources, geology and soils, transportation, and tribal cultural resources, changes or alterations have been required in, or incorporated into, the project

that would mitigate, avoid, or substantially lessen the significant individual and cumulative environmental effects on the environment to less than significant levels. The significant effects and mitigation measures are stated fully in the Final EIR. These findings are explained below and are supported by substantial evidence in Final EIR and the Record of Proceedings.

IV.D.1 Air Quality

Description of Significant Effect:

Impact AQ-1: Construction activities associated with the proposed project would result in a Residential Maximum Individual Cancer Risk of 12.93 in 1 million, which exceeds the significance threshold of 10 in 1 million for TACs, rustling in a potentially significant impact.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

MM-AQ-1 Prior to the issuance of the conditional use permit for the project, the City shall verify the following condition is included in the conditional use permit:

Prior to the start of construction activities, the project applicant, or its designee, shall ensure that all 75 horsepower or greater diesel-powered equipment are powered with California Air Resources Board (CARB)-certified Tier 4 Interim engines, except where the project applicant establishes to the satisfaction of the City of Hemet (City) that Tier 4 Interim equipment is not available.

An exemption from this requirement may be granted by the City if (1) the City documents equipment with Tier 4 Final engines are not reasonably available, and (2) the required corresponding reductions in criteria air pollutant emissions can be achieved for the project from other combinations of construction equipment. Before an exemption may be granted, the construction contractor shall: (1) demonstrate that at least two construction fleet owners/operators in City of Hemet/Riverside County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within City of Hemet/Riverside County during the desired construction schedule; and (2) the proposed replacement equipment has been evaluated using California Emissions Estimator Model (CalEEMod) or other industry standard emission estimation method and documentation provided to the City to confirm that necessary project-generated emissions reductions are achieved.

Rationale: Implementation of MM-AQ-1 would reduce cancer risk impacts to the Maximum Individual Cancer Risk residential use off site to less than significant because this mitigation measure would substantially reduce the emissions of diesel particulate

matter during project construction. With implementation of MM-AQ-1, project construction-generated diesel particulate matter emissions would be reduced below the threshold of significance. The mitigated construction health risk assessment results are shown below. Refer to Final EIR Section 4.2.4 for further details and supporting analysis. Thus, Impact AQ-1 would be **less than significant with mitigation**.

Construction Health Risk Assessment Results – Mitigated

Impact Parameter	Units	project Impact	CEQA Threshold	Level of Significance
Maximum Individual Cancer Risk – Residential	Per Million	1.22	10	Less than significant
Chronic Hazard Index – Residential	Index Value	0.00004	1.0	Less than Significant

IV.D.2 Biological Resources

Description of Significant Effect:

Impact BIO-1 Construction of the proposed project would potentially have a direct impact on burrowing owl, as there is potential for burrowing owl to occupy the site prior to initiation of construction activities.

Impact BIO-CU-1 The proposed project would potentially contribute to a cumulatively considerable impact to burrowing owl.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

MM-BIO-1 Prior to the issuance of a grading permit, the City shall verify the grading plan states the following language in the notes section:

Prior to initiation of construction activities, a burrowing owl pre-construction survey shall be conducted in accordance with the *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* (RCA 2006). In accordance with these instructions, this survey would occur within 30 days prior to ground-disturbance activities (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging, grading) in order to ensure that no burrowing owls have colonized the project site. A minimum of one survey site visit within the described time frame prior to disturbance is required to confirm presence or absence of owls on the site. Pre-construction surveys shall be conducted by a Qualified Biologist. A Qualified Biologist is

defined as a person with a B.S. in Wildlife Biology or related field, with two years of field experience in the Southern California region.

If surveys confirm occupied burrowing owl habitat is located within the impact footprint or within 500 feet of the impact footprint, avoidance measures shall be implemented consistent with the requirements of the Multiple Species Habitat Conservation Plan. If burrowing owl are confirmed present on the project site, 90% of those portions of the site that provide for long-term conservation value for the burrowing owl shall be avoided, and equivalency findings shall be made as described in the Section 6.3.2 of the MSHCP as feasible prior to the issuance of a grading permit. If the 90% avoidance threshold cannot be met, then the applicant must prepare a determination of biological equivalent or superior preservation (DBESP) document that proposes measures, such as buffers similarly described for areas outside of the MSHCP. The DBESP shall be reviewed and approved by the City of Riverside or County of Riverside, U.S. Fish and Wildlife Service (USFWS), and CDFW as described in Section 6.1.2 of the MSHCP prior to the issuance of a grading permit or, as applicable, any future California Environmental Quality Act document approvals. Additionally, the applicant would be required to prepare a Burrowing Owl Protection and Relocation Plan. This plan would need to be coordinated with, and reviewed and approved by the USFWS and CDFW, including the state banding permit office and federal Migratory Bird Treaty Act office if active relocation is needed, prior to initiating any site-disturbing activities. Once the DBESP is approved and prior to grading or construction permit issuance, the DBESP measures shall be incorporated into the grading and construction plans and conditions of approval, as applicable.

If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure burrowing owl have not colonized the site since it was last disturbed. If burrowing owl are found, the same coordination described above will be necessary.

Rationale: Implementation of **MM-BIO-1** would reduce **Impact BIO-1 and BIO-CU-1** by ensuring a burrowing owl pre-construction survey be conducted prior to the initiation of construction activities. The proposed project would also be required to implement avoidance measures consistent with the requirements of the MSHCP if surveys confirm occupied burrowing owl habitat is located within the impact footprint or within 500 feet of the impact footprint. Through implementation of a burrowing owl pre-construction survey and subsequent avoidance measures if burrowing owl habitat is identified, the proposed project would not result in conflicts with the MSHCP or General Plan and would result in less than significant impacts with regard to burrowing owl. **MM-BIO-1** would reduce **Impacts BIO-1** and **BIO-CU-1** to less than significant levels.

Description of Significant Effect:

Impact BIO-2 Construction of the proposed project would potentially have an indirect impact to burrowing owl as there is potential for burrowing owl to occupy surrounding habitat within 500 feet of construction activities prior to initiation of construction activities.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

See **MM-BIO-1** above.

Rationale: Implementation of **MM-BIO-1** would reduce **Impact BIO-2** by ensuring a burrowing owl pre-construction survey be conducted prior to the initiation of construction activities and potential indirect impacts to burrowing owl would be avoided. The proposed project would be required to implement avoidance measures consistent with the requirements of the MSHCP if surveys confirm occupied burrowing owl habitat is located within 500 feet of the impact footprint. Through the implementation of a burrowing owl pre-construction survey and subsequent avoidance measures if burrowing owl habitat is identified, the proposed project would not result in conflicts with the MSHCP or General Plan and would result in less than significant impacts with regard to burrowing owl. **MM-BIO-1** would reduce **Impact BIO-2** to less than significant levels.

Description of Significant Effect:

Impact BIO-3 If vegetation clearing and ground-disturbing activities occur during the avian nesting season (typically January 1 to August 31), the proposed project would potentially have a direct impact to nesting bird species.

Impact BIO-CU-2 The proposed project would potentially contribute to a cumulatively considerable impact to nesting birds.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

MM-BIO-2 Prior to the issuance of a grading permit, the City shall verify the grading plan states the following language in the notes section:

To maintain compliance with the California Fish and Game Code, if ground disturbance and/or vegetation clearance activities are scheduled to occur during the

avian nesting season (January 1 and August 31), a pre-construction nesting bird survey shall be conducted by a Qualified Biologist within the project footprint and a 500-foot buffer around the project footprint. A Qualified Biologist is defined as a person with a B.S. in Wildlife Biology or related field, with two years of field experience in the Southern California region. Surveys shall be conducted within 3 days prior to initiation of activity and will be conducted between dawn and noon. The pre-construction surveys shall be conducted between January 1 and August 31 during the typical breeding season, or as determined by the Qualified Biologist depending on weather conditions or other factors that may affect the breeding season.

If an active nest is detected during the nesting bird survey, avoidance buffers shall be implemented as determined by a Qualified Biologist. The buffer will be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. If occupied nests are found, then limits of construction to avoid occupied nests shall be established by the Qualified Biologist in the field with flagging, fencing, or other appropriate barriers (e.g., 250 feet around active passerine nests to 500 feet around active non-listed raptor nests), and construction personnel shall be instructed on the sensitivity of nest areas. The Qualified Biologist shall serve as a construction monitor during those periods when construction activities are to occur near active nest areas to avoid inadvertent impacts to these nests. The Qualified Biologist may adjust the 250-foot or 500-foot setback at his or her discretion depending on the species and the location of the nest (e.g., if the nest is well protected in an area or otherwise buffered). Once the Qualified Biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, construction may proceed in the setback areas. If nesting raptors or migratory birds are not detected during the pre-construction survey, no further measures shall be required, and construction activities may proceed.

Rationale: **MM-BIO-2** would reduce **Impacts BIO-3 and BIO-CU-2** by requiring a pre-construction nesting bird survey to occur if ground disturbance and/or vegetation clearance activities are scheduled to occur during the avian nesting season. If an active nest is detected during the nesting bird survey, avoidance buffers shall be implemented as determined by a qualified biologist. With implementation of a pre-construction nesting bird survey and subsequent avoidance buffers if active nests are identified, **MM-BIO-2** would reduce **Impacts BIO-3 and BIO-CU-2** to less than significant levels.

Description of Significant Effect:

Impact BIO-4 As construction of the proposed project would potentially impact burrowing owl considering there is potential for burrowing owl to occupy the site or

surrounding 500-foot area prior to initiation of construction activities, the proposed project would potentially conflict with the MSHCP burrowing owl requirements and subsequently with the City's General Plan Policy OS-1.6 and Program OS-P-17, which require MSHCP compliance.

Impact BIO-CU-3 The proposed project would potentially contribute to a cumulatively considerable impact to burrowing owl due to conflicts with the MSHCP burrowing owl requirement and subsequently General Plan Policy OS-1.6 and Program OS-P-17.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

See **MM-BIO-1.**

Rationale: Implementation of **MM-BIO-1** would reduce **Impacts BIO-4** and **BIO-CU-3** by ensuring a burrowing owl pre-construction survey be conducted prior to the initiation of construction activities in accordance with the MSHCP requirements. The proposed project would also be required to implement avoidance measures consistent with the requirements of the MSHCP if surveys confirm occupied burrowing owl habitat is located within the impact footprint or within 500 feet of the impact footprint. Additionally, the proposed project would pay the MSHCP Development Mitigation Fee. Through this fee and implementation of a burrowing owl pre-construction survey and subsequent avoidance measures if burrowing owl habitat is identified, the proposed project would not result in conflicts with the MSHCP or General Plan and would result in less than significant impacts with regard to burrowing owl. **MM-BIO-1** would reduce **Impacts BIO-4,** and **BIO-CU-3** to less than significant levels.

Description of Significant Effect:

Impact BIO-5 As construction of the proposed project would potentially impact burrowing owl considering there is potential for burrowing owl to occupy the site or surrounding 500-foot area prior to initiation of construction activities, the proposed project would potentially conflict with the MSHCP burrowing owl requirements.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

See **MM-BIO-1**.

Rationale: Implementation of **MM-BIO-1** would reduce **Impact BIO-5** by ensuring a burrowing owl pre-construction survey be conducted prior to the initiation of construction activities in accordance with the MSHCP. The proposed project would be required to implement avoidance measures consistent with the requirements of the MSHCP if surveys confirm occupied burrowing owl habitat is located within 500 feet of the impact footprint. Additionally, the proposed project would pay the MSHCP Development Mitigation Fee. Through this fee and implementation of a burrowing owl pre-construction survey and subsequent avoidance measures if burrowing owl habitat is identified, the proposed project would not result in conflicts with the MSHCP or General Plan and would result in less than significant impacts with regard to burrowing owl. **MM-BIO-1** would reduce **Impact BIO-5,** to less than significant levels.

IV.D.3 Cultural Resources

Description of Significant Effect:

Impact CR-1 In the event that any previously undetected cultural resources are encountered, impacts associated with archaeological resources would be potentially significant.

Impact CR-2 In the event of accidental discovery of any human remains during construction of the proposed project, impacts associated with the disturbance of human remains would be potentially significant.

Impact CR-CU-1 In the event that any previously undetected cultural resources are encountered, the proposed project in combination with the identified cumulative projects would have the potential to result in a significant cumulative impact associated with archaeological resources.

Impact CR-CU-2 The proposed project would have the potential for accidental discovery of human remains. In combination with cumulative projects that have the same potential to disturb human remains during ground-disturbing activities, a potentially significant cumulative impact associated with human remains would occur.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

MM-CR-1: Prior to ground disturbing activity, the applicant shall retain a registered professional archaeologist (RPA). Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during project construction.

MM-CR-2: A Cultural Resource Management Plan (CRMP) shall be developed by the project Archaeologist, in consultation with the Soboba Band of Luiseno Indians, the contractor, and City, to address the documentation process for discovered resources, temporary storage of the items, limited non-destructive analysis, treatment and final disposition in accordance with CR-4. Significance of resources shall be determined in accordance with the 2021 CEQA Guidelines and California Public Resources Code (14 CCR 15064.5[f], California PRC Section 21082). The CRMP will be subject to the approval of the City. Details in the Plan shall include:

a. The protocols and stipulations to be followed in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

b. Treatment of inadvertent discoveries limited to basic recordation and non-destructive analysis

c. Pre-grading meeting with the City, the construction manager and any contractors, including but limited to a mandatory Workers Environmental Awareness Training (WEAP) to those in attendance. The Training will include a brief review of the cultural sensitivity of the project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols.

MM-CR-3: Prior to the issuance of a grading permit, and prior to the commencement of ground disturbing activity, the applicant shall secure an agreement with the Soboba Band of Luiseno Indians for Tribal Monitoring and the Treatment and Disposition of all tribally associated artifacts discovered within the project boundaries. Native American Monitor(s) from the Soboba Band of Luiseno Indians shall conduct monitoring of all initial ground disturbing activities associated with the project. The Native American Monitor(s) shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during project construction.

MM-CR-4: In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

a. One or more of the following treatments, in order of preference, shall be employed. Evidence of such shall be provided to the City:

   i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place is defined as avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources.

   ii. On-site reburial of the discovered items. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of the Soboba Band of Luiseno Indians. The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Soboba Band of Luiseno Indians prior to certification of the environmental document.

MM-CR-5: Discovery of Human Remains: In accordance with Section 7050.5 of the California Health and Safety Code, if human remains(or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the Riverside County Coroner and the City of Hemet Planning Department immediately. The coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts, in consultation with the property owner and the lead agency.

Rationale: Implementation of **MM-CR-1** would reduce **Impact CR-1** and **Impact CR-CU-1** to a level below significance by setting forth procedures for handling an accidental discovery of prehistoric archaeological resources during site preparation, should they be encountered. Implementation of **MM-CR-2** would reduce **Impact CR-2** and **Impact CR-CU-2** to a level less than significant by setting forth procedures for handling human remains as consistent with California Health and Safety Code Section 7050.5. After mitigation, the proposed project would result in a less than significant impact to cultural resources.

IV.D.4 Geology and Soils

Description of Significant Effect:

Impact GEO-1 Proposed grading activities, including the installation of underground storage tanks, have the potential to impact subsurface paleontological resources.

Impact CU-GEO-1 The proposed project's potential impact combined with other cumulative project impacts to paleontological resources in older Pleistocene sediments would be potentially cumulatively considerable.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

MM-GEO-1 Prior to issuance of a grading permit, the applicant shall provide a letter from a qualified paleontologist that demonstrates that the qualified professional paleontologist has been retained to prepare a paleontological monitoring plan, attend the project pre-construction meeting, and to implement the monitoring plan. A Qualified Professional Paleontologist is defined as a person who has a Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g., sedimentary or stratigraphic geology, evolutionary biology); has a demonstrated knowledge of Southern California paleontology and geology; and has documented experience performing professional paleontological procedures and techniques. A Qualified Paleontological Resource Monitor is defined as an individual with at least one year of experience in field identification and collecting of fossil materials. The project Qualified Professional Paleontologist or Monitor shall attend the pre-excavation meetings with representatives of the lead agency, the developer or project proponent, and contractors to explain the importance of fossils, the laws protecting fossils, the need for mitigation, the types of fossils that might be discovered during excavation work, and the procedures that should be followed if fossils are

discovered. The monitoring plan shall include the following performance standards at a minimum:

1) A Paleontological Monitoring Plan shall be prepared and approved by the Qualified Professional Paleontologist retained for the project prior to the pre-construction meeting. The Paleontological Monitoring Plan shall include a literature search, record search, and, as needed, consultation information based on coordination with other paleontologist who have completed monitoring for other projects within the area south of Johnston Avenue in the City of Hemet.

2) A qualified professional paleontologist or a paleontological resource monitor under the direction and supervision of a qualified professional paleontologist, shall be on site during original cutting of Pleistocene-age alluvial deposits. The qualified professional paleontologist or a paleontological resource monitor shall follow the Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (Society of Vertebrate Paleontology 2010; Available at: http://vertpaleo.org/The-Society/ Governance-Documents/SVP_Impact_Mitigation_Guidelines.aspx).

3) Monitoring of the noted geologic unit may be either increased or decreased after the original cutting depending upon if on-going grading activities would involve cut into native Pleistocene-age alluvium deposits, as determined by the qualified paleontologist. After 50% of excavations are complete in either an area or rock unit and no fossils of any kind have been discovered, the level of monitoring can be reduced or suspended entirely at the project paleontologist's discretion.

4) In the event that well-preserved fossils are discovered, a qualified paleontologist shall have the authority to temporarily halt or redirect construction activities in the discovery area to allow recovery in a timely manner (typically on the order of one hour to two days). All collected fossil remains shall be cleaned, sorted, cataloged and deposited in an appropriate paleontological repository as defined by the Standard Procedures for the Assessment and Mitigation of Advisees Impacts to Paleontological Resources (Society of Vertebrate Paleontology 2010) at the applicant's expense.

5) A Final Monitoring Report (with a map showing fossil site locations) summarizing the results, analyses, and conclusions of the above-described monitoring/recovery program shall be submitted to the City of Hemet within three months of terminating monitoring activities. The final report should emphasize the discovery of any new or rare taxa, or paleoecological or

taphonomic significance. A complete set of field notes, geologic maps, stratigraphic sections, and a list of identified specimens must be included in or accompany the final report. This report should be finalized only after all aspects of the mitigation program are completed, including preparation, identification, cataloging, and curatorial inventory. The final report (with any accompanying documents) and repository curation of specimens and samples constitute the goals of a successful paleontological resource mitigation program. Full copies of the final report should be deposited with both the lead agency and the repository institution with the request that all locality data remain confidential and not made available to the general public.

Rationale: Based on the above analysis, **Impact GEO-1** would be reduced to less than significant with implementation of **MM-GEO-1**, which would require a qualified paleontologist to be retained to attend project pre-construction meeting and discuss proposed grading plans with the project contractor(s). Subsequently, the qualified paleontologist or qualified paleontological monitor shall monitor all grading activities that involve excavations into previously undisturbed areas of Pleistocene-age alluvial deposits. In the event that well-preserved fossils are discovered, a qualified paleontologist can temporarily halt or redirect construction activities in the discovery area to allow recovery. MM-GEO-1 further provides for the appropriate treatment and of any fossils, and preparation of a final report.

Implementation of **MM-GEO-1** would also reduce **Impact CU-GEO-1** to a less than significant level because project-specific impacts would be reduced to a less than significant level. The proposed project would not result in a significant and unavoidable impact to paleontological resources and therefore no cumulatively considerable contribution to the loss of paleontological resources would occur.

Finally, implementation of **MM-GEO-1** would ensure the proposed project would not conflict with General Plan Goal HR-2, which aims to preserve significant archaeological and paleontological resources in the City. The proposed project would also not result in conflicts with General Plan Policies HR-2.2, HR-2.3, and HR-2.4 which require monitoring for, and evaluation and cataloguing of archaeological and paleontological resources, respectively. **MM-GEO-1** includes provisions for monitoring, evaluating, and cataloguing paleontological resources discovered during project earthwork. Implementation of **MM-GEO-1** would also ensure the proposed project would not conflict with General Plan Program HR-P-10, which further aims to protect paleontological resources through requiring surveys and studies to be included in the environmental review process and requiring the provisions of mitigation where applicable. This has been completed herein in accordance with CEQA. Therefore, the proposed project would also

comply with the General Plan goals, policies, and programs related to the paleontological resources and implementation of **MM-GEO-1** would ensure that impacts to paleontological resources would be less than significant.

IV.D.5 Transportation

Description of Significant Effect:

Impact TRA-1 The proposed project traffic would add to the deficiency of storage length along westbound left turn lane at the Sanderson Avenue/Stetson Avenue intersection under Cumulative plus Project conditions, resulting in a potentially significant impact relative to design hazards.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

MM-TRA-1 Prior to issuance of an occupancy permit, the project applicant shall provide the re-striping of the westbound left-turn lane to accommodate additional vehicle storage. The existing turn lane along Stetson Avenue shall be re-striped to extend the westbound left-turn lane to approximately 175 feet, which would thereby eliminate the potential safety hazards associated with queuing.

Rationale: Implementation of **MM-TRA-1** would reduce transportation impacts to less than significant. The re-striping to extension of the westbound left-turn lane to approximately 175 feet along Stetson Avenue would provide adequate storage for vehicles within this lane, thereby eliminating potential safety and design hazards associated with the storage length deficiency along westbound left turn lane at the Sanderson Avenue/Stetson Avenue intersection. Thus, with the implementation of the mitigation, the queuing impact identified would be reduced to a less than significant level.

IV.D.6 Tribal Cultural Resources

Description of Significant Effect:

Impact TCR-1 Proposed grading activities have potential to result in impacts to unknown subsurface TCRs. In the event that any previously undetected TCRs are encountered, impacts associated with TCRs would be potentially significant.

Impact TCR-CU-1 Cumulative projects located in the region would have the potential to result in a cumulative impact associated with the loss of TCRs through development activities that could cause a substantial adverse change in the significance of a

TCR. In the event that any previously undetected TCRs are encountered, the proposed project in combination with the identified cumulative projects would have the potential to result in a significant cumulative impact associated with TCRs.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

The **MM-CR-1** to **MM-CR-5** (see Section V.D.3) would be implemented to reduce potentially significant impacts to less than significant.

Rationale: Implementation of **MM-CR-1 to MM-CR-4** would reduce **Impact TCR-1** and **Impact TCR-CU-1** to a level below significance by setting forth procedures for handling an accidental discovery of tribal cultural resources during site preparation, should they be encountered, including but not limited to, requiring the presence of a Native American monitor during certain project construction activities. Additionally, implementation of **MM-CR-5**, would reduce any impacts associated with previously undiscovered archaeological resources and human remains to a level **less than significant** by setting forth procedures for handling human remains as consistent with California Health and Safety Code Section 7050.5. After mitigation, the proposed project would not result in a significant adverse impact to tribal cultural resources.

V.E Findings Regarding Growth-inducing Impacts

Sections 15126(d) and 15126.2(e) of the Guidelines mandate that the EIR address the potential for a project to "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Further, the Guidelines Appendix G Checklist (Population and Housing) also mandates that a CEQA document speak to a proposed project's likelihood to induce substantial population growth in an area, either directly (e.g., by proposing new homes or businesses) or indirectly (e.g., through extension of roads or other infrastructure).

As discussed in Sections 5.6 and 6.1 of the Final EIR, the project would facilitate growth but not induce growth because the project would involve the construction and operation of agas station, convenience store, drive-thru fast-food restaurant, and parking lot for an existing use, which is consistent with the allowed uses in the City of Hemet's General Plan and Zoning Ordinance. Although employees would be hired to operate the new uses on site, it is reasonably assumed that such jobs would be filled by people who currently reside in the City of Hemet. The project would not require the relocation of individuals, inducing substantial unplanned population growth in the

area. Thus, the project would not directly introduce a population beyond what is planned for the City of Hemet and the region.

The project would also not lead to indirect growth, as the project would not provide for additional infrastructure improvements that would allow for additional unplanned growth in the area. The project does not remove obstacles to growth by extending infrastructure such as water supply facilities, wastewater treatment plants, roads, or freeways to new areas. The project would include on-site utility improvements, and all off-site utility work would be to connect to existing public infrastructure for use by the proposed project. Therefore, the project is not considered growth inducing.

V.F Findings Regarding Significant Unavoidable Impacts

Pursuant to CEQA Guidelines Section 15126.2(b), the project does not result in any significant and unavoidable impacts that cannot mitigation to a less than significant level. No significant and unavoidable impacts would result from the project.

V.G Findings Regarding Irreversible Environmental Changes

Pursuant to CEQA Guidelines Sections 15126.2(c) and 15127, the Final EIR Section 6.3 evaluated significant irreversible environmental changes that will be caused by implementation of the project. Irreversible changes are only required to be addressed in EIRs when connected with the adoption or amendment of a local plan, policy, or ordinance; with the adoption by a local agency formation commission of a resolution making determinations; or when the project is subject to National Environmental Policy Act and requires an Environmental Impact Statement. The project does not involve any of those activities and, therefore, the project would result in irreversible environmental changes.

V.H Findings Regarding No Significant Secondary Effects

Pursuant to CEQA Guidelines Section 15126.4(a)(l)(D) and based on substantial evidence in the record, the City finds that no significant adverse secondary impacts will occur as a result of implementation of project mitigation measures.

V. FINDINGS REGARDING PROJECT ALTERNATIVES

Section 15126.6(a) of the Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which will feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."

Four alternatives were analyzed in the Final EIR, Section 7, Alternatives:

1. No Project/No Redevelopment Alternative

2. Industrial Land Use Alternative
3. Medical Office Alternative
4. Oil Change Facility Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen one or more impacts of the project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the project as described in the Final EIR Section 3.2, Project Objectives, and above in Section II.G.

For the reasons set forth below, and in light of the analysis presented in the EIR Chapter 7, Alternatives, the environmentally superior alternative is Alternative 1, No Project /No Redevelopment Alternative. However, this alternative fails to meet the project's underlying purpose and fails to meet the basic project objectives. CEQA also requires that, if the No Project Alternative is the environmentally superior alternative, another environmentally superior alternative must be identified among the alternatives. As such, Alternative 2, Industrial Land Use Alternative, would be the environmentally superior alternative among the project alternatives.

If all the significant effects of a proposed project will be avoided or substantially lessened by mitigation measures, an agency need not make findings rejecting the alternatives described in the EIR. (Pub. Res. Code §21081(a), Guidelines § 15091 (a), *Laurel Heights Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515.) The City accordingly rejects the alternatives evaluated in the Final EIR because all significant adverse effects of the project identified therein will be avoided or substantially lessened by mitigation measures.

VI.A Alternatives Considered But Not Evaluated

The EIR considered two alternatives that were rejected as infeasible and, therefore, not analyzed in detail. The alternatives considered but not evaluated included: (i) Alternative Project Location, and (ii) Biological Impact Avoidance Alternative.

The City has considered these alternatives and rejects each as infeasible and unnecessary to informed decision-making and public consideration where the EIR discusses a reasonable range of alternatives.

Guidelines Section 15126.6(a) only requires that an EIR "describe a range of reasonable alternatives to the proposed project, or to the location of the project, that would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant environmental effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Accordingly, the Draft EIR presented the four alternatives listed above. The Draft EIR also briefly considered and rejected the

Alternative Project Location and Biological Impact Avoidance Alternative for a variety of reasons, which are detailed in the Final EIR and Record of Proceedings, and summarized as follows:

Alternative Project Location

In accordance with CEQA Guidelines Section 15126.6(f)(2), an alternative location for a project should be considered if development of another site is feasible and if such development would avoid or substantially lessen the significant impacts of the project. Factors that may be considered when identifying an alternative site location include the size of the site, its location, the General Plan land use designation, and availability of infrastructure. CEQA Guidelines Section 15126.6(f)(2)(A) states that a key question in addressing an off-site alternative is "whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location."

One of the factors for feasibility of an alternative site is "whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." No alternative location exists in the City that is available, of suitable size, owned and controlled by the Applicant. While there may be sites within the City of an approximately equivalent size to the project site that could be redeveloped with a commercial project; the project Applicant does not control another site within the City of comparable land area that is available for development of the project, and does not have a reasonable expectation that a site of similar size and suitability could be obtained. In addition, the proposed parking lot on the eastern site of the property is specifically intended to serve the existing McCrometer development. Thus, it is not possible to provide that parking lot at an alternative location that would be suitable to meet the needs of the McCrometer facility. For these reasons, an alternative project location was not considered feasible and was rejected from further consideration. Further, an alternative project location alternative is rejected because all significant adverse effects of the project will all be avoided or substantially lessened by mitigation measures.

Biological Impact Avoidance Alternative

The Biological Impact Avoidance Alternative was considered to avoid potential biological impacts associated with developing the eastern area of the site. This alternative would entail redeveloping the western area of the site with commercial uses similar to the proposed project, but would not develop the proposed parking lot on the eastern area. The intent would be to avoid the potentially significant nesting bird and burrowing owl impacts in the eastern area of the site (see Section 4.3, Biological Resources). While this alternative was considered, it was rejected on the basis of infeasibility. The existing McCrometer development would require replacement of the parking facilities that would be removed during the development of the western area of the site. The removal of parking at McCrometer without replacement would not be agreed to by the site owner, as that is a critical component for the McCrometer operations to continue. The elimination of the replacement parking would result in an infeasible project. Replacement parking elsewhere was considered; however, there is no adjacent area available to the applicant that would provide replacement parking

and also avoid biological impacts. In addition, it is not reasonable to assume that the eastern area of the site would remain undeveloped indefinitely. The Biological Impact Avoidance Alternative would not meet the majority of the project objectives, as retaining the eastern area of the site as vacant land would not promote efficient use of land and revitalize an underutilized infill site within an urbanized area; provide visual and functional compatibility with adjacent areas, and with the existing on-site uses; and would not preserve the existing McCrometer development on the property and minimize disturbance to its operations considering the loss of the parking lot. Considering the site's industrial zoning and the location within the urbanized area of the City, it is unlikely the remainder of the site would remain undeveloped in perpetuity. Ultimately, it is reasonable to expect the site would be developed as allowed under current land use and zoning designations. Thus, it is unlikely that this alternative would ultimately avoid biological resource impacts but instead would only delay such impacts. According to CEQA Guidelines Section 15126.6(b), the alternatives analysis should focus on those alternatives that, if implemented, could eliminate or substantially reduce any of the project's significant environmental impacts. Thus, this Biological Impact Avoidance Alternative is determined infeasible.

The City has therefore considered but rejected a potential Biological Impact Avoidance Alternative from further analysis due to infeasibility, failure to ultimately avoid significant impact, and failure to meet most project objectives. Thus, this alternative was rejected from further consideration. Further, a Biological Impact Avoidance Alternative is rejected because all significant adverse effects of the project will be avoided or substantially lessened by mitigation measures.

VI.B EIR Alternative 1: No Project/No Development Alternative

1) Description

CEQA requires evaluation of the "No Project" alternative so that decision makers can compare the impacts of approving the project with the impacts of not approving it. According to CEQA Guidelines Section 15126.6(e), the No Project Alternative must include the assumption that conditions at the time of the NOP (i.e., baseline environmental conditions) would not be changed since the project would not be implemented.

The No Project/No Redevelopment Alternative assumes that the proposed project would not be developed, that the existing parking lot would not be demolished, and that there would be no new commercial uses developed on site. Roadway improvements and site access driveways would not be constructed. Under the No Project/No Redevelopment Alternative, the reasonably foreseeable use of the site is the continued operation of the industrial parking lot as it exists today. No redevelopment of the site would occur.

2) Finding

The City rejects the No Project/ No Development Alternative because all significant adverse effects of the project will all be avoided or substantially lessened by mitigation measures. Further, the alternative is rejected as undesirable and infeasible as it fails to satisfy the project's underlying purpose and fails to meet most project objectives. Therefore, the No Project/ No Development Alternative is rejected because all significant adverse effects of the project will all be avoided or substantially lessened by mitigation measures; and specific economic, legal, social, technological or other considerations make the alternative infeasible.

3) Facts in Support of Finding

In relation to the project, the No Project /No Redevelopment Alternative would reduce or avoid all significant impacts. Specifically, due to the lack of redevelopment, impacts related to air quality, biological resources, cultural resources, geology and soils, transportation, and tribal cultural resources would be avoided under the No Project/No Redevelopment Alternative.

However, as the No Project/No Redevelopment Alternative would result in the continued operation of the existing McCrometer industrial buildings with no additional redevelopment of the site, it would not meet the underlying project purpose to provide a gas station with supporting commercial amenities on an underutilized site in the City of Hemet. While the No Project/No Redevelopment Alternative would meet project Objective 5 (Preserve the existing McCrometer development on the property and minimize disturbance to its operations), it would not meet project Objectives 1 through 4, since the project would not provide a commercial development along a major thoroughfare within the City, would not promote efficient use of land and revitalize an underutilized infill site within an urbanized area, would not provide visual and functional compatibility with adjacent areas, as well as with existing on-site uses, and would not enhance both vehicular and pedestrian/bicycle movement through the area consistent with the Scenic Highway Setback Manual, or provide adequate site access promote visitors to the site.

Further, while the No Project/No Redevelopment Alternative would result in the continued operation of the project in the existing condition and therefore be physically feasible, the No Project/No Redevelopment Alternative would not meet the basic underlying purpose of the project to provide a gas station with supporting retail and restaurant amenities on an underutilized site in the City of Hemet. Considering the site's industrial zoning and the location within an urbanized area of the City, it is unlikely the undeveloped portions of the site would remain undeveloped in perpetuity. Ultimately, it is reasonable to expect the site would be developed as allowed under current land use and zoning designations, as discussed in the build alternatives presented below. Thus, this alternative is considered infeasible.

Thus, the City rejects the No Project/No Redevelopment Alternative because all significant adverse effects of the project will all be avoided or substantially lessened by mitigation measures. Further, the City rejects the No Project/No Redevelopment Alternative as both undesirable and infeasible.

VI.C EIR Alternative 2: Industrial Land Use Alternative

1) Description

The Industrial Land Use Alternative would include development of the project site as allowed under current land use and zoning designations. This alternative assumes McCrometer, as the existing owner of the property, would expand their existing industrial buildings within the site. Buildout of the expanded industrial buildings would be completed under the existing land use and zoning designations of BP (Business Park) and M-1 (Limited Manufacturing Zone), respectively. The BP land use designation allows for a maximum floor area ratio (FAR) of 0.60, while the M-1 zone allows for a maximum FAR of 0.45. As the FAR of 0.45 as allowed by the M-1 zone is more restrictive, the Industrial Land Use Alternative assumes buildout of the site under a FAR of 0.45. Based on the FAR of 0.45, this alternative assumes that the western 2.5-acre portion of the site would accommodate a single-story, 49,005 square-foot industrial building. The Industrial Land Use Alternative would develop the eastern currently vacant portion of the site similar to the proposed project. It is assumed that the existing parking lot within the western portion of the project site would remain as is, and the eastern, currently vacant portion of the project site, would be developed as a parking lot, similar to the proposed project.

2) Finding

The City rejects the Industrial Land Use Alternative because all significant adverse effects of the project will all be avoided or substantially lessened by mitigation measures. Further, the City rejects the Industrial Land Use Alternative as undesirable and infeasible, as it fails to satisfy the project purpose and objectives to the same degree as the project, it is potentially infeasible to implement at this time, and it would result in similar environmental impacts compared to the project after mitigation. Therefore, the Reduced Footprint Alternative is rejected as undesirable and because specific economic, legal, social, technological and other considerations make the alternative infeasible, as described below.

3) Fact in Support of Finding

The Industrial Land Use Alternative would avoid impacts related to cultural resources and tribal cultural resources, and also would reduce transportation impacts associated with the project. Specifically, the Industrial Land Use Alternative would retain the existing parking lot area for the McCrometer development, reducing impacts to cultural resources and tribal cultural resources relative to the project. However, ultimately, the project incorporates mitigation to reduce cultural and tribal cultural impacts to below a level of significance. The Industrial land use alternative would also reduce vehicle trips, but the reduction in trips would not eliminate a significant queueing impact. The Industrial Land Use Alternative would require mitigation, similar to the project, to reduce the transportation impact identified to below a level of significance. All other impacts of the Industrial Land Use Alternative would remain similar to the project, and both the project and the Industrial Land Use Alternative would mitigate impacts to below a level of significance.

The Industrial Land Use Alternative would not meet the underlying project purpose to provide a gas station with supporting amenities on an underutilized site in the City of Hemet as it would result in the development and operation of a single-story industrial building of 49,005 square feet. In addition, the Industrial Land Use Alternative would only partially meet project Objective 4, as it would provide enhancements to both vehicular and pedestrian/bicycle movement through the area consistent with the Scenic Highway Setback Manual; however, public access to the site would not be provided, and it would therefore not provide adequate site access to promote visitors to the site.

The Industrial Land Use Alternative also assumes that McCrometer, as the current owner of the project site, would expand their facilities into this new building or that another tenant may occupy the buildings, or that McCrometer owners may sell the remainder area for industrial use by another entity. The McCrometer owners have not currently proposed an expansion or sale of their facility. Further, neither the City, nor the Applicant, can require the McCrometer to undertake this effort.

Thus, the City rejects the Industrial Alternative because all significant adverse effects of the project will all be avoided or substantially lessened by mitigation measures. In addition, the City rejects the Industrial Land Use Alternative as both undesirable and infeasible.

VI.D EIR Alternative 3: Medical Office Alternative

1) Description

The Medical Office Alternative was considered as a potentially feasible use that would reduce vehicle trips to and from the project site such that queuing impacts would potentially be reduced compared to the proposed project. This alternative would replace the project's drive-thru restaurant with a 3,000 square foot medical office building and 877 square foot drive-thru-only coffee shop. The access lanes to the drive-thru window would be revised to allow for a dual-lane entryway, rather than a single-file lane as proposed by the project. The remainder of the project site components would remain the same as the proposed project, including the driveways and roadway improvements, as well as the relocation of the existing parking lot to the eastern, vacant portion of the project site.

2) Finding

The City rejects the Medical Office Alternative because all significant adverse effects of the project will all be avoided or substantially lessened by mitigation measures. The City also rejects the Medical Office Building as undesirable and infeasible, as it fails to satisfy the project objectives to the same degree as the project, and would result in similar environmental impacts compared to the project after mitigation. Therefore, the Medical Office Alternative is rejected as undesirable and because specific economic, legal, social, technological and other considerations make the alternative infeasible, as described below.

3) Facts in Support of Findings

Compared to the project, the Medical Office Alternative would reduce average daily trips at the site and the number of vehicles traveling at the Sanderson and Stetson Avenues intersection. While this decrease in vehicles would reduce the westbound left-turn lane queuing impact, cumulative impacts would remain significant. Thus, similar to the project, the Medical Office Alternative would be required to implement mitigation to reduce queuing impacts to below a level of significance. Identified impacts related to air quality, biological resources, cultural resources, geology and soils, and tribal cultural resources would be the same as the project. Overall, the Medical Office Alternative and the project would have similar environmental impacts and each would require mitigation to reduce potentially significant impacts to less than significant levels.

The Medical Office Alternative would meet the underlying project purpose to provide a gas station with supporting commercial amenities on an underutilized site in the City of Hemet, albeit to a lesser extent considering medical offices would be included instead of additional commercial uses. The Medical Office Alternative would Objective 1 to a lesser extent than the project. While the alternative would provide an economically viable commercial development that includes a gas station and supporting retail and restaurant amenities along a major thoroughfare in the City of Hemet, such supporting amenities would be provided to a lesser extent due to a reduction in the restaurant square footage and revision to a drive-thru only coffee shop. The alternative would meet all other project Objectives 2 through 5 to the same degree as the project.

The Medical Office Alternative would be feasible to implement, however it is uncertain whether there is a market for such a medical office development in the project area.

Thus, the City rejects the Medical Office Alternative because all significant adverse effects of the project will all be avoided or substantially lessened by mitigation measures. The City also rejects the Medical Office Alternative as both undesirable and infeasible.

VI.E EIR Alternative 4: Oil Change Facility Alternative

1) Description

The Oil Change Facility Alternative was considered as a potentially feasible use that would reduce vehicle trips to and from the project site such that queuing impacts would potentially be reduced compared to the project (see Section 7.8.2.5, Transportation, below for more details). This alternative would replace the project's drive-thru restaurant with a 1,760 square foot oil change facility. The facility would also include a 13.5-foot wide loading bay, a small waiting room area, storage area, bathroom, and sales area. The access lanes to the oil change facility would include a dual-lane entryway, rather than a single-file lane as proposed by the project. Two bays would be included for vehicle maintenance within the structure, along with two vehicle lifts and associated equipment such as air compressors, pneumatic tools, and fluid storage and dispensing systems. It is expected that the oil change facility would include handling, storage, transport and disposal of

oils, lubricants, vehicle batteries, cleaning supplies, and other such regulated materials. This alternative would handle such materials in accordance with federal, state, and local regulations (see Section 4.7.2 of the EIR) and in accordance with a hazardous materials business plan prepared for the project. This alternative would also be required to obtain such permits and approvals as necessary in accordance with those regulations.

The oil change facility proposed by this alternative would be required to comply with the City Municipal Code, including Section 90-897, Special development requirements, which sets specific standards for automotive maintenance and repair services. This includes proper screening and orientation of service bays, requiring activities occur within an enclosed structure, limiting vehicle storage to five days, and requiring an acoustical analysis for facilities adjacent to residentially zoned properties. Appendix P, Oil Change Facility Alternative Acoustical Analysis, has been prepared consistent with the acoustical analysis requirement of the City's Municipal Code. The acoustical analysis demonstrates that this alternative would comply with the City's General Plan Noise Element (City of Hemet 2012). In addition, this alternative would comply with other Municipal Code requirements such as setback, parking requirements, and building height limits.

The remainder of the project site components would remain the same as the proposed project, including the proposed gas station and other allowed uses, and roadway improvements, landscaping, and the relocation of the existing parking lot to the eastern portion of the project site.

2) Finding

The City rejects the Oil Change Facility Alternative because all significant adverse effects of the project will all be avoided or substantially lessened by mitigation measures. The City further rejects the Oil Change Facility Alternative as it would result in similar environmental impacts compared to the project after mitigation. Therefore, the Oil Change Facility Alternative is rejected as undesirable and because specific economic, legal, social, technological and other considerations make the alternative infeasible, as described below.

3) Facts in Support of Findings

Compared to the project, the Oil Change Facility Alternative would substantially reduce daily vehicle trips and thus the number of vehicles traveling at the Sanderson and Stetson Avenues intersection, reducing the westbound left-turn lane queuing that backs up into through lanes of traffic and causes a potential safety hazard. However, the cumulative impact of the Oil Change Facility Alternative would remain significant considering queuing would still continue to back up into through travel lanes. Thus, like the project, this alternative would be required to implement mitigation to reduce queuing impacts to below a level of significance. The Oil Change Facility Alternative impacts related to air quality, biological resources, cultural resources, geology and soils, and tribal cultural resources would be the same as the project. Overall, with the consideration

of mitigation, the Oil Change Facility Alternative and the project would have similar environmental impacts.

The Oil Change Facility Alternative would meet the underlying project purpose to provide a gas station with supporting commercial amenities on an underutilized site in the City of Hemet. This alternative would meet all project objectives. The Oil Change Facility Alternative would be feasible to implement, and potentially viable from an economic standpoint.

Thus, the City rejects the Oil Change Alternative because all significant adverse effects of the project will all be avoided or substantially lessened by mitigation measures. The City also rejects the Oil Change Facility Alternative as undesirable and infeasible.

VI. GENERAL FINDINGS

The City hereby finds as follows:

- Pursuant to Guidelines Sections 15050 and 15051, the City is the "Lead Agency" for the proposed project evaluated in the Final EIR.
- The Draft EIR and Final EIR were prepared in compliance with CEQA and the Guidelines.
- The City has independently reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City Planning Commission and the City as the Lead Agency for the project.
- In determining whether the project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA, Public Resources Code Sections 21081.5 and 21082.2, and Guidelines Section 15901(b).
- The project has been analyzed to the extent feasible at the time of certification of the Final EIR.
- Pursuant to Assembly Bill 52, the City provided consultation opportunities with Native American tribes.
- The City evaluated comments on the environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments; and the responses, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR. The City reviewed the comments received and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on a full evaluation of all comments in the Record of Proceedings, concerning the environmental impacts identified and analyzed in the Final EIR.

- The City evaluated the clarifications, enhancements, and minor revisions made to the EIR after preparation of the Draft EIR. In accordance with CEQA, the City finds that recirculation of the Draft EIR prior to certification is not required pursuant to Guidelines Section 15088.5 because no "significant new information," as defined in that section, has been added to the EIR after public notice of availability of the Draft EIR.
- The City has made no decisions that constitute an irretrievable commitment of resources toward the project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the project.
- Any finding made by the City shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by this City, whether or not any particular sentence or clause includes a statement to that effect. The City intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.
- These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control, and the Draft EIR, Final EIR, or both, as the case may be, are hereby amended as set forth in these findings.
- No significant irreversible environmental changes would be involved in the project which have not been discussed within the individual sections of the Final EIR.
- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City (City Hall), custodian of record for such documents or other materials.
- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the project and makes the findings as stated in herein. To the extent that these Findings conclude that various Project Design Features (PDFs), Compliance Measures (CMs) and Mitigation Measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings, therefore constitute a binding set of obligations that will come into effect when the City formally approves the proposed project. The project design features and adopted Mitigation Measures are included in the MMRP adopted concurrently with these Findings and will be effectuated through the process of project implementation.

VII. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, and in accordance with Public Resources Code section 21167.6(e), the Record of Proceedings for the Planning Commission's decision on the project consists of the following documents:

- Project application materials;
- The Notice of Preparation (NOP) of a Draft EIR, dated March 24, 2020, and all other public notices issued by the City in conjunction with the project;
- Comments received on the NOP;
- The Notice of Availability (NOA) and Notice of Completion (NOC) of the Draft EIR, dated March 30, 2021.
- The Draft EIR (March 2020) and its appendices for the project, circulated for public review between March 31, 2021 and May 17, 2021;
- The Final EIR (June 2021) for the project, including all appendices;
- All written comments and attachments received from agencies, organizations, or members of the public during the public review comment period on the Draft EIR or prior to the close of the public hearing before the Planning Commission;
- All responses to written comments received from agencies, organizations, or members of the public in connection with the project and/or its compliance with CEQA;
- All written and verbal public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in the Draft EIR, Final EIR, staff reports, or any responses to comments;
- All documents, studies, appendices, reports, EIRs, Mitigated Negative Declarations, maps, or other materials related to the project or its compliance with CEQA incorporated by reference, prepared for, or cited to in the Draft EIR or Final EIR, or otherwise made available to the public prior to the close of the public hearing before the Planning Commission;
- The Final EIR and all supplemental documents prepared for the Final EIR;
- Any supplemental documents submitted to the City prior to public hearings on the project;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings;

- City staff report(s) prepared for this project, for any hearing related to the project, and any exhibits thereto;
- Minutes and/or transcripts (including all presentation material used or relied upon at such sessions, meetings, and hearings) of all public information sessions, public meetings, and public hearings relating to the project;
- Any proposed decisions or findings submitted to the Planning Commission and made available to the public during any public review period;
- All findings, resolutions, and ordinances adopted by the Planning Commission in connection with the project, and all documents cited or referred to therein;
- The Mitigation Monitoring and Reporting Program (MMRP) for the project;
- Any documents expressly cited in these findings and any documents incorporated by reference;
- The City of Hemet General Plan and all pertinent environmental documents prepared in connection with its adoption;
- The project's Development Plan Review, Conditional Use Permit, and Tentative Parcel Map, and associated plans and approval documents;
- All City website materials relating to the EIR or project;
- Project permit conditions;
- Any other written materials included in the City's retained files for the EIR or project that are relevant to the City's compliance with CEQA or its decision on the merits of the project, and that were released for public review or relied upon in the environmental documents prepared for the project;
- The full written record actually before the Planning Commission; and
- The Notice of Determination.

The Planning Commission intends that only those public records relating to the project and its compliance with CEQA and listed above shall comprise the administrative record for the project, as only that evidence was presented to, considered by, and ultimately before the Planning Commission prior to reviewing and reaching its decision on the EIR and project. The Planning Commission does not intend that any drafts of any study, findings, or environmental document (or portions thereof), that were not released for public review or otherwise made available to the public be included in the CEQA administrative record.

VIII. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials which constitute the administrative record for the City's actions related to the project, as detailed in Section I.B. above, are located at the City of Hemet, 445 E Florida Avenue, Hemet, California 92543 (City Hall). The Planning Division of the Community

Development Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are, at all relevant and required times have been, and will continue to be available upon request at the offices of the City Hall.

IX. FINDINGS REGARDING RECIRCULATION NOT REQUIRED

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines, §15088.5(a).) "Significant new information," as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a "substantial adverse environmental effect" or a "feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a "new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;" that a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance;" or that a "feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it." (CEQA Guidelines, §15088.5(a)(1)-(3).)

Recirculation is not required where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." (CEQA Guidelines, §15088.5(b).) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is "intended to be an exception rather than the general rule." *(Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

In this legal context, the City finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR's findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the project will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the CEQA Guidelines.

X. MITIGATION MONITORING AND REPORTING PROGRAM

1) General Finding

Pursuant to Section 21081.6 of the Public Resources Code, the City, in adopting these Findings, also adopts the MMRP for the Stetson Corner Project. The MMRP is designed to ensure that, during project implementation, the City and other responsible parties will comply with the mitigation measures adopted in these Findings. The City hereby binds itself to cause the various feasible mitigation measures described in the MMRP to be implemented in accordance with the Final EIR and MMRP. The mitigation measures constitute a binding set of obligations upon the City's certification and approvals identified herein.

The City hereby finds that the MMRP, which is incorporated into the project conditions of approval, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of project conditions intended to mitigate potentially significant environmental effects of the project.

Note that the project's MMRP includes not only those mitigation measures required by CEQA to be made enforceable via its adoption, but also those enumerated PDFs and CMs identified in the Final EIR and factored into the project's impact analyses. Inclusion of those PDFs and CMs in the MMRP provides the City with the necessary mechanisms to oversee the implementation and enforcement of the PDFs and CMs in the same manner as that used for the mitigation measures.

2) Regulatory Compliance

Federal, state, regional, and local laws contain certain regulatory compliance measures that must be adhered to in implementing the project. The Final EIR describes the regulatory setting within each chapter, which includes the details of regulatory compliance measures. Where regulatory compliance measures are required by law, the City has not separately proposed or adopted mitigation requiring regulatory compliance (as it would be declaratory of existing law). Nonetheless, the City finds that the project must comply with all applicable regulatory compliance measures.

XI. CEQA GUIDELINES SECTIONS 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the administrative record, the City has made one or more of the following findings with respect to each of the significant effects of the project:

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

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing, all significant effects on the environment due to the project have been eliminated or substantially lessened.

XII. CITY'S PREPARATION OF THE EIR PURSUANT TO CEOA GUIDELINES SECTION 15084(D)

CEQA Guidelines section 15084(d) provides a lead agency may choose one of the following arrangements or a combination of them for preparing a draft EIR:

(1) Preparing the draft EIR directly with its own staff.

(2) Contracting with another entity, public or private, to prepare the draft EIR.

(3) Accepting a draft prepared by the Applicant, a consultant retained by the Applicant, or any other person.

(4) Executing a third party contract or memorandum of understanding with the Applicant to govern the preparation of a draft EIR by an independent contractor.

(5) Using a previously prepared EIR.

The City has relied on Section 15084(d)(2) of the CEQA Guidelines, which allows the city to contract with an independent contractor to prepare the EIR. The City retains the sole right and discretion to determine the adequacy of performance of the EIR consultant, and to independently review and analyze all documentation for the project. In that context, the City retained an EIR consultant to prepare the EIR submitted to the City for independent review. The City has reviewed, revised, and clarified, as necessary, the submitted working drafts of the EIR to ensure that both the

Draft EIR and Final EIR reflect the City's own independent judgment, including reliance on City experienced, technical personnel from various City departments.

XIII. CITY'S INDEPENDENT JUDGMENT

Before using a draft EIR prepared by another entity, the City is required to subject the draft to its own review and analysis such that the draft EIR circulated for public review reflects the City's independent judgment (Public Resources Code Section 21082.1(c), CEQA Guidelines Section 15084(e).) The City must also certify the final EIR reflects its independent judgment (Public Resources Code Section 21082.1 (c), CEQA Guidelines Section 15090(a)(3), *Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1455).

The City extensively reviewed the proposed project, the Draft EIR, Final EIR, and related reports and analyses to ensure the EIR reflects the City's independent judgment. Multiple iterations of technical reports and the preliminary draft EIR were "screenchecked" by the City and its staff to ensure the analyses contained therein are factual, accurate, applicable, and based on the City's independent review and judgment. City staff provided comments, clarifications, additions, revisions, and updates that were then addressed by subsequent iterations. The City has further reviewed and edited, as necessary, the submitted working drafts to reflect the City's own independent judgment, including reliance on City's experienced, technical personnel from various City departments. In addition to providing comments on the EIR and technical reports, City staff regularly met with the applicant and their consultants to clarify or explain comments and issues, and to resolve outstanding questions and/or issues as they arose.

City staff thoroughly reviewed each iteration of the EIR and technical reports and provided comments, revisions, additions, and clarifications to ensure the documents were consistent with applicable City requirements, CEQA, and the State CEQA Guidelines. Reports were reviewed for technical adequacy and completeness of analysis consistent with the directive that "CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure."

In addition to the extensive independent review of the EIR (including the Draft EIR and Final EIR), the City has further considered public review and input during the public review process. All comments received during the Draft EIR comment period were responded to in writing and included in the Final EIR for presentation to the Planning Commission prior to its noticed public hearing. The City has also considered staff presentations and public hearings regarding the EIR and project.

Thus, pursuant to Public Resources Code Section 21082.1(c), and prior to certification, the City hereby finds it has independently reviewed and analyzed:

- The Draft EIR and its technical studies;

- The Final EIR, including public comments, responses to comments, revised draft EIR pages, and revised technical studies;

The City hereby finds that the Draft EIR and Final EIR reflect the independent judgment of the City as the Lead Agency for the project.

XIV. RELATIONSHIP OF FINDINGS TO EIR

These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Final EIR and these Findings, these Findings shall control, and the Final EIR is hereby amended as set forth in these Findings.

XV. RESPONSES TO LATE COMMENTS NOT REQUIRED

CEQA Guidelines Section 15105 requires that the City provide a 45-day public review and comment period on the Draft EIR. The City is not required to provide written responses to late letters. (Pub. Resources Code, § 21091(d); CEQA Guidelines, § 15088(a).) The City finds that comments on the Draft EIR that could have been offered during the Draft EIR or Recirculated BIR public comment periods should have been made at that time.

Nonetheless, the City fully considered late comments received, and finds that the late comments do not negate the adequacy of the environmental analysis prepared for the project, as presented in the project's Final EIR.

XVI. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Planning Commission hereby certifies that:

a. The Final EIR constitutes an adequate, accurate, objective and complete final environmental impact report in full compliance with the requirements of CEQA and the Guidelines;

b. The Final EIR has been presented to the Planning Commission and the Planning Commission has reviewed and considered the information contained in the Final EIR prior to taking action on the project; and

c. The Final EIR, as certified, reflects the City Planning Commission's independent judgment and analysis.