

**CANDIDATE FINDINGS OF FACT  
FOR THE CITY OF MORENO VALLEY CERTIFYING THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
MOVAL 2040 PROJECT**

**City of Moreno Valley**

**SCH #2020039022**

Section 21081(a) of the California Environmental Quality Act (CEQA) and Section 15091(a) of the CEQA Guidelines (Guidelines) require that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless such public agency makes one or more of the following findings:

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

CEQA also requires that the findings made pursuant to Section 15091 of the CEQA Guidelines be supported by substantial evidence in the record (Section 15091(b) of the CEQA Guidelines). Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (Section 15384 of the CEQA Guidelines).

The following Candidate Findings of Fact (Findings) have been submitted to the City of Moreno Valley (City), as the decision-making body, to be approved for MoVal 2040 Project Final Environmental Impact Report (Final EIR) pursuant to CEQA. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Findings. It is the role of staff to independently evaluate the proposed Findings and to make a recommendation to the decision-maker regarding their legal adequacy.

## **I. INTRODUCTION**

### **A. Environmental Impact Report**

Consistent with Section 15168 of the CEQA Guidelines, this EIR provides a programmatic analysis of the environmental impacts associated with implementation of the goals, policies, actions, and projected buildout of the MoVal 2040 Project (project). As described in Section 15168

of the CEQA Guidelines, program-level environmental review documents are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria. The project which is the subject of this EIR consists of long-term plans that will be implemented as policy documents guiding future development activities and related City actions. The purpose of this program-level EIR is intended to inform decision-makers and the general public of the potential significant environmental impacts of the project. This program-level EIR also considers the availability of mitigation measures to minimize the project's significant impacts and evaluates reasonable alternatives to the project that may reduce or avoid one or more significant environmental effects.

## **B. Adoption of Findings and Statement of Overriding Considerations**

The following Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency. The Guidelines also require that the City balance the benefits of the project against any identified unavoidable environmental risks in determining whether to approve the project. The Final EIR identifies significant environmental effects which could remain significant even with the implementation of the identified mitigation measures where feasible as follows: agriculture and forestry resources (important farmland and indirect conversion), air quality (construction emissions of criteria pollutants), biological resources (sensitive species, sensitive riparian habitats, and jurisdictional wetlands and waters), cultural and tribal cultural resources (historic resources, archaeological resources, human remains, and tribal cultural resources), noise (increases in ambient noise associated with traffic and construction), and transportation (vehicle miles traveled). Therefore, the City has carefully considered the benefits of the project and hereby also adopts the attached Statement of Overriding Consideration. The Statement of Overriding Consideration states the specific reasons why the benefits of the project, each of which standing alone is sufficient to support approval of the project, outweigh the unavoidable adverse environmental effects of the project, and explains that the unavoidable environmental effects are considered acceptable.

## **C. Record of Proceedings**

For purposes of CEQA and these Findings, the Record of Proceedings for the project consists of the following documents and other evidence, as indicated in CEQA Guidelines Section 21167.6(e):

- All project application materials.
- All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.
- All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.
- Any transcript or minutes of the proceedings at which the decision-making body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project.

- All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.
- All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.
- All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.
- Any proposed decisions or findings submitted to the decision-making body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.
- The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.
- Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.
- The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.

#### **D. Custodian and Location of Records**

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City Hall, located on 14177 Frederick Street, Moreno Valley, California. 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 and at all relevant times have been and will be available upon request at the offices of the Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

## **II. PROJECT SUMMARY**

### **A. Project Location**

The regional and local settings of the project are discussed in Chapter 2.0, Environmental Setting, of the Final EIR. The city of Moreno Valley is located within the northwestern portion of Riverside County in the southern Inland Empire portion of the state of California. Moreno Valley is located approximately 63 miles east of downtown Los Angeles, 49 miles east of the city of Irvine, and 43 miles west of the city of Palm Springs. State Route 60 (SR-60), which runs in an east and west direction through the northern portion of Moreno Valley (east and west direction), and Interstate 215 (I-215), which runs in proximity to the westerly city limits (north and south direction), serve to connect the city to other communities throughout the southern California region. The city is accessible via public transportation by rail, through Metrolink located approximately one-half

mile west of the city limits, and the city is accessible via aircraft at the Inland Port Airport located at the March Air Reserve Base (MARB), which is situated south and west of the city limits. (see Final EIR Figure 2-1).

## **B. Project Background**

The project was initiated in late 2019 with the intention of updating the City's General Plan to better address the City's current issues and opportunities, and to create a comprehensive plan for the City's future. The City developed a four phase approach to ensure transparent public participation. The four main phases are described below.

Phase 1 of the 2021 GPU focused on community outreach to identify the most important issues to address within the General Plan and to establish a vision for the future of Moreno Valley. This phase included stakeholder interviews, six "pop-up" outreach events, a community-wide online survey, as well as five community workshops (four in-person workshops including an EIR scoping meeting and one virtual workshop). This phase generated input from nearly 700 Moreno Valley community members. Another critical component of Phase 1 was formation of the General Plan Advisory Committee (GPAC). The GPAC served as an advisory body to the City Council and included representation from the perspective of residents, businesses, and other community stakeholders in the development of the 2021 GPU. This provided a public forum to ensure that a wide and diverse range of voices and interests were heard and considered in the process. Based on public input received by GPAC and staff recommendations, in February 2020, the City Council approved the Vision and Guiding Principles for the 2021 GPU.

Phase 2 focused on developing and exploring different land use, circulation, and design concepts for the 2021 GPU. These concepts were established based on input from community members and decision-makers, which provided different options by which the City could achieve the Vision and Guiding Principles. A second community-wide survey was conducted and multiple public meetings were held during this phase. The pros and cons of six different concepts were explored and refined with input from the community, GPAC, and Planning Commission. Between December 2019 and May 2020, close to 1,000 community members participated in the 2021 GPU process. In June 2020, the City Council approved the Preferred Plan Concept, which is now part of the proposed 2021 GPU.

During Phase 3, the GPAC reviewed key goals and provided guidance for the policy frameworks of the 2021 General Plan Update, which culminated in the preparation of drafts of the 2021 General Plan Update, 2021-29 Housing Element, and Climate Action Plan, which were submitted for administrative review by City staff.

Phase 4 consists of environmental review of the Draft 2021 GPU. This EIR has been prepared pursuant to CEQA to identify the significant environmental impacts of implementation of the project along with mitigation measures to address those impacts. This Draft EIR has been made available for public review and comment concurrently with the Draft 2021 General Plan Update, 2021-29 Housing Element, and Climate Action Plan. A Final EIR which will include responses to public comments received will be prepared and presented to the Planning Commission and City Council for their respective review and consideration prior to adoption of the project.

## **C. Project Description**

The project consists of the following three separate planning documents:

- The 2021 GPU: incorporates changes to the policy framework and land use designations of the existing 2006 General Plan to guide development and conservation through 2040 and comply with new state laws.
- The Housing Element Update for the 2021-2029 planning period: provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community.
- The proposed CAP: establishes a community-wide strategy for reducing GHG emissions and adapting to the effects of climate change.

The project includes an update to the 2006 General Plan that would guide future land use decisions in Moreno Valley, provide a long-term vision for the city, and provide policies and implementing actions that would allow the city to achieve this vision over the life of the General Plan. The General Plan is the primary policy document guiding growth and development within the city through the planning horizon year of 2040. Together with the Zoning Ordinance and related sections of the Municipal Code, the 2021 GPU would serve as the basis for planning-related decisions made by City staff, the Moreno Valley Planning Commission, and the Moreno Valley City Council.

The project includes an update to the currently adopted 2014 Housing Element. The Housing Element is one of the state-mandated elements that must be included in the City's General Plan. State law mandates that the Housing Element include certain items, such as a Housing Needs Assessment; goals, policies, and objectives regarding housing in Moreno Valley; and implementation programs to work toward achieving such goals. As part of the project, the City will prepare a Sixth Cycle Housing Element Update to cover the eight-year planning period from October 2021 through October 2029 and outline a plan for accommodating Moreno Valley's share of the regional housing need, currently determined to be a total of 13,627 newly constructed residential dwelling units. As required by the State of California, the City must zone sufficient land for housing affordable to persons at all income levels.

The project includes preparation of a CAP. The CAP is a community-wide strategy for reducing greenhouse gas (GHG) emissions for the purpose of adapting to the effects of climate change. Preparation of the CAP includes establishing the City's GHG reduction targets as well as specific strategies and implementing actions to achieve these targets.

## **D. Associated and Future Actions**

Implementation of the project would require additional regulatory actions to be taken by the City, including amendments to the Zoning Code to ensure consistency. The project would require a recommendation from the Planning Commission and adoption by the City Council, for approval of both the 2021 GPU as well as zoning implementation. The Housing Element will require certification by the state Department of Housing and Community Development. Future, subsequent development under the project may require approval of federal, state, and responsible or trustee agencies that may rely on this program-level EIR for decisions in their areas of expertise.

## **E. Subsequent Environmental Review**

Subsequent environmental review is required for all subsequent actions to entitle future development, including but not limited to, certain subdivision actions, use permits, and transportation/mobility improvements. Subsequent actions must be examined in light of the EIR to determine whether an additional environmental document needs to be prepared.

Subsequent projects may tier from this MoVal 2040 Project EIR, or the City may make a finding that sufficient environmental clearance occurred with this program-level EIR (CEQA Guidelines Sections 15152, 15162 and 15168). The purpose in using a program-level EIR is to comprehensively consider a series of related projects and to streamline subsequent review of development projects.

## **III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

Pursuant to pursuant to Section 15060(d) of the CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.) the City determined that the project may have a significant effect on the environment and that an EIR should be prepared to analyze the potential impacts associated with approval and implementation of the project. In accordance with CEQA Guidelines Section 15082(a), a Notice of Preparation (NOP) was circulated for public comment on March 9, 2020, and a scoping meeting was held on Saturday, March 14, 2020 at the City Hall – Council Chambers, located on 14177 Frederick Street, Moreno Valley, California. The NOP, letters received in response to the NOP, and comments made during the scoping meeting are included as Appendix A of this EIR. Through the NOP/Scoping process, the City concluded that the project could have the potential to result in significant impacts to the following environmental categories:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources/Tribal Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Utilities/Service System
- Wildfire

A Draft EIR was prepared for the project and was circulated for public review for a period commencing April 2, 2021 through May 17, 2021. The City received 63 letters of comment during the public review period. Responses to all comments are included as part of the Final EIR. On [date], the City of Moreno Valley Planning Commission held a public hearing to consider the project and, by a [ ] vote, recommended approval of the project and certification of the Final EIR. On [date] the City Council certified the Final EIR, adopted these Findings of Fact, and approved the project.

#### **IV. GENERAL FINDINGS**

The City hereby finds as follows:

- The City is the “Lead Agency” for the project evaluated in the Final EIR.
- The foregoing statements are true and correct.
- The Final EIR was prepared in compliance with CEQA and the CEQA Guidelines.
- The City has independently reviewed and analyzed the Final EIR.
- A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project, which the City has adopted or made a condition of approval of the project. That MMRP is included as Chapter 7.0 of the Final EIR, is incorporated herein by reference, and is considered part of the record of proceedings for the project.
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the MMRP Coordinator.
- 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 complied with CEQA Sections 21081.5 and 21082.2.
- The impacts and potential impacts of the project have been analyzed to the extent feasible at the time of certification of the Final 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.
- 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, 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 finds as stated in these Findings.

#### **V. SUMMARY OF IMPACTS**

##### **A. No Impact or Less than Significant Impacts (Requiring No Mitigation)**

The Final EIR concludes that the project will have no impact or less than significant direct or cumulative impacts and require no mitigation with respect to the following issues:

- Aesthetics (Scenic Vistas; Scenic Resources; Visual Character or Quality; Light or Glare)
- Agriculture and Forestry Resources (Agricultural Zoning and Williamson Act Contracts; Forest Zoning; Forest Land)
- Air Quality (Air Quality Plans; Criteria Pollutants [Operation]; Sensitive Receptors; Odors)
- Biological Resources (Wildlife Corridors; Local Ordinances; Habitat Conservation Plan)
- Energy (Energy Consumption; Renewable Energy or Energy Efficiency)
- Geology/Soils (Seismic Hazards and Unstable Geology; Soil Erosion; Expansive Soils)
- Greenhouse Gas Emissions (GHG Emissions; GHG Plans)

- Hazards/Hazardous Materials (Transport, Use, or Disposal of Hazardous Materials; Accidental Release of Hazardous Materials; Existing or Proposed Schools; Hazardous Materials Sites; Airport Hazards; Emergency Response; Wildland Fires)
- Hydrology/Water Quality (Violate Water Quality Standards/Degrade Water Quality; Deplete Groundwater Supplies; Drainage Patterns; Flood hazard, Tsunami, or Seiche; Water Quality Plans)
- Land Use and Planning (Physically Divide an Established Community; Conflicts with Applicable Plans and Policies)
- Mineral Resources (Mineral Resources; Mineral Resource Recovery Site)
- Noise (Increase in Ambient Noise [Railroad Noise; Stationary Noise]; Vibration [Railroad; Stationary Sources]; Airports)
- Population and Housing (Induce Unplanned Population Growth; Displace People or Housing)
- Public Services and Recreation (Fire Protection; Police Protection; Schools; Other Public Facilities; Parks and Recreational Facilities)
- Transportation (Circulation System; Hazards Due to a Design Feature; Emergency Access)
- Utilities and Service System (Utility Infrastructure; Water Supply; Wastewater Treatment; Solid Waste)

## **B. Significant Impacts Mitigated to Less than Significant Levels**

Potentially significant direct impacts of the project would be mitigated to below a level of significance with respect to the following issues:

- Geology/Soils (Paleontological Resources and Unique Geology)
- Noise (Vibration [Construction])

## **C. Significant Unmitigated Impacts**

The project would result in the following significant unmitigated impacts:

- Agriculture and Forestry Resources (important farmland and indirect conversion)
- Air Quality (construction emissions of criteria pollutants)
- Biological Resources (sensitive species, sensitive riparian habitats, and jurisdictional wetlands and waters)
- Cultural and Tribal Cultural Resources (historic resources, archaeological resources, human remains, and tribal cultural resources)
- Noise (increases in ambient noise associated with traffic and construction)
- Transportation (vehicle miles traveled).

## VI. FINDINGS OF FACT

CEQA and the CEQA Guidelines promulgated thereunder require that the environmental impacts of a project be examined before a project is approved. Specifically, regarding findings, 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 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.

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 measures or actions 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.

Having received, reviewed, and considered the Final EIR for the project, as well as all other information in the record of proceedings on this matter, the following Findings are hereby adopted by the City 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.

## **VII. FINDINGS REGARDING SIGNIFICANT IMPACTS**

### **A. Findings Regarding Significant Impacts Mitigated to Below a Level of Significance (CEQA Guidelines 15091 (A)(1))**

#### **Geology/Soils**

**Environmental Impact:** As detailed in Final EIR Section 4.7.5.4 (Paleontological Resources and Unique Geology), the project would have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Finding:** Pursuant to Section 21081(a)(1) of CEQA, Section 15091(a)(1) of the CEQA Guidelines, the City finds that conditions, changes, or alterations have been required in, or incorporated into, the project which would reduce the significant environmental effect identified in the Final EIR.

**Facts in Support of Finding:** Construction-related ground-disturbing activities associated with future development could result in significant impacts (loss) of nonrenewable paleontological resources. Because site-specific details and locations of future development projects are not known at this program-level of analysis, impacts to paleontological resources would be potentially significant. The proposed land use plan avoids unique geologic features throughout the City including rock outcroppings and maintains low density land uses within the badlands areas. However, at the program level, without project specific development plans, impacts relating to the destruction of a unique geologic feature would be potentially significant. To reduce potential impacts, the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**PAL-1:** Applications for future development, wherein the Community Development Director or his or her designee has determined a potential for impacts to paleontological resources, shall review the underlying geology and paleontological sensitivity of the site. If it is determined that the potential exists that sensitive paleontological resources are present, the applicant shall be required to comply with the following mitigation framework.

A qualified paleontological monitor shall be present during grading in project areas where a project specific geological technical study has determined that such monitoring is necessary due to the potential for paleontological resources to reside within the underlying geologic formations. The geologic technical study shall also provide specific duties of the monitor, and detailed measures to address fossil remains, if found.

Implementation of mitigation measure PAL-1 would reduce impacts to a level less than significant.

Reference: Final EIR Section 4.7.

## **Noise**

**Environmental Impact:** As detailed in Final EIR Section 4.13.5.2 (Vibration:Construction), the project would have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Finding:** Pursuant to Section 21081(a)(1) of CEQA, Section 15091(a)(1) of the CEQA Guidelines, the City finds that conditions, changes, or alterations have been required in, or incorporated into, the project which would reduce the significant environmental effect identified in the Final EIR.

**Facts in Support of Finding:** Construction details, locations, and equipment for future project-level developments under the 2021 GPU are not known at this time but may cause vibration impacts. Therefore, construction vibration impacts would be potentially significant. To reduce potential impacts, the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**NOS-2:** Prior to issuance of a building permit for a project requiring pile driving during construction within 135 feet of fragile structures, such as historical resources, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or within 75 feet of engineered concrete and masonry (no plaster); or a vibratory roller within 25 feet of any structure, the project applicant shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed Federal Transit Administration (FTA) architectural damage thresholds (e.g., 0.12 inches per second [in/sec] peak particle velocity [PPV] for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving and static rollers as opposed to vibratory rollers shall be used. If necessary, construction vibration monitoring shall be conducted to ensure vibration thresholds are not exceeded.

Implementation of mitigation measure NOS-2 would reduce impacts to a level less than significant.

Reference: Final EIR Section 4.13.

**B. Finding Regarding Mitigation that is Within the Responsibility and Jurisdiction of Another Public Agency (CEQA Guidelines 15091 (a)(2))**

**This Finding does not apply to the implementation of the project.**

**C. Findings Regarding Significant and Unavoidable Impacts (CEQA Guidelines 15091 (A)(3))**

**Agriculture and Forestry Resources**

**Environmental Impact: As detailed in Final EIR Section 4.2.5.1 (Important Farmland), the project would have the potential to convert land designated as Prime Farmland, Farmland of Local Importance, Farmland of Statewide Importance, and Unique Farmland to non-farming uses.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Implementation of the project would impact Prime Farmland and Farmland of Local Importance within proposed Concept Areas. Furthermore, the continued development of properties under the land use designations that would remain unchanged could also result in the conversion of additional land designated as Prime Farmland, Farmland of Statewide Importance or Unique Farmland to non-farming uses. While enrollment in Williamson Act Contracts would serve to preserve such resources, these contracts are voluntary, and the City could only encourage property owners to participate in the program. Furthermore, property owners would have the option not to renew contracts, which would mean that any protection under the program may only be temporary. The project, does not propose any permanent preservation of agricultural land but allows agriculture as an interim use prior to development. Thus, preservation of agricultural resources would not be feasible as it would be inconsistent with General Plan goals and project objectives. Therefore, because the requirement for Williamson Contracts is not enforceable due to their voluntary natures, and because permanent preservation of agriculture is inconsistent with the GPU, no feasible mitigation measures have been identified or proposed that would mitigate impacts related to the conversion of farmland to below a level of significance. Thus, the impact is significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations, below.

Reference: Final EIR Section 4.2.

**Environmental Impact:** As detailed in Final EIR Section 4.2.5.5 (Indirect Conversion), implementation of the project would intensify uses within the Planning Area in a manner that would further reduce the feasibility of agricultural production. Furthermore, the continued development of land under the land use designations that would remain unchanged could also indirectly affect the feasibility of agricultural production through urbanization.

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Implementation of the project would intensify uses within the Planning Area in a manner that would reduce the feasibility of agricultural production.

Furthermore, the continued development of land under the land use designations that would remain unchanged could also indirectly affect the feasibility of agricultural production through continued urbanization. Therefore, the project would result in indirect conversion of potential farmland resources to non-agricultural uses, which would be considered a significant impact. While enrollment in Williamson Act Contracts would serve to preserve such resources, these contracts are voluntary, and the City could only encourage property owners to participate in the program. Furthermore, property owners would have the option not to renew contracts, which would mean that any protection under the program may only be temporary. The project, does not propose any permanent preservation of agricultural land, but allows agriculture as an interim use prior to development. Thus, preservation of agricultural resources would not be feasible as it would be inconsistent with General Plan goals and project objectives.

Therefore, because the requirement for Williamson Contracts is not enforceable due to their voluntary natures, and because permanent preservation of agriculture is inconsistent with the GPU, no feasible mitigation measures have been identified or proposed that would mitigate impacts related to the conversion of farmland to below a level of significance. Thus, the impact is significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations, below.

Reference: Final EIR Section 4.2.

### **Air Quality**

**Environmental Impact: As detailed in Final EIR Section 4.3.5.2.a (Criteria Pollutants), the scale and extent of construction activities associated with buildout of the Planning Area could result in some instances where future development would exceed the relevant SCAQMD thresholds.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** While individual site-specific projects may not exceed the SCAQMD regional significance thresholds, the scale and extent of construction activities associated with buildout of the Planning Area may result in some instances where future development would exceed the relevant SCAQMD thresholds. Therefore, construction-related regional air quality impacts would be potentially significant. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**AQ-1:** Applications for future development, wherein the Director of Community Development or his or her designee has determined a potential for air quality impacts associated with construction, shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts to the City for review and approval. The Director of Community Development or his or her designee shall make this determination based on the size of the project, whether the project would require a transportation impact analysis, or other criteria. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology for assessing air quality regional and local impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the SCAQMD's adopted regional and localized construction CEQA thresholds of

significance, the City shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City. Mitigation measures to reduce construction-related emissions could include, but are not limited to:

- Require fugitive-dust control measures that exceed SCAQMD's Rule 403 requirements, such as:
  - Use of nontoxic soil stabilizers to reduce wind erosion.
  - Apply water every four hours to active soil-disturbing activities.
  - Tarp and/or maintain a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials.
- Encourage the use of construction equipment equal to or greater than 50 horsepower be electrically powered or alternatively fueled. At a minimum, use construction equipment rated by the United States Environmental Protection Agency as having Tier 4 Final (model year 2008 or newer) emission limits. Include this requirement in applicable bid documents, purchase orders, and contracts.
- Ensure that construction equipment is properly serviced and maintained to the manufacturer's standards.
- Limit nonessential idling of construction equipment to no more than five consecutive minutes.
- Limit on-site vehicle travel speeds on unpaved roads to 15 miles per hour.
- Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area.
- Use Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural coating manufactures can be found on the SCAQMD's website.

Buildout of the project would occur over a period of approximately 20 years or longer. Construction activities associated with buildout of the project could generate short-term emissions that exceed the SCAQMD's significance thresholds during this time and cumulatively contribute to the nonattainment designations of the Basin. Implementation of mitigation measure AQ-1 would reduce criteria air pollutant emissions from construction-related activities to the extent feasible. However, construction time frames and equipment for site-specific development projects are not available at this time, and there is a potential for multiple development projects to be constructed at one time, resulting in significant construction-related emissions. Therefore, despite adherence to mitigation measure AQ-1, impacts associated with criteria pollutants would remain significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations, below. Reference: Final EIR Section 4.3.

### **Biological Resources**

**Environmental Impact: As detailed in Final EIR Section 4.4.5.1 (Sensitive Species), the project would have the potential to, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species, which would be considered a significant impact.**

**Environmental Impact:** As detailed in Final EIR Section 4.4.5.2 (Sensitive Riparian Habitat), the project would have the potential to have a substantial adverse effect on riparian habitat, which would be considered a significant impact.

**Environmental Impact:** As detailed in Final EIR Section 4.4.5.3 (Jurisdictional Wetlands and Waters), the project would have the potential to have a substantial adverse effect on state or federally protected wetlands, which would be considered a significant impact.

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Build out of the GPU would have the potential to directly or indirectly impact candidate, sensitive, or special status species, riparian habitat and/or jurisdictional wetlands. Consistent with the policies of the GPU (including those in the Open Space and Resource Conservation Element) and City regulations and planning documents (including the MSHCP), future development would be required to ensure appropriate biological surveys and wetland delineations, as needed, are completed to document on-site sensitive habitats and species. While these regulations are likely to ensure adverse impacts to sensitive species and riparian habitat are reduced at the project level, at a program level of analysis it is not possible to ensure that every impact could be fully mitigated. Therefore, impacts to sensitive species, riparian habitat, and jurisdictional wetlands would be potentially significant. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**BIO-1:** Applications for future development of vacant properties (and portions thereof), wherein the Director of Community Development or his or her designee has determined a potential for impacts to sensitive biological resources, shall be required to prepare a site-specific general biological resources survey to identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. The report shall identify the need for focused presence/absence surveys and identify the presence of state or federal regulated wetlands or waters. If potentially significant impacts to sensitive biological resources, including sensitive species and/or wetlands are identified, the report shall also recommend appropriate mitigation to reduce the impacts to below a level of significance.

**BIO-2:** Applications for future development, wherein the Director of Community Development or his or her designee has determined a potential for impacts to mature trees and/or native vegetation suitable for nesting birds, shall be required to restrict removal of sensitive habitat and vegetation to outside the breeding seasons of any sensitive species identified within adjacent properties (typical bird breeding season is February 1–September 1. as early as January 1 for some raptors). If vegetation clearing must begin during the breeding season, a qualified biologist shall provide recommendations to avoid impacts to nesting birds which typically includes a pre-construction survey within 3 days of the start of construction to determine the presence of active nests.

If active nests are found, avoidance measures shall be implemented to ensure protection of the nesting birds. Avoidance measures may include a no-activity buffer zone, typically 300 feet from the area of disturbance or 500 feet for raptors, established at the discretion of the qualified biologist in consultation with the City. If activity buffer zones are not feasible, temporary noise barriers may be installed to attenuate construction noise. Noise wall height and adequacy shall be supported by a noise analysis to determine the anticipated construction noise levels with attenuation measures as recommended by the biologist and approved by the City. Periodic noise monitoring shall be conducted during construction to ensure noise

attenuation standards are met. Accepted noise levels are species dependent and existing ambient noise levels can play a factor in establishing baseline acceptable noise.

While implementation of mitigation measures BIO-1 and BIO-2 would reduce impacts to sensitive and special status species, riparian habitat, and jurisdictional wetlands to less than significant levels; it is not possible at this level of review, without site specific development plans, to ensure that every future project could fully mitigate potentially significant impacts. Therefore, notwithstanding future regulatory compliance and the implementation of mitigation measures impacts to candidate, sensitive, or special status species, riparian habitat, and jurisdictional wetlands would remain significant and unavoidable. These unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below. Reference: Final EIR Section 4.4.

### **Cultural and Tribal Cultural Resources**

**Environmental Impact: As detailed in Final EIR Section 4.5.5.1 (Historic Resources), the project would have the potential to cause a substantial adverse change in the significance of historic era resources, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Any alteration, relocation, demolition, or excessive groundborne vibration associated with future development that would affect historic buildings, structures, objects, landscapes, and sites would represent a significant impact to historical resources. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development

**CUL-1:** Prior to the issuance of any permit for a future development site-specific project that would directly or indirectly affect a building/structure in excess of 50 years of age, the City or a qualified architectural historian shall determine whether the affected building/structure is historically significant. The evaluation shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in the CEQA guidelines. If the evaluation determines that building/structure is not historic, no further evaluation or mitigation would be required. If the building/structure is determined to be historically significant, the preferred mitigation would be to avoid the resource through project redesign. If the resource cannot be avoided, all prudent and feasible measures to minimize or mitigate harm to the resource shall be taken per recommendations of the qualified architectural historian.

Implementation of mitigation measure CUL-1 would reduce impacts on historic resources to a level less than significant. However, as no specific development projects have been identified at this time, it is not possible to ensure that every future project could fully mitigate potentially significant impacts. Therefore, notwithstanding the implementation of this mitigation measure, impacts to historic resources would be significant and unavoidable at this program level of review. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below.

Reference: Final EIR Section 4.5.

**Environmental Impact: As detailed in Final EIR Section 4.5.5.2 (Archaeological Resources), the project would have the potential to cause a substantial adverse change in the significance of an archaeological resource, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Any vegetation clearing/grubbing, grading, trenching, or excavation associated with future development that could expose buried prehistoric or historic-era archaeological resources would represent a significant impact to historical resources. Therefore, future projects would have the potential to result in a substantial adverse effect on historical resources, and impacts would be significant. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**CUL-2:** Prior to issuance of any permit for a future site-specific project that would potentially have a direct or indirect affect an archaeological resource, the City shall require the following steps be taken to determine: (1) the presence of archaeological resources, and (2) the appropriate mitigation for any significant resources which may be impacted by project development. The following steps would help determine the presence or absence of archaeological resources.

Step 1: An archaeologist shall conduct records and background research at the Eastern Information Center for a list of recorded resources and request a sacred lands file search from the Native American Heritage Commission.

Step 2: After review of this data, a pedestrian survey shall be conducted by a qualified archaeologist.

Step 3: If through the research and the field survey, archaeological resources are identified, then an evaluation of significance shall be completed by a qualified archaeologist. The evaluation program generally will include excavation to determine depth, extent, integrity, and content of the subsurface cultural material.

Step 4: The results of the excavation will be evaluated using the Thresholds in Section 4.5.4 of the Final EIR.

Step 5: If an archaeological resource is determined significant and avoidance through project redesign is not feasible, a data recovery and construction monitoring program must be implemented to reduce the impacts the archaeological resource to below a significant level. The data recovery program must be approved by the City.

Step 6: A final data recovery and/monitoring report shall be completed in accordance with the California Office of Historic Preservation's *Archaeological Resource Management Reports: Recommended Content and Format*. Confidential attachments must be submitted under separate

covers. Artifacts collected during the evaluation and data recovery phases must be curated at an appropriate facility consistent with state (California State Historic Resources Commission's Guidelines for Curation of Archaeological Collection 1993) and federal curation standards (36 CFR 79 of the Federal Register) and that allows access to artifact collections.

Implementation of mitigation measure CUL-2 would reduce impacts on archaeological resources to a level less than significant. However, as no specific projects have been identified at this time, it is not possible to ensure that every future project could fully mitigate potentially significant impacts. Therefore, notwithstanding the implementation of this mitigation measure, impacts to archaeological resources would be significant and unavoidable at this program level of review. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below.

Reference: Final EIR Section 4.5.

**Environmental Impact: As detailed in Final EIR Section 4.5.5.3 (Human Remains), the project would have the potential to disturb human remains, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Any vegetation clearing/grubbing, grading, trenching, or excavation associated with future development that would expose or disturb unknown human remains would represent a significant impact to human remains. Therefore, future projects would have the potential to result in a substantial adverse effect on historical resources, and impacts would be significant To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**CUL-3:** If human remains are unintentionally disturbed during archaeological excavations or construction activities, implementation of the procedures set forth in PRC Section 5097.98 and California State Health and Safety Code 7050.5 would be implemented in consultation with the MLD as identified by the NAHC. California State Health and Safety Code Section 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined by the County Coroner to be Native American, the NAHC shall be notified within 24 hours. The NAHC shall identify the MLD with whom consultation shall occur to determine in the treatment and disposition of the remains.

Implementation of mitigation measure CUL-3 would reduce impacts on human remains to a level less than significant. However, as no specific projects have been identified at this time, it is not possible to ensure that every future project could fully mitigate potentially significant impacts. Therefore, notwithstanding the implementation of this mitigation measure, impacts to human remains would be significant and unavoidable at this program level of review. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below Reference: Final EIR Section 4.5.

**Environmental Impact: As detailed in Final EIR Section 4.5.5.4 (Tribal Cultural Resources), the project would have the potential to cause a substantial adverse change in the significance of a tribal cultural resource, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Any vegetation clearing/grubbing, grading, trenching, or excavation associated with future development that would affect tribal cultural resources represent a significant impact to tribal cultural resources. Therefore, future projects would have the potential to result in a substantial adverse effect on tribal cultural resources, and impacts would be significant. To reduce potential impacts implementation of CUL-2 and CUL-3 described above, along with AB 52 consultation early during the development review process, would reduce impacts on tribal cultural resources to a level less than significant. However, as no specific projects have been identified at this time, it is not possible to ensure that every future project could fully mitigate potentially significant impacts. Therefore, impacts to tribal cultural resources would be significant and unavoidable at this program level of review. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below.

Reference: Final EIR Section 4.5.

## **Noise**

**Environmental Impact: As detailed in Final EIR Section 4.13.5.1.d (Increase in Ambient Noise: Traffic), the project would have the potential to generate a substantial temporary or permanent increase in ambient noise levels associated with future traffic, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** The increase in ambient noise levels adjacent to roadway segments listed in Section 4.13.5.1 of the Final EIR would expose existing noise-sensitive receptors to a significant increase in ambient noise levels, and impacts would be significant.

For existing noise sensitive land uses, possible noise-reduction measures would include retrofitting older structures with acoustically rated windows and doors featuring higher Sound Transmission Class ratings, which is a measure of exterior noise reduction performance. However, there is no mechanism in place for implementing such a retrofit program. Because the significant noise impacts would be to existing homes and other noise-sensitive uses in an already urbanized area, there is no feasible mitigation.

Therefore, because retrofitting older, existing structures is not enforceable without future discretionary actions outside the purview of the GPU, no feasible mitigation measures have been identified or proposed that would mitigate impacts related to increases in ambient noise due to increased traffic. the conversion of farmland to below a level of significance. Thus, the impact is significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations, below

Reference: Final EIR Section 4.13.

**Environmental Impact: As detailed in Final EIR Section 4.13.5.1.d (Increase in Ambient Noise: Construction), the project would have the potential to generate a substantial temporary or permanent increase in ambient noise levels associated with future construction, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Construction activities associated with any individual development may occur near noise-sensitive receptors and noise disturbances may occur. Therefore, construction noise impacts would be considered potentially significant. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development: :

**NOS-1:** The Director of Community Development or his or her designee shall require applicants to demonstrate whether the project has the potential to exceed noise standards contained in Sections 8.14.040(E) and 11.80.030(D)(7) of the Municipal Code. If a project may exceed standards or is located adjacent to sensitive receptors, the City may require the applicant to prepare a Noise Analysis that estimates construction noise and identifies noise reduction measures that would ensure compliance with Municipal Code standards. Construction plans submitted to the City shall identify applicable measures on demolition, grading, and construction plans submitted to the City. Noise reduction measures can include, but are not limited to, the following:

1. Demolition, construction, site preparation, and related activities that would generate noise perceptible at the property line of the subject property are limited to the hours between 7:00 a.m. to 7:00 p.m. from Monday through Friday excluding holidays and from 8:00 a.m. to 4:00 p.m. on Saturdays. The building inspector may issue an exception to this limitation on hours in cases of urgent necessity where the public health and safety will not be substantially impaired.
2. Idling times for noise-generating equipment used in demolition, construction, site preparation, and related activities shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.
3. Demolition, construction, site preparation, and related activities within 70 feet from the edge of properties with existing, occupied noise-sensitive uses shall incorporate all feasible strategies to reduce noise exposure for noise-sensitive uses, including:
  - a. Provide written notice to all known occupied noise-sensitive uses within 400 feet of the edge of the project site boundary at least 2 weeks prior to the start of each construction phase of the construction schedule;

- b. Ensure that construction equipment is properly maintained and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications;
  - c. Re-route construction equipment away from adjacent noise-sensitive uses;
  - d. Locate noisy construction equipment away from surrounding noise-sensitive uses;
  - e. Use sound aprons or temporary noise enclosures around noise-generating equipment;
  - f. Position storage of waste materials, earth, and other supplies in a manner that will function as a noise barrier for surrounding noise-sensitive uses;
  - g. Use the quietest practical type of equipment;
  - h. Use electric powered equipment instead of diesel or gasoline engine powered equipment; Use shrouding or shielding and intake and exhaust silencers/mufflers; and
  - i. Other effective and feasible strategies to reduce construction noise exposure for surrounding noise-sensitive uses.
4. For construction of buildings that require the installation of piles, an alternative to installation of piles by hammering shall be used. This could include the use of augured holes for cast-in-place piles, installation through vibration or hydraulic insertion, or another low-noise technique.

Implementation of mitigation measure NOS-1 would reduce construction noise exposure. However, for construction sites that are adjacent to existing noise-sensitive uses, there still could be a substantial temporary increase in noise levels that could lead to significant noise-related impacts. Therefore, notwithstanding the implementation of this mitigation measure, impacts to ambient noise from construction activities would be significant and unavoidable at this program level of review. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below Reference: Final EIR Section 4.13.

### **Transportation**

**Environmental Impact: As detailed in Final EIR Section 4.16.5.2 (Vehicle Miles Traveled), projected VMT generated under buildout of the project would be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Compared to the existing 2006 General Plan, implementation of the project would result in lower VMT using several metrics, demonstrating a land use plan that would increase per capita VMT efficiency. However, some metrics showed an increase in VMT based on several metrics (shown in bold in Table 4.16-5). As a result of some metrics that exceeded the significance criteria based on certain analysis methodologist, impacts would be significant.

The project includes Transportation Demand Management (TDM) goals, policies, and actions that would support VMT reductions; however, anticipated VMT reductions associated with proposed TDM measures would not be large enough to guarantee that significant impacts could be fully mitigated. No additional feasible mitigation was identified that could further reduce VMT impacts. Therefore, notwithstanding the project's inclusion of TDM measures, impacts would remain significant and unmitigated. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below

Reference: Final EIR Section 4.16.

## **VIII. FINDINGS REGARDING ALTERNATIVES**

The California Environmental Quality Act (CEQA) Guidelines Section 15126.6 requires that an EIR compare the effects of a "reasonable range of alternatives" to the effects of a project. The CEQA Guidelines further specify that the alternatives selected should attain most of the basic project objectives and avoid or substantially lessen one or more significant effects of the project. The "range of alternatives" is governed by the "rule of reason," which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the lead agency, and to foster meaningful public participation (CEQA Guidelines Section 15126.6[f]). CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, while also taking into account economic, environmental, social, technological, and legal factors.

The following specific objectives have been established for the project:

- Provide a flexible land use framework that can accommodate job growth in a variety of industries over time while enhancing quality of life in the community;
- Build a strong, diverse economy with well-paying jobs in the city for local residents, reducing the need for long commutes and achieving a better balance of jobs-to-housing;
- Ensure a sustainable, measured rate of growth and efficient delivery of public services;
- Create a destination Downtown Center that makes Moreno Valley a destination city with a modern, innovative brand and that will help establish Moreno Valley as a model community where people choose to live, work, and play;
- Focus new residential and commercial development in corridors to support more frequent and reliable transit service; promote walking and biking; and reduce vehicle miles travelled;
- Foster development of gateways at key entry points into the community that announce arrival with attractive architecture and inviting uses to build Moreno Valley's sense of place;

- Facilitate development of a range of housing options that provides for the needs of current and future residents, including people of all ages, abilities, and incomes levels;
- Accommodate the City’s 2021-2029 Regional Housing Needs Allocation (RHNA) allocation;
- Reduce community-wide greenhouse gas emissions consistent with statewide targets;
- Foster vibrant gathering places for locals and visitors to shop, dine, do business, and have fun, providing a range of social interaction opportunities for youth, families, and seniors;
- Enhance neighborhood livability through promoting active lifestyles with indoor and outdoor recreational amenities and prioritizing clean air, water, fresh food, and community health; and
- Encourage mindful stewardship of water, energy, and other environmental resources, and explore technological advancements as a way to enhance current/future needs and lifestyles.

The alternatives addressed in this Final EIR were selected in consideration of one or more of the following factors:

- The extent to which the alternative would feasibly accomplish most or all of the basic objectives of the project;
- The extent to which the alternative would avoid or substantially lessen any of the identified significant environmental effects of the project.
- The appropriateness of the alternative in contributing to a “reasonable range” of alternatives necessary to permit a reasoned choice; and
- The requirement of the CEQA Guidelines to consider a “no project” alternative; and to identify an “environmentally superior” alternative in addition to the no project alternative (Section 15126.6[e]).

Based on the criteria described above, this EIR considers the following project alternatives:

- No Project Alternative;
- Reduced Growth Alternative; and
- Redistributed Growth Alternative.

Based upon the administrative record for the project, the City makes the following findings concerning the alternatives to the project.

**No Project (Adopted Plan) Alternative**

**Description:** Under the No Project Alternative, the proposed amendments to the adopted General Plan, Housing Element Update, and adoption of the CAP would not occur. Growth in the city would continue to be guided by the existing land use plans and programs. Specifically, a summary of existing land uses is provided in Table 4.11-1 of the Final EIR, with existing land uses shown on Figure 4.11-1 of the Final EIR. Under the No Project Alternative, development would

continue to occur through site-specific rezoning and General Plan amendment actions, rather than through a comprehensively planned approach. The planned densities needed to accommodate the region's housing and provide the required levels of affordability would not occur. Planning for mobility infrastructure would continue as it currently exists, without a comprehensive strategy intended to reduce reliance on vehicular travel and promote other forms of mobility.

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make the No Project Alternative infeasible.

**Facts in Support of Finding:** Final EIR Section 6.3.2 provides a detailed discussion comparing the No Project Alternative to the project. Table 6-1 of the Final EIR provides a summary of impacts of the No Project Alternative compared to the project. As shown in Table 6-1, the No Project Alternative would result in the same significant and unavoidable impacts associated with agricultural resources, air quality, biological resources, cultural and tribal cultural resources, noise, and transportation. However, due to the reduced intensity of employment opportunities and residential density that would occur under the existing land use plan, impacts related to agricultural resources, biological resources, and cultural and tribal cultural resources would be incrementally less compared to the project. Impacts related to air quality, noise, and transportation would be greater under the No Project Alternative because buildout of the existing 2006 General Plan would generate a greater amount of VMT. The No Project Alternative would also result in significant and unavoidable impacts related to GHG emissions and land use and planning that would be avoided with the project. Furthermore, the No Project Alternative would not meet any of the project objectives.

Therefore, because the No Project Alternative would result in greater impacts and would not meet the project objectives, it has been found to be infeasible.

### **Reduced Growth Alternative**

**Description:** The Reduced Growth Alternative would revise the proposed land use map to reduce the amount of employment growth compared to the project (Figure 6-1 of the Final EIR). This alternative would reduce the maximum permitted floor area ratio (FAR) proposed within the Community Corridors along Sunnymead Boulevard, Alessandro Boulevard, Perris Boulevard, and Heacock Street. This would reduce the amount of non-residential development within these Community Corridors by approximately 10 to 15 percent compared to the project. This alternative would also remove the proposed Center Mixed Use within the District Specific Plan area, and reduce the footprint of the Downtown Center Concept Area by approximately 111 acres. Additionally, a portion of proposed Highway Office/Commercial Concept Area located north of SR-60 would not receive this new designation, and instead the existing office and residential land use designations from the existing 2006 General Plan would be retained.

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make the Reduced Growth Alternative infeasible.

**Facts in Support of Finding:** Final EIR Section 6.4.2 provides a detailed discussion comparing the Reduced Growth Alternative to the project. Table 6-1 of the Final EIR provides a summary of impacts of the Reduced Growth Alternative compared to the project. As shown in Table 6-1, the Reduced Growth Alternative would result in the same significant and unavoidable impacts

associated with agricultural resources, air quality, biological resources, cultural and tribal cultural resources, noise, and transportation. Reduced growth and VMT would incrementally reduce air quality emissions compared to the project. Reduction of the footprints of the Downtown Center and Highway Office/Commercial would incrementally reduce impacts related to agricultural resources, biological resources, and cultural and tribal cultural resources compared to the project. Impacts related to noise and transportation would be less compared to the project due to the reduction in VMT.

The Reduced Growth Alternative would not meet as many primary project objectives compared to the project. The elimination of employment opportunities would not accommodate job growth, build a diverse economy, improved rate of economic growth, or focus commercial uses in corridors to the same degree as the project.

### **Redistributed Growth Alternative**

**Description:** The Redistributed Growth Alternative would result in the same level of growth as the proposed plan, but would redistribute growth from the proposed Community Corridor Concept Areas to the Downtown Center Concept Area (Figure 6-2 of the Final EIR). This alternative would reduce the maximum permitted density and intensity in the Community Corridor Concept Areas, thereby reducing future development proposed along Sunnymead Boulevard, Alessandro Boulevard, Perris Boulevard, and Heacock Street by approximately 10 to 15 percent compared to the project. The reduced growth capacity from these areas would be redistributed to the Downtown Center Concept Area. This alternative would also remove a portion of the proposed Highway Office/Commercial Concept Area located north of SR-60 and the existing office and residential land use designations from the existing 2006 General Plan would be retained. Redistribution of land uses associated with this alternative would not alter the total amount of residential, commercial, and office land uses compared to the project.

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make the Redistributed Growth Alternative infeasible.

**Facts in Support of Finding:** Final EIR Section 6.4.2 provides a detailed discussion comparing the Redistributed Growth Alternative to the project. Table 6-1 of the Final EIR provides a summary of impacts of the Redistributed Growth Alternative compared to the project. As shown in Table 6-1, the Redistributed Growth Alternative would result in the same significant and unavoidable impacts associated with air quality, agricultural resources, biological resources, cultural and tribal cultural resources, noise, and transportation. Reduction of the Highway Office/Commercial footprint would incrementally reduce impacts related to agricultural resources and biological resources compared to the project. Impacts related to cultural and tribal cultural resources would be the same because changes to the land use plan associated with the Redistributed Growth Alternative would not avoid any overlap with known historic resources or archaeologically sensitive areas. Impacts related to air quality, noise, and transportation would be less compared to the project due to the reduction in VMT.

Although the Redistributed Growth Alternative would result in fewer impacts compared to the project and meet most of the primary project objectives developed for the project, it would not meet the objectives of creating high development corridors to the same degree as the project. Additionally, land within the Downtown Center is not housing ready, and under the alternative the City would not be able to accommodate as many housing units needed to achieve RHNA targets within the eight-year Housing Element planning horizon. The ability to meet the City's RHNA targets is imperative to the future of the City's sustainable housing market and to comply with

state requirements, the failure of which could bring monetary and punitive actions. Therefore, this alternative is found to be infeasible.

## **IX. ENVIRONMENTAL ISSUES DETERMINED NOT TO BE SIGNIFICANT**

The City determined in the NOP that a program-level EIR would be required for the project, pursuant to Section 15060(d) of the CEQA Guidelines (14 CCR 15000 et seq.) and did not prepare an Initial Study. Therefore, the EIR evaluated potential impacts to all environmental categories.

## **X. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

California Environmental Quality Act (CEQA) Guidelines Section 15126.2(c) require that the significant irreversible environmental changes that would result from project implementation, be addressed in the EIR. In accordance with CEQA Guidelines Section 15126.2(c):

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvements which provide access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.

Non-renewable resources generally include agricultural land; biological, archaeological, and paleontological resources; mineral deposits; water bodies; and some energy sources. The project has been designed to minimize impacts to sensitive biological resources by primarily focusing future development and redevelopment within the proposed Concept Areas. These areas consist of clusters of vacant and underutilized land within the city limit that would avoid the majority of sensitive habitat that is located within the eastern and southeastern portion of the Planning Area. Focusing development and redevelopment within these areas that consist primarily of developed and/or disturbed land would minimize adverse impacts to sensitive species. Similarly, the Concept Areas avoid the majority of the identified historic and potentially eligible historic resources, as well as the majority of the archaeological sensitive complexes. Nonetheless, impacts to biological and cultural resources were found to remain significant and unavoidable, because it cannot be known at the program level of analysis with certainty that impacts to sensitive species could be fully avoided or be fully mitigated. (see Sections 4.4 and 4.5 of the Final EIR). Additionally, implementation of the project would result in the permanent loss of 15 acres of land designated Prime Farmland, as well as the additional loss of farmland due to indirect conversion of agricultural land through urbanization (see Section 4.2). Therefore, future development consistent with the project could result in the permanent loss of biological, cultural, and agricultural resources.

There exists some potential for paleontological resources to be present within the Planning Area, primarily within portions of the sphere of influence that have been identified as having a high potential for paleontological resources. However, implementation of mitigation measure PAL-1 would reduce impacts associated with future grading and development to a level less than significant (see Section 4.7 of the Final EIR). As described in Section 4.10, implementation of the project would result in less than significant impacts to water bodies (drainage and water quality). The Planning Area does not support any mineral extraction activities, and the small amount of land designated as MRZ-2 in the southeastern portion of the sphere of influence is not located within any

of the proposed Concept Areas. Therefore, impacts related to mineral resources would be less than significant.

With regard to energy resources, actions related to future development would result in an irretrievable commitment of nonrenewable resources, including as energy supplies and construction materials, such as lumber, steel, and aggregate. Non-renewable energy resources (coal, natural gas, oil) would be used in construction, heating, and refrigeration of food and water, transportation, lighting, and other associated energy needs. (Energy impacts are further discussed in Section 4.6 of this EIR).

In summary, implementation of the project would result in an increase in residential, business park, industrial, office, commercial, and civic and institutional uses throughout the Planning Area, particularly within the Concept Areas (see Figure 3-1). Construction and operation associated with implementation of future projects would result in the irretrievable commitment of limited, slowly renewable, and nonrenewable resources, which would limit the availability of these particular resource quantities for future generations or for other uses. However, the use of such resources would be consistent with local and regional growth forecasts for the area (see Section 4.14 of the Final EIR). Therefore, although irreversible environmental changes would result from future development, such changes would not be considered significant.

## **XI. STATEMENT OF OVERRIDING CONSIDERATIONS**

This Statement of Overriding Considerations reflects the significant and unavoidable impacts of the project. As detailed in Section VI.C above, the project would have impacts related to agriculture and forestry resources, air quality, biological resources, cultural resources, noise, and transportation that would remain significant, even after the adoption of all feasible mitigation measures.

The City has adopted all feasible mitigation measures with respect to these impacts. Although changes to the project may substantially lessen these significant impacts, these changes would not sufficiently meet the project objectives. Additionally, the City has examined a reasonable range of alternatives to the project. Based on this examination, the City has determined that none of the alternatives would avoid or substantially lessen significant environmental effects while achieving most of the objectives of the project. As a result, to approve the project, the City must adopt this Statement of Overriding Considerations pursuant to CEQA Guidelines Sections 15043 and 15093. These provisions allow a lead agency to cite a project's general economic, social, or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been fully mitigated.

CEQA does not require lead agencies to analyze "beneficial impacts" in an EIR. Rather, EIRs are to focus on potential "significant effects on the environment," defined to be "adverse" (Public Resources Code Section 21068). The Legislature amended the definition to focus on "adverse" impacts after the California Supreme Court had held that beneficial impacts must also be addressed (see *Wildlife Alive v. Chickering* [1976] 18 Cal. 3d 190, 206 [132 Cal. Rptr. 377]). Nevertheless, decision-makers benefit from information about project benefits. These benefits can be cited, if necessary, in a statement of overriding considerations (CEQA Guidelines Section 15093).

The City finds that the project would have the following substantial legal, social, environmental, and economic benefits. Any one of the reasons for approval cited below is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported

by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found either below or in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as defined in Section I.C.

A. Economic Benefits:

- The project would allow for increased densities along key transit corridors and mobility and streetscape improvements that are intended to spur revitalization through public and private investments.
- The project would accommodate additional residential housing. Higher density housing types provide economic benefits, such as lower per unit construction costs and potential reductions in municipal infrastructure costs. Higher densities also reduce occupant housing costs.
- Adoption of the project would streamline development within designated areas, resulting in construction jobs and associated economic benefits.
- Development of underutilized land and creation of mixed-use neighborhoods would result in an increase in property tax revenues.

B. Environmental Benefits:

- The project includes policies to increase reliable transit service, promote walking and biking and reduce vehicle miles travelled in the City, which can in turn reduce greenhouse gas and air emissions associated with vehicles.

C. Social Benefits:

- The project would provide for increased multi-modal opportunities for City residents which support healthy communities and active lifestyles.
- The project would enhance the public realm and quality of life for residents through planning for streetscape enhancements, increased tree canopy, and usable outdoor green spaces within urban areas.
- Road diets would have the effect of slowing traffic along key corridors to improve safety for pedestrians/bicyclists and allow for pedestrian scale transportation corridors.
- Adoption of the project would provide increased housing options.

## **XII. CONCLUSIONS**

The City finds that there is substantial evidence in the administrative record of benefits, as described above in Section XI, which would directly result from approval and implementation of the project. The City finds that the need for these benefits specifically overrides the impacts of the project related to agriculture and forestry resources, air quality, biological resources, cultural resources, noise, and transportation. Therefore, the adverse effects of the project are considered acceptable.

The City has independently reviewed and analyzed the Final EIR as required by CEQA. Prior to that review and analysis, the City circulated the Draft EIR and appendices and those documents also reflect the City's independent review, analysis, and judgment pursuant to CEQA.

As part of the certification of the Final EIR, the City finds that the EIR reflects the independent judgment of the City, acting in its capacity as the lead agency. As required by CEQA (Public Resources Code Section 21081.6), the City in adopting these Findings also adopts the MMRP. The City hereby finds that the MMRP meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of the mitigation measures set forth herein, which mitigate the identified significant impacts associated with the project and are fully enforceable through permit conditions, agreements, these Findings, and other measures.