Exhibit A
Findings of Fact
Statement of Overriding Considerations

FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
TOWN CENTER AT MORENO VALLEY SPECIFIC PLAN
FINAL ENVIRONMENTAL IMPACT REPORT

City of Moreno Valley
SCH No. 2022040417

I. INTRODUCTION

A. California Environmental Quality Act Requirements

Public Resources Code (PRC) Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute provides that the procedures required by the California Environmental Quality Act (CEQA) "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to provide that "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

CEQA and the Guidelines for Implementation of CEQA (CEQA Guidelines) require that the lead agency for a project analyze and provide findings on the project's environmental impacts before approving the project. The City of Moreno Valley (City), in its capacity as the CEQA Lead Agency, has prepared these Findings of Fact (Findings) to comply with CEQA for the Town Center at Moreno Valley (TCMV) Specific Plan Project (Project), which is within the City's jurisdiction. Specifically, regarding Findings, CEQA Guidelines Section 15091 establishes the following requirements:

> (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 provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

These findings constitute the City's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. The Facts in

Support of the Findings set forth in the following sections state the City's reasons for making each finding and the rationale connecting the evidence to its conclusions.

Where a project will cause unavoidable significant environmental impacts, the Lead Agency may still approve a project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects and approves the project.

B. 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 Section 21167.6(e):

(1) All Project application materials.

(2) 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.

(3) 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.

(4) 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 before action on the environmental documents or on the Project.

(5) 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.

(6) All written comments received in response to, or in connection with, environmental documents prepared for the Project, including responses to the notice of preparation.

(7) 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.

(8) 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.

(9) The documentation of the final public agency decision, including the final environmental impact report, and all documents, in addition to those referenced in paragraph three (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.

(10) 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 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, but not including communications that are of a logistical nature, such as meeting invitations

and scheduling communications, except that any material that is subject to privileges contained in the Evidence Code, or exemptions contained in the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) shall not be included in the record of proceedings under this paragraph, consistent with existing law.

(11) 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.

C. 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 at 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 PRC Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

II. PROJECT DESCRIPTION SUMMARY

The description of the Project as required by CEQA Guidelines Section 15124 is set forth in Section 3.0, Project Description, of the EIR. A summary description is provided in this section.

The approximately 69.6-gross-acre[1] TCMV Specific Plan Area (also referred to as the Project site or Project area) is located in the City of Moreno Valley, which is within western Riverside County, California. The Project site is currently undeveloped and is located immediately south of Cottonwood Avenue, west of Nason Street, north of Alessandro Boulevard, and east of the current terminus of Bay Avenue.

The Project discussed herein refers to the discretionary actions required to implement the TCMV Specific Plan and all the activities associated with its implementation (including planning, construction, and ongoing operation). The Project site would be developed pursuant to the TCMV Specific Plan, which involves a mixed-use development consisting of residential, commercial/civic, and open space uses. The TCMV Specific Plan is designed to provide flexibility for development within the TCMV Specific Plan Area. As the TCMV Specific Plan would establish development guidelines and standards that would be used to regulate basic planning and development concepts for future development within the Project site, the exact type and amount of uses that would be developed at buildout of the TCMV Specific Plan is unknown. Therefore, a reasonable potential buildout development scenario was developed for purposes of analysis in the EIR and includes the following uses:

Residential Land Use Area

- 800 residential dwelling units

Commercial/Civic Land Use Area

- 105,890 square feet (sf) of general retail
- 15,000 sf of business professional office uses

[1] The 69.6 gross acres include areas adjacent to and within the Project site that would be dedicated for roadway right-of-way. The Project site is 57.3 net acres (not including the roadway right-of-way).

- 58,409 sf / 106-room hotel
- 30,000 sf civic center
- 20,160 sf eating establishment/high turnover restaurant, including a drive-thru restaurant

Open Space Land Use Area

- 4.9 acres of park area

The Project also includes associated site improvements, including vehicular and non-vehicular circulation, parking facilities, and transit facilities; parks and recreational facilities; landscaping and streetscape improvements; monuments, entry features, and signage; walls and fences; lighting and mechanical equipment; and utility infrastructure (on- and off-site).

The principal discretionary actions requested by the Property Owner/Developer to implement the Project include:

- **General Plan Amendment (PEN25-0007)** to change the land use designation for the Project site from Public Facilities to Residential (30 du/acre maximum), Open Space, and Commercial to allow a mixed-use development with residential, commercial, park, and civic uses.
- **Zone Change from Public Facilities (P) to TCMV Specific Plan (PEN21-0335)** for the TCMV Specific Plan (SP 222).
- **TCMV Specific Plan (SP 222) (PEN 21-0334)**, which would serve as the regulatory document governing the orderly growth and development of the Project site.
- **Tentative Tract Map (TTM) No. 38421 (PEN 22-0077)** to create parcels to accommodate the development of the uses anticipated by the Specific Plan.

The following objectives have been established for the Project:

1. Establish the zoning criteria to guide the orderly development of the Project site with a mixed-use neighborhood composed of residential, open space, and commercial uses.
2. Maximize housing opportunities to further achievement of local housing goals and provide a variety of housing types to meet the needs of various market segments and lifestyle considerations.
3. Create local employment opportunities.
4. Expand economic development in the City by establishing new commercial/civic uses on vacant land in a developing area.
5. Decrease automobile dependency by locating new housing, parks, and commercial/civic uses within walking distance of other business, entertainment, residential, cultural, and civic uses.
6. Provide a diverse combination of new shopping and dining opportunities for City residents and visitors.
7. Develop an attractive and active community centerpiece for the City.

III. **ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

The City has conducted an extensive review of the Project, which consists of the Town Center at Moreno Valley Specific Plan (PEN21-0334), a General Plan Amendment (PEN 25-0007), a Change of Zone (PEN 21-0335), and Tentative Tract Map No. 38421 (PEN23-0075). The review considered an Environmental Impact Report ("EIR") (State Clearinghouse [SCH] No. 2022040417) consisting of the Draft EIR and Final EIR, along with associated technical studies. The following is a summary of the City's environmental review of this Project:

- On April 19, 2022, the City published and circulated a Notice of Preparation ("NOP") that identified the environmental issues that the City anticipated would be analyzed in the Town Center at Moreno Valley Draft EIR to the SCH, responsible agencies and other interested parties.
- On April 21, 2022, a revised NOP was published and circulated to the same recipients.
- On May 4, 2022, the City held a publicly-noticed public scoping meeting to obtain comments from the responsible agencies and the public.
- On February 14, 2025, the City published and filed a Notice of Availability ("NOA") and Notice of Completion (NOC) for the Draft EIR on the SCH CEQAnet web portal. The NOA was also distributed directly to responsible agencies and other interested parties.
- On February 24, 2025, the NOA was published in the Press Enterprise, a newspaper of general circulation within the City, and posted on the City's website.
- On February 24, 2025, the City published and filed a revised Notice of Availability for the Draft EIR on the SCH CEQAnet web portal and posted the revised NOA on the City's website.
- The public review period for the Draft EIR ran from February 18, 2025, to April 10, 2025. Seven written comments were received from four public agencies and two organizations (one organization provided two comment letters). The written comments generally concerned the Project's potential impacts related to air quality, greenhouse gas emissions, hazard materials, land use, noise, and public services, transportation, and utilities and service systems, and compliance with CEQA.
- The Draft EIR and its technical appendices were available for public review throughout the comment period in person at City Hall, located at 14177 Frederick Street, Moreno Valley; on the City's website at http://www.moreno-valley.ca.us/cdd/documents/aboutprojects.html; and on the SCH CEQAnet web portal.
- The City provided written responses to the public agencies that had provided written comments.
- The EIR has been completed, comprised of the Draft EIR, all comments received on the Draft EIR, written responses to comments, and technical appendices (collectively, "EIR"). The EIR was made available for public review by posting it on the City's website.
- On April 18, 2025, notice of the Planning Commission's May 8, 2025, hearing to consider the Project and the Final EIR was published in the Press Enterprise, a newspaper of general circulation within the City, posted on the City's website and mailed to those who had requested written notice.

IV. **GENERAL FINDINGS**

The City hereby finds as follows:

- The City is the "Lead Agency" for the Project evaluated in the EIR.
- The EIR was prepared in compliance with CEQA and the CEQA Guidelines.
- 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 in Section S.0, Executive Summary, of the 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 the Guidelines, the City has complied with CEQA Guidelines Section 21081.5 and Section 21082.2.
- The impacts and potential impacts of the Project have been analyzed to the extent feasible at the time of certification of the EIR.
- The City has made no decisions that constitute an irretrievable commitment of resources toward the Project prior to certification of the 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 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.

V. **INDEPENDENT JUDGMENT FINDING**

Before using a draft EIR prepared by another entity or through a third-party contractor, 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 (PRC Section 21082.1[c], CEQA Guidelines Section 15084[e]). The City must also certify that the final EIR reflects its independent judgment (PRC Section 21082.1[c], CEQA Guidelines Section 15090[a][3]).

The applicant for the TCMV Specific Plan Project retained the independent consultant firm of T&B Planning to prepare the EIR for the Project. The City is the lead agency for the preparation of the EIR. The City has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project. The City conducted screencheck reviews to ensure technical accuracy and completeness of the EIR and technical studies prior to its release for public review. The City has further considered agency and public input, technical responses, and clarifications provided as part of the public comment process. Thus, City staff and technical personnel from various City departments have reviewed and considered the EIR, and such review was accomplished using the City's and technical personnel's independent judgment and analysis. The Planning Commission and City Council will also undertake their own independent review and consideration of the EIR prior to their respective noticed public hearings.

Consistent with PRC Section 21082.1 and CEQA Guidelines Section 15084, the City and its decision makers find they have conducted an independent review and analyses of the EIR. The City and its

decision makers find that the EIR complies with the requirements of CEQA and reflect the City's independent judgment and analysis pursuant to CEQA.

VI. ENVIRONMENTAL IMPACTS AND FINDINGS

A. Environmental Impacts Found to Have No Impact or a Less than Significant Impact Not Requiring Mitigation

Finding: For the following significance thresholds, the City finds that, based upon substantial evidence in the record, the Project would have no impact or result in a less than significant impact (Project-level and cumulative impacts). Therefore, the imposition of mitigation measures is not required.

1. Aesthetics (EIR Section 4.1)

Scenic Vistas

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

Facts in Support of Finding: Potential impacts of the Project to scenic vistas are analyzed in Section 4.1, Aesthetics, of the EIR (Threshold a). The Project site is not within a City-designated view corridor, and the Project does not involve any development within or adjacent to any scenic resources that define a scenic vista. The public views available from Nason Street, Alessandro Boulevard, and Cottonwood Avenue adjacent to the Project site would largely be retained, and the Project's potential impacts to scenic views of distant mountains and Moreno Peak would be **less than significant**.

Scenic Resources

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

Facts in Support of Finding: Potential impacts of the Project to scenic resources within a state scenic highway are analyzed in Section 4.1, Aesthetics, of the EIR (Threshold b). The Project site is not within the viewshed of a State scenic highway; therefore, the Project would not degrade scenic resources within a State scenic highway. **No impact** would occur.

Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality

Threshold: In non-urbanized areas, would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Facts in Support of Finding: Potential impacts of the Project resulting from a conflict with applicable zoning and other regulations governing scenic quality are analyzed in Section 4.1, Aesthetics, of the EIR (Threshold c). The Project site is in an urbanized area and, thus, is evaluated for its potential to conflict with applicable zoning and other regulations governing scenic quality. Future development implementing the proposed TCMV Specific Plan would adhere to the established Development Standards and Design Guidelines included in the TCMV Specific Plan. With adherence to the TCMV Specific Plan Development Standards and Design Guidelines, the Project would not conflict with goals or policies outlined in the General Plan or Moreno Valley Municipal Code (MVMC) requirements that regulate scenic quality. This impact would be **less than significant**.

Light or Glare (Operations)

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

Facts in Support of Finding: Potential impacts of the Project related to light and glare during operation are analyzed in Section 4.1, Aesthetics, of the EIR (Threshold d). With respect to operational lighting, although implementation of uses allowed by the proposed TCMV Specific Plan would introduce new development to the Project site, the site is located in an area that is already subject to nighttime lighting. To reduce light pollution, and in adherence to MVMC Section 9.08.100, exterior lighting would be unobtrusive, reduce off-site glare, and light only the intended area. Additionally, pursuant to MVMC Section 9.10.110, illumination from the Project would not exceed 0.5 footcandles on any adjacent property, and lighting would be designed to project downward and not create glare on adjacent properties. Adherence to the lighting design requirements outlined in the lighting plan and proposed TCMV Specific Plan would ensure that the proposed lighting would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Therefore, this impact would be **less than significant**.

With respect to glare, adherence to the Development Standards and Design Guidelines (architectural and landscape) outlined in the TCMV Specific Plan, which require finishes that reduce reflection and glare, would ensure that these materials would not result in substantial light or glare that adversely affects day or nighttime views in the area. Therefore, this impact would be **less than significant**.

2. Agriculture and Forestry Resources (EIR Section 4.2)

Farmland Conversion

Threshold: Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Facts in Support of Finding: Potential impacts of the Project to Farmland are analyzed in Section 4.2, Agriculture and Forestry Resources, of the EIR (Threshold a). The Project site contains Farmland of Local Importance and does not contain Farmland (Prime Farmland, Unique Farmland, or Farmland of Statewide Importance), and there are no agricultural activities onsite. The Project would not convert Farmland to non-agricultural uses and **no impact** would occur.

Agricultural Zoning and Williamson Act Contracts

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

Facts in Support of Finding: Potential impacts of the Project related to conflict with agricultural zoning or a Williamson Act Contract are analyzed in Section 4.2, Agriculture and Forestry Resources, of the EIR (Threshold b). The City does not contain areas zoned for agricultural uses and the Project site does not contain land under a Williamson Act Contract. The Project would not conflict with a Williamson Act Contract or agricultural zoning and **no impac**t would occur.

Forest Zoning

Threshold: Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?

Facts in Support of Finding: Potential impacts of the Project related to conflict with forest land zoning are analyzed in Section 4.2, Agriculture and Forestry Resources, of the EIR (Threshold c). The City does not have a forest land zone; therefore, the Project would not conflict with any zoning designation for forest land, for timberland or for Timberland Production. **No impact** would occur.

Forest Land

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

Facts in Support of Finding: Potential impacts to forest land are analyzed in Section 4.2, Agriculture and Forestry Resources, of the EIR (Threshold d). There is no forest land within the City, including the Project site; therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest uses and **no impact** would occur.

Farmland and Forest Land Conversion

Threshold: Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Facts in Support of Finding: Potential impacts of the Project related to conversion of Farmland to non-agricultural use and forest land to non-forest use are analyzed in Section 4.2, Agriculture and Forestry Resources, of the EIR (Threshold e). There is no forest land or Farmland within or near the Project site. The Project would not result in any other changes that would result in the conversion of farmland to non-agricultural uses or the conversion of forest land to non-forest use and **no impact** would occur.

3. Air Quality (EIR Section 4.3)

Sensitive Receptors

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

Facts in Support of Finding: Potential impacts of the Project related to exposure of sensitive receptors to substantial pollutant concentrations are analyzed in Section 4.3, Air Quality, of the EIR (Threshold c). During construction, the Project would not expose nearby sensitive receptors to substantial pollutant concentrations because the Project's localized emissions would not exceed South Coast Air Quality Management District (SCAQMD) localized significance thresholds (LSTs) resulting in a less than significant impact. The Project includes residential, commercial, civic, and park uses, and does not propose uses that include stationary sources or attract mobile sources that may spend long periods of time queuing and idling at the site; thus, impacts would be less than significant and no long-term localized significance threshold analysis is needed. Under long-term operating conditions, the Project's contributions to CO "Hot Spots" would also be less than significant. Therefore, the Project

would not expose sensitive receptors to substantial pollutant concentrations. This impact would be **less than significant**.

Other Emissions

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

Facts in Support of Finding: Potential impacts of the Project related to other emissions (such as odors) are analyzed in Section 4.3, Air Quality, of the EIR (Threshold d). The Project includes residential, commercial, civic, and park uses that would not produce air emissions that would lead to unusual or substantial construction-related or operational odors. Additionally, the Project is required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance. Therefore, the Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. This impact would be **less than significant**.

4. Biological Resources (EIR Section 4.4)

Sensitive Riparian Habitats

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

Facts in Support of Finding: Potential impacts of the Project to sensitive riparian resources are analyzed in Section 4.4, Biological Resources, of the EIR (Threshold b). The Project area does not contain any riparian habitat, critical habitat, or other sensitive natural communities. Therefore, the Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or the U. S. Department of Fish and Wildlife. **No impact** would occur.

Jurisdictional Wetlands

Threshold: Would the Project have 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?

Facts in Support of Finding: Potential impacts of the Project to wetlands are analyzed in Section 4.4, Biological Resources, of the EIR (Threshold c). Based on a site-specific assessment of biological resources, the Project site does not contain State- or federally-protected wetlands. Therefore, the Project would not have substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **No impact** would occur.

Local Ordinances

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

Facts in Support of Finding: Potential impacts of the Project related to conflict with local policies or ordinances protecting biological resources are analyzed in Section 4.4, Biological Resources, of the

EIR (Threshold f). The Project would comply with MVMC Chapter 3.48 and Chapter 8.60, which require fee payments for the MSHCP and protection of the Stephens' Kangaroo Rat. In addition, the Project would comply with MVMC Section 9.17.030(g), as applicable, with regards to tree protection (compliance with this requirement is ensured with implementation of MM 4.4-4). With adherence to these regulations, the Project would not conflict with any local policies or ordinances protecting biological resources. **No impact** would occur.

MM 4.4-4 Prior to any removal of trees potentially regulated by the City of Moreno Valley Municipal Code, a qualified arborist shall conduct a tree survey in the area of the Project site in which regulated trees are proposed to be removed. Data to be collected on appropriate data forms includes the exact location of the tree, species, diameter at breast height, and information on the general character and health of the tree. All regulated trees to be removed shall be flagged in the field and entered into a GIS database. This information shall be included in an arborist report to be submitted to the City.

Pursuant to Section 9.17.03 of the City of Moreno Valley Municipal Code, the removal of existing trees with four-inch or greater trunk diameters at breast height (dbh) shall be replaced at a 3:1 ratio, with a minimum 24-inch box size tree of the same species or a minimum 36-inch box for a 1:1 replacement, in locations approved by the City.

5. Cultural Resources (EIR Section 4.5)

Historic Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

Facts in Support of Finding: Potential impacts of the Project on cultural resources are analyzed in Section 4.5, Cultural Resources, of the EIR (Threshold a). The Project site is undeveloped and no historic resources as defined by CEQA Guidelines Section 15064.5 are present within the Project site. Therefore, the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. **No impact** would occur.

Human Remains

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

Facts in Support of Finding: Potential impacts of the Project to human remains are analyzed in Section 4.5, Cultural Resources, of the EIR (Threshold c). There are no known human remains within or near the Project site. In the unlikely event that human remains are discovered during Project grading or other ground-disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and PRC Section 5097 et seq., which outline actions to take if human remains are discovered. Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains. Therefore, the Project would not disturb any human remains, including those interred outside of formal cemeteries. This impact would be **less than significant**.

6. Energy (EIR Section 4.6)

Energy Consumption

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

Facts in Support of Finding: Potential impacts of the Project related to energy consumption are analyzed in Section 4.6, Energy, of the EIR (Threshold a). The use of electricity, natural gas, petroleum and renewable energy during both the construction and operation of the Project was analyzed. The Project would adhere to applicable regulation addressing energy conservation, including requirements for the use of renewable energy on site. The amount of energy and fuel consumed by construction and operation of the Project (transportation and facility energy consumption) would not be inefficient, wasteful, or unnecessary. Furthermore, the Project would not cause or result in the need for additional energy facilities or energy facilities or energy delivery systems. Therefore, this impact would be **less than significant**.

Renewable Energy or Energy Efficiency

Threshold: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Facts in Support of Finding: Potential impacts of the Project related to conflict with state or local energy plans are analyzed in Section 4.6, Energy, of the EIR (Threshold b). The Project site is located along major transportation corridors with proximate access to the Interstate freeway system. The Project site facilitates access, takes advantage of existing infrastructure systems, and promotes land use compatibilities. The Project would be required to comply with the Title 24 Energy Standards and CALGreen requirements in effect at the time building permit applications are submitted, which would support decreased overall per capita energy consumption, decreased reliance on fossil fuels and increased reliance on renewable energy sources. The Project would not cause or result in the need for additional energy production or transmission facilities. Therefore, the Project would not conflict with or obstruct the achievement of energy conservation goals identified in State and local plans for renewable energy and energy efficiency. This impact would be **less than significant**.

7. Geology and Soils (EIR Section 4.7)

Seismic Hazards

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

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?
ii) Strong seismic ground shaking?
iii) Seismic-related ground failure, including liquefaction?
iv) Landslides?

Facts in Support of Finding: Potential impacts of the Project related to seismic hazards are analyzed in Section 4.7, Geology and Soils, of the EIR (Threshold a). The Project site is not located within a fault zone and implementation of the Project would not expose people or structures to substantial

direct or indirect adverse effects related to fault rupture. The Project site is subject to seismic ground shaking associated with earthquakes and has a low to moderate susceptibility to liquefaction; however, mandatory compliance with local and State regulatory requirements and building codes, and adherence to recommendations from site-specific geotechnical report(s) (via conditions of approval), would ensure that the Project minimizes potential hazards related to seismic ground shaking and seismic-related ground failure, including liquefaction, to less than significant levels. Therefore, the Project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury or death involving (i) the 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 Project area or based on evidence of a known fault, (ii) strong seismic ground shaking, (iii) seismic-related ground failure, including liquefaction, and (iv) landslides. This impact would be **less than significant**.

Soil Erosion

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

Facts in Support of Finding: Potential impacts of the Project related to erosion are analyzed in Section 4.7, Geology and Soils, of the EIR (Threshold b). Implementation of the Project would not result in substantial soil erosion or loss of topsoil. Construction activities would be conducted in compliance with regulations addressing erosion during construction (e.g., National Pollutant Discharge Elimination System [NPDES] permit and preparation of a stormwater pollution prevention plan [SWPPP]), and preparation of an erosion control plan is required to minimize water and wind erosion. Following completion of development, implementation of a water quality management plan (WQMP) during operation is required (via conditions of approval), which would preclude substantial long-term erosion impacts. Therefore, the Project would not result in substantial soil erosion or the loss of topsoil. This impact would be **less than significant**.

Unstable Soils

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

Facts in Support of Finding: Potential impacts of the Project related to unstable soils are analyzed in Section 4.7, Geology and Soils, of the EIR (Threshold c). Due to the relative flat topography of the Project site and surrounding areas, there is no potential for the Project's construction or operation to cause, or be impacted by, on- or off-site landslides. Potential hazards associated with unstable soils would be precluded through mandatory adherence (via conditions of approval) to the recommendations contained in the site-specific geotechnical report(s) during Project construction. Therefore, the Project would not be located on a geologic unit or soil that is unstable or that could become unstable as a result of the Project and possibly result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. This impact would be **less than significant**.

Expansive Soils

Threshold: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Facts in Support of Finding: Potential impacts of the Project related to expansive soil are analyzed in Section 4.7, Geology and Soils, of the EIR (Threshold d). The Project site does not contain

expansive soils as defined in Table 18-1-B of the Uniform Building Code (1994). As such, the Project would not be located on expansive soil and would not create substantial direct or indirect risks to life or property. **No impact** would occur.

Alternative Wastewater Disposal

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

Facts in Support of Finding: Potential impacts of the Project related to alternative wastewater disposal are analyzed in Section 4.7, Geology and Soils, of the EIR (Threshold e). The Project does not propose the use of septic tanks or alternative wastewater disposal system. The Project would construct an on-site sewer system that would connect to the existing sewer system in the surrounding roadways. Therefore, the Project would not involve any soils incapable of adequately supporting the use of septic tanks or alternative water disposal systems where sewers are not available for the disposal of wastewater. **No impact** would occur.

8. Greenhouse Gas Emissions (EIR Section 4.8)

GHG Emission Reduction Plans

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

Facts in Support of Finding: Potential impacts of the Project related to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions are analyzed in Section 4.8, Greenhouse Gas Emissions, of the EIR (Threshold b). The Project involves implementation of a mixed-use development and would be consistent with or otherwise would not conflict with applicable regulations, policies, plans, and goals that would further reduce GHG emissions including the California Air Resources Board (CARB) 2022 Scoping Plan. The Project's consistency with the 2022 Scoping Plan also satisfies consistency with Assembly Bill (AB) 32 since the 2022 Scoping Plan is based on the overall targets established by AB 32 and Senate Bill (SB) 32. Therefore, the Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. This impact would be **less than significant**.

9. Hazards and Hazardous Materials (EIR Section 4.9)

Transport, Use, or Disposal of Hazardous Materials

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

Facts in Support of Finding: Potential impacts of the Project related to creation of a significant hazard associated with the routine transport, use, or disposal of hazardous materials are analyzed in Section 4.9, Hazards and Hazardous Materials, of the EIR (Threshold a). During Project construction and operation, mandatory compliance with federal, State, and local regulations would ensure that the Project would not create a significant hazard to the environment due to routine transport, use, or disposal of hazardous materials. Additionally, due to the nature of the Project, routinely used hazardous materials would not be of the type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment. This impact would be **less than significant**.

Accidental Release of Hazardous Materials

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

Facts in Support of Finding: Potential impacts of the Project related to creation of a significant hazard reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment are analyzed in Section 4.9, Hazards and Hazardous Materials, of the EIR (Threshold b). The Project site does not contain any recognized environmental concerns (RECs) that would pose a hazard to construction workers or the public during construction. During Project construction and operation, mandatory compliance with federal, State, and local regulations would ensure that the Project would not create a significant hazard to the environment due to upset of hazardous substances or materials. Additionally, due to the nature of the Project, routinely used hazardous materials would not be of the type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment due to the release of hazardous materials into the environment. Therefore, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. This impact would be **less than significant**.

Hazards to Existing or Proposed Schools

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

Facts in Support of Finding: Potential impacts of the Project related to hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school are analyzed in Section 4.9, Hazards and Hazardous Materials, of the EIR (Threshold c). The Project site is located within one-quarter mile of existing schools; however, with the proposed residential, commercial, civic, and park uses there would be no hazardous emissions, and the handling of hazardous materials, substances, or waste would not involve the type or quantity that would pose a significant hazard to public health and safety or the environment. Therefore, the Project would not emit hazardous emissions or involve the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. This impact would be **less than significant**.

Hazardous Materials Sites

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

Facts in Support of Finding: Potential impacts of the Project related to being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 are analyzed in Section 4.9, Hazards and Hazardous Materials, of the EIR (Threshold d). Based on review of the sites contained in the Cortese List, produced pursuant to Government Code Section 65962.5, the Project site is not identified on any list of hazardous materials sites complied pursuant to Government Code Section 65962.5. Therefore, **no impact** would result.

Airport Hazards

Threshold: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?

Facts in Support of Finding: Potential impacts of the Project related to airport hazards are analyzed in Section 4.9, Hazards and Hazardous Materials, of the EIR (Threshold e). The Project site is located more than two miles northeast of March Air Reserve Base/Inland Port (MARB/IP) Airport and is not within the airport influence area (AIA), including established noise contours. Additionally, the Project does not involve any construction or operations that require notification to the Federal Aviation Administration (FAA) pursuant to Federal Aviation Regulations (FAR) Part 77. As such, the Project would not result in an airport safety hazard or excessive noise for people residing or working in the Project area. This impact would be **less than significant**.

Emergency Response

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

Facts in Support of Finding: Potential impacts of the Project related to emergency response and emergency evacuation plans are analyzed in Section 4.9, Hazards and Hazardous Materials, of the EIR (Threshold f). The Project site does not contain any emergency facilities, nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. The Project would involve the construction of new roadways in accordance with the City roadway design standards, which would improve local access. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan. **No impact** would result.

Wildland Fires

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

Facts in Support of Finding: Potential impacts of the Project related to exposure to wildland fires are analyzed in Section 4.9, Hazards and Hazardous Materials, of the EIR (Threshold g). The Project site does not contain wildlands and is not within a very high fire hazard severity zone (VHFHSZ); the nearest VHFHSZ is approximately 0.4 mile from the Project site. The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. This impact would be **less than significant**.

10. Hydrology and Water Quality (EIR Section 4.10)

Violate Water Quality Standards/Degrade Water Quality

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

Facts in Support of Finding: Potential impacts of the Project related to water quality are analyzed in Section 4.10, Hydrology and Water Quality, of the EIR (Threshold a). The Project would include the development of residential, commercial, civic, and park uses on the currently undeveloped Project

site. Construction activities for the Project would occur over an area more than one acre. Therefore, the Project is required to obtain coverage under a NPDES permit. Construction impacts due to Project development would be minimized through compliance with the applicable NPDES Construction General Permit, including preparation of a SWPPP. Urvan stormwater pollutants would be produced during Project operation. The Project Applicant would be required to implement a WQMP to demonstrate compliance with the City's NPDES municipal stormwater permit, and to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters. Groundwater was not encountered during the drilling of soil borings at the Project site, which extended to depths of approximately 51 feet below the ground surface (bgs). Therefore, excavation activities associated with the Project are not anticipated to encounter significant amounts of groundwater. However, surface water may percolate into the soil. Adherence to regulations addressing water quality, including through preparation of a SWPPP and a site-specific WQMP, would ensure that the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. This impact would be **less than significant**.

Groundwater

Threshold: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Facts in Support of Finding: Potential impacts of the Project related to groundwater are analyzed in Section 4.10, Hydrology and Water Quality, of the EIR (Threshold b). Groundwater was not encountered to depths of approximately 51 feet bgs. However, the Project site is located within a recharge area for the West San Jacinto Groundwater Basin. Although the Project would introduce impervious surfaces to the Project site, the Project would introduce a relatively small amount of impervious surfaces in relation to the entire recharge area. The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the West San Jacinto Groundwater Basin. This impact would be **less than significant**.

Drainage Patterns

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

i) result in a substantial erosion or siltation on- or off-site;
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
iv) impede or redirect flood flows?

Facts in Support of Finding: Potential impacts of the Project related to alteration of drainage patterns are analyzed in Section 4.10, Hydrology and Water Quality, of the EIR (Threshold c). The Project site is currently undeveloped; therefore, implementation of the Project would increase stormwater runoff from the Project site, which would be discharged to the public storm drain system. The storm drain system would be designed to accommodate the stormwater flows generated by the Project, and the Project would not create or contribute to increased flooding risks due to insufficient capacity of existing or planned stormwater drainage systems. The Project would not substantially alter the drainage

pattern or site or area and would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Project site is not within a flood zone and the Project would not result in flooding onsite or off site or impede/redirect flood flows. With adherence to regulations addressing water quality, the Project would not provide substantial additional sources of polluted runoff. This impact would be **less than significant**.

Flood Hazards, Tsunami, or Seiche

Threshold: In flood hazard, **t**sunami, or seiche zones, would the Project risk release of pollutants due to Project inundation?

Facts in Support of Finding: Potential impacts of the Project related to inundation from flood hazards, tsunami or seiche zones are analyzed in Section 4.10, Hydrology and Water Quality, of the EIR (Threshold d). The Project site is not located near the ocean or other water body and is not within a flood hazard area. Therefore, the Project would not risk release of pollutants due to Project inundation from flood hazards, tsunami, or seiche zones. **No impact** would occur.

Water Quality and Sustainable Groundwater Management Plans

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

Facts in Support of Finding: Potential impacts of the Project related to conflict with a water quality control plan or sustainable groundwater management plan are analyzed in Section 4.10, Hydrology and Water Quality, of the EIR (Threshold e). Project-related construction and operational activities would be required to comply with the Santa Ana River Basin Water Quality Control Plan by preparing and adhering to a SWPPP and WQMP. The Project would not conflict with the Groundwater Sustainability Plan for the San Jacinto Groundwater Basin as groundwater wells and groundwater extraction would not be part of Project operation and the Project would be supplied with imported, purchased water for potable water demands and recycled water for non-potable water demands. The Project would not conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. This impact would be **less than significant**.

11. Land Use and Planning (EIR Section 4.11)

Physically Divide an Established Community

Threshold: Would the Project physically divide an established community?

Facts in Support of Finding: Potential impacts of the Project related to physically dividing an established community are analyzed in Section 4.11, Land Use and Planning, of the EIR (Threshold a). The Project would involve development of the currently vacant Project site with residential, commercial, civic, and park uses, on a vacant site planned for development. The Project would not obstruct access to and from the existing neighborhoods in the area and would improve connectivity with implementation of proposed roadway improvements. The Project would not physically divide an established community. **No impact** would occur.

Conflict with Applicable Plans and Policies

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

Facts in Support of Finding: Potential impacts of the Project related to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect are analyzed in Section 4.11, Land Use and Planning, of the EIR (Threshold b). Implementation of the Project, which would involve the development of residential, commercial, civic and park uses, would not conflict with policies outlined in the City's existing 2006 General Plan or proposed 2040 General Plan, which the City is in the process of readopting; MVMC; or SCAG's *Connect SoCal 2024*, and specifically would not conflict with applicable environmental plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. This impact would be **less than significant**.

12. Mineral Resources (EIR Section 4.12)

Known Mineral Resources

Threshold: Would the Project result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the State?

Facts in Support of Finding: Potential impacts of the Project related to the loss of availability of known mineral resources are analyzed in Section 4.12, Mineral Resources, of the EIR (Threshold a). The Project site does not have any known mineral resources that would be of value to the region or residents of the State. Therefore, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State. **No impact** would occur.

Mineral Resource Recovery Site

Threshold: Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Facts in Support of Finding: Potential impacts of the Project related to the loss of availability of a locally important mineral resource recovery site are analyzed in Section 4.12, Mineral Resources, of the EIR (Threshold b). The Project site is not within a mineral resource recovery site. Therefore, the Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **No impact** would occur.

13. Noise (EIR Section 4.13)

Increase in Ambient Noise

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

Facts in Support of Finding: Potential impacts of the Project related to increases in ambient noise in excess of established standards are analyzed in Section 4.13, Noise, of the EIR (Threshold a). Based on the calculation of estimated noise level during construction, the Project's construction noise

levels would not exceed the established significance threshold at all receiver locations and at 200 feet from the property line of the sources. Further, the temporary noise level increases would range from 0.0 dBA to 9.2 dBA and would not exceed the established significance threshold at all receiver locations. Additionally, the Project's operational noise levels would satisfy the 65 dBA L_{eq} daytime and 60 dBA L_{eq} nighttime exterior noise level standards at all nearby receiver locations and at 200 feet from the property line of the source. The Project would result in operational noise level increases ranging between 0.0 and 1.8 dBA Leq at the nearest receiver locations, which would not exceed the established thresholds of significance at all receiver locations. Off-site traffic noise level increases generated by the Project would also not exceed the established thresholds of significance. Therefore, during construction and operation (on-site noise sources and off-site traffic noise) the Project would not generate 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. This impact would be **less than significant**.

Vibration

Threshold: Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Facts in Support of Finding: Potential impacts of the Project related to vibration are analyzed in Section 4.13, Noise, of the EIR (Threshold b). Construction vibration is generally associated with pile driving and rock blasting. However, no pile-driving or rock-blasting activities are planned for the Project. The typical Project construction vibration levels would fall below the building damage thresholds at all receiver locations. The operational activities associated with the proposed uses would not include or require equipment, facilities, or activities that would result in perceptible groundborne vibration or groundborne noise levels. Accordingly, Project construction and operation would not generate excessive groundborne vibration or groundborne noise levels. This impact would be **less than significant**.

Airport Noise

Threshold: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?

Facts in Support of Finding: Potential impacts of the Project related to airport noise are analyzed in Section 4.13, Noise, of the EIR (Threshold c). The Project site is not within an area exposed to high levels of noise from the MARB/IP Airport, which is over three miles southwest of the Project site. As such, the Project would not expose people residing or working in the Project area to excessive noise levels. This impact would be **less than significant**.

14. Population and Housing (EIR Section 4.14)

Induce Unplanned Population Growth

Threshold: Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Facts in Support of Finding: Potential impacts of the Project related to inducement of unplanned population growth are analyzed in Section 4.14, Population and Housing, of the EIR (Threshold a).

The Project would include the development of residential, commercial/civic, and park uses, and associated roadways and utility infrastructure that would be used to accommodate the proposed development. The estimated 800 units (3,080 residents) and 421 new employment opportunities resulting from implementation of the Project would not exceed the Southern California Association of Governments (SCAG) population and employment projections for the region. The roadway improvements associated with the Project would be consistent with the City's planned circulation system, and the utility infrastructure improvements would be sized to accommodate the Project and would not include additional capacity to accommodate future development offsite. Therefore, the Project would not induce substantial unplanned population growth in an area, either directly or indirectly. Impacts would be **less than significant**.

Displace People or Housing

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

Facts in Support of Finding: Potential impacts of the Project related to displacement of people or housing are analyzed in Section 4.14, Population and Housing, of the EIR (Threshold b). The Project site is undeveloped and implementation of the Project would not displace a substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere. **No impact** would occur.

15. Public Services and Recreation (EIR Section 4.15)

New or Altered Governmental Facilities

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the 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:

i. Fire protection?
ii. Police protection?
iii. Schools?
iv. Parks?
v. Other public facilities?

Facts in Support of Finding: Potential impacts of the Project related to physical impacts from the construction of new or physically altered government facilities are analyzed in Section 4.15, Public Services and Recreation, of the EIR (Thresholds a and b).The proposed TCMV Specific Plan would generate new residents and employees at the Project site, which is currently undeveloped, and would increase the demand for public services compared to existing conditions. With payment of mandatory development impact fees (DIF) pursuant to MVMC Title 3 (for fire protection, police services and library services); payment of required school impact fees pursuant to California Government Code Section 65995; and adherence to requirements for the provision of parkland, the Project's potential impacts related to public services and facilities would be less than significant and the Project would not result in or require the construction of new or physically altered facilities. Therefore, the Project would not result in substantial adverse physical impacts associated with the provision of new or physical altered governmental facilities 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 fire protection, police protection, schools, parks, or other public facilities. This impact would be **less than significant**.

Physical Deterioration of Recreation Facilities

Threshold: Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Facts in Support of Finding: Potential impacts of the Project related to the increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would result are analyzed in Section 4.15, Public Services and Recreation, of the EIR (Threshold b). The total parkland demand for the Project would be accommodated by the public parks and recreational facilities anticipated by the proposed TCMV Specific Plan, and through mandatory compliance with the MVMC Chapter 3.40, which requires the payment of park in-lieu fees in the event a project does not provide adequate parkland onsite. With adherence to requirements for the provision of parkland or payment of in-lieu fees, and payment of the required DIF for park and community/recreation center facilities, which ensure that adequate park and recreational facilities are provided to serve Project residents, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. This impact would be **less than significant**.

Construction of Recreational Facilities

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

Facts in Support of Finding: Potential impacts of the Project related to construction or expansion of recreational facilities are analyzed in Section 4.15, Public Services and Recreation, of the EIR (Threshold c). The proposed TCMV Specific Plan includes approximately 4.9 acres of designated park area and recreational amenities for future residents. The physical impacts resulting from construction and operation of these recreational facilities uses are evaluated for each environmental topic in the EIR. No physical impacts associated with development of park facilities would result beyond those identified in the EIR. This impact would be **less than significant**.

16. Transportation (EIR Section 4.16)

Circulation System

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

Facts in Support of Finding: Potential impacts of the Project related to conflict with a program, plan, ordinance or policy addressing the circulation system are analyzed in Section 4.16, Transportation, of the EIR (Threshold a). The Project, which includes roadway improvements, and features to encourage non-vehicular travel and use of transit, would not conflict with a program, plan, ordinance, and/or policy addressing the circulation system, including SCAG's Connect SoCal, the General Plan, the City' Bicycle Master Plan, and the MVMC resulting. Therefore, the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. This impact would be **less than significant**.

Vehicle Miles Traveled

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

Facts in Support of Finding: Potential impacts of the Project related to VMT are analyzed in Section 4.16, Transportation, of the EIR (Threshold b). The Project's proposed commercial/civic uses (i.e., office, retail, hotel) meet the Project Type Screening for VMT. The Project's proposed residential uses would result in a VMT per capita of 5.8 under baseline conditions, and 6.9 under the horizon year. Therefore, the Project would not exceed the City's per capita VMT threshold for the baseline year (15.8) and the horizon year (15.4). Therefore, the Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), and VMT impacts would be **less than significant**.

Hazards Due to Design Features

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

Facts in Support of Finding: Potential impacts of the Project related to hazards due to design features are analyzed in Section 4.16, Transportation, of the EIR (Threshold c). Project-related construction traffic would comply with a temporary traffic control plan that meets the applicable requirements of the California Manual on Uniform Traffic Control Devices. Preparation and implementation of the required traffic control plan, and adherence to City requirements, including the use of designated truck routes, would ensure that potential hazards to transportation during construction would be less than significant. The type of traffic generated by the Project would be compatible with the type of existing traffic on the roadways in the area, as the surrounding areas are primarily developed with residences, public facilities, and places of worship. Additionally, proposed improvements within the public right-of-way would be installed in conformance with City design standards. The Project would not introduce hazardous transportation design features. Therefore, the Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). This impact would be **less than significant**.

Emergency Access

Threshold: Would the Project result in inadequate emergency access?

Facts in Support of Finding: Potential impacts of the Project related to emergency access are analyzed in Section 4.16, Transportation, of the EIR (Threshold d). During construction and long-term operation, the Project would maintain adequate emergency access for emergency vehicles. Further, the Project involves the construction of the extension of Bay Avenue, and a new north-south street connecting Alessandro Boulevard and Cottonwood Avenue, which would enhance emergency access. The Project would not result in inadequate emergency access. This impact would be **less than significant**.

17. Tribal Cultural Resources (EIR Section 4.17)

Listed or Eligible Tribal Cultural Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place,

cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) 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)?

Facts in Support of Finding: Potential impacts of the Project to tribal cultural resources listed or eligible for listing in the California Register of Historical Resources (CRHR) are analyzed in Section 4.17, Tribal Cultural Resources, of the EIR (Threshold a.i). The Project site does not contain any known tribal cultural resources listed or eligible for listing in the CRHR or a local register of historical resources. Therefore, **no impact** would result.

18. Utilities and Service Systems (EIR Section 4.18)

Utility Infrastructure

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

Facts in Support of Finding: Potential impacts of the Project related to the relocation or construction of utility infrastructure are analyzed in Section 4.18, Utilities and Service Systems, of the EIR (Threshold a). The Project would involve the installation of potable water, sewer, storm drain, electric natural gas and telecommunications utility infrastructure onsite that would connect to existing infrastructure in the site-adjacent roadways. Additionally, a new storm drain line would be installed in Alessandro Boulevard extending from Street A to the west (approximately 650 feet west of the Project site's westerly boundary). The physical environmental effects associated with installing the Project's utility infrastructure are evaluated for each topical issue in the EIR. In instances where the Project's construction phase would result in specific, significant impacts, feasible mitigation measures are provided and construction impacts would be less than significant. The construction of infrastructure necessary to serve the Project would not result in any significant physical effects on the environment that are not already identified and disclosed elsewhere in the EIR. This impact would be **less than significant**.

Water Supply

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

Facts in Support of Finding: Potential impacts of the Project related to water supply are analyzed in Section 4.18, Utilities and Service Systems, of the EIR (Threshold b). As required, a Project-specific water supply assessment (WSA) was prepared by EMWD to assess the Project's effect on the EMWD's ability to provide adequate water service to its customers during normal, dry, and multiple dry years. EMWD concluded that it will be able to provide adequate water supplies to meet the water demand for the Project as part of its existing and future demands. Therefore, the Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years. This impact would be **less than significant**.

Wastewater Treatment

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

Facts in Support of Finding: Potential impacts of the Project related to wastewater treatment are analyzed in Section 4.18, Utilities and Service Systems, of the EIR (Threshold c). EMWD would provide wastewater treatment services to the Project via the Moreno Valley Regional Water Reclamation Facility (MVRWRF), which has adequate capacity to service the Project. The MVRWRF has an excess treatment capacity of approximately 5.0 million gallons per day, while Project operations are conservatively estimated to generate approximately 0.28 million gallons per day. Therefore, EMWD has adequate capacity to serve the Project's projected demand in addition to its existing commitments. This impact would be **less than significant**.

Solid Waste Generation

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

Facts in Support of Finding: Potential impacts of the Project related to solid waste generation and landfill capacity are analyzed in Section 4.18, Utilities and Service Systems, of the EIR (Threshold d). The Project would generate solid waste during construction and operation and would adhere to existing local and state regulations related to solid waste reduction and diversion from landfills. There is adequate capacity available at the Badlands Landfill, El Sobrante Landfill, and Lamb Canyon Landfill to accept the Project's solid waste during both construction and long-term operation. Therefore, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. This impact would be **less than significant**.

Solid Waste Regulations

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

Facts in Support of Finding: Potential impacts of the Project related to compliance with regulations addressing solid waste generation are analyzed in Section 4.18, Utilities and Service Systems, of the EIR (Threshold e). Future residents and tenants of the Project would be required to coordinate with the City's waste hauler to develop a collection program for recyclables, and organic materials in accordance with local and State programs. Additionally, future residents and tenants would be required to comply with applicable practices enacted by the City under the California Integrated Waste Management Act and any other applicable local, State, and federal solid waste management regulations. The City will continue to implement waste diversion programs to ensure future compliance with waste reduction requirements. Therefore, the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. This impact would be **less than significant**.

19. Wildfire (EIR Section 4.19)

Impacts within a Very High Fire Hazard Severity Zone

Threshold: If located in or near State Responsibility Areas (SRAs) or lands classified as very high fire hazard severity zones:

a) Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?
b) Due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
c) Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
d) Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Facts in Support of Finding: Potential impacts of the Project related to wildfires are analyzed in Section 4.19, Wildfire, of the EIR (Thresholds a-d). The Project site is not within or near an SRA or a VHFHSZ. Therefore, the Project would not expose people or structures to wildfire hazards, impair emergency plans, or exacerbate the spread of wildfires. **No impact** would occur.

B. Environmental Impacts Mitigated to a Level of Less Than Significant

The EIR concluded that the Project would have a potentially significant impact prior to mitigation for each of the thresholds of significance identified below. The City, having reviewed and considered the information contained in the EIR, including Technical Appendices, and the Project's record of proceedings, finds, pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that "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" for the following thresholds of significance.

1. Aesthetics (EIR Section 4.1)

Light or Glare (Construction)

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

Finding: 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 EIR.

Facts in Support of Finding: Potential impacts of the Project related to light and glare during construction are analyzed in Section 4.1, Aesthetics, of the EIR (Threshold d). With respect to construction activities, nighttime lighting would likely be used within the construction areas to provide security for construction equipment and construction materials. This type of temporary security lighting is often unshielded and may shine onto adjacent properties and roadways. Even though construction staging areas would be located as far as possible from adjacent residential uses, such security lighting may cause a significant impact in the form of a nuisance to the residents, resulting in a potentially significant impact prior to mitigation. MM 4.1-1 requires that construction staging areas be located as far as possible from the residential development adjacent to the Project site to minimize light intrusion and also requires that any temporary nighttime lighting that is installed be downward facing and hooded or shielded to prevent security lighting from spilling outside the staging area or from directly broadcasting security lighting into the sky or onto adjacent residential properties. With implementation of MM 4.1-1, potential lighting impacts during construction would be reduced to a less than significant level.

Therefore, with implementation of MM 4.1-1, the Project would not create a new source of substantial light or glare during construction which would adversely affect views in the area. **This impact would be reduced to a level considered less than significant**.

Mitigation:

MM 4.1-1 Prior to the issuance of grading permits, the Property Owner/Developer shall provide evidence to the City that the contractor specifications require that the construction staging area be located as far as possible from the existing residential development surrounding the Project site to minimize light intrusion. Temporary nighttime lighting installed during construction for security or any other purpose shall be downward-facing and hooded or shielded to prevent light from spilling outside the staging area and from directly broadcasting security light into the sky or onto adjacent residential properties. Compliance with this measure shall be verified by the City during inspections of the construction site.

2. Air Quality (EIR Section 4.3)

Criteria Pollutants (Construction)

Threshold: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

Finding: 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 EIR.

Facts in Support of Finding: Potential impacts of the Project related to pollutant emissions during construction are analyzed in Section 4.3, Air Quality, of the EIR (Threshold b). Construction activities associated with the Project (i.e., site preparation, grading, building construction, paving, and architectural coatings) would result in emissions of volatile organic compounds (VOCs), nitrogen oxides (NO_X), sulfur oxides (SO_X), carbon monoxide (CO), particulate matter 10 microns or smaller (PM_{10}), and particulate matter 2.5 microns or smaller ($PM_{2.5}$). The Project would adhere to SCAQMD Rule 403 (fugitive dust) and Rule 1113 (architectural coatings). Even with adherence to the SCAQMD Rules, the Project would exceed the applicable SCAQMD regional thresholds of significance for VOC, which is an ozone (O_3) precursor. The Project's construction-related emissions for all other criteria pollutants would be less than significant and no mitigation would be required. The region is in non-attainment for O_3 under state 1- and 8-hour standards, and under federal 8-hour standards. Therefore, construction of the Project would contribute to existing violations of the O_3 standard and would result in a significant cumulatively considerable net increase of a criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard resulting in a potentially significant impact. To reduce this impact, implementation of MM 4.3-1 is required. MM 4.3-1 requires use of "Super-Compliant" VOC paints to reduce the severity of the VOC impacts. With implementation of MM 4.3-1, construction-related VOC emissions would be reduced to levels below SCAQMD regional thresholds of significance. MM 4.3-1 would also further reduce emissions for the other criteria pollutants for which the Project's emissions were determined to be less than significant.

Therefore, with implementation of MM 4.3-1, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **This impact would be reduced to a level considered less than significant.**

MM 4.3-1 The Project shall incorporate the following 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.

- 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 manufacturers can be found on SCAQMD's website.

3. Biological Resources (EIR Section 4.4)

Sensitive Species

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

Finding: 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 EIR.

Facts in Support of Finding: Potential impacts of the Project to sensitive plant and wildlife species are analyzed in Section 4.4, Biological Resources, of the EIR (Threshold a). No special-status plant species were observed or are expected to occur within the Project area. With respect to sensitive wildlife species, one special-status species (Cooper's hawk) was observed within the Project area during the biological survey and has a low potential to nest in the trees within the Project area. Cooper's Hawk is a California Department of Fish and Wildlife (CDFW) watch list species. The Project area has suitable foraging and nesting habitat for burrowing owl (BUOW), which is a candidate species for listing under the California Endangered Species Act (CESA), a CDFW Species of Special Concern (SSC), a U.S. Fish and Wildlife Service (USFWS) Bird of Conservation Concern (BCC), a U.S. Bureau of Land Management Sensitive species (BLMS), and MSHCP Group 3 species (covered species). The Project area also provides roosting habitat for the western mastiff bat, a CDFW SSC, Western Bat Working Group Medium Priority, and Bureau of Land Management Sensitive Species. Crotch's bumble bee was also analyzed due to the recent protections provided for this species under CESA. Crotch's bumble bee was petitioned to the State of California in 2018 and the Fish and Game Commission advanced it to a Candidate Endangered species under CESA in June 2019.

The most suitable habitat for the Cooper's hawk in and adjacent to the Project area is limited to the trees along the northern portion of the Project area, which provide limited potential habitat for Cooper's hawk. Implementation of the Project would include the removal of existing ornamental trees within the Project area; thus, construction activities associated with the Project have the potential to result in a significant impact related to the Cooper's hawk. MM 4.4-1 requires the completion of pre-construction surveys and identifies actions to take if nesting avian species, including Cooper's hawk, are present and would reduce this potential impact to a less than significant level.

No BUOW or signs of BUOW use were observed within the Project area during the biological survey or during the four focused surveys. However, it is possible that the BUOW could migrate into the Project area prior to construction. The BUOW is classified by the MSHCP as a covered species not adequately conserved by the MSHCP; thus, construction activities associated with the Project have the potential to result in a significant impact related to the BUOW. MM 4.4-2 requires the completion of pre-construction BUOW surveys and habitat assessments and identifies actions to take if active BUOW burrows are present, including obtaining an ITP, if required, and would reduce this potential impact to a less than significant level.

No western mastiff bats or signs of western mastiff bat use were observed within the Project area during the biological survey; however, the Project area has marginal suitable day roosting habitat in the Project area (palm trees and Peruvian pepper trees). Implementation of the Project would include the removal of the existing trees within the Project area; thus, construction activities associated with the Project have the potential to result in a significant impact to the western mastiff bat. MM 4.4-3 requires the completion of pre-construction bat surveys and identifies actions to be taken if bat roosts are identified. Implementation of MM 4.4-3 would reduce this potential impact to a less than significant level.

While marginal potential would result from the existence of some rodent burrows, the significant distance to the nearest sighting, the lack of sufficient nectar sources, and the regular disturbance to both the site and the surrounding properties severely limits any potential for Crotch's bumble bee to occupy the Project site. No mitigation is required for this species.

With respect to indirect impacts, development projects adjacent to natural open spaces have the potential to result in indirect effects to biological resources such as light pollution, noise pollution, non-native/ornamental plant invasion, etc. The Project area is not adjacent to any natural open space areas and would not result in indirect impacts to such resources. However, the Project has the potential to indirectly impact any western mastiff bats roosting in trees near the Project area due to increased noise levels during construction. Indirect impacts on the western mastiff bat are potentially significant and mitigation is required. MM 4.4-3 requires pre-construction surveys and includes measures to protect off-site roosting bats, if present. Implementation of MM 4.4-3 would reduce this potential indirect impact to a less than significant level.

Therefore, with implementation of MM 4.4-1, MM 4.4-2 and MM 4-4-3 the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. **This impact would be reduced to a level considered less than significant.**

Mitigation Measures

MM 4.4-1 Prior to the issuance of grading permits, the Property Owner/Developer shall provide the City with proof of retention of a qualified biologist to implement this mitigation measure. If the removal of any trees, shrubs, or any other potential nesting and foraging habitat for avian species, including sensitive species and raptor nests, is to be conducted within the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors), a nesting bird survey shall be required within three days prior to start of work. If active nests are identified, the biologist will establish appropriate buffers around the area (typically 500 feet for raptors and sensitive species, and 200 feet for non-raptors/non-sensitive species). All work within these

buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The on-site biologist will review and verify compliance with these nesting boundaries and verify the nesting effort has finished. Work can resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that certain work can be permitted within the buffer areas and develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). If vegetation clearing is not initiated within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds. If vegetation removal occurs outside of nesting season or if no nesting birds are found, no further action will be required.

MM 4.4-2 Prior to the issuance of grading permits, the Property Owner/Developer shall provide the City with proof of retention of a qualified biologist to implement this mitigation measure. A pre-construction presence/absence survey for BUOW within the Project area where suitable habitat is present shall be conducted by a qualified biologist within 30 days prior to the commencement of ground-disturbing activities. If active BUOW burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum of 300 feet) of any active burrow will be halted. If there is an active nest at the burrow, work will not proceed within the buffer until that nesting effort is finished. The on-site biologist will review and verify compliance with these boundaries and will verify the nesting effort has finished. Work can resume in the buffer when there are no occupied/active BUOW burrows found within the buffer area.

If there are occupied burrows within the buffer area and avoidance of burrowing owls is not possible, no work shall occur within the buffer area until the appropriate course of action is determined and implemented in accordance with applicable regulations related to burrowing owl at the time of project construction. CDFW may require an Incidental Take Permit (ITP) or a Burrowing Owl Relocation and Mitigation Plan, in accordance with applicable regulations at the time of project construction. If burrowing owl is no longer a candidate or listed species under CESA at the time of project construction, permits shall not be required.

MM 4.4-3 Prior to the issuance of grading permits, the Property Owner/Developer shall provide the City with proof of retention of a qualified biologist to implement this mitigation measure. Pre-construction surveys shall be conducted by a qualified bat biologist no more than 30 days prior to the initiation of vegetation removal and ground-disturbing activities if within the maternity season (March 1 to August 31). If no active roosts are present, then trees shall be removed within two weeks following the survey. If active bat roosts are found, then then the following shall be implemented, as appropriate:

a. If active bat roosts are present, a qualified bat biologist shall determine the species of bats present and the type of roost (i.e., day roost, night roost, maternity roost). If the biologist determines that the roosting bats are not a special-status species and the roost is not being used as a maternity roost and direct removal of active roosts is required, then the bats may be evicted from the roost by a qualified bat biologist experienced in developing and implementing bat mitigation and exclusion plans. If special-status bat species or a maternity roost of any bat species is present, but no direct removal of active roosts will occur, a qualified bat biologist shall determine appropriate

avoidance measures, which may include implementation of a construction-free buffer around the active roost.

b. If special-status bat species or a maternity roost of any bat species is present and direct removal of habitat (roost location) will occur, then a qualified bat biologist experienced in developing bat mitigation and exclusion plans shall develop a mitigation plan to compensate for the lost roost site. Removal of the roost shall only occur when bats are not present in the roost. The mitigation plan shall detail the methods of excluding bats from the roost and the plans for a replacement roost in the vicinity of the project site. The plan shall include: (1) a description of the species targeted for mitigation; (2) a description of the existing roost or roost sites; (3) methods to be used to exclude the bats if necessary; (4) methods to be used to secure the existing roost site to prevent its reuse prior to removal; (5) the location for a replacement roost structure; (6) design details for the construction of the replacement roost; (7) monitoring protocols for assessing replacement roost use; (8) a schedule for excluding bats, demolishing of the existing roost, and construction of the replacement roost; and (9) contingency measures to be implemented if the replacement roosts do not function as designed.

c. All potential roost trees shall be removed in a manner approved by a qualified bat biologist, which may include presence of a biological monitor.

d. All construction activity in the vicinity of an active maternity roost shall be limited to daylight hours.

e. Results of the survey shall be submitted to the City prior to removal of the trees. If additional measures are required under (a) through (d), the submittal to the City will include those additional measures.

Wildlife Movement

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

Finding: 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 EIR.

Facts in Support of Finding: Potential impacts of the Project related to wildlife movement or the use of native wildlife nursery sites are analyzed in Section 4.4, Biological Resources, of the EIR (Threshold d). The Project area may play a role in local wildlife dispersal and foraging; however, the Project area is not located within a significant wildlife movement corridor. Common wildlife species may travel through the site and neighboring developed areas, but the site does not provide connectivity between large areas of open space on a local or regional scale. Additionally, the Project area is not within an MSHCP criteria cell, core habitat, or wildlife movement corridor. The Project area lacks migratory wildlife linkages and there are no native wildlife nurseries in or adjacent to the Project area. Thus, the implementation of the Project would not impede the use of a native wildlife nursery site or interfere with the movement of native migratory fish or wildlife species.

The Project area and surrounding areas have the potential to support nesting birds and/or roosting bats. The trees within the Project area provide habitat for tree nesting avian species while the herbaceous grassland habitats have potential to support ground nesting species. The palm trees in the northern portion of the Project area have the potential to support roosting bat species. Due to the potential for bird nesting and/or bat roosting within the Project area, Project construction could result in impacts to nesting birds which would be in violation of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) and/or result in potentially significant impacts to protected bat maternity roosts if construction activities are to take place during nesting or maternity roosting season.

Implementation of MM 4.4-1 would ensure that a survey for nesting avian species is conducted if any removal of trees, shrubs, or any other potential nesting and foraging habitat for avian species occurs during the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors). If present, the mitigation measure provides performance criteria that requires avoidance of active nests. With implementation of the required mitigation, potential to impact nesting avian species would be reduced to a level considered less than significant. Implementation of MM 4.4-2 would ensure that pre-construction surveys are conducted for BUOW to determine the presence or absence of the species in the Project area. If present, the mitigation measure provides performance criteria that require compliance with the MSHCP and CESA, and avoidance of BUOW in accordance with CDFW protocol. Implementation of MM 4.4-2 ensures that pre-construction surveys are conducted to determine the presence or absence of active bat roosts within the Project area. With implementation of the required mitigation, potential impacts to active bat roosts would be reduced to a level considered less than significant.

Therefore, with implementation of MM 4.4-1, MM 4.4-2 and MM 4-4-3 the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. **This impact would be reduced to a level considered less than significant.**

Mitigation:

Refer to MM 4.4-1, MM 4.4-2 and MM 4-4-3 above.

Habitat Conservation Plan

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

Finding: 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 EIR.

Facts in Support of Finding: Potential impacts of the Project related to conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan are analyzed in Section 4.4, Biological Resources, of the EIR (Threshold f). The Project area is within the boundaries of the Western Riverside County MSHCP; however, the Project area is not within a Criteria Cell designated for conservation within the MSHCP. Additionally, the Project area is not within Public or Quasi-Public Conserved Lands, or the Narrow Endemic Plant Species, Amphibian, or Mammal Survey Areas listed by the MSHCP.

The Project area is within the BUOW Overlay of the MSHCP, which requires additional survey protocols. BUOW Surveys were conducted according to MSHCP requirements. Although BUOW were not detected during the focused surveys, the Project area has suitable habitat for BUOW; thus, construction activities associated with the Project have the potential to result in a substantial adverse effect on the BUOW. As identified above, impacts are potentially significant and mitigation is required. With implementation of MM 4.4-1, potential impacts to BUOW would be reduced to a less than significant level.

There are no features within the Project area that would be considered Riverine/Riparian by the MSHCP. Additionally, there are no vernal pools or depressions, such as road ruts, that would provide suitable habitat for fairy shrimp species within the Project area. Thus, the Project would not conflict with MSHCP requirements related to Riverine/Riparian habitat. MSHCP Volume 1, Appendix C outlines standard best management practices (BMPs) intended in part to reduce impacts to plant communities, special-status plant and wildlife species, and jurisdictional waters. As the Project is located within the MSHCP boundary, adherence with applicable standard BMPs found in Appendix C of the MSHCP is required; therefore, the Project would comply with the BMPs applicable to the Project as identified in the EIR.

Therefore, with implementation of MM 4.4-1, the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **This impact would be reduced to a level considered less than significant.**

Mitigation:

Refer to MM 4.4-1 above.

4. Cultural Resources (EIR Section 4.5)

Archaeological Resources

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

Finding: 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 EIR.

Facts in Support of Finding: Potential impacts of the Project on archaeological resources are analyzed in Section 4.5, Cultural Resources, of the EIR (Threshold b). No known archaeological resources are present within the Project area. However, there is a potential for archaeological resources to be present beneath the Project area's surface. The anticipated depth of excavation would vary for the Project components but would likely extend to maximum depths of approximately 10 feet bgs for the installation of utility infrastructure. If any archaeological resources are unearthed during construction that meet the definition of an archaeological resource cited in CEQA Guidelines Section 15064.5 and are disturbed/damaged by Project construction activities, impacts to archaeological resources would be potentially significant. MM 4.5-1 through 4.5-5 presented below require that an archaeological monitor and Native American Tribal Representative be present during excavations into native, Holocene-age sediments, and identify steps to be taken to protect any resources encountered. Implementation of MM 4.5-1 through MM 4.5-5 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-

disturbing activities associated with Project construction. With the implementation of MM 4.5-1 through MM 4.5-5, potential impacts to archaeological resources would be reduced to a less than significant level.

Therefore, with implementation of MM 4.5-1 through MM 4.5-5, the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. **This impact would be reduced to a level considered less than significant.**

Mitigation:

MM 4.5-1 Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all mass grading and trenching activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB 52 to address the details, timing, and responsibility of all archaeological and cultural activities that will occur on the Project site. A Consulting Tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in *California Public Resources Code* Section 21080.3.2(b)(1) of AB 52. Details in the Plan shall include:

a. Project grading and development scheduling;
b. The Project Archeologist and the Consulting Tribes(s) as defined above shall attend the pre-grading meeting with the City, the construction manager, and any contractors, and will conduct a mandatory Cultural Resources Worker Sensitivity Training for 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. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial Training must take the Cultural Sensitivity Training prior to beginning work and the Project Archaeologist and Consulting Tribe(s) shall make themselves available to provide the training on an as needed basis;
c. The protocols and stipulations that the contractor, City, Consulting Tribe(s), and Project archaeologist shall follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

MM 4.5-2 Prior to the issuance of a grading permit, the Developer shall secure an agreement with the Pechanga Band of Luiseño Indians regarding monitoring during ground-disturbing activities. The Developer is also required to provide a minimum of 30 days' advance notice to the tribe of all mass grading and trenching activities. The Native American Tribal Representative shall have the authority to temporarily halt and redirect earth-moving

activities in the affected area in the event that suspected archaeological resources are unearthed. If the Native American Tribal Representative suspects that an archaeological resource may have been unearthed, the Project Archaeologist or the Tribal Representative shall immediately redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the Native American Tribal Representative, the Project Archaeologist shall evaluate the suspected resource and make a determination of significance pursuant to *California Public Resources Code* Section 21083.2.

MM 4.5-3 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 with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department:
    i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means 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 as detailed in the treatment plan required pursuant to Mitigation Measure (MM) 4.5-1. 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 all Consulting Native American Tribal Governments as defined in MM 4.5-1.

MM 4.5-4 The City shall verify that the following note is included on the Grading Plan:

If any suspected archaeological resources are discovered during ground-disturbing activities and the Project Archaeologist or Native American Tribal Representative are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representative to the site to assess the significance of the find.

MM 4.5-5 If potential historic or cultural resources are uncovered during excavation or construction activities at the project site, work in the affected area must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration and implemented as deemed appropriate by the Community Development Director and any and all Consulting Native American Tribes as defined in MM 4.5-1 before any further work commences in the affected area.

5. Geology and Soils (EIR Section 4.7)

Paleontological Resources

Threshold: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding: 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 EIR.

Facts in Support of Finding: Potential impacts of the Project on paleontological resources analyzed in Section 4.7, Geology and Soils, of the EIR (Threshold b). The Project site does not contain any known unique geologic features and no paleontological resources or localities were observed. However, the Project site is underlain by fluvial fan deposits dating from the early Pleistocene to Holocene, which have yielded fossil localities within two miles of the Project site. Therefore, due to the Project site's proximity to recorded fossil localities, the Project's fluvial fan deposits have the potential to yield paleontological resources. Therefore, there is potential to encounter previously unknown unique paleontological resources during construction activities (e.g., grading, trenching, and excavation activities), resulting in a potentially significant impact. MM 4.7-1 requires paleontological monitoring during ground disturbing activities and identifies required actions to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources if they are discovered during construction. With the implementation of MM 4.7-1, potential impacts to paleontological resources would be reduced to a less than significant level.

Therefore, with implementation of MM 4.7-1, the Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. **This impact would be reduced to a level considered less than significant.**

Mitigation:

MM 4.7-1 Prior to the issuance of grading permits and/or action that would permit Project site disturbance, the Project Applicant shall provide written evidence to the City of Moreno Valley that the Project Applicant has retained a qualified Paleontologist to observe grading activities into the paleontologically sensitive fluvial fan deposits and to conduct salvage excavation of paleontological resources as necessary. Sediment samples should also be recovered to determine the small-fossil potential of the site. The Paleontologist shall be present at the pre-grading conference; shall establish procedures and a schedule for paleontological resources surveillance; and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the fossils as appropriate. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the City of Moreno Valley.

The Project Paleontologist shall prepare a final paleontological resource monitoring and mitigation report of findings and significance, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). All recovered fossils will be offered for curation in perpetuity to the Western Science Center in Hemet, the principal fossils repository in Riverside County. A letter documenting receipt and acceptance of all fossil collections by the receiving institution must be included in the final report. The report, when submitted to (and accepted by)

the City of Moreno Valley, shall signify satisfactory completion of the project program to mitigate impacts to any nonrenewable paleontological resources.

6. Tribal Cultural Resources (EIR Section 4.17)

Significant Tribal Cultural Resources

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

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Finding: 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 EIR.

Facts in Support of Finding: Potential impacts of the Project to tribal cultural resources are analyzed in Section 4.17, Tribal Cultural Resources, of the EIR (Threshold a.ii). The Project site does not contain known tribal cultural resource sites; therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource. Notwithstanding, there is a potential for tribal cultural resources to be present beneath the Project site's surface. The anticipated depth of excavation would vary for the Project components but would likely extend to maximum depths of 10 feet bgs for the installation of utility infrastructure. If any unanticipated tribal cultural resources are unearthed during construction and are disturbed/damaged by Project construction activities, impacts would be potentially significant. MM 4.5-1 through MM 4.5-5 from EIR Section 4.5, Cultural Resources, require that a Native American Tribal Representative be present during excavations into native, Holocene-age sediments, and identify steps to be taken to protect any resources encountered. Additionally, California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 et. Seq. outline requirements for the protection of human remains if encountered during construction. With the implementation of MM 4.5-1 through MM 4.5-5, and compliance with established regulations related to human remains, potential impacts to tribal cultural resources would be reduced to a less than significant level.

Therefore, with implementation of MM 4.5-1 through MM 4.5-5, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. **This impact would be reduced to a level considered less than significant.**

Mitigation:

Refer to MM 4.5-1 through MM 4.5-5 under Section B.4, Cultural Resources, above.

7. Cumulative Impacts

CEQA Guidelines Section 15130 states that cumulative impacts of a project shall be discussed when the project's incremental effect is cumulatively considerable.

Finding: 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 EIR.

Facts in Support of the Finding: The analysis of the Project's cumulative impacts for the preceding thresholds of significance for which the EIR concluded impacts would be less than significant with mitigation is provided in in EIR Section 4.1.5 (Aesthetics), Section 4.3.5 (Air Quality), Section 4.4.5 (Biological Resources), Section 4.5.5 (Cultural Resources), Section 4.7.5 (Geology and Soils/Paleontological Resources), and Section 4.17.5 (Tribal Cultural Resources). With adherence to applicable regulations and implementation of the identified mitigation measures, the EIR concludes that the Project's less than significant impacts would not be cumulatively considerable.

C. Environmental Impacts Found to be Significant and Unavoidable After Mitigation

The City, having reviewed and considered the information contained in the EIR, including Technical Appendices, and the Project's record of proceedings, finds, pursuant to PRC Section 21081 and CEQA Guidelines Section 15091, that:

- 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 EIR; or
- 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 or should be adopted by such other agency; or
- 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 EIR.

The Project would result in significant and unavoidable impacts for the following categories, as further described below: Air Quality (conflict with the SCAQMD Air Quality Management Plan [AQMP], and cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment during operation), and GHG emissions. The City must adopt a Statement of Overriding Consideration as a condition of Project approval and identify overriding economic, legal, social, technological, or other benefits of the Project that outweigh the significant effects of the Project (refer to Section X, Statement of Overriding Considerations, of this document).

1. Air Quality (EIR Section 4.3)

Conflict with Air Quality Management Plan

Threshold: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Findings:

- 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 EIR.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR.

Facts in Support of Finding: Potential impacts of the Project related to conflict with or obstruction of the applicable air quality plan are analyzed in Section 4.3, Air Quality, of the EIR (Threshold a). The California Ambient Air Quality Standards (CAAQS) designate the South Coast Air Basin (SoCAB), including the Project site, as non-attainment for O_3, PM_{10}, and $PM_{2.5}$, while the National Ambient Air Quality Standards (NAAQS) designate the SoCAB as nonattainment for O_3 and $PM_{2.5}$. SCAQMD has adopted a series of AQMPs to meet the state and federal ambient air quality standards. On December 2, 2022, SCAQMD adopted the 2022 AQMP. There are two criteria for determining the Project's consistency with the 2022 AQMP.

- Consistency Criterion No. 1 refers to violations of the CAAQS and NAAQS. CAAQS and NAAQS violations would occur if LSTs or regional significance thresholds were exceeded. As evaluated in the EIR, the Project's regional and localized construction-source emissions would

not exceed applicable regional significance thresholds or LST thresholds after implementation of MM 4.3-1. Additionally, the Project would not exceed the applicable LSTs for operational activity. However, as further discussed below, the Project's operational-source emissions are anticipated to exceed the regional thresholds of significance for VOC, NO_X, and CO emissions. VOC and NO_X are precursors for ozone; thus, Project operational activities could contribute a substantial volume of pollutants to the SoCAB that could delay the attainment of federal and State ozone standards. As such, the Project is determined to be inconsistent with Consistency Criterion No. 1.

- Consistency Criterion 2 addresses whether a project would exceed the assumptions in the AQMP. The 2022 AQMP demonstrates that the applicable ambient air quality standards can be achieved within the timeframes required under federal law. Growth projections from local general plans adopted by cities in the SCAQMD are provided to the SCAG, which develops regional growth forecasts that are then used to develop future air quality forecasts for the AQMP. Development consistent with the growth projections in the General Plan is consistent with the AQMP. While the current Moreno Valley 2006 General Plan designates the Project site for Public Facilities land uses, the 2022 AQMP was adopted subsequent to the City's prior adoption of the 2040 General Plan[2] and is, therefore, assumed to include the City's growth projections associated with the 2040 General Plan, which the City is in the process of readopting. The proposed 2040 General Plan designates the Project site as Downtown Center (DC) District, which allows for a vibrant mix of business, entertainment, residential, cultural, and civic uses to activate the area throughout the day and into the evening. The proposed TCMV Specific Plan is consistent with the City's proposed Downtown Center (DC) District land use and zoning designations and is consistent with the City's growth assumptions in the proposed 2040 General Plan. The 2040 General Plan was originally adopted in 2021, before adoption of the 2022 AQMP; therefore, the City's growth projections are presumed to be included in the 2022 AQMP. As such, the Project is consistent with the 2022 AQMP and reflects the proposed land uses for the Project site as anticipated in the 2040 General Plan. As such, the Project would not result in the exceedance of assumptions within the AQMD and would not result in a conflict with Consistency Criterion No. 2.

Therefore, in summary, the Project has the potential to result in or cause NAAQS or CAAQS violations because operational-source emissions would exceed the applicable SCAQMD regional thresholds for VOC, NO_X, and CO. As such, the Project is conservatively considered to have the potential to conflict with the AQMP and a potentially significant impact would occur with respect to this threshold. The Project would implement MM 4.3-2 through MM 4.3-6, which are designed to reduce Project operational-source VOCs, NO_X, CO, PM_{10}, and $PM_{2.5}$ emissions; however, there is no way to meaningfully quantify these reductions. Additionally, as discussed below, there are no additional feasible mitigation measures beyond those identified in EIR Section 4.3, Air Quality, that would reduce

[2] On June 15, 2021, the City of Moreno Valley City Council approved and adopted the City of Moreno Valley General Plan 2040 Update (2040 General Plan), a Change of Zone and Municipal Code Update, and a Climate Action Plan (CAP), and certified an EIR (SCH No. 2020039022), as having been prepared in compliance with CEQA in connection with the approvals. A lawsuit entitled Sierra Club v. The City of Moreno Valley, Riverside Superior Court Case No. CVRI2103300, challenged the validity of the 2040 General Plan, the CAP, and the EIR. In June 2024, the City Council set aside the 2021 approvals and certification based on a May 2024 ruling and judgment of the court. The City is in the process of readopting the 2040 General Plan, Municipal Code, Zoning, and CAP consistent with the court's decision and issued a Notice of Preparation of a Revised Environmental Impact Report for MoVal 2040: The Moreno Valley Comprehensive General Plan Update, Municipal Code and Zoning (including Zoning Atlas) Amendments, and Climate Action Plan on July 30, 2024. The proposed TCMV Specific Plan area is within the previously designated Downtown Center (DC) District and land use designation.

the Project's NO_x, VOC, and CO emissions to a less than significant level. As such, the Project is conservatively considered to have the potential to conflict with the AQMP. Project and cumulative impacts due to a conflict with the AQMP would be **significant and unavoidable**. This unavoidable impact is overridden by project benefits as set forth in Section X, Statement of Overriding Considerations, of this document.

Mitigation:

MM 4.3-2 Legible, durable, weather-proof signs shall be placed at commercial loading docks and truck parking areas that identify applicable CARB anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than five (5) minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and CARB to report violations. Prior to the issuance of an occupancy permit, the City shall conduct a site inspection to ensure that the signs are in place.

MM 4.3-3 Prior to the issuance of each building permit, the Project proponent and its contractors shall provide plans and specifications to the City that demonstrate that electrical service is provided to each of the areas in the vicinity of the buildings that are to be landscaped in order that electrical equipment may be used for landscape maintenance.

MM 4.3-4 Once constructed, the Project proponent shall ensure that all commercial tenants shall utilize only electric or natural gas pallet jacks and forklifts in the loading areas.

MM 4.3-5 Upon occupancy and annually thereafter, the operators of the commercial space shall provide information to all delivery truck drivers, regarding:

- Building energy efficiency, solid waste reduction, recycling, and water conservation.
- Vehicle GHG emissions, electric vehicle charging availability, and alternate transportation opportunities for commuting.
- Participation in the Voluntary Interindustry Commerce Solutions (VICS) "Empty Miles" program to improve goods trucking efficiencies.
- Health effects of diesel particulates, State regulations limiting truck idling time, and the benefits of minimized idling.
- The importance of minimizing traffic, noise, and air pollutant impacts to any residences in the Project vicinity.

MM 4.3-6 Prior to issuance of a building permit, the Project proponent shall provide the City with an on-site signage program that clearly identifies the required on-site circulation system. This shall be accomplished through posted signs and painting on driveways and internal roadways.

Criteria Pollutants (Operation)

Threshold: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

Finding:

- 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 EIR.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR.

Facts in Support of Finding: Potential impacts of the Project related to pollutant emissions during operation are analyzed in Section 4.3, Air Quality, of the EIR (Threshold b). Operational activities associated with the Project would result in emissions of VOCs, NO_X, SO_X, CO, PM_{10}, and $PM_{2.5}$. Operational emissions would be expected from the following primary sources: area source emissions, energy source emissions, and mobile source emissions. The majority of the Project's operational emissions are from mobile sources (passenger car and truck vehicle trips generated by the Project). As identified in EIR Section 4.16, Transportation, the Project would generate approximately 12,010 two-way vehicular trips per day (6,005 trips inbound and 6,005 trips outbound).

The Project would exceed the applicable SCAQMD thresholds for VOC, NO_X, and CO during operation. Therefore, operation of the Project would contribute to existing violations of the O_3 standard (VOC and NO_X are O_3 precursors) and would result in a significant cumulatively considerable net increase of a criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard. MM 4.3-2 through MM 4.3-6 are designed to reduce Project operational-source VOCs, NO_X, CO, PM_{10}, and $PM_{2.5}$ emissions. There is no way to meaningfully quantify these reductions, and therefore no numeric emissions credit has been taken in the operational air quality modeling.

Implementation of EIR MM 4.3-2 through MM 4.3-6 would reduce the Project's operational related VOC, NO_X, and CO emissions, but not to a level below SCAQMD's regional thresholds for these criteria pollutants. Since the majority of the operational emissions are from vehicle trips and neither the Project Applicant nor the City have regulatory authority to control tailpipe emissions, no feasible mitigation measures beyond the measures identified exist that would reduce emissions to levels that are less than significant. Therefore, the Project would result in a **significant and unavoidable** cumulatively considerable net increase of a criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard. This Project-level and cumulative unavoidable impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations provided in Section X of this document.

Mitigation:

Refer to MM 4.3-2 through MM 4.3-6 above.

2. <u>Greenhouse Gas Emissions (EIR Section 4.8)</u>

<u>GHG Emissions</u>

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

Finding:

- 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 EIR.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR.

Facts in Support of Finding: Potential impacts of the Project related to the generation of GHG emissions are analyzed in Section 4.8, Greenhouse Gas Emissions, of the EIR (Threshold b). The Project would generate GHG emissions during construction and operation. The sources of operational emissions are area sources; energy sources; mobile sources; water supply, treatment, and distribution; solid waste; and refrigerants. The Project would generate a total of approximately 22,940.60 metric tons of CO_2e per year ($MTCO_2e$/yr) which would exceed the SCAQMD significance threshold of 3,000 $MTCO_2e$/yr. As such the Project would generate substantial, cumulatively-considerable GHG emissions that may have a significant impact on the environment. MM 4.8-1 through MM 4.8-4 have been identified to reduce GHG emissions. Additionally, mitigation measures identified in EIR Section 4.3, Air Quality, and presented previously (MM 4.3-3 through MM 4.3-6) also serve to reduce GHG emissions. Even with implementation of these mitigation measures, the Project would generate direct or indirect GHG emissions that would exceed SCAQMD's interim numeric threshold.

Because the majority (76%) of the Project GHG emissions would be generated by Project vehicular sources, the Project cannot feasibly achieve the SCAQMD 3,000 $MTCO_2e$ per year threshold. Because responsibility and authority for regulation of vehicular-source emissions resides with the State of California (CARB, et al.), neither the Applicant nor the Lead Agency can affect or mandate substantial reductions in vehicular-source GHG emissions, much less reductions that would achieve the SCAQMD's 3,000 $MTCO_2e$ per year threshold. In effect, all Project traffic (mobile) and energy would need to be eliminated or be "zero GHG emissions sources" to reduce emissions below the SCAQMD's numeric threshold. There are no feasible means to or alternatives to eliminate all Project traffic or energy to ensure that Project traffic and energy would be zero GHG emissions sources. In terms of its practical application, this would constitute a "no build" condition. While neither the City nor the Project have regulatory authority to control mobile source emissions, it is noted that emissions of motor vehicles are controlled by State and federal standards, and these fuel efficiency and emissions standards are becoming more stringent over the years to reduce mobile source emissions.

As there are no additional feasible mitigation measures that would reduce GHG emissions to levels below the threshold, the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and this impact would be significant and unavoidable. The assessment of GHG emissions is inherently cumulative because climate change is a global phenomenon. An individual development project does not have the potential to result in direct and significant global climate change-related effects in the absence of cumulative sources of GHGs. This **significant and unavoidable** cumulative impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations provided in Section X of this document.

Mitigation:

Refer to Air Quality MM 4.8-2 through MM 4.8-6 above, which also serve to reduce GHG emissions.

MM 4.8-1 The project applicant shall design and build future non-residential development to meet/include the following:

- The project will utilize on-site renewable energy sources such as solar, to reduce electrical demand as per Division A5.211, Renewable Energy, of Appendix A5, Nonresidential Voluntary Measures, of the 2022 California Green Building Standards Code.
- The project will incorporate measures to reduce the overall use of potable water within the building by 12% as per Division A5.3, Water Efficiency and Conservation, as outlined under Section A5.303.2.3.1 of Appendix A5, Nonresidential Voluntary Measures, of the 2022 California Green Building Standards Code.
- The project will incorporate facilities to allow charging of electric bikes and scooters in appropriate locations within the Project site. A minimum of two charging spaces will be provided on-site.
- Either 25% of the parking stalls in the Commercial/Civic Area will be made-ready for EV charging, or 20% of the 25% make-ready stalls will be installed as a level 3 charger. All EV chargers installed will be appropriately maintained for use.
- Concrete sidewalks will be installed to meet City requirements, provide safety, and allow a reflectance level to minimize heat absorption as practicable.
- Electric HVAC units with electric heat pumps will be installed.

Prior to the issuance of building permits for new development projects within the project site, the project applicant shall provide documentation (e.g., building plans, site plans) to the City of Moreno Valley Planning Division to verify implementation of the applicable design requirements specified in this mitigation measure. Prior to the issuance of the certificate of occupancy, the City shall verify implementation of these design requirements.

MM 4.8-2 The project applicant shall design and build future residential development to meet/include the following:

- No wood-burning fireplaces shall be installed in any of the dwelling units.
- No natural gas or propane will be installed in the residential units. All buildings shall be electric, meaning that electricity is the primary source of energy for water heating; heating, ventilation, and air conditioning (HVAC) within the building, excluding pool heating.
- All major appliances provided/installed shall be EnergyStar-certified or of equivalent energy efficiency, where applicable.
- Level 2 electric vehicle supply equipment (EVSE) with National Electrical Manufacturers Association (NEMA) 14-50 outlets for each residential unit.
- Solar installations on residential buildings to the extent practicable, considering necessary roof penetrations, design constraints, and solar/utility provider guidelines and restrictions.
- Concrete sidewalks will be installed to meet City requirements, provide safety, and allow a reflectance level to minimize heat absorption as practicable.
- Residential buildings will be designed to accommodate ceiling fans.

Prior to the issuance of building permits for new development projects within the project site, the project applicant shall provide documentation (e.g., building plans, site plans) to the City of Moreno Valley Planning Division to verify implementation of the applicable design requirements specified in this mitigation measure. Prior to the issuance of the certificate of occupancy, the City shall verify implementation of these design requirements.

MM 4.8-3 Exterior electric receptacles on non-residential buildings shall be provided for charging or powering electric landscaping equipment.

MM 4.8-4 The Project shall use light-color roofing and building materials to minimize the heat island effect and reduce lighting, heating, and cooling needs.

VII. **FINDINGS REGARDING ALTERNATIVES**

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 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.

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

- No Project/Development Pursuant to the Existing General Plan and Zoning Alternative;
- No Project/No Development Alternative;
- Reduced Development – Less Residential Alternative;
- Reduced Development – Less Commercial Alternative; and
- Reduced Development – Less Residential and Less Commercial Alternative.

EIR Section 6.0, Alternatives, addresses the environmental effects of alternatives to the Project. A description of these alternatives, a comparison of their environmental impacts to the Project, and the City's findings are listed below.

The No Project/No Development Alternative would avoid or reduce all of the Project's significant and less than significant environmental impacts and, therefore, can be considered environmentally superior to the Project. While this Alternative would avoid the significant effects of the Project, none of the Project objectives, which are identified in Section II, Project Description Summary, of this document, would be met. If a "no project" alternative is identified as the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives (see CEQA Guidelines Section 15126.6[e][2]). As discussed in EIR Section 6.1.1, detailed analysis of the No Project/Development Pursuant to the Existing General Plan and Zoning Alternative was not provided for development of the entire site with public facilities pursuant to the current General plan land use designation and zoning. The City's proposed General Plan land use designation and zoning Downtown Center (DC) District is addressed through the analysis of the Project and the development alternatives evaluated, as each of these would implement a mixed-use development.

The remaining alternatives, which all represent "reduced development" compared to the Project, would have the same conclusions with respect to whether there is an increased, reduced, or similar impact as the Project. However, the Reduced Development – Less Residential Alternative would be the environmentally superior alternative compared to the Project and the other development alternatives. The Reduced Development – Less Residential Alternative would generate fewer vehicular trips than the Project and the other development alternatives. There would be an approximately 36% reduction in trip generation compared to the Project, while the Reduced Development – Less Commercial Alternative, and the Reduced Development – Less Residential and Less Commercial Alternative would reduce vehicular trips by 9% and 14%, respectively. With the reduction in trips, there would be an overall reduction in mobile source emissions (air quality and GHG), and traffic-related noise. The Project's exceedance of the SCAQMD regional threshold for CO emissions would be avoided, but the Project's significant and unavoidable NO_X and VOC emissions, which are O_3 precursors, would not be avoided, and this Alternative would also be considered to have the potential to conflict with the SCAQMD AQMP. The VMT per capita under the Reduced Development – Less Residential Alternative would be higher than with the Project and the other development alternatives, but the impact would still be less than significant.

The Reduced Development – Less Residential Alternative would meet the Project objectives, but not to the same extent as the Project for two of the objectives due to the reduced amount of residential development. The Reduced Development – Less Residential Alternative would meet the Project's objectives to a lesser degree, and it would reduce, but not avoid the Project's significant and unavoidable air quality and GHG emissions impacts.

Based upon the EIR, including Technical Appendices, and the Project's record of proceedings for the Project, the City makes the following findings concerning the alternatives to the Project.

A. No Project/Development Pursuant to the Existing General Plan and Zoning Alternative

Description: Under the City's current 2006 General Plan, the Project site has a land use designation of Public Facilities. The primary purpose of areas designated Public Facilities is to provide property for civic, cultural, and public utility uses including, but not limited to, schools, libraries, fire stations, museums, and government offices. The existing zoning for the Project site is Public (P) District; the primary purpose of this district is to provide for the conduct of public and institutional activities, including providing protected designated areas for public and institutional facilities. There are various types of allowed uses under the current General Plan land use and zoning designations, and it would be speculative to identify a development scenario that anticipates development of the entire Project site with such uses.

The Project includes a site-specific development proposal as presented in the proposed TCMV Specific Plan, which would serve as the regulatory document governing the orderly growth and development of the Project site and Tentative Tract Map No. 38421. The Project is consistent with the land uses allowed by the proposed 2040 General Plan and associated zoning currently in the process of readoption by the City (Downtown Center [DC] District). The development alternatives evaluated in this section focus on reduced development scenarios that would reduce air pollutant and GHG emissions. As with the Project, each development alternative is consistent with the land uses anticipated by the City's proposed 2040 General Plan and zoning designations for the Project site and would implement the proposed TCMV Specific Plan.

Finding: The findings of the Project set forth in this document and the overriding social, economic and other issues set forth in the Statement of Overriding Considerations provide support for the Project and the elimination of this alternative from further consideration.

Facts in Support of Finding: As discussed in EIR Section 3.1, Project Background, the City vision for this area as outlined in the Nason Street Corridor Plan (October 2015), the 2016 City of Moreno Valley Strategic Plan, and the Nason Street Corridor Phase II Study Area Plan (May 2019) is for development of a multi-use town center consisting of residential, commercial, office, and civic uses. In addition, the City is in the process of readopting the 2040 General Plan, which would include the Project site within the proposed mixed-use Downtown Center (DC) District to serve as a focal point of the community and destination for people from around the region. Consistent with this vision, the City is in the process of selling the Project site to the Project Applicant for the purpose of developing a mixed-use town center and it is reasonable to anticipate that the Project site would not be developed solely with public facilities. Notwithstanding, it is anticipated that development of the site with public facilities pursuant to the current 2006 General Plan land use designation would reduce the daily trip generation and associated air pollutant and GHG emissions as compared to the Project. However, development of public facilities at the Project site would not meet the Project objectives.

B. No Project/No Development Alternative

Description: The "No Project/No Development" Alternative considers no development on the Project site. Under this Alternative, the TCMV Specific Plan would not be implemented. The Project site would remain undeveloped and would be subject to routine maintenance (i.e., discing) for weed abatement. This Alternative was used to compare the environmental effects of the Project with an alternative that would leave the Project site in its existing state.

Finding: The findings of the Project set forth in this document and the overriding social, economic and other issues set forth in the Statement of Overriding Considerations provide support for the Project and the elimination of this alternative from further consideration.

Facts in Support of Finding: EIR Section 6.3.2 provides a detailed discussion comparing the No Project/No Development Alternative to the Project. EIR Table 6-4 provides a summary of impacts of the No Project/No Development Alternative compared to the Project. Implementation of the No Project/No Development Alternative would result in no physical environmental impacts beyond those that have historically occurred on the Project site. As shown in EIR Table 6-4, all significant effects of the Project would be avoided by the selection of the No Project/No Development Alternative with exception of long-term erosion and sedimentation impacts, which would be increased under this Alternative. The No Project/No Development Alternative would fail to meet all of the Project's objectives.

C. Reduced Development – Less Residential Alternative

Description: The "Reduced Development – Less Residential" Alternative considers a development scenario consistent with the proposed TCMV Specific Plan where the Project site would be developed with fewer residential units as compared to the Project evaluated in the EIR, but the same amount of commercial/civic and open space (park) uses would be developed. In summary, under this Alternative, the Project site would be developed with 300 residential dwelling units (compared to 800 residential units anticipated for the Project in the EIR); 229,459 sf of non-residential uses, consistent with the non-residential development square footage anticipated for the Project in the EIR; and 4.9 acres of open space, consistent with the Project. Specifically, the non-residential commercial/civic uses would include 105,890 sf of general retail uses; 15,000 sf of business professional office uses; a 58,409 sf

(estimated 106-room) hotel; 30,000 sf of civic uses; and 20,160 sf of eating establishment/high turnover restaurant. The Reduced Development – Less Residential Alternative was selected by the City to evaluate a development scenario that would reduce the anticipated development intensity and associated vehicle trips and air quality emissions but still be consistent with the proposed TCMV Specific Plan, which allows for residential, commercial/civic, and open space (park) uses.

Finding: The findings of the Project set forth in this document and the overriding social, economic and other issues set forth in the Statement of Overriding Considerations provide support for the Project and the elimination of this alternative from further consideration.

Facts in Support of Finding: EIR Section 6.3.3 provides a detailed discussion comparing the Reduced Development – Less Residential Alternative to the Project. EIR Table 6-4 of the provides a summary of impacts of the Reduced Development – Less Residential Alternative compared to the Project. Because the number of residential units would be reduced by approximately 40% under this Alternative (300 units compared to 800 units with the Project), there would be an approximately 36% reduction in trip generation (approximately 7,676 daily trips compared to 12,010 daily trips with the Project) and mobile source air emissions. For purposes of this analysis in the EIR, it is assumed that mobile source air pollutant emissions would also be reduced by approximately 36%. With this reduction, the CO emissions from the Reduced Development – Less Residential Alternative would not exceed the SCAQMD regional significance thresholds. However, operational regional emissions generated with the Reduced Development – Less Residential Alternative would exceed the SCAQMD CEQA significance threshold for NOx and VOC as with the Project. As with the Project, even with implementation of mitigation measures identified in EIR Section 4.3, Air Quality, the amount of emissions reduction would not reduce emissions to below the established threshold of significance. Long-term operational emissions of NO_x and VOC, which are O_3 precursors, would be cumulatively considerable, resulting in a significant impact. Therefore, although the amount of emissions would be reduced, the Reduced Development – Less Residential Alternative would not eliminate the Project's significant, unavoidable operational and cumulative air quality impacts resulting from operational emissions.

The sources of GHG emissions would be the same under this Alternative, although there would be an overall reduction in GHG emissions due to the reduction in residential uses, and notably a 36% reduction in vehicular trips and associated GHG emissions from mobile sources. As with the Project, the Reduced Development – Less Residential Alternative would exceed the SCAQMD 3,000 MTCO2e per year threshold, resulting in a significant and unavoidable impact for which there is no feasible mitigation to reduce the impact to a less than significant level.

The Reduced Development – Less Residential Alternative would reduce the Project's less than significant impacts to energy, noise, public services and recreation, and utilities and service systems. The total VMT per capita would increase under this Alternative; however, the impact would remain less than significant. All other impacts from the Reduced Development – Less Residential Alternative would be similar to the Project.

The Reduced Development – Less Residential Alternative would meet two of the Project objectives less effectively than the Project due to the reduction in residential uses. The Reduced Development – Less Residential Alternative would meet all of the Project's other objectives.

D. Reduced Development – Less Commercial Alternative

Description: The "Reduced Development – Less Commercial" Alternative considers a development scenario where the Project site would be developed with the same number of residential units and the same amount of open space (park) uses as assumed for the Project in the EIR, but a reduced amount of commercial/civic uses. In summary, under this Alternative the Project site would be developed with 800 residential dwelling units, consistent with residential development anticipated for the Project in the EIR; 150,000 sf of non-residential uses (compared to 229,459 sf of non-residential development square footage anticipated for the Project in the EIR); and 4.9 acres of open space, consistent with the Project. The location of the proposed non-residential land uses would remain the same as the Project. Specifically, the non-residential commercial/civic uses would include: 63,900 sf of general retail uses; 9,000 sf of business professional office uses; a 35,000-sf hotel (estimated 64-room); 30,000 sf of civic uses; and 12,100 sf of eating establishment/high turnover restaurant (including a 2,600-sf drive-thru restaurant). The Reduced Development – Less Commercial Alternative was selected by the City to evaluate a development scenario that would reduce the anticipated development intensity and associated vehicle trips and air quality emissions but still be consistent with the proposed TCMV Specific Plan, with residential, commercial/civic, and open space (park) uses.

Finding: The findings of the Project set forth in this document and the overriding social, economic and other issues set forth in the Statement of Overriding Considerations provide support for the Project and the elimination of this alternative from further consideration.

Facts in Support of Finding: EIR Section 6.3.4 provides a detailed discussion comparing the Reduced Development – Less Commercial Alternative to the Project. EIR Table 6-4 provides a summary of impacts of the Reduced Development – Less Commercial Alternative compared to the Project. With the approximately 35% reduction in non-residential building area under this Alternative (150,000 sf compared to 229,459 sf with the Project), there would be an associated 9% reduction in trip generation (approximately 10,980 daily trips compared to 12,010 daily trips with the Project) and mobile source air emissions. Total operational emissions (which include area, energy, and mobile sources) including NO_x, VOC, and CO emissions would be lower than the Project. Vehicular trips represent the primary source of operational emissions resulting from the Project. For purposes of this analysis, it is assumed that mobile source air pollutant emissions would also be reduced by approximately 9%. However, as with the Project, operational regional emissions generated with the Reduced Development – Less Commercial Alternative would exceed the SCAQMD CEQA significance threshold for NO_X, VOC, and CO, even with implementation of mitigation measures identified in EIR Section 4.3, Air Quality. Long-term operational emissions of NO_x and VOC, which are O_3 precursors, would be cumulatively considerable, resulting in a significant impact. Therefore, although the amount of emissions would be reduced, the Reduced Development – Less Commercial Alternative would not eliminate the Project's significant, unavoidable operational and cumulative air quality impacts resulting from operational emissions.

The sources of GHG emissions would be the same as the Project, although there would be an overall reduction in GHG emissions due to the reduction in commercial development, and a 9% reduction in vehicular trips and associated GHG emissions from mobile source GHG emissions. However, as with the Project, the Reduced Development – Less Commercial Alternative would exceed the SCAQMD 3,000 $MTCO_2e$ per year threshold resulting in a significant and unavoidable impact for which there is no feasible mitigation to reduce the impact to a less than significant level.

The Reduced Development – Less Commercial Alternative would reduce the Project's less than significant impacts to energy, noise, and utilities, and service systems. The total VMT per capita would decrease under this Alternative and the impact would remain less than significant. All other impacts from the Reduced Development – Less Commercial Alternative would be similar to the Project.

The Reduced Development – Less Commercial Alternative would meet four Project objectives less effectively than the Project due to the reduction in commercial uses. The Reduced Development – Less Commercial Alternative would meet the Project's other three objectives.

E. Reduced Development – Less Residential and Less Commercial Alternative

Description: The "Reduced Development – Less Residential and Less Commercial" Alternative considers a development scenario where the Project site would be developed with fewer residential units, less commercial/civic uses, and the same amount of open space (park) uses. In summary, under this Alternative, the Project site would be developed with 700 residential dwelling units (compared to 800 residential units anticipated for the Project in the EIR); 175,000 sf of non-residential uses (compared to 229,459 sf of non-residential development square footage anticipated for the Project in the EIR); and 4.9 acres of open space, consistent with the Project. The locations of the proposed residential and non-residential land uses would remain the same as the Project. Specifically, the non-residential commercial/civic uses would include: 77,150 sf of general retail uses; 10,800 sf of business professional office uses; a 42,480-sf hotel (estimated 77-room); 30,000 sf of civic uses; and 14,570 sf of eating establishment/high turnover restaurant. The Reduced Development – Less Residential and Less Commercial Alternative was selected by the Lead Agency to evaluate a development scenario that would reduce the anticipated development intensity and associated vehicle trips and air quality emissions but still be consistent with the proposed TCMV Specific Plan, with residential, commercial/civic, and open space (park) uses.

Finding: The findings of the Project set forth in this document and the overriding social, economic and other issues set forth in the Statement of Overriding Considerations provide support for the Project and the elimination of this alternative from further consideration.

Facts in Support of Finding: EIR Section 6.3.5 provides a detailed discussion comparing the Reduced Development – Less Residential and Less Commercial Alternative to the Project. EIR Table 6-4 provides a summary of impacts of the Reduced Development – Less Residential and Less Commercial Alternative compared to the Project. Because the amount of residential and non-residential uses would be reduced by approximately 12% and 24%, respectively, under this Alternative (700 units compared to 800 units and 175,000 sf compared to 229,459 sf with the Project), there would be an approximately 14% reduction in trip generation (approximately 10,389 daily trips compared to 12,010 daily trips with the Project) and mobile source air emissions. For purposes of this analysis, it is assumed that mobile source air pollutant emissions would also be reduced by approximately 14%. However, as with the Project, operational regional emissions generated with the Reduced Development – Less Residential and Less Commercial Alternative would exceed the SCAQMD CEQA significance threshold for NO_X, VOC, and CO, even with implementation of mitigation measures identified in EIR Section 4.3, Air Quality. Long-term operational emissions of NO_x and VOC, which are O_3 precursors, would be cumulatively considerable, resulting in a significant impact. Therefore, although the amount of emissions would be reduced, the Reduced Development – Less Residential and Less Commercial Alternative would not eliminate the Project's significant, unavoidable operational and cumulative air quality impacts resulting from operational emissions.

The sources of GHG emissions would be the same, although there would be an overall reduction in GHG emissions due to the reduction in commercial development, and a 14% reduction in vehicular trips and associated GHG emissions from mobile source GHG emissions. However, as with the Project, the Reduced Development – Less Residential and Less Commercial Alternative would exceed the SCAQMD 3,000 $MTCO_2e$ per year threshold resulting in a significant and unavoidable impact for which there is no feasible mitigation to reduce the impact to a less than significant level.

The Reduced Development – Less Residential and Less Commercial Alternative would reduce the Project's less than significant impacts to energy, noise, public services and recreation, and utilities and service systems. The total VMT per capita would increase under this Alternative; however, the impact would remain less than significant. All other impacts from the Reduced Development – Less Residential and Commercial Alternative would be similar to the Project.

The Reduced Development – Less Residential and Commercial Alternative would meet five Project objectives less effectively than the Project due to the reduction in residential and commercial uses. The Reduced Development – Less Residential and Less Commercial Alternative would meet the Project's other two objectives.

VIII. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA Guidelines Section 15126.2(d) requires that the significant irreversible environmental changes that would result from project implementation be addressed in the EIR. Significant irreversible environmental changes are addressed in EIR Section 5.2. Generally, a project would result in significant irreversible environmental changes if the following occurs:

- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve a large commitment of nonrenewable resources;
- The project involves uses in which irreversible damage could result from any potential environmental accidents associated with the project; and
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

Determining whether the Project may result in significant irreversible effects requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. The Project site is undeveloped. The Project site and surrounding area have historically been used for agricultural purposes; however, agricultural activities at the Project site ceased in the late 1960s. There are no non-renewable resources present at the Project site; therefore, conversion of the land from its current state to a mixed-use development (as envisioned by the City's general plan and zoning designations) with residential, commercial/civic, and park uses would have no direct effect on any such resources at the Project site.

Construction and long-term operation of the Project would require the commitment and reduction of non-renewable and/or slowly renewable resources, including petroleum fuels and natural gas (for vehicle emissions, construction, lighting, heating, and cooling of structures) as well as lumber, sand/gravel, steel, copper, lead, and other metals (for use in building and roadway construction and utility infrastructure). Other resources that are slow to renew and/or recover from environmental stressors would also be impacted by Project implementation; these include air quality (through the combustion of fossil fuels and production of greenhouse gases) and water supply (through the

increased potable water demands for drinking, cleaning, landscaping, and general maintenance needs). The Project is required by law to comply with federal, State, and local building requirements addressing energy conservation, and compliance with these requirements reduces a building's operational consumption of energy which is produced by fossil fuels. A more detailed discussion of energy consumption is provided in EIR Section 4.6, Energy. The consumption of non-renewable resources to construct and operate the Project over the long-term would likely commit subsequent generations to the same use of the land and similar patterns of energy consumption. It is improbable that the site would revert to permanently undeveloped conditions due to the large capital investment that would already have been committed. However, the Project is not expected to reduce the availability of any natural resources as a result of long-term operational activities.

The City's proposed 2040 General Plan and associated Municipal Code and Zoning amendments, anticipate that development within the Downtown Center (DC) District, including the Project site, would eventually support a mix of urban uses. Implementation of the Project would commit the Project site to a mixed-use development consisting of residential, commercial/civic, and open space (park) uses. These uses are compatible with the existing and planned uses that surround the Project site. Although the Project would result in unavoidable physical impacts related to air quality and greenhouse gas emissions, these effects are significant due to their effect on the region, not their local impacts to receptors located near the Project site. The Project and its environmental effects would not compel or commit surrounding properties to land uses other than those that exist today or those that are planned by the 2040 General Plan and associated Municipal Code and Zoning amendments. For this reason, the Project would not result in a significant, irreversible change to nearby, off-site properties.

EIR Section 4.9, Hazards and Hazardous Materials, provides an analysis of the Project's potential to transport or handle hazardous materials which, if released into the environment, could result in irreversible damage to the environment. As concluded in the analysis, compliance with federal, State, and local regulations related to hazardous materials would be required of all contractors working at the Project site during the Project's construction and of all occupants that occupy the Project's buildings. As such, construction and long-term operation of the Project would not cause significant irreversible damage to the environment that could result if hazardous materials were released from the site, including damage that may result from upset or accident conditions.

Lastly, an increased commitment of public services (e.g., police and fire) would also be required. However, as discussed in EIR Section 4.15, Public Services and Recreation, the Project would not require the construction of new or alteration of existing fire or police protection facilities to maintain an adequate level of service to the Project area, and no physical environmental impacts would result.

IX. **GROWTH INDUCING IMPACTS OF THE PROJECT**

CEQA requires an EIR to include a discussion of ways in which the proposed project could induce growth. The CEQA Guidelines identify a project as growth-inducing if it fosters economic or population growth or if it encourages the construction of additional housing either directly or indirectly in the surrounding environment (CEQA Guidelines, Section 15126.2[e]). New residents and employees from the future residential and non-residential uses proposed by the Project represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area, placing additional demands on public services and infrastructure systems, and in the generation of a variety of environmental impacts, which are addressed in EIR Section 4.1 through Section 4.19.

To address this issue, potential growth-inducing effects are examined through analysis of the following questions:

1. Would this project remove obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area or through changes in existing regulations pertaining to land development)?
2. Would this project result in the need to expand one or more public services to maintain desired levels of service?
3. Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?
4. Would approval of this project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?

A project could indirectly induce growth by reducing or removing barriers to growth or by creating a condition that attracts additional population or new economic activity. However, a project's potential to induce growth does not automatically result in growth. Growth can only happen through capital investment in new economic opportunities by the private or public sectors. Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. This issue is presented to provide additional information on ways in which the Project could contribute to significant changes in the environment beyond the direct consequences of implementing the Project examined in the EIR.

1. **Would this Project remove obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area or through changes in existing regulations pertaining to land development)?** Existing roadways would be extended into the Project site and new roadways built on site would serve the Project but would not provide additional capacity to induce unplanned growth. Additionally, the Project would not involve development that would establish an essential public service or utility/service system. The Project site and surrounding areas are already served by essential public services, an extensive network of utility/service systems, and the other infrastructure necessary to accommodate or allow the existing conditions and planned growth.

   The existing utility/service systems in the roadways adjacent to the Project site can serve the development allowed by the proposed TCMV Specific Plan with connections to these existing facilities. The utility infrastructure installed as part of the Project would be sized and located expressly to serve the on-site uses and, therefore, would not induce growth in the Project vicinity. Further, future development would be reviewed on a project-by-project basis at the time of proposed construction in order to determine the utility/service systems necessary to serve the proposed land uses.

   Consistent with the provisions of the MVMC, the Project Applicant is proposing a Specific Plan to establish the zoning, development, and design standards for implementing projects within the Project site. The Project would not change existing regulations pertaining to land development and is, therefore, not considered to be growth-inducing with respect to removal of obstacles to growth.

2. **Would this Project result in the need to expand one or more public services to maintain desired levels of service?** As discussed in EIR Section 4.15, Public Services and Recreation,

the Project would increase the demand for public services (police, fire, schools, libraries, and parks and recreational facilities). The Project would create the typical range of service calls for police and fire services that occur with residential, commercial/civic, and park uses. The Project would not necessitate the construction of new or the expansion of existing public service facilities in order to maintain desired levels of service; however, a substation could be accommodated within the commercial area, if required by the City. This facility, should it be implemented, would be available not only to future residents and employees of the Project, but other residents and employees in the City. With respect to parks, the proposed TCMV Specific Plan includes approximately 4.9 acres of public open space area, including an approximately 3.5-acre area to be centrally located within the Project site and an approximately 1.4-acre linear park. Additionally, funding mechanisms are in place through existing regulations and standard practices to accommodate growth in the City, including the Project. This Project would not, therefore, have significant growth-inducing consequences with respect to public services.

3. **Would this Project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?** During Project construction, a number of design, engineering, and construction-related jobs would be created. This would last until Project construction is completed. This would be an indirect, growth-inducing effect of the Project. As further described in EIR Section 3.0, Project Description, for purposes of analysis in the EIR it is anticipated the proposed TCMV Specific Plan would result in the development of up to 800 residential units and approximately 230,000 square feet of non-residential uses. It is estimated that this development could generate up to 3,080 new residents and approximately 421 new employment opportunities. As discussed in EIR Section 4.14, Population and Housing, the Project would not exceed the growth projections for the City or the region. Further, it is expected that the short-term construction jobs and new positions during operation would be filled by workers who already reside in the local area or region.

   As development occurs on site, Project residents and employees would seek shopping, entertainment, employment, home improvement, auto maintenance, and other economic opportunities in the surrounding area. In addition to the proposed non-residential uses, the Project is located near and within walking distance of existing employment and retail areas in the City, which would help serve the employment and shopping needs of the future residents. However, the increased demand for such economic goods and services could encourage the creation of new businesses and/or the expansion of existing businesses that address these economic needs. This growth may be experienced in the areas in proximity to the Project site that are either currently undeveloped or underutilized. However, this type of growth is already anticipated in the City's General Plan, and as identified on EIR Figure 4.0-1, Cumulative Projects Location Map, is already being proposed. Therefore, implementation of residential and non-residential uses allowed by the proposed TCMV Specific Plan would support existing uses in the area and could encourage or facilitate the growth envisioned in the General Plan.

4. **Would this Project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?** As identified above, there are no proposed changes to the type of uses allowed by the General Plan and zoning ordinance as residential, commercial, and park uses are allowed and common uses in the City. Further, no changes to any of the City's building safety standards (i.e., building, grading, plumbing, mechanical, electrical, fire codes) are proposed or required to implement this Project. As identified in EIR Section 4.1 through Section 4.19, the Project would be

implemented in accordance with applicable regulations and Project-specific mitigation measures, which would ensure there are no conflicts with adopted land development regulations, and environmental impacts are minimized. The Project does not propose any precedent-setting actions that, if approved, would specifically allow or encourage other projects and resultant growth to occur. Furthermore, the Project is not extending any infrastructure or facilitating further development. Accordingly, the Project's potential influence on other nearby properties to redevelop at greater intensities and/or different uses than the City's General Plan and zoning ordinance allow is speculative. CEQA does not require the analysis of speculative effects (CEQA Guidelines Section 15145). If any other property owner were to propose development or redevelopment of a property in the Project vicinity or in any part of the City, that project would require evaluation under CEQA based on its own merits, including an analysis of direct and cumulatively considerable effects.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA and the CEQA Guidelines, the decision-making agency must balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project (PRC Section 21081[b] and CEQA Guidelines Sections 15043 and 15093). Additionally, the CEQA Guidelines provide that when the lead agency approves a project that will result in significant environmental impacts that are identified in a final EIR, but are not avoided or substantially lessened, the agency must state in writing the specific reasons to support its action based on the final EIR or other information in the record (CEQA Guidelines Section 15093[b]). If the specific economic, legal, social, technological or other benefits of the proposed project outweigh its unavoidable adverse environmental effects, the adverse effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]).

In accordance with CEQA and the CEQA Guidelines, the City finds that, based on the Town Center at Moreno Specific Plan Final EIR, Technical Appendices, and the record of proceedings, except for the three significant and unavoidable impacts related to air quality and GHG emissions, the Project has avoided or reduced significant impacts on the physical environment for all environmental impact categories analyzed in the EIR. As discussed in Section VI.A and Section VI.B of this document, for these impacts, the EIR concluded that there would be no impact, a less than significant impact, or less than significant impact with the implementation of identified mitigation measures, which will be incorporated as conditions of approval of the Project.

As discussed in Section VI.C of this document, the City finds that the following impacts would be significant and unavoidable: air quality (conflict with the SCAQMD Air Quality Management Plan [AQMP], and cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment during operation); and GHG emissions.

FINDINGS:

The City finds that all feasible mitigation measures identified in the EIR will be implemented with the Project approval and that the remaining significant and unavoidable air quality and GHG emissions impacts are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits, based on the facts set forth in the EIR, including Technical Appendices, and the Project's record of proceedings.

The City finds that the following Project benefits, each of which is determined to be, by itself and independent of the other Project benefits, is a basis for overriding, outweighing, and accepting the Project's significant and unavoidable air quality and GHG emissions impacts identified in the EIR. Moreover, substantial evidence supports each of the Project benefits, which evidence is found in the EIR, documents used or referred to in the EIR, documents incorporated by reference, and documents comprising the Project's record of proceedings.

OVERRIDING BENEFITS RESULTING FROM THE PROJECT:

1. **Implement Infill Development of Unused Vacant Land Consistent with the City's Vision.** The approximately 69.6-gross-acre Project site is undeveloped and is subject to routine maintenance (i.e., discing) for weed abatement. The City has engaged in years of strategic planning that involved the identification of locations for a "town center." These efforts included, but are not limited to, the Nason Street Corridor Plan (October 2015), the

2016 City of Moreno Valley Strategic Plan, and the Nason Street Corridor Phase II Study Area Plan (May 2019). The Nason Street Corridor Plan specifically addresses the City-owned property at the northwest corner of Nason Street and Alessandro Boulevard as a potential location for a town center and the Nason Street Corridor Phase II Study Area Plan further evaluated the City-owned land for its potential as a town center and the best timing for its development. The City issued a Request for Proposals on November 18, 2019, to an extensive list of developers seeking proposals to develop the site as a mixed-use master-planned town center project consisting of office, residential, commercial, and public uses. On March 20, 2020, Lewis Acquisition Company, LLC (referred to herein as "Project Applicant") was selected as the developer and negotiated a purchase of the vacant city parcels to create the proposed TCMV Specific Plan (referred to herein as "Project").

The 2040 General Plan, which the City is in the process of readopting, designated a mixed-use "Downtown Center" district to serve as a focal point of the community and destination for people from around the region. The Downtown Center is located around the prominent cross-roads of Nason Street and Alessandro Boulevard and encompasses approximately 1,200 acres near the center of the City. The TCMV Specific Plan area is within the proposed Downtown Center (DC) District and land use designation, per the City's Zoning Atlas and 2040 General Plan, respectively. The Project would allow for the implementation of a mixed-use community with up to 800 dwelling units, commercial, civic, and open space uses in the Downtown Center area as envisioned by the City. By densifying this urban area, the Project maximizes use of an infill site that is surrounded by existing residential, religious, and education uses, and discourages sprawl into undeveloped areas.

2. **Benefits from Development in the "Downtown Center" of the City of Moreno Valley**. The Project would bring public benefits, housing, economic growth to the City's anticipated Downtown Center and would create synergy with existing and planned uses in the area. The Project would:

   (a) Take advantage of the unique infill location of the Project site in the geographic "center" of the City;

   (b) Create a visible, social gathering place for residents, families, friends, and visitors;

   (c) Provide a community with a broad mix of housing options and a vibrant retail/commercial area, civic use, and park uses;

   (d) Maximize housing opportunities to further achievement of local housing goals and provide a variety of housing types to meet the needs of various market segments and lifestyle considerations.

3. **Civic Center Parcel.** The Project would include the dedication of a 40,000-sf mass-graded parcel to the City at no cost for its use to construct a future Innovation Tech Library or other civic use serving the residents of Moreno Valley.

4. **Public Open Space/Park Land.** The Project includes approximately 4.9 acres of public open space area, including an approximately 3.5-acre centrally located area for a public park and an approximately 1.4-acre linear park area adjacent to the commercial/civic area.

5. **Accommodation of Affordable Housing.** The Residential land use component of the TCMV Specific Plan includes an approximately 3-acre parcel for the development of

affordable housing units. The TCMV Specific Plan requires that the total number of affordable housing units be equal to the greater of 100 affordable housing units or 15% of the total number of residential units developed in the TCMV Specific Plan area, including the Affordable Housing Site. The TCMV Specific Plan requires that the developer of the Affordable Housing Site record a covenant or restriction against the Affordable Housing Site that would provide that the affordable housing units developed on the Affordable Housing Site would be sold or rented at affordable housing cost.

6. **Fiscal, Infrastructure and Public Amenity Benefits to the City.** The Project will pay substantial amounts of Development Impact Fees (DIF) to the City, which is estimated to exceed $22 million. The payment of DIFs would improve vital services such as police and fire protection, parks, roads and other infrastructure in the City. The Project would also result in the construction of on-site and off-site roadway improvements including two new traffic signals with a fair share value of approximately $6 million. Additionally, a $2 million Major Project Amenity would be incorporated into the Project, which may be integrated into other public improvements that are required as a condition of approval for the Project such as fountains, decorative lighting treatments, public water features, and outdoor plazas.

7. **Develops Proximate to Transit and Encourages Multimodal Transportation.** The Project site's surrounding area is urbanized with a variety of residential densities, education, religious, business, and civic uses, all of which is currently served by three existing nearby Riverside Transit Agency (RTA) bus routes (Routes 21, 31, and 40). Currently, there are bus stops on Nason Street (at Cottonwood Avenue and Alessandro Boulevard) as well as a stop on Alessandro Boulevard (toward the southwest corner of the Specific Plan area). Commuter train service in the City is provided by Metrolink, and the Moreno Valley/March Field Metrolink Station is approximately 5.3 miles west of the Project site. There is an existing Class II Bike Lane (on-street striped) along Nason Street, an existing Class III Bike Route along Cottonwood Avenue, and a proposed Class II Bike Lane along Alessandro Boulevard, which would be constructed as part of the Project. Additionally, there are existing sidewalks along Cottonwood Avenue and Nason Street adjacent to the Project site. Consistent with local and regional policies to encourage the use of transit and various modes of transportation, the TCMV Specific Plan encourages multi-modal circulation systems with an internal focus on pedestrian activity. Greater density allows for more efficient, frequent, and reliable transit service. Additionally, the on-site circulation system would include sidewalk and bicycle facilities that provide direct connections to existing and proposed bikeways and sidewalks, and provide safe and efficient access to transit facilities. Driveway access to parcels would provide safe vehicular movement and prevent traffic congestion by minimizing pedestrian/bicycle and vehicular conflicts and providing safe and thoughtful pedestrian paths of travel through parking lots. Where possible, curb-separated sidewalks, on-street bicycle lanes, and off-street paseos would be implemented. Project development near transit, with a focus on improving multimodal options such as walking, bicycling, and transit, would provide a more diverse and sustainable transportation network.

8. **Provides a Vibrant Gathering Place for the City.** The TCMV Specific Plan, including the associated development standards, is designed to provide flexibility for development within the TCMV Specific Plan area consistent with the City's vision for this area. The Project, located within the City's Downtown Center, would provide up to 800 dwelling units (up to 30 dwelling units per acre) for all ages and income levels; a 16-acre, 40,000 sf commercial/civic center parcel; 4.9 acres of public park/open space uses; and roadway and infrastructure improvements.

The Project would foster a live-work-play atmosphere by ensuring that homes, businesses, and green spaces are complementary to one another and close to each other. By placing these complementary uses next to each other, the Project would create an activated, pedestrian-friendly downtown that balances residential comfort with commercial vitality, all while offering green spaces that enhance the community experience.

9. **Satisfies City's Vehicle Miles Traveled Standard and Promotes Southern California Association of Government's (SCAG) Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS).** The Project satisfies the City's VMT standards, which demonstrates consistency with SCAG's RTP/SCS strategies. The Project's effect on VMT was determined to be less than significant in the EIR. Also notable, the Project would improve adjacent streets and install sidewalks along with a walkable internal Project site. As discussed previously, the Project would also involve the construction of bicycle facilities and would provide connectivity to the City's existing bike network. The Project would improve and enhance active transportation and transit access and facilities while diversifying housing in the area, consistent with General Plan Circulation Element and Connect SoCal policies.

10. **Implements Important Sustainability Goals of the City.** The Project's development of increased residential uses within a mixed-use context and nearby jobs help to increase the supply of homes in the City and promote affordability. The mixed-use development proximate to existing job centers also helps the City balance its jobs-to-housing mix, reduce commutes, lower GHG, and reduce VMT.

11. **Creates Permanent Jobs Proximate to Housing.** The Project is estimated to create approximately 421 employment opportunities associated with the proposed commercial and civic uses. These jobs proximate to housing would also reduce commute times, improve social and cultural involvement for these residents, and provide them with an attractive work/life balance.

12. **Housing For the City's Expanding Workforce.** The Project would provide needed housing, including affordable housing, proximate to major job centers (e.g., Riverside University Health System Medical Center, the Kaiser Permanente Hospital and medical complex, Moreno Valley College, and the World Logistics Center) and educational facilities (University of California, Riverside and Moreno Valley College). This housing proximate to jobs would reduce commute times, improve social and cultural involvement for these residents, provide attractive work/life balance, promote use of multimodal transportation options, and reduce GHG emissions associated with driving. The shorter commutes could also generate savings for the City in terms of the need to construct and maintain new road improvements and other facilities. For example, any decrease in transportation facility costs experienced by the City will enable it to invest its tax proceeds in libraries, recreational projects, and other community amenities that can improve quality of life for City residents.