

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

216 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
January 22, 2007

**SUBJECT:** RESOLUTION NO. 2007-029 APPROVING TENTATIVE PARCEL MAP NO. 34275 / CONDITIONAL USE PERMIT NO. 3475 / VARIANCE NO. 1788 – SEIR488 – Applicant: Donahue Schriber – Engineer / Representative: Development Resource Consultants, Inc - Third Supervisorial District – Antelope Valley Zoning Area – Sun City/Menifee Valley Area Plan: Community Development: High Density Residential (CD-HDR) (8-14 Dwelling Units Per Acre), Medium High Density Residential (CD-MHDR) (5-8 Dwelling Units Per Acre), Medium Density Residential (CD-MDR) (2-5 Dwelling Units Per Acre), Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio) – Location: Westerly of Interstate 215, southerly of Holland Road, and easterly of Sherman Road – 306.71 Gross Acres - Zoning: (SP No. 194A1 - Planning Area 10) - **REQUEST:** Adopt the resolution approving Tentative Parcel Map No. 34275, Conditional Use Permit No. 3475, and Variance No. 1788 (Countryside Marketplace)

**RECOMMENDED MOTION:**

**ADOPTION** of RESOLUTION NO. 2007-029 APPROVING TENTATIVE PARCEL MAP NO. 34275, CONDITIONAL USE PERMIT NO. 3475, AND VARIANCE NO. 1788.

**Background:**

On December 19, 2006, the Board of Supervisors tentatively certified Supplemental EIR No. 488 and approved Tentative Parcel Map No. 34275, Conditional Use Permit No. 3475, and Variance No. 1788.

*David Mares for*  
Ron Goldman  
Interim Planning Director

RG:cv

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

DATE 1/23/07 ywb

Dep't Reco.  Per Exec. Ofc.:   
Consent  Consent   
Policy  Policy

Prev. Agn. Ref.

District: Third

Agenda Number:

3.54

2  
3 **RESOLUTION NO. 2007-029**  
4 **APPROVING CONDITIONAL USE PERMIT NO. 3475**  
5 **TENTATIVE PARCEL MAP NO. 34275, AND**  
6 **VARIANCE NO. 1788**  
7 **(COUNTRYSIDE MARKETPLACE)**

8 **WHEREAS**, Pursuant to Government Code Sections 65091, 65905 and 66451.3, a public  
9 hearing was held before the Riverside County Board of Supervisors in Riverside, California on  
10 December 19, 2006, to consider Conditional Use Permit No. 3475, Tentative Parcel Map No.  
11 34275, and Variance No. 1788 for the development of the Countryside Marketplace Shopping  
12 Center.

13 **WHEREAS**, all the provisions of the California Environmental Quality Act ("CEQA")  
14 and the Riverside County CEQA implementing procedures have been satisfied, and Supplemental  
15 Environmental Impact Report ("SEIR") No. 488 (State Clearinghouse No. 2006041135) has been  
16 prepared in connection with the approval of the Project, is sufficiently detailed so that all  
17 potentially significant effects of the Project on the environment and measures necessary to avoid  
18 or substantially lessen such effects have been evaluated in accordance with the above-referenced  
19 Act and Rules; and

20 **WHEREAS**, the matter was fully discussed with testimony and documentation presented  
21 by the Applicant, the public, and affected governmental agencies; now, therefore,

22 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of  
23 Supervisors of the County of Riverside, in regular session assembled on January 23, 2007, that:

- 24 A. On October 29, 1985, the County Board of Supervisors adopted Resolution No. 85-326 certifying Environmental Impact Report ("EIR") No. 191 and approving Specific Plan No. 194 for the Pueblo del Sol community in the unincorporated Menifee Valley portion of the County which included residential uses and commercial uses.
- B. On October 16, 1990, the County Board of Supervisors adopted Resolution No. 90-158 adopting Negative Declaration No. EA 33260 (the "Negative Declaration") and Amendment No. 1 to Specific Plan No. 194, renaming the Specific Plan the

FORMAL  
COUNTY COUNSEL

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BY [Signature]

1 "Countryside Specific Plan" and increasing the size of the commercial area on  
2 Planning Area 10 from 40 acres to 69 acres.

3 C. In October 2003, the Board of Supervisors adopted Resolution Nos. 2003-487 and  
4 2003-488 approving the Riverside County Integrated Project General Plan  
5 Amendment (the "General Plan Amendment") and certifying General Plan Final  
6 Program Environmental Impact Report No. 441. The approved General Plan  
7 Amendment incorporated the Countryside Specific Plan.

8 D. Donahue Schriber Realty Group, L.P. (the "Applicant") has filed an application to  
9 develop a commercial shopping center on Planning Area 10 within the Countryside  
10 Specific Plan area as well as all necessary infrastructure consistent with and  
11 proposed to be developed at the densities prescribed in the Countryside Specific  
12 Plan, as amended, and General Plan Amendment (the "Project").

13 E. In evaluating the Project, the County prepared an initial study and concluded that  
14 changes have occurred with respect to the circumstances under which the Project is  
15 being undertaken since the certification of EIR No. 191 and the adopted Negative  
16 Declaration, which will require major revisions in EIR No. 191. New information,  
17 which was not known and could not have been known at the time either EIR No. 191  
18 or the Negative Declaration was certified as complete, has since become available.  
19 As a result, the Riverside County Planning Department has caused a Supplemental  
20 Environmental Impact Report to be prepared pursuant to Public Resources Code  
21 § 21166<sup>1</sup>.

22 F. On April 18, 2006, the County prepared and distributed a notice of preparation of the  
23 SEIR as required by law and posted the same for thirty (30) days in the Office of the  
24 County Clerk.

25 G. On October 24, 2006, the County prepared and distributed a notice of completion of  
26 the Draft SEIR and notified the public that the Draft SEIR was available for public  
27 review. The Public review period ran from October 24, 2006 to December 8, 2006.

28 <sup>1</sup> As such, EIR's 191 and 441 are incorporated herein by this reference.

1           **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
2 Riverside, in regular session assembled on January 23, 2007, that the approval of the Project will  
3 have no impact or an insignificant impact on the environment in the following environmental  
4 impact categories: hazards and hazardous materials; land use/planning; mineral resources;  
5 population/housing; recreation; and utilities/service systems.

6           **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
7 Riverside, in regular session assembled on December 19, 2006, that the following environmental  
8 impacts associated with the approval of the Project are potentially significant except that changes  
9 or alterations have been required in, or incorporated into, the Project through the identified  
10 mitigation measures which mitigate or avoid the significant effects on the environment:

11           A.     Aesthetics -- Impact on Light and Glare.

12                     1.     Impacts:

13                             The Project has the potential to become a new source of light and glare,  
14                             interfering with the night time operation of the Mt. Palomar Observatory.

15                     2.     Mitigation:

16                             The Project has been modified to mitigate or avoid this potentially significant  
17                             impact by the following mitigation measures that are hereby adopted and will  
18                             be implemented as provided in the Mitigation Monitoring/Reporting Program:

19                             a.     Sun City/Menifee Valley Area Plan Policy 12.1: The Project shall adhere  
20                             to the County lighting requirements for standards that are intended to  
21                             limit light leakage and spillage that may interfere with the operations of  
22                             the Palomar Observatory.

23           B.     Aesthetics -- Impact on County Eligible Scenic Highway.

24                     1.     Impacts:

25                             The Project site is located along I-215, a "County Eligible Scenic Highway."  
26                             The development of the Project and the placement of signage therefore has the  
27                             potential to have an aesthetic impact on Scenic Highways.  
28

1                   2.    Mitigation:

2                   The Project has been modified to mitigate or avoid this potentially significant  
3                   impact by the following mitigation measures that are hereby adopted and will  
4                   be implemented as provided in the Mitigation Monitoring/Reporting Program:

- 5                   a.    LU 13.3: Ensure that the design and appearance of new landscaping,  
6                   structures, equipment, signs, or grading within Designated and Eligible  
7                   State and County scenic highway corridors are compatible with the  
8                   surrounding scenic setting or environment; -
- 9                   b.    LU 13.4: Maintain at least a 50-foot setback from the edge of the right-  
10                  of-way for new development adjacent to Designated and Eligible State  
11                  and County Scenic Highways;
- 12                 c.    LU 13.5: Require new or relocated electric or communication  
13                  distribution lines that would be visible from Designated and Eligible  
14                  State and County Highways be placed underground;
- 15                 d.    LU 13.6: Prohibit offsite outdoor advertising displays that are visible  
16                  from Designated and Eligible State and County Scenic Highways;
- 17                 e.    LU 13.7: Require that the size, height, and type of on-premise signs  
18                  visible from Designated and Eligible State and County Scenic Highways  
19                  be the minimum necessary for identification. The design, materials,  
20                  color, and location of the signs shall blend with the environment,  
21                  utilizing natural materials where possible;
- 22                 f.    SCMVAP Policy 12.1: Develop the site to adhere to the County lighting  
23                  requirements for standards that are intended to limit light leakage and  
24                  spillage that may interfere with the operations of the Mt. Palomar  
25                  Observatory. Application of these requirements will reduce Project  
26                  impacts on Scenic Highways to below a level of significance.

27                 C.    Air Quality -- Impact of Fugitive Dust From Parcel 23.

1           1.   Impacts:

2           Since no development is currently proposed for Parcel 23 which needs to be  
3           graded due to the infrastructure and flood control requirements of the Project,  
4           the ungraded parcel will generate fugitive dust resulting in a significant impact  
5           on air quality.

6           2.   Mitigation:

7           The Project has been modified to mitigate or avoid this potentially significant  
8           impact by the following mitigation measures which are hereby adopted and  
9           will be implemented as provided in the Mitigation Monitoring/Reporting  
10          Program:

- 11          a.   MM AIR-2: Parcel 23 will be hydro-seeded after completion of grading  
12              to prevent fugitive dust escaping from the site during windy conditions.

13   D.   Biological Resources -- Impact of the Loss of .05 Acres of Permanent Waters.

14          1.   Impact:

15          The construction of Paloma Channel will permanently impact 0.05 acres of US  
16          Army Corps of Engineers jurisdictional non-wetland waters/CDFG streambed,  
17          and temporarily impact 0.10 acres of Corps jurisdictional waters/CDFG  
18          streambed.

19          2.   Mitigation:

20          The Project has been modified to mitigate or avoid this potentially significant  
21          impact by the following mitigation measures which are hereby adopted and  
22          will be implemented as provided in the Mitigation Monitoring/Reporting  
23          Program:

- 24          a.   MM BIO-1: The Project proponent shall mitigate for the loss of 0.05  
25              acre of permanent waters through the creation of the Paloma Channel.  
26              The applicants shall comply with all Conditions of Nationwide Permits,  
27              as applicable (published as 33 CFR 330 Appendix A, Section C),  
28              including Condition No. 19 requiring mitigation where necessary to

1 ensure that the adverse effects to the aquatic environment are minimal.  
2 Compensatory mitigation will be required at a minimum 1:1 ratio for all  
3 impacts to waters of the United States requiring pre-construction  
4 notification; preservation will be allowed only in exceptional  
5 circumstances.

6 E. Biological Resources -- Impact of the Project on Burrowing Owls.

7 1. Impact:

8 Although no burrowing owls were discovered at the time the biological  
9 surveys were completed, such owls could subsequently occupy the site prior  
10 to commencement of grading. The development of the Project could  
11 therefore potentially impact any burrowing owls that may locate on the site.

12 2. Mitigation:

13 The Project has been modified to mitigate or avoid this potentially significant  
14 impact by the following mitigation measures which are hereby adopted and will  
15 be implemented as provided in the Mitigation Monitoring/Reporting Program:

- 16 a. MM BIO-2: Although surveys for burrowing owls have been  
17 completed, a biological monitor shall be present on site during Project  
18 vegetation-clearing or grading activities. Any burrowing owls found on  
19 the site during such activities shall be removed by hand to areas outside  
20 the grading limits.

21 F. Biological Resources -- Impact of the Project on Migratory Birds.

22 1. Impact:

23 Although no migratory birds were discovered on the site at the time of the  
24 surveys, the potential remains for migratory birds subject to the migratory  
25 bird treaty to occupy the site prior to the commencement of grading. The  
26 development of the Project could therefore potentially impact any migratory  
27 bird that may locate on the site.

28 2. Mitigation:

1 The Project has been modified to mitigate or avoid this potentially significant  
2 impact by the following mitigation measures which are hereby adopted and will  
3 be implemented as provided in the Mitigation Monitoring/Reporting Program:  
4

- 5 a. MM BIO-3: In order to avoid impacts to nesting birds protected by the  
6 Migratory Bird Treaty Act, Project grading should take place outside of  
7 the nesting season, roughly defined as mid-February to mid-August. If  
8 grading is to take place during the nesting season, a biologist should be  
9 present during vegetation-clearing operations to search for and flag  
10 active nests so that they can be avoided. Regardless of the season  
11 during which grading takes place, all relatively immobile wildlife  
12 should be removed by hand to areas outside the grading limits.

13 G. Biological Resources -- Impact of the Project on Stevens Kangaroo Rat.

14 1. Impact:

15 The proposed Project site lies within the Riverside County HCP fee boundary  
16 for the Stephens' Kangaroo Rat.

17 2. Mitigation:

18 The Project has been modified to mitigate or avoid this potentially significant  
19 impact by the following mitigation measures which are hereby adopted and  
20 will be implemented as provided in the Mitigation Monitoring/Reporting  
21 Program:

- 22 a. MM BIO-4: The Stephens' Kangaroo Rat is a covered species under the  
23 MSHCP. Any potential impacts to this species will be mitigated through  
24 participation in the HCP and MSHCP, which participation is required by  
25 law.

26 H. Biological Resources -- Impact of the Project on Spreading Navarretia.

27 1. Impact:

28 Spreading Navarretia, a federally listed endangered plant species, was found

1 on the Project site and therefore will be affected by the development of the  
2 Project.

3 2. Mitigation:

4 The Project has been modified to mitigate or avoid this potentially significant  
5 impact by the following mitigation measures which are hereby adopted and  
6 will be implemented as provided in the Mitigation Monitoring/Reporting  
7 Program:

- 8 a. MM BIO5: Spreading Navarretia is a covered species by the MSHCP,  
9 and participation with the MSHCP (which participation is required by  
10 law), in the form of in-lieu fees payments, which will mitigate for Project  
11 impacts to this species.

12 I. Cultural Resources -- Impact on Paleontological Resources.

13 1. Impact:

14 There is a high potential for encountering significant nonrenewable vertebrate  
15 fossils during construction excavation, including Master Grading for the entire  
16 Specific Plan site, that could result in directly or indirectly destroying a unique  
17 paleontological resource.

18 2. Mitigation:

19 The Project has been modified to mitigate or avoid this potentially significant  
20 impact by the following mitigation measures which are hereby adopted and will  
21 be implemented as provided in the Mitigation Monitoring/Reporting Program:.

- 22 a. MM CR-1: prior to approval of a grading permit, the Applicant will  
23 develop a Paleontologic Resource Impact Mitigation Program (PRIMP)  
24 for the excavation phase of the Project, including Master Grading of the  
25 Specific Plan site. This program is designed to conform to the guidelines  
26 of the County of Riverside and the Society of Vertebrate Paleontology,  
27 and requires the following: (1) A trained paleontological monitor will be  
28 present during ground-disturbing activities within the Project area in

1 sediments determined likely to contain paleontological resources. The  
2 monitoring for paleontological resources will be conducted on a half-  
3 time basis. If paleontological resources are located during excavation, the  
4 monitoring program will change to full-time. The monitor will be  
5 empowered to temporarily halt or redirect construction activities to  
6 ensure avoidance of adverse impacts to paleontological resources. The  
7 monitor will be equipped to rapidly remove any large fossil specimens  
8 encountered during excavation. During monitoring, samples will be  
9 collected and processed to recover microvertebrate fossils. Processing  
10 will include wet-screen washing and microscopic examination of the  
11 residual materials to identify small vertebrate remains; (2) Upon  
12 encountering a large deposit of non-human bone, salvage of all bone in  
13 the area will be conducted with additional field staff and in accordance  
14 with modern paleontological technique; (3) All fossils collected during  
15 the Project will be prepared to a reasonable point of identification.  
16 Excess sediment or matrix will be removed from the specimens to reduce  
17 the bulk and cost of storage. Itemized catalogs of all material collected  
18 and identified will be offered to the museum repository along with the  
19 specimens; (4) A report documenting the results of the monitoring and  
20 salvage activities and the significance of the fossils will be prepared; and  
21 (5) All fossils collected during this work, along with the itemized  
22 inventory of these specimens, will be offered to a museum repository for  
23 permanent curation and storage.

24 J. Cultural Resources -- Impact on Archaeological and Cultural Resources.

25 1. Impact:

26 While considered remote, the potential remains for unknown cultural resources  
27 to be discovered during grading, which could cause a substantial adverse  
28 change in the significance of an archaeological resource pursuant to CEQA

1 Guidelines § 15064.5.

2 2. Mitigation:

3 The Project has been modified to mitigate or avoid this potentially significant  
4 impact by the following mitigation measures which are hereby adopted and  
5 will be implemented as provided in the Mitigation Monitoring/Reporting  
6 Program:

- 7 a. MM CR-2: The following specifications shall be included within the  
8 Applicant's grading plan prior to approval: (1) In the event of the  
9 accidental discovery or recognition of any archaeological resources  
10 during site clearing and/or grading, the following steps will be taken.  
11 The specifications will include a requirement for the immediate  
12 evaluation of the find by a qualified archaeologist or paleontologist as  
13 provided in General Plan Open Space Policy 19.9 or mitigation measure  
14 CR-3, as appropriate. If the find is determined to be an historical or  
15 unique archaeological or paleontological resource, contingency funding  
16 and a time allotment sufficient to allow for implementation of avoidance  
17 measures or appropriate mitigation must be provided. During the period  
18 when the find is being evaluated and, if appropriate, removed, Project  
19 work may continue on other parts of the Project site; (2) Alternatively,  
20 when the discovery is of human remains and where any of the  
21 following conditions occur, the landowner or his authorized  
22 representative will rebury the Native American human remains and  
23 associated grave goods with appropriate dignity on the property in a  
24 location not subject to further subsurface disturbance: (a) The Native  
25 American Heritage Commission ("NAHC") is unable to identify a  
26 most likely descendent ("MLD") or the MLD fails to make a  
27 recommendation within 24 hours after being notified by the NAHC;  
28 (b) The MLD identified fails to make a recommendation; and (c) The

1 landowner or authorized representative rejects the recommendation of  
2 the MLD, and the mediation by the NAHC fails to provide measures  
3 acceptable to the landowner. With implementation of the mitigation  
4 measure, the Project will not have a significant adverse impact on  
5 Archaeological Resources.

6 K. Cultural Resources -- Impact on Archaeological Resources Consisting of Human  
7 Remains.

8 1. Impact:

9 While considered remote, the potential remains for unknown human remains to  
10 be discovered during grading, which could disturb any human remains,  
11 including those interred outside of formal cemeteries or cause a substantial  
12 adverse change in the significance of an archaeological resource pursuant to  
13 CEQA Guidelines § 15064.5.

14 2. Mitigation:

15 The Project has been modified to mitigate or avoid this potentially significant  
16 impact by the following mitigation measures which are hereby adopted and  
17 will be implemented as provided in the Mitigation Monitoring/Reporting  
18 Program:

- 19 a. MM CR-3: Prior to the approval of any grading plan, the Riverside  
20 County Planning Director shall ensure that the following specification is  
21 included with grading requirements: In the event of the accidental  
22 discovery or recognition of any human remains in any location on the  
23 Project site, other than a dedicated cemetery, the following steps must  
24 be taken: There will be no further excavation or disturbance of the site  
25 or any nearby area reasonably suspected to overlie adjacent human  
26 remains until: (a) The Riverside County Coroner is contacted to  
27 determine that no investigation of the cause of death is required; and (b)  
28 If the Coroner determines the remains to be Native American then (i)

1 the Coroner will contact the Native American Heritage Commission  
2 (NAHC) within 24 hours; (ii) The NAHC will identify the person or  
3 persons it believes to be the most likely descended from the deceased  
4 Native American; and (iii) The most likely descendent (MLD) may  
5 make recommendations to the landowner or the person responsible for  
6 the excavation work for means of treating or disposing of, with  
7 appropriate dignity, the human remains and any associated grave  
8 goods as provided in Public Resources Code Section 5097.98; or (b)  
9 Alternatively, where any of the following conditions occur, the  
10 landowner or his authorized representative will reburial the Native  
11 American human remains and associated grave goods with appropriate  
12 dignity on the property in a location not subject to further subsurface  
13 disturbance: (i) the NAHC is unable to identify an MLD or the MLD  
14 failed to make a recommendation within 24 hours after being notified  
15 by the NAHC; (ii) the MLD identified fails to make a  
16 recommendation; or (iii) the landowner or his authorized  
17 representative rejects the recommendation of the MLD, and the  
18 mediation by the NAHC fails to provide measures acceptable to the  
19 landowner. With implementation of the mitigation measure, the Project  
20 will not have a significant adverse impact on Archaeological Resources  
21 involving human remains.

22 L. Geology and Soils -- Impact Resulting From Groundshaking/Subsidence

23 1. Impact:

24 According to SEIR No. 488 and the two (2) Geotechnical Investigations  
25 prepared for the Project and cited in the SEIR, the Project may be subject to  
26 seismic shaking and/or soils subsidence.

27 2. Mitigation:

28 The Project has been modified to mitigate or avoid this potentially significant

1 impact by the following mitigation measures which are hereby adopted and  
2 will be implemented as provided in the Mitigation Monitoring/Reporting  
3 Program:

4 a. MM GEO-1: The Project(s) will be conditioned to incorporate the  
5 recommendations of the geotechnical engineer as contained in the  
6 "Preliminary Geotechnical Investigation, Countryside Commercial  
7 Project, Menifee Area, California," Geosoils, March 2005, and the  
8 "Geotechnical Investigation for Mass Grading Report for the Proposed  
9 'Countryside Development Tract' Located in the Menifee Area,  
10 Riverside County, California (Project No. I051107-10)", dated February  
11 20, 2006, and prepared by LGC Inland, Inc."

12 b. MM GEO-2: "The Geotechnical Engineer's recommendations contained  
13 in the "Preliminary Geotechnical Investigation, Countryside Commercial  
14 Project, Menifee Area, California," Geosoils, March 2005, and the  
15 "Geotechnical Investigation for Mass Grading Report for the Proposed  
16 'Countryside' Development Tract Located in the Menifee Area,  
17 Riverside County, California" dated February 20, 2006, and prepared by  
18 LGC Inland, Inc., shall be incorporated into the Project design and rough  
19 grading activities."

20 M. Hydrogeology and Water Quality-- Impact on Downstream Water Quality by  
21 Development of the Project.

22 1. Impact:

23 The development and operation of the Project could adversely affect  
24 downstream water quality.

25 2. Mitigation:

26 The Project has been modified to mitigate or avoid this potentially significant  
27 impact by the following mitigation measures which are hereby adopted and  
28 will be implemented as provided in the Mitigation Monitoring/Reporting

1 Program:

- 2 a. MM HY-1: The Project applicant shall comply with the requirements  
3 and recommendation of the 'Water Quality Management Plan (WQMP),'  
4 dated September 19, 2006 and prepared by Development Resource  
5 Consultants, Inc. or subsequent report approved by the County. The  
6 WQMP includes a combination of design measures, source control  
7 measures and treatment measures.

8 N. Hydrogeology and Water Quality -- Impact on Downstream Water Quality by Parcel  
9 23.

10 1. Impact:

11 The grading of Parcel 23 could cause adverse impacts to downstream water  
12 quality.

13 2. Mitigation:

14 The Project has been modified to mitigate or avoid this potentially significant  
15 impact by the following mitigation measures which are hereby adopted and  
16 will be implemented as provided in the Mitigation Monitoring/Reporting  
17 Program:

- 18 a. MM HY-2: "The interim grading of Parcel 23 will be conditioned with  
19 the Best Management Practices listed in the SWPPP for the grading  
20 Project prepared by RBF, Inc. 2006. Furthermore, any Project ultimately  
21 developed on Parcel 23 that includes "New-Development" under the  
22 Riverside County NPDES Permit will, by law, be required to prepare and  
23 gain approval of a WQMP that will require the developer to identify and  
24 implement best management practices." The SWPPP includes the  
25 following measures: (1) Reseeding of the site; (2) Construction of  
26 interim siltation basins with stabilized outlets; (3) Roughening the  
27 Surface; (4) Preserving Natural Vegetation where possible; (5) Installing  
28 gravel bag barriers where required; (6) Installing check dams where

1 required; and (7) Implementing BMPs to reduce wind erosion. With  
2 implementation of the mitigation measure, the impacts of Parcel 23 on  
3 Water Quality will be reduced below a level of significance.

4 O. Hydrogeology and Water Quality -- Impact of Development of the Commercial Site  
5 on Downstream Flood Control.

6 1. Impact:

7 The development of the commercial site could adversely affect downstream  
8 flood control.

9 2. Mitigation:

10 The Project has been modified to mitigate or avoid this potentially significant  
11 impact by the following mitigation measures which are hereby adopted and  
12 will be implemented as provided in the Mitigation Monitoring/Reporting  
13 Program:

- 14 a. MM HY-3: The applicant shall incorporate the recommendations  
15 contained in the "*Hydrology Report for Parcel Map No. 9804, Freeway*  
16 *215 & Newport Road, Menifee, County of Riverside, The Countryside*  
17 *Specific Plan No. 194*" dated June 24, 2005 and prepared by  
18 Development Resource Consultants, Inc (or later report approved the  
19 County) into the grading of the commercial site.

20 P. Hydrogeology and Water Quality -- Impact of Rough Grading of Parcel 23 on  
21 Downstream Flood Control.

22 1. Impact:

23 The rough grading of Parcel 23 could adversely affect downstream flood  
24 control.

25 2. Mitigation:

26 The Project has been modified to mitigate or avoid this potentially significant  
27 impact by the following mitigation measures which are hereby adopted and  
28 will be implemented as provided in the Mitigation Monitoring/Reporting

1 Program:

- 2 a. MM HY-4: The applicant shall incorporate the recommendations  
3 contained in the *Preliminary Hydrology Report for the Countryside*  
4 *Specific Plan No. 194,*” dated October 12, 2005 (or later report approved  
5 by the County), for Donahue Schriber into the rough grading of Parcel  
6 23.

7 Q. Noise -- Impact on Ambient Acoustic Environment From Grading and Construction.

8 1. Impact:

9 Construction activities for the proposed Project would potentially result in  
10 noise levels exceeding the maximum noise level allowed at the closest  
11 residences.

12 2. Mitigation:

13 The Project has been modified to mitigate or avoid this potentially significant  
14 impact by the following mitigation measures which are hereby adopted and  
15 will be implemented as provided in the Mitigation Monitoring/Reporting  
16 Program:

- 17 a. MM NOS-1: The applicant shall implement the following during all  
18 construction as applicable: (1) the Project contractor shall equip all  
19 construction equipment, fixed or mobile, with properly operating and  
20 maintained mufflers consistent with manufacturers’ standards; (2) the  
21 Project contractor shall place all stationary construction equipment so  
22 that emitted noise is directed away from sensitive receptors to the west of  
23 the site; (3) the construction contractor shall locate equipment staging in  
24 areas that will create the greatest distance between construction-related  
25 noise sources and noise-sensitive receptors to the west of the site during  
26 all Project construction; and (4) all construction, maintenance, or  
27 demolition activities within the County’s boundary shall be limited to the  
28 hours of 6:00 am – 8:00 pm, Monday through Saturday, and from 10:00

am – 6:00 pm on Sundays and federal holidays.

R. Public Services -- Impact on Fire Protection Services.

1. Impact:

The development of the commercial site will increase the demand for fire protection and services and, with other Projects, have a cumulatively significant impact on those services.

2. Mitigation:

The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measures which are hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program:

- a. MM PF-1: Prior to occupancy of any structure at its time of development, each of the developers shall pay their fair share towards the cost of constructing and equipping a new fire station to serve the individual and Specific Plan Project.

S. Public Services -- Impact on Police Services.

1. Impact:

The development of the commercial site will increase the demand for police (sheriff) protection.

2. Mitigation:

The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measures which are hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program:

- a. MM PF-2: The developer shall: (1) Provide high-grade security hardware for each of the commercial uses; (2) Provide private security during construction; and (3) Consider security measures of optimum visibility and concepts of security through defensible spaces.

1 T. Traffic -- Impact on Roads and Intersections.

2 1. Impact:

3 A traffic impact analysis was prepared for the Project. Construction and  
4 implementation of the proposed commercial development will directly or in  
5 conjunction with other past Projects, current Projects, or probable future  
6 Projects impact the Riverside County standards for maintenance of level of  
7 service at the following intersections: Murrieta Road/Scott Road-Bundy  
8 Canyon Road, Bradley Road/McCall Road, Bradley Road/Newport Road,  
9 Menifee Road/Newport Road, SR-79/Donenigoni Parkway, I-215 Newport  
10 Road, and Antelope Road/Newport Road. In addition, the implementation of  
11 the Project will have a significant impact on on-site circulation.

12 2. Mitigation:

13 The Project has been modified to mitigate or avoid this potentially significant  
14 impact by the following mitigation measures which are hereby adopted and  
15 will be implemented as provided in the Mitigation Monitoring/Reporting  
16 Program:

- 17 a. MM TR-1: The Project proponents shall fund and where appropriate  
18 construct the measures identified in Table 4.11-J and Table 4.11-K of  
19 EIR No. 441 to the satisfaction of the County Department of  
20 Transportation. The Applicant shall be required to construct the  
21 improvements to Bradley Road/McCall Road prior to issuance of  
22 occupancy permits. Riverside County General Plan EIR No. 441,  
23 mitigation measure 4.16.1A, provides that when the appropriate  
24 mitigation measure is funding transportation improvements, the County  
25 shall require Project proponents to make a fair share contribution to  
26 required intersection or roadway improvements. The fair share  
27 contribution shall be based on the ratio of Project-related traffic to total  
28 future traffic. The applicant will provide its proportionate fair share of

1 the funding through the established fee programs applicable to the  
2 Project, including the Transportation Uniform Mitigation Fee (TUMF)  
3 program, and other County fees to the Scott Road Bridge and Benefit  
4 District for improvements including the improvements to Murrieta  
5 Road/Scott Road/Bundy Canyon Road, I-215 SB Ramps/Newport Road,  
6 and I-215 NB Ramps/Newport Road and the other intersections and  
7 roadway projects included in the aforementioned programs.  
8 Furthermore, the following improvements have already been funded  
9 and/or are in the process of being constructed in conjunction with the  
10 approval of other Projects, including many of the improvements to  
11 intersections on Newport Road.

12 **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
13 Riverside that the following impacts potentially resulting from the approval of the Project cannot  
14 be fully mitigated to below a level of significance and will only be partially avoided or lessened by  
15 the mitigation measures hereinafter specified; a statement of overriding findings is therefore  
16 included herein:

17 A. Impact Cumulative Loss of Open Space.

18 1. Impact:

19 The buildout of the County's General Plan (including the development  
20 approval of this Project) will have a significant impact resulting from the  
21 replacement of open space with urban uses.

22 2. Mitigation:

23 Feasible mitigation measures were applied in the EIR for the Riverside County  
24 General Plan. Notwithstanding the forgoing, social, legal, technological, or  
25 other consideration make infeasible mitigation of this impact to a level of  
26 insignificance. Buildout of the County's General Plan would result in a  
27 substantial increase in urban uses throughout the General Plan area. The  
28 development of structures and facilities would occur on vacant properties

1 within unincorporated areas of the County and would be consistent with the  
2 policies outlined in the General Plan. The conversion of open space to urban  
3 uses would result in a significant unavoidable impact by causing the  
4 obstruction of existing open views as well as potentially obstructing distant  
5 panoramic views from existing development; therefore, implementation of the  
6 General Plan will contribute significantly to the loss of visual character of the  
7 County. The Project will incrementally contribute to the urbanization of the  
8 area, so it will contribute to the adverse impact on aesthetics identified in the  
9 General Plan and noted above. Short of the no-build option, no mitigation is  
10 available to reduce to a level of insignificance the conversion of open space to  
11 urban land uses. No-build is rejected as a mitigation measure and alternative  
12 because it fails to satisfy the most basic Project objectives and is not consistent  
13 with the County's General Plan or the Countryside Specific Plan. This impact  
14 is therefore significant and unavoidable.

15 B. Agricultural Resources -- Impact on Prime Farmland.

16 1. Impact:

17 The entire Project site of Specific Plan No. 194 is identified as "Prime  
18 Farmland" on RCIP Figure OS-2 and is currently used for agricultural  
19 production. The development of the Project will therefore result in the loss of  
20 prime farmland.

21 2. Mitigation:

22 There are no feasible mitigation measures available to reduce this impact on  
23 Agricultural Resources to a less than significant level. The County has already  
24 concluded that the impact on Prime Farmland by the development of the  
25 Countryside community is significant and unavoidable. The County therefore  
26 previously adopted a statement of overriding considerations in conjunction  
27 with the approval of General Plan Amendment No. 618 which incorporated the  
28 Countryside Specific Plan (and thus the Project) into the General Plan and EIR

1 No. 441 which evaluated the environmental impacts of the General Plan  
2 Amendment. In addition, specific economic, social, legal, technological, or  
3 other consideration make infeasible mitigation of this impact. There is no  
4 known mitigation measure that can feasibly preserve the prime farmland and,  
5 at the same time, allow the development of the Project in a way which allows it  
6 to attain most of the basic Project objectives, or complies with the County's  
7 approved General Plan or the Countryside Specific Plan. Even reduction in the  
8 size of the Project does not prevent the loss of Prime Farmland, it only reduces  
9 the amount of Prime Farmland lost.

10 C. Agricultural Resources -- Impact of Cumulative Loss of Prime Farmland, Unique  
11 Farmland and/or Farmland of Statewide Importance.

12 1. Impact:

13 The buildout of the General Plan will result in the loss of Prime Farmland,  
14 Unique Farmland and/or farmland of Statewide Importance.

15 2. Mitigation:

16 The County has already concluded that the impact on Prime Farmland by the  
17 development of the General Plan (which includes the development Countryside  
18 Marketplace) is significant and unavoidable. The County therefore previously  
19 adopted a statement of overriding considerations in conjunction with the  
20 approval of General Plan Amendment No. 618 which incorporated the  
21 Countryside Specific Plan (and thus the Project) into the General Plan and EIR  
22 No. 441 which evaluated the environmental impacts of the General Plan  
23 Amendment. In addition, social, legal, technological, or other consideration  
24 make infeasible mitigation of this impact to a level of insignificance. The  
25 Project will contribute to the cumulative loss of agricultural lands in the area  
26 and to the loss of agricultural lands as identified in the General Plan. As noted  
27 in the General Plan SEIR, short of the no-build option, no mitigation is  
28 available to address the loss of agricultural land. The No-Project Alternative is

1 rejected as a mitigation measure because it fails to satisfy the most basic  
2 Project objectives or complies with the County's approved General Plan or the  
3 Countryside Specific Plan. Cumulative impacts to agricultural resources  
4 remain significant and unavoidable. A Statement of Overriding  
5 Considerations, as previously passed by the Riverside County Board of  
6 Supervisors when they adopted the General Plan in October 2003, will need to  
7 be re-adopted for the development.

8 D. Air Quality-- Construction Air Quality Impacts.

9 1. Impact:

10 Air quality impacts would occur during the construction of the proposed  
11 Project because of soil disturbance (sometimes referred to as "fugitive dust")  
12 and construction equipment exhaust.

13 2. Mitigation:

14 The Project has been modified to mitigate or avoid this potentially significant  
15 impact by the following mitigation measures which are hereby adopted and  
16 will be implemented as provided in the Mitigation Monitoring/Reporting  
17 Program:

- 18 a. MM AIR-1: The Project proponent will implement the following  
19 applicable SCAQMD Rule 403 Measures: (1) Apply non-toxic chemical  
20 soil stabilizers according to manufacturers' specifications to all inactive  
21 construction areas (previously graded areas inactive for ten (10) days or  
22 more); (2) Water active sites at least twice daily (locations where grading  
23 is to occur will be thoroughly watered prior to earthmoving); (3) Cover  
24 contents of all trucks hauling dirt, sand, soil, or other loose materials or  
25 maintain at least two (2) feet of freeboard in accordance with the  
26 requirements of California Vehicle Code (CVC) section 23114  
27 ("freeboard" means vertical space between the top of the load and top of  
28 the trailer); (4) Pave construction access roads at least one hundred (100)

1 feet onto the site from main road if that road does not connect a facility  
2 with a public paved roadway and is not open to through traffic; and (5)  
3 Reduce traffic speeds on all unpaved roads to fifteen (15) mph or less. In  
4 addition, the Project proponent shall include the following dust  
5 suppression measures in the SCAQMD *CEQA Air Quality Handbook* as  
6 part of the Project's mitigation: (1) Revegetate disturbed areas as quickly  
7 as possible; (2) Suspend all excavating and grading operations when  
8 wind speeds (as instantaneous gusts) exceed twenty five (25) mph.; (3)  
9 Sweep all streets once per day if visible soil materials are carried to  
10 adjacent streets (recommend water sweepers with reclaimed water); (4)  
11 Install wheel washers where vehicles enter and exit unpaved roads onto  
12 paved roads, or wash trucks and any equipment leaving the site each trip;  
13 (5) Pave all on-site roads as soon as feasible, water periodically, or  
14 chemically stabilize; and (6) Minimize at all times the area disturbed by  
15 clearing, grading, earthmoving, or excavation operations. The Project  
16 proponent will adhere to the following additional standard conditions  
17 imposed by Riverside County: (1) The Construction Contractor shall  
18 select the construction equipment used on-site based on low emission  
19 factors and high-energy efficiency. The Construction Contractor shall  
20 ensure that construction grading plans include a statement that all  
21 construction equipment will be tuned and maintained in accordance with  
22 the manufacturer's specifications; (2) The Construction Contractor shall  
23 utilize electric or diesel powered equipment in lieu of gasoline powered  
24 engines where feasible; (3) The Construction Contractor shall ensure that  
25 construction grading plans include a statement that work crews will shut  
26 off equipment when not in use. During smog season (May through  
27 October), the overall length of the construction period will be extended,  
28 thereby decreasing the size of the area prepared each day, to minimize

1 vehicles and equipment operating at the same time; (4) The Construction  
2 Contractor shall time the construction activities so as to not interfere with  
3 peak-hour traffic and minimize obstruction of through traffic lanes  
4 adjacent to the site; if necessary, a flag person shall be retained to  
5 maintain safety adjacent to existing roadways. The applicant will be  
6 required to comply with SCAQMD Rule 1113 to the extent it applies to  
7 the application of architectural coatings. Emissions associated with  
8 architectural coatings would be reduced by complying with these rules  
9 and regulations, which include using pre-coated/natural colored building  
10 materials, using water-based or low-VOC coating, and using coating  
11 transfer or spray equipment with high transfer efficiency.  
12 Notwithstanding the forgoing, the implementation of the mitigation  
13 measures described above will not be sufficient to reduce the  
14 construction-related air quality impacts to less than significant level.  
15 Even with the implementation of all feasible mitigation measures, the  
16 Project's construction-related air quality impacts would remain  
17 significant and unavoidable because it is not possible to perform the  
18 necessary grading and construction without the production of at  
19 emissions that exceed SCAQMD standards under worst case scenario.  
20 The County Board finds that Specific economic, legal, social,  
21 technological or other considerations make infeasible the mitigation  
22 measures or Project alternatives identified in the SEIR. The significant  
23 and unavoidable construction related air quality impacts may be further  
24 reduced under the No Project Alternative discussed in the SEIR. The  
25 No-Project Alternative is rejected because it fails to satisfy the most  
26 basic Project objectives, and fails to achieve the goals established in  
27 either the approved General Plan or the approved Countryside Specific  
28 Plan. Due to the need to grade the entire site for drainage purposes,

1 neither the Small Shopping Center Alternative, Residential Development  
2 Alternative nor Office Park Alternative substantially reduces  
3 construction-related air quality impacts. Moreover, neither of these  
4 alternatives is consistent with the approved County General plan or the  
5 approved Countryside Specific Plan. Any remaining adverse  
6 construction-related air quality impacts of the Project are determined to  
7 be acceptable due to the overriding social, economic, environmental and  
8 other benefits of the Project as more fully set forth in the Statement of  
9 Overriding Considerations set forth below.

10 E. Air Quality -- Impact of Operational Emissions.

11 1. Impact:

12 Emissions from the Project-related mobile sources (i.e., trips to and from the  
13 shopping center by users and employees and service vehicles) would exceed  
14 SCAQMD CO, ROC, NO<sub>x</sub>, and PM<sub>10</sub> thresholds based on emission factors for  
15 year 2005.

16 2. Mitigation:

17 The Project has been modified to mitigate or avoid this potentially significant  
18 impact by the following mitigation measures which are hereby adopted and  
19 will be implemented as provided in the Mitigation Monitoring/Reporting  
20 Program:

21 a. The proposed development will be required to comply with all applicable  
22 air quality mitigation measures adopted pursuant to the General Plan EIR  
23 No. 441. These measures are applied as standard conditions of approval  
24 and include the following:

25 1) Implement the following standard features, under Title 24 of  
26 the California Code of Regulation established by the Energy  
27 Commission, as part of the Project: a. Plant trees to provide  
28 shade and shadow to buildings; b. Install energy-efficient low-

1 pressure sodium parking lot lights; c. Use solar or low-emission  
2 water heaters in combined space/water heater units; d. Use  
3 double-paned or low E glass or other window treatment in all  
4 exterior windows for energy conservation.

5 Notwithstanding the foregoing, the implementation of the  
6 mitigation measures described above will not be sufficient to  
7 reduce the Project's air quality impacts from operational  
8 emissions to a less-than-significant level. Even with the  
9 implementation of all feasible mitigation measures, the  
10 Project's impacts to air quality from operational emissions  
11 would remain significant and unavoidable because it is not  
12 possible to implement the Project without some increase in  
13 energy consumption and the addition of at least the number of  
14 vehicle trips which cause the Project to exceed SQAQMD  
15 Standards.

16 The significant and unavoidable impacts to air quality from  
17 operational emissions may be further reduced under the No  
18 Project Alternative. This alternative however has been rejected  
19 as it fails to satisfy the most basic Project objectives and  
20 because it fails to comply with the County's approved General  
21 Plan or the Countryside Specific Plan. It must be noted  
22 however, that reductions in operational air quality are likely  
23 illusory. As explained in the SEIR, the unsatisfied commercial  
24 needs in the Project area will simply cause residents and  
25 business have to drive farther to access the commercial goods  
26 and services which would otherwise be available in this  
27 Project. The Residential Development Alternative would  
28 reduce operational emissions from Project-generated trips, but

1 would exacerbate the previously mentioned problem of forcing  
2 residents and business to drive farther to access commercial  
3 goods and services. This alternative however has been rejected  
4 as it fails to satisfy the most basic Project objectives and  
5 because it fails to comply with the County's approved General  
6 Plan or the Countryside Specific Plan. Finally, although the  
7 Office Park Development may also reduce Project generated  
8 operational air quality impacts, it, like the other alternatives has  
9 been rejected because they fail to achieve the most basic  
10 Project objects as explained in detail in the SEIR and because it  
11 fails to comply with the County's approved General Plan or the  
12 Countryside Specific Plan.

13 For the reasons explained above, the County finds that specific  
14 economic, legal, social, technological or other considerations  
15 make infeasible the mitigation measures or above-discussed  
16 Project alternatives that could potentially reduce this impact to  
17 a less-than-significant level, as described more fully in the  
18 SEIR, and in these Findings.

19 Any remaining significant adverse impacts to air quality from  
20 operational emissions related to the Project are determined to  
21 be acceptable due to the overriding social, economic,  
22 environmental and other benefits of the Project, as more fully  
23 set forth in the Statement of Overriding Considerations set  
24 forth below.

25 F. Air Quality -- Cumulative Impacts to Air Quality.

26 1. Impact:

27 Build-out of the General Plan will contribute to emissions of criteria pollutants  
28 in excess of SCAQMD standards.

1                   2.    Mitigation :

2                   There are no known feasible mitigation measures to reduce this impact to  
3                   below significance. EIR No. 441 identified the following significant and  
4                   unavoidable impacts during both the construction and operational phases of the  
5                   General Plan Buildout:

6                   **Impact 4.5.1** Air quality impacts would occur during site preparation,  
7                   including grading and equipment exhaust. Major sources of fugitive dust are a  
8                   result of grading and site preparation during construction vehicles and  
9                   equipment and generated by construction vehicles and equipment traveling  
10                  over exposed surfaces, as well as by soil disturbances from grading and filling.  
11                  Blowing dust is also of concern in the dry desert areas where PM<sub>10</sub> standards  
12                  are exceeded by soil disturbance during grading, and vehicular travel over  
13                  unpaved roads.

14                  **Impact 4.5.2.** Long-term air emission impacts will occur from stationary  
15                  sources related to the estimated development proposed through implementation  
16                  of the proposed General Plan.

17                  **Impact 4.5.3** The proposed General Plan would result in changes in regional  
18                  vehicular traffic trips and associated VMT.

19                  Because it will incrementally contribute to these exceedances, the Project's  
20                  contribution to the significant adverse cumulative effect on air quality is  
21                  incrementally significant. Even with the implementation of all feasible  
22                  mitigation measures, the Project's impacts to air quality from operational  
23                  emissions would remain significant and unavoidable because it is not possible  
24                  to implement the Project without some significant increase in energy  
25                  consumption and vehicle trips.

26                  The Project's contribution to the significant and unavoidable impacts to air  
27                  quality may be further reduced under the No Project Alternative. This  
28                  alternative however has been rejected as it fails to satisfy the most basic

1 Project objectives and because it fails to comply with the County's approved  
2 General Plan or the Countryside Specific Plan. Moreover, while the No  
3 Project alternative would reduce the construction related contribution the  
4 cumulative impact on air quality, reductions in operational-related air quality  
5 impacts are likely illusory. As explained in the SEIR, the unsatisfied  
6 commercial needs in the Project area will simply cause residents and business  
7 to have to drive farther to access commercial goods and services which would  
8 otherwise be offered at the Project site. In addition, the No Project Alternative  
9 has been rejected as it fails to achieve the most basic Project objects as  
10 explained in detail in the SEIR, and because it fails to comply with the  
11 County's approved General Plan or the Countryside Specific Plan. The  
12 Residential Development Alternative while would reduce operational  
13 emissions from Project generated trips, it would not reduce the construction-  
14 related air quality impacts and might well exacerbate the previously mentioned  
15 problem of forcing residents and business to drive farther to access commercial  
16 goods and services, thereby increasing the impact on air quality. Moreover,  
17 the No Project Alternative has been rejected as it fails to achieve the most  
18 basic Project objects as explained in detail in the SEIR, and because it fails to  
19 comply with the County's approved General Plan or the Countryside Specific  
20 Plan. Finally, although the Office Park Development may also reduce Project  
21 generated operational air quality impacts, it, like the other alternatives, has  
22 been rejected because it fails to achieve the most basic Project objects as  
23 explained in detail in the SEIR and because it fails to comply with the  
24 County's approved General Plan or the Countryside Specific Plan.

25 For the reasons explained above, the County finds that specific economic,  
26 legal, social, technological or other considerations make infeasible the only  
27 mitigation measures or above-discussed Project alternatives that could  
28 potentially reduce this impact to a less-than-significant level, as described

1 more fully in the SEIR, and in these Findings.

2 Any remaining significant adverse impacts to air quality from operational  
3 emissions related to the Project are determined to be acceptable due to the  
4 overriding social, economic, environmental and other benefits of the Project, as  
5 more fully set forth in the Statement of Overriding Considerations set forth  
6 below.

7 G. Biological Resources-Cumulative Impact.

8 1. Impact:

9 While Project level impacts are less than significant, the Project, when  
10 combined with the other cumulative Projects identified in the General Plan,  
11 will contribute to the mortality of individuals of listed, proposed, or  
12 candidate species or loss of habitat occupied by such species; alteration or  
13 loss of habitat of listed proposed, or candidate species that inhibits or  
14 compromises recovery efforts that could otherwise lead or contribute to the  
15 delisting of the species; direct loss of sensitive habitat; habitat  
16 fragmentation resulting in isolation of sensitive habitat patches creating a  
17 "checkerboard" pattern of small habitat patches of limited biological value;  
18 fragmentation of habitat that constricts, inhibits, or eliminates wildlife  
19 movement; and alteration of habitat or natural processes that would result  
20 in the direct or indirect mortality of listed, proposed, or candidate species  
21 or that would result in loss, fragmentation, or isolation of sensitive  
22 habitat(s).

23 2. Mitigation:

24 Although the Project's impacts themselves are mitigated below  
25 significance, it cannot be said with certainty that the Project's contribution  
26 to the cumulative impacts of General Plan buildout on biological resources  
27 noted above are not cumulatively considerable. The implementation of the  
28 MSHCP will partially offset these impacts but will not totally offset them;

1 therefore, cumulative impacts to biological resources remain significant.  
2 The significant and unavoidable cumulative impacts to biological resources  
3 may be further reduced under the No Project Alternative. As explained in  
4 detail in the SEIR, however, this alternative has been rejected for failing to  
5 satisfy Project objectives and because it fails to comply with the County's  
6 approved General Plan or the Countryside Specific Plan. Because the entire  
7 site has to be graded for any development due to drainage issues, no other  
8 alternative will reduce the Project's incremental impact on biological  
9 resources.

10 For the reasons explained above, the County finds that specific economic,  
11 legal, social, technological or other considerations make infeasible the only  
12 mitigation measures or above-discussed Project alternatives that could  
13 potentially reduce this impact to a less-than-significant level, as described  
14 more fully in the SEIR, and in these Findings.  
15 Any remaining cumulatively considerable adverse biological impacts are  
16 determined to be acceptable due to the overriding social, economic,  
17 environmental and other benefits of the Project, as more fully set forth in  
18 the Statement of Overriding Considerations set forth below.

19 H. Traffic-Cumulative Impact to County Roads and Intersections Based Upon  
20 General Plan Buildout.

21 1. Impact:

22 Future growth occurring as the result of implementing the approved 2002  
23 Riverside County General Plan will increase area-wide traffic volumes  
24 with the potential to degrade roadway and freeway performance below  
25 applicable performance standards.

26 2. Mitigation:

27 The Project has been modified to mitigate or avoid this potentially  
28 significant impact by the following mitigation measures which are hereby

1 adopted and will be implemented as provided in the Mitigation  
2 Monitoring/Reporting Program:

3 a. MM TR-1: The Project proponents shall fund and where appropriate  
4 construct the measures identified in Table 4.11-J and Table 4.11-K of  
5 EIR No. 441 to the satisfaction of the County Department of  
6 Transportation. The Applicant shall be required to construct the  
7 improvements to Bradley Road/McCall Road prior to issuance of  
8 occupancy permits. Riverside County-General Plan EIR No. 441,  
9 mitigation measure 4.16.1A, provides that when the appropriate  
10 mitigation measure is funding transportation improvements, the  
11 County shall require Project proponents to make a fair share  
12 contribution to required intersection or roadway improvements. The  
13 fair share contribution shall be based on the ratio of Project-related  
14 traffic to total future traffic. The applicant will provide its  
15 proportionate fair share of the funding through the established fee  
16 programs applicable to the Project, including the Transportation  
17 Uniform Mitigation Fee (TUMF) program, and other County fees to  
18 the Scott Road Bridge and Benefit District for improvements  
19 including the improvements to Murrieta Road/Scott Road/Bundy  
20 Canyon Road, I-215 SB Ramps/Newport Road, and I-215 NB  
21 Ramps/Newport Road and the other intersections and roadway  
22 projects included in the aforementioned programs. Furthermore, the  
23 following improvements have already been funded and/or are in the  
24 process of being constructed in conjunction with the approval of  
25 other Projects, including many of the improvements to intersections  
26 on Newport Road.

27 Notwithstanding the foregoing, it is not clear that the implementation  
28 of the mitigation measures described above will be sufficient to

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reduce the Project's incremental impacts on the County's roadway system to a point where it is not cumulatively considerable. It is not possible to implement the Project without some addition to vehicle trips, some of which may use roadways significantly impacted the development of the General Plan. The traffic analysis in the EIR considers the direct and cumulative impact in the roadway study area established by the County, which analyzes roadways and intersections which the Project has a potential to impact with 50 or more trips. The traffic impact analysis prepared for the Project considered past Projects, current Projects, or probable future Projects' impacts within the study area and concluded that, through the implementation of mitigation measure TR-1, all impacts within the prescribed study area can be reduced to below a level of significance. It must be noted, however, that the Riverside County General Plan build-out analysis concluded the implementation of the General Plan could cause significant impacts which cannot be reduced below a level of significance. It is therefore possible that the Project will generate some trips (less than 50 per day) which use some of the intersections that the general plan concludes will be significantly impacted by the buildout of the General Plan. Under such a scenario, the Project would be contributing to a significant cumulative impact that cannot be mitigated. Specific economic, social, legal, technological, or other consideration make infeasible mitigation of this impact to a level of insignificance. Short of adopting the No Project Alternative, there is no known way to eliminate all trips which may impact the intersections that the general plan concludes will be significantly impacted by the buildout of the General Plan. As explained in detail in the SEIR, however, this

1 alternative has been rejected for failing to satisfy Project objectives  
2 and because it fails to satisfy the goals of the adopted General Plan or  
3 the adopted Specific Plan. It should also be noted that the reduced  
4 impacts from the No Project alternative are likely illusory. As  
5 explained in the SEIR, the unsatisfied commercial needs in the  
6 Project area will simply cause residents and business have to drive  
7 farther to access the commercial goods and services which would  
8 otherwise be available in this Project. The Residential Development  
9 Alternative would reduce operational emissions from Project-  
10 generated trips, but would exacerbate the previously mentioned  
11 problem of forcing residents and business to drive farther to access  
12 commercial goods and services.

13 For the reasons explained above, the County finds that specific  
14 economic, legal, social, technological or other considerations make  
15 infeasible the only mitigation measures or above-discussed Project  
16 alternatives that could potentially reduce this impact to a less-than-  
17 significant level, as described more fully in the SEIR, and in these  
18 Findings.

19 Any remaining cumulatively considerable adverse traffic impacts are  
20 determined to be acceptable due to the overriding social, economic,  
21 environmental and other benefits of the Project, as more fully set  
22 forth in the Statement of Overriding Considerations set forth below.

23 **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
24 Riverside that changes or alterations which mitigate or avoid the significant effects on the  
25 environment are within the responsibility and jurisdiction of another public agency that has  
26 adopted or can and should adopt such changes or alterations.

27 A. Impact of Traffic on Mass Transit Service.

28 1. Impact:

1 The implementation of the Project will require additional bus stops or turn-  
2 outs along Newport Road and/or Haun Road in compliance with Policy 20.4  
3 of the Sun City/Meniffee Valley Area Plan.

4 2. Mitigation:

5 The following mitigation measure will mitigate to a level of insignificance  
6 or avoid this potentially significant impact and is within the responsibility  
7 and jurisdiction of another public agency that has adopted or can and should  
8 adopt the mitigation measure:

- 9 a. MM TR-2: Dependent upon approval by the Riverside Transit  
10 Agency, the developer shall construct two bus turnouts at the  
11 locations recommended by the Riverside County Transit Agency  
12 along Haun Road to comply with Policy 20.4 of the Sun  
13 City/Meniffee Valley Area Plan.

14 B. Impact of Traffic on Pedestrians.

15 1. Impact:

16 The proposed commercial Project would increase the need for sidewalks  
17 and pedestrian connections to bus stops/turnouts, as well as to any ultimate  
18 future adjacent residential development.

19 2. Mitigation:

20 The following mitigation measure will mitigate or avoid this potentially  
21 significant impact and is within the responsibility and jurisdiction of  
22 another public agency that has adopted or can and should adopt the  
23 mitigation measure:

- 24 a. MM TR-3: Subject to approval of local authorities, the  
25 developer(s) shall provide standard sidewalk connections from  
26 adjacent bus stops and/or bus turnouts, as well as sidewalks to  
27 provide pedestrian access to the future residential development to  
28 the west. To the extent that sidewalks will be necessary to extend

1 from planned bus turn-outs, it will be necessary that the Riverside  
2 Transportation Agency to first approve those turnouts and stops.  
3 The implementation of mitigation measure TR-3 will reduce the  
4 Project's impacts to below significance.

5 **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
6 Riverside that it has considered the following alternatives in SEIR No. 488 in light of the  
7 environmental impacts which cannot be avoided or substantially lessened and has rejected those  
8 alternatives for the reasons hereinafter stated:

9 A. Alternatives Rejected in Prior EIR.

10 The SEIR for the Project described a reasonable range of alternatives to the proposed  
11 Project. Three of these alternatives, the "no-build," the "higher density development  
12 plan," and the "lower density development plan" were considered and rejected when  
13 the County approved the Countryside Specific Plan. As the Project and its  
14 objectives remain relatively the same as when the Specific Plan was approved, there  
15 are no substantial changes proposed in the Project which would require major  
16 revisions to the alternatives section of the SEIR, no substantial changes with respect  
17 to the circumstances under which the Project is being undertaken which would  
18 require major revisions to the alternatives section of the SEIR, and no new  
19 information about these alternatives that was not know and could not have been  
20 know at the time they were rejected. Therefore, the rejection of these alternatives  
21 need not be revisited.

22 The no-build or no project alternative would continue to eliminate any increased  
23 revenue that the County would receive from the proposed commercial and industrial  
24 use, and thus fail to satisfy even the most basic Project objectives. Moreover, it is  
25 inconsistent with the County's goals and land use plans as reflected in both General  
26 Plan and the Specific Plan. The "higher density development plan" would increase  
27 rather than decrease the environmental impacts of the Project. And the "lower  
28 density development plan" would still require the flood control channel and all the

1 concomitant grading, resulting in significant air quality impacts, and contribute to a  
2 cumulative loss of open space as well as a direct and cumulative loss of Prime  
3 Farmland, all of which would remain a significant impact of the Project. As such,  
4 this option should continue to have little or no environmental benefit. Moreover, any  
5 reduction in the size of the Project necessary to reduce the air quality impacts would  
6 likely reduce the sales tax generated by the Project and therefore fail to meet the  
7 following basic Project objectives: (1) To establish a large regional commercial  
8 center to serve Riverside County communities adjacent to the I-215 corridor between  
9 SR-60 and I-15; (2) To maximize the efficiency of use of the Project site and create  
10 the critical mass necessary in order to attract the necessary high-quality tenants to  
11 make the Project financially feasible for the long term. This includes maximizing  
12 architectural appeal, building sizes and layouts, and tenant composition at the Project  
13 site, all within acceptable industry standards for first-class retail shopping centers  
14 occupied long-term with established retailers; and (3) To provide such off-site  
15 improvements as are physically and financially feasible in order to maximize the  
16 value of the Project for the long term, inasmuch as such improvements require  
17 substantial funding that can only be generated by a commercial center of substantial  
18 size.

19 In addition to the previously considered and rejected alternatives listed above, the  
20 SEIR also considered three other alternatives.

21 B. Newly Considered Alternatives

22 1. The Small Shopping Center Alternative.

- 23 a. This alternative has been rejected. To mitigate any significant impacts,  
24 the shopping center would have to be reduced to the size that would not  
25 generate emissions that exceed the SCAQMD thresholds during  
26 operations. To achieve such reductions, the Project would need to be  
27 reduced in size to less than 100,000 square feet (since emissions are  
28 proportional to vehicle trips, and vehicle trips are generally proportional

1 to square feet).

2 b. Compared to the proposed Project, this alternative could only reduce  
3 operation-related air quality impacts only if the size of the Project is  
4 reduced by a factor of X7 to 100,000 square feet or less. In reality,  
5 however, the reduction in the emission of criteria pollutants during the  
6 operation of the Project is likely illusory. The Project is being proposed  
7 by the Applicant because the Applicant believes there is a demand for  
8 this type of retail shopping center in the Menifee Valley and along the I-  
9 215 corridor. Major residential growth is already occurring along this  
10 corridor, and the County General Plan envisions additional major  
11 residential growth in the area. The General Plan and the Area Plan  
12 include the regional shopping center to accommodate the retail demand  
13 that will result from that growth.

14 The substantially reduction in the Project's is in size will not reduce the  
15 demand for such retail goods an services. Therefore, the demand is  
16 likely to be met on other sites within the Menifee Valley, but the  
17 development of such other sites would result in the same or similar  
18 emissions as the proposed Project. Alternatively, if the retail needs of  
19 the existing and future residents were not met within the Menifee Area,  
20 residents would likely use shopping centers a greater distance from their  
21 homes resulting in longer trips and increased emissions. Thus, this  
22 alternative would fail to provide the same positive benefits such as  
23 reducing traffic and air quality impacts believe area residents will and  
24 business have to drive greater distances to access commercial uses.  
25 Similarly, the smaller shopping center would provide less employment  
26 opportunities than the proposed Project, thereby failing to provide the  
27 increased employment opportunities for area residents that will be  
28 provided by the preferred alternative. This will result in area residents

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having to drive father to obtain employment opportunities.

- c. Compared to the proposed Project, this alternative will not reduce construction-related air quality impacts. The Project would still need to:  
(1) construct Paloma Channel to provide adequate drainage for the site and the surrounding area; and (2) grade Parcel 23 to achieve adequate drainage to the new channel facility.
- d. This alternative is inconsistent with the General Plan designation and zoning for the site. Furthermore, most existing agriculture on the site would be lost, resulting in the same significant impacts to agricultural resources. Therefore, this alternative would still have adverse impacts to air quality during construction and to agricultural resources.
- e. In addition to failing to reduce significant environmental impacts in any appreciable way, the smaller commercial alternative fails to satisfy the stated Project objectives in the same manner as the preferred Project. Due to the reduced size, this alternative will not result in the development of a first-class commercial center on under-utilized land consistent with the County's General Plan, the local "Sun City/Menifee Valley Area Plan," and the Countryside Specific Plan goals and objectives. The reduced size of the center will negatively impact the national tenants that will be willing to locate in the center and thereby reduce the quality of the center. The reduced size will similarly reduce the center's total sales and have a corresponding reduction in potential sales tax. This in turn will reduce the long-term financial benefits typically derived from the shopping center. As noted above, the reduced size will decrease local employment opportunities and address the present jobs-to-housing imbalance in the same manner as the preferred Project. Reducing the size of the center will reduce the center's income and thus the ability of the developer to develop the public improvements

1 that the developer can afford to develop.

2 f. Therefore, this alternative is rejected as being infeasible because it  
3 negatively affects the Project's ability to achieve its basic Project  
4 objectives and it is inconsistent with the County's planning goals for the  
5 Menifee area as established in the adopted General Plan and Specific  
6 Plan. Furthermore, this alternative fails to reduce many of the significant  
7 environmental impacts in any appreciable way.

8 2. Residential Development on the Project Site Alternative.

9 a. This alternative would replace the entire commercial Project with  
10 residential units. For purposes of this analysis, the site would be  
11 developed at eight units per acre (approximately 400 units).

12 b. Compared to the proposed Project, this alternative will not reduce  
13 construction-related air quality impacts. This alternative would still  
14 require the development of the Paloma Channel and core roadway  
15 network. As a result, the alternative would not reduce the significant  
16 construction-generated air quality impacts of the proposed Project.

17 c. Compared to the proposed Project, this alternative will not reduce the  
18 significant impacts to agricultural resources. The same amount of  
19 grading will have to take place to accommodate drainage, thereby  
20 eliminating the same amount of agricultural resources.

21 d. Compared to the proposed Project, this alternative will reduce the  
22 number of trips generated locally from the site and the operational air  
23 quality impacts. This residential alternative would generate  
24 approximately 3,200 daily trips as compared to the Project's  
25 development which is anticipated to generate approximately 24,670 daily  
26 trips. Therefore, the number of trips generated locally from the site  
27 would be substantially reduced; correspondingly, air quality operational  
28 emissions would be reduced to levels approximately at or below the

1 SCAQMD thresholds of significance for criteria emissions. As such, this  
2 alternative would appear to be environmentally superior to the proposed  
3 Project in the area of operational air quality impacts. Such an  
4 appearance, however, is likely illusory. Indeed, the reductions in traffic  
5 generation and emissions of criteria pollutants are illusory for the same  
6 reasons discussed in the "smaller shopping center" alternative above.  
7 While traffic and emissions may be reduced from the local site, the need  
8 for the center is driven by the commercial needs of the entire I-215  
9 corridor. If the center is not constructed, then potential customers of the  
10 retail center would need to travel to other locations, potentially resulting  
11 in regionally greater trip lengths and emissions than with the proposed  
12 Project.

13 e. Even if the operational air quality impacts of this alternative were  
14 superior to the proposed Project, this alternative would nevertheless have  
15 to be rejected as infeasible as it: (1) is inconsistent with the County's  
16 planning goals for the Menifee area as established in the adopted General  
17 Plan and the Specific Plan; and (2) conflicts with the basic Project  
18 objective of building a retail center. The following Project objectives  
19 would not be achieved under this alternative:

- 20 i. To establish a large regional commercial center to serve  
21 Riverside County communities adjacent to the I-215 corridor  
22 between SR-60 and I-15; the center should be developed on a  
23 site adjacent to roadways and freeways with adequate capacity  
24 so that access to the center is both easy and convenient.
- 25 ii. To develop a first-class commercial center on under-utilized  
26 land, consistent with the County's General Plan, the local "Sun  
27 City/Menifee Valley Area Plan," and the Countryside Specific  
28 Plan goals and objectives.

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- iii. To develop a commercial retail center that will bolster sales tax revenues to the County, and to provide the County with the long-term financial benefits typically derived from shopping centers such as the proposed Project.
- iv. To increase local employment opportunities and to address the present jobs-to-housing imbalance.
- v. To design and build the center as a first-class, state-of-the-art shopping center in an environment that is safe and attractive in order to attract the most successful retailers available and provide an overall positive experience to patrons of the shopping center for the long term.
- vi. To maximize the efficiency of use of the Project site and create the critical mass necessary in order to attract the necessary high-quality tenants to make the Project financially feasible for the long term. This includes maximizing architectural appeal, building sizes and layouts, and tenant composition at the Project site, all within acceptable industry standards for first-class retail shopping centers occupied long-term with established retailers.

Therefore, this alternative is rejected because it is inconsistent with the General Plan and zoning, fails to achieve the basic Project objectives and does not reduce significant environmental impacts on a regional scale.

3. Office Park Development Alternative.

- a. This alternative would develop approximately one million square feet of mid-rise office buildings on the site, somewhat similar to Jamboree Center in Irvine, California. The feasibility and demand for such office space has not been assessed.

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- b. The alternative is inconsistent with the General Plan land use designation and zoning for the site.
- c. Compared to the proposed Project, this alternative will not reduce impacts to agricultural resources. The same amount of grading will have to take place to accommodate drainage, thereby eliminating the same amount of agricultural resources.
- d. Furthermore, while an office use would generate less p.m trips, with a concomitant reduction in operational air quality impacts, regional air quality impacts would not be reduced. The need for the retail center is driven by the commercial needs of the entire I-215 corridor. If the center is not constructed, potential customers of the retail center would need to travel to other locations, potentially resulting in regionally greater trip lengths and emissions than with the proposed Project.
- e. Even if the operational air quality impacts of this alternative were superior to the proposed Project, this alternative would nevertheless have to be rejected as infeasible as it: (1) is inconsistent with the County's planning goals for the Menifee area as established in the adopted General Plan and the Specific Plans; and (2) conflicts with the basic Project objective of building a retail center. The following Project objectives would not be achieved under this alternative:
  - i. To establish a large regional commercial center to serve Riverside County communities adjacent to the I-215 corridor between SR-60 and I-15; the center should be developed on a site adjacent to roadways and freeways with adequate capacity so that access to the center is both easy and convenient.
  - ii. To develop a first-class commercial center on under-utilized land, consistent with the County's General Plan, the local "Sun City/Menifee Valley Area Plan," and the Countryside Specific

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Plan goals and objectives.

- iii. To develop a commercial retail center that will bolster sales tax revenues to the County, and to provide the County with the long-term financial benefits typically derived from shopping centers such as the proposed Project.
- iv. To design and build the center as a first-class, state-of-the-art shopping center in an environment that is safe and attractive in order to attract the most successful retailers available and provide an overall positive experience to patrons of the shopping center for the long term.
- v. To maximize the efficiency of use of the Project site and create the critical mass necessary in order to attract the necessary high-quality tenants to make the Project financially feasible for the long term. This includes maximizing architectural appeal, building sizes and layouts, and tenant composition at the Project site, all within acceptable industry standards for first-class retail shopping centers occupied long-term with established retailers:

Therefore, this alternative is rejected because it is inconsistent with the General Plan and zoning, fails to achieve the basic Project objectives and does not reduce environmental impacts on a regional scale.

**BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of Riverside that the Board has balanced the benefits of approving the Project against the unavoidable adverse environmental effects thereof, and has determined that the benefits discussed below outweigh and render acceptable those environmental effects. The Board hereby readopts the Statement of Overriding Considerations adopted in Resolution No. 2003-487 which is incorporated herein by this reference as if set forth in full. In addition, the following Statement of Overriding Considerations is adopted by the Board of Supervisors concerning the Project's

1 unavoidable significant impacts to explain why the Project's benefits outweigh its unavoidable  
2 impacts.

3 The Board of Supervisors acknowledges that the approval of this Project will result in  
4 some significant environmental impacts that cannot be reduced to below a level of significance  
5 even with the adoption of all feasible mitigation measures. Despite the occurrence of these  
6 impacts, however, the Board of Supervisors chooses to approve the Project because it will bring  
7 substantial benefits to the County of Riverside and the Menifee Valley area including:

8 Increased sales tax revenue; (2) increased employment opportunities; (3) meeting the  
9 commercial needs of the Menifee Valley area; (4) Reduction of regional traffic; (5) reduction in  
10 and improvement to the flood plane; and (6) provision of necessary transportation improvements.  
11 The following statement identifies why in the Board's judgment, the benefits of the Project  
12 outweigh its unavoidable significant impacts. In adopting this statement, the Board of Supervisors  
13 finds that any one of these individual reasons is sufficient to support the approval of the Project.  
14 As such, each benefit set forth below constitutes an overriding consideration warranting the  
15 approval of the Project, independent of the other benefits, despite each and every unavoidable  
16 impact. The substantial evidence supporting this Statement can be found in the above findings  
17 and facts and in the documents comprising the record of proceedings for this Project all of which  
18 is incorporated herein by this reference as if set forth in full.

19 A. Increased Sales Tax Revenue. The development of the Countryside commercial  
20 Project will generate substantial amounts of sales tax revenue. This sales tax  
21 revenue will benefit not only the County as a whole, but the Menifee Valley area as  
22 well by creating a source of funds to implement needed public Projects in the future.

23 B. Increased Employment Opportunities. The development of the Project is expected to  
24 create substantial numbers of jobs. The creation of these jobs will also address the  
25 County's existing jobs-to-house imbalance. Given that the County is currently  
26 housing rich and jobs poor, the increase in the number of jobs will reduce commute  
27 times for persons within the County and have consequent improvements in air  
28 quality.

- 1 C. Meeting the Commercial Needs of the Menifee Valley Area. The Project is being  
2 constructed in the Menifee Valley area, an area with existing residential uses and  
3 substantial planned residential uses. There is, however, a substantial shortage of  
4 commercial land uses within the developing Menifee Valley area. The development  
5 of the Project will serve the needs of those residences without requiring them to  
6 drive the current long distances in order to avail themselves of similar commercial  
7 uses.
- 8 D. The Development of the Project will Reduce Regional Traffic. As noted above,  
9 currently the residents of the Menifee Valley area are required to drive long  
10 distances in order to access a wide variety of commercial uses. This results in  
11 increased regional traffic with a commensurate reduction in regional air quality. The  
12 development of the Project in proximity to the residential use in the Menifee Valley  
13 will reduce regional traffic by placing needed commercial uses closer to the residents  
14 in the Menifee Valley area. This reduction in regional traffic will likely improve  
15 regional air quality as well.
- 16 E. Development of the Project will Reduce the Existing Flood Plain. Currently, the  
17 Project site is regularly inundated with flood waters. The development of the Project  
18 includes site grading and the extension of the Paloma Channel which will raise the  
19 property out of the flood plain and channelize flood flows, rather than allowing them  
20 to spread over existing property and roads.
- 21 F. The Development of the Project will Facilitate Transportation Improvements in  
22 Excess of Those Needed by the Project. As noted in the SEIR, the Project is being  
23 conditioned to contribute to or construct numerous transportation improvements.  
24 These improvements will inure to the benefit of the Menifee Valley community by  
25 improving intersections which are currently operating at or below LOS-E to LOS-D  
26 or better.

27 **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
28 Riverside that the state CEQA Guidelines (Title 14, CCR Section 15126(d)) require an EIR to

1 discuss how a proposed Project could directly or indirectly lead to economic, population or  
2 housing growth. Under CEQA and the County General Plan, "the growth inducing potential of a  
3 Project is considered significant if it fosters growth or a concentration of population in excess of  
4 what is assumed in pertinent master plans, or land use plans or in Projections made by regional  
5 agencies." (GPA EIR No. 441 p. 5-6) The Project will not have a significant growth inducing  
6 impact because it is included in, and consistent with, the General Plan and the SCMVAP. The  
7 Project is consistent with the build-out Projections contained in Table 2 of the Area Plan.  
8 Moreover, the Project will, to some extent, assist in addressing the current jobs to housing  
9 imbalance. The Project will improve local roads and infrastructure, as part of the mitigation  
10 measures or fair-share contributions to mitigate impacts from the development. However, the  
11 proposed improvements are consistent with the Sun City/Menifee Valley Area Plan. Any effect  
12 the proposed Project may have on employment or residential development therefore, has been  
13 anticipated and addressed in the Area Plan. Based upon the foregoing, it was concluded that the  
14 Project would not have a significant impact on Population and Housing.

15 **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
16 Riverside that prior to approving the Project, the County Board of Supervisors reviewed and  
17 considered the SEIR No. 488 prepared for the Project, and certifies that SEIR No. 488 complies  
18 with CEQA. SEIR No. 488 and the findings contained herein reflect the County's independent  
19 judgment and analysis and that SEIR No. 488 is incorporated herein by this reference.

20 **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
21 Riverside that it **CERTIFIES** SEIR No. 488 and **ADOPTS** the mitigation monitoring program  
22 specified therein.

23 **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
24 Riverside that the Board hereby approves Conditional Use Permit ("CUP") No. 3475. With regard  
25 to the approval of Conditional Use Permit ("CUP") No. 3475, the applicant has demonstrated that  
26 the proposed use will not be detrimental to the health, safety, or general welfare of the community  
27 in which the Project is located. The proposed commercial use of the property is consistent with  
28 both the General Plan designation for the property and the commercial designation provided for

1 Planning Area 10 in the Countryside Specific Plan. Except for the signage issues discussed below,  
2 the Project is proposed to be developed in accordance with the density, setback and development  
3 standards contained in the Countryside Specific Plan or zoning ordinance applicable to the  
4 property. The Project provides substantial benefits to the surrounding community by providing  
5 much needed retail uses in close proximity to a developing area. This will reduce those negative  
6 impacts that result from the longer distance community residents currently have to travel to obtain  
7 the goods and services that will typically be available in the proposed commercial center. This  
8 will also provided additional retail sales tax revenues to the area.

9 **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
10 Riverside that the Board hereby approves Tentative Parcel Map ("TPM") No. 34275. With regard  
11 to the approval of Tentative Parcel Map ("TPM") No. 34275, the Board of Supervisors finds as  
12 follows:

- 13 A. The proposed map is consistent with the Riverside County General Plan and the  
14 Countryside Specific Plan in that the proposed Project is for a commercial use on  
15 land designated for such commercial uses.
- 16 B. The design or improvement of the proposed subdivision is consistent with the  
17 Riverside County General Plan and the Countryside Specific Plan in that, with the  
18 exception of signage for which a variance is being granted, the proposed Project  
19 complies with the design and development standards contained in the above  
20 referenced documents in areas including but not limited to height, setback, lot  
21 coverage, parking, and landscaping.
- 22 C. The site is physically suitable for the type of development in that the type of  
23 development proposed is consistent with the type of development called for in the  
24 Riverside County General Plan and the Countryside Specific Plan, is appropriate to  
25 the surrounding land uses, and can be served by the infrastructure necessary to  
26 support the commercial use.
- 27 D. The site is physically suitable for the density of the development in that the proposed  
28 density is consistent with the appropriate density as established in the Riverside

1 County General Plan and the Countryside Specific Plan.

2 E. The design of the subdivision and proposed improvements are neither likely to cause  
3 substantial environmental damage nor substantially and avoidably injure fish or  
4 wildlife or their habitat in that an Environmental Impact Report was prepared for and  
5 adopted in conjunction with the approval of the Countryside Specific Plan which  
6 designated the property to be used for commercial uses. Furthermore, a  
7 supplemental EIR was prepared for this Project which concluded that most  
8 environmental impacts will be reduced below significance. Those that remain  
9 significant have been reduced to the extent feasible, and a statement of overriding  
10 consideration has been adopted. As the SEIR demonstrates, the Project does not  
11 substantially and avoidably injure fish or wildlife or their habitat.

12 F. The design of the subdivision and its improvements does not cause serious public  
13 health problems in that the proposed Project is not located on contaminated land and  
14 does not involve the production or use of hazardous materials.

15 G. The design of the subdivision and the type of improvements will not conflict with  
16 easements acquired by the public at large for access through or use of property  
17 within the proposed subdivision in that there are no such easements on the property  
18 on which the Project is proposed.

19 **BE IT FURTHER RESOLVED** by the Board of the Supervisors of the County of  
20 Riverside that the Board hereby approves Variance No. 1788,. With regard to the approval of  
21 Variance No. 1788, the Board of Supervisors finds as follows:

22 A. Special circumstances applicable to the property, including size, shape, topography,  
23 location or surroundings, result in the strict application of the zoning ordinance  
24 depriving the Property of privileges enjoyed by other property in the vicinity and  
25 under identical zoning in that the size of the Property and the Specific Plan's  
26 development standards result in a large, integrated and internally oriented Project.  
27 The Proposed Project site is at a lower elevation than the adjacent freeway, greatly  
28 affecting the visibility of Project signs if such signs were limited to the proscribed

1 height limits. Furthermore, the size of the site, and thus the resulting Project is  
2 substantially larger than any other center in the vicinity and under identical zoning.  
3 The location of the site and its size has demanded that the architecture be both  
4 unique and responsive to the rural or agrarian setting. In many respects, the Specific  
5 Plan's development standards for signage and the requirements of Ordinance 348  
6 limit both the quantity and quality of signage in a manner which is not responsive to  
7 either the Project's unique size or setting. Similarly, the sign types permitted in the  
8 Specific Plan are not sensitive to specific Project's orientation or the attempt to  
9 integrate the Project's architecture with its agrarian setting. The Board of  
10 Supervisors finds that in the absence of approving the proposed sign program as  
11 submitted (and which is incorporated herein by this reference as if set forth in full)  
12 the Property will be deprived of privileges enjoyed by others in the vicinity and under  
13 identical zoning because under existing zoning other Projects are smaller and thus  
14 have proportionally greater signage. The denial of the variance would deprive this  
15 Project of having signage proportionate to its size. In addition, other Projects in the  
16 vicinity and under identical zoning do not have the unique architecture demanded by  
17 this Project's unique size and setting such that signage permitted under the zoning  
18 classification typically integrates well with other Projects, but does not integrate with  
19 this Project's unique agrarian architecture. As such, the denial of the variance would  
20 deprive this Project of a sign program that is consistent with the Project's location-  
21 driven architecture. The granting of this variance therefore places this Project on an  
22 equal footing with such other Projects. By way of example, and not limitation, the  
23 proposed Project site is at a lower elevation than the adjacent freeway, this constraint  
24 supports the variance of Sign Type E to exceed the maximum height by 10 feet and  
25 have a total surface area of 700 square feet, and Sign Type L to exceed the maximum  
26 height by due to the topography of the proposed Project. In addition because the  
27 proposed Project site is at a lower elevation than the adjacent freeway, this constraint  
28 supports the variance of Sign Type F with a total of 3 Tenant Identity Roof signs

1 with a maximum of 360 square feet and Sign Type J with a total of 6 Perpendicular  
2 Marquee sign with a total of 40 square feet on 2 sides. It should further be noted that  
3 the proposed graphic murals are not signage and thus not regulated by either the  
4 Specific Plan or Ordinance 348's sign regulations. Finally, the proposed signs are  
5 necessary to permit both proper tenant identification and appropriate wayfinding. In  
6 making this finding, the Board of Supervisors also incorporates by this reference the  
7 findings referenced in the Staff Report for this Project.

8 B. The conditions imposed upon this variance assure that the granting thereof does not  
9 constitute a grant of special privileges inconsistent with the limitations imposed on  
10 other properties in the vicinity and zone in which the property is located in that in  
11 granting the variance, the property is being signed in a manner that is commensurate  
12 with its size, orientation, and architecture and there is no evidence that in so doing,  
13 the property is being given a competitive advantage over other Project in vicinity and  
14 same zoning.

15 C. The variance does not authorize a use or activity which is not otherwise expressly  
16 authorized by the zoning regulations governing the property in that signs are  
17 permitted in the zone and on the specific property.

18 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of Riverside  
19 that copies of the documents and other materials that constitute the record of proceedings on this  
20 Project shall be placed on file in the Office of the Clerk of the Board, in the Office of the Planning  
21 Director, and in the Office of the Building and Safety Director all located at 4080 Lemon Street,  
22 Riverside, California.

23 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians of the  
24 documents upon which this decision is based are the Clerk of the Board of Supervisors and the  
25 County Planning Department and that such documents are located at 4080 Lemon Street,  
26 Riverside, California.