

Diaz Road Temporary Stockpile Site

City of Temecula – Project Number LR25-0419

CEQA Guidelines Section 15301 - Class 1 Categorical Exemption and CEQA Guidelines Section 15304 - Class 4 Categorical Exemption Justification

Project Purposed and Description

The City of Temecula proposes to temporarily stockpile approximately 400,000 cubic yards of excavated material on a city-owned 20-acre parcel (project site) located adjacent to Diaz Road, southwest of Cherry Street, and northeast of Dendy Parkway (Assessor Parcel Numbers 909-370-049 and 909-370-050). The stockpile material is derived from the Murrieta Creek Phase 2B flood control project that is currently underway and is excavating material from the creek bed to create additional flood flow capacity to protect existing and future areawide land uses. The excavated material will be temporarily stockpiled on the site until it is needed for fill material associated with the proposed future City of Temecula sports park located immediately east of Diaz Road and the project site. Material will be hauled from the Murrieta Creek Phase 2B flood control project work area to the project site with belly dump haul trucks. Erosion control features, including temporary detention basins, will be installed to protect surrounding properties from stormwater runoff and sedimentation. Once the stockpiled material is removed, the site will be restored to pre-stockpile topographic conditions.

Previous California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) Documentation

Two CEQA documents have been previously prepared and adopted/certified by the City of Temecula for projects that were proposed on the project site:

- ▶ Temecula Educational Complex EIR – November 2003 (SCH2003061171)
- ▶ Splash Canyon Water Park MND – July 2009 (No SCH number)

Neither of the previously proposed projects were built, although the site has been previously utilized for a variety of temporary activities/events which have impacted 100% of the site.

In addition, the Riverside County Flood Control and Water Conservation District/U.S. Army Corps of Engineers prepared and certified an EIR/EIS (SCH 2000071051) for the Murrieta Creek Flood control project in 2000. The 2000 EIR/EIS does not specifically identify excavated material recipient/disposal sites but indicates that all excavated material will be disposed of within a 10-mile radius of the Murrieta Creek project area. Stockpiling of the excavated material on the project site, is well within the 10-mile radius evaluated in the EIR/EIS.

Previous Western Riverside County Regional Conservation Authority Documentation

Since the project site contains two Multiple Species Habitat Conservation Plan (MSHCP) Criteria Cells, (6781 & 6782) the previous project proposals were reviewed by the RCA through their MSHCP HANS and DBESP process (JPR 05-09-06-03). As a result of the Western Riverside County Regional Conservation Authority (RCA) reviews, the city/applicant at the time paid the RCA's \$86,000 mitigation fee and relocated onsite vernal pool soils to Margarita Community Park, as required. These measures served as full and complete mitigation for biological impacts to the area within the Criteria Cells and impacts to biological resources are considered fully mitigated. All other impacts associated with the proposed stockpiling are considered less than significant and have been previously addressed by the above outlined CEQA/NEPA environmental documents.

Applicable CEQA Categorical Exemptions

California Environmental Quality Act (CEQA) review is required for discretionary projects that have the potential to result in an impact on the environment. However, the CEQA statutes and implementing guidelines contain a list of exempt actions that have been deemed to not have a significant effect on the environment. CEQA exemptions are addressed in Article 18 (Statutory Exemptions) and Article 19 (Categorical Exemptions) of the CEQA Guidelines. All projects that meet one or more of the descriptions of the statutory exemptions are exempt from CEQA. Projects meeting the descriptions of the categorical exemptions are generally exempt from the provisions of CEQA, unless exceptional circumstances occur.

CEQA allows for multiple Categorical Exemptions to cover various aspects of a proposed project, as applicable. Based on the project purpose and project description described above, the proposed project qualifies as categorically exempt from the provisions of CEQA pursuant to both CEQA Guidelines Section 15301 and 15304. The Categorical Exemptions are described as follows:

CEQA Guidelines Section 15301: Minor Alterations to Land (Class 1)

15301. EXISTING FACILITIES (Class 1) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes);
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical Equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:

- (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
- (2) 10,000 square feet if:
 - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - (B) The area in which the project is located is not environmentally sensitive.
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- (j) Fish stocking by the California Department of Fish and Game; Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- (l) Demolition and removal of individual small structures listed in this subdivision:
 - (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption. A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.
 - (2) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.
 - (3) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
- (n) Conversion of a single-family residence to office use.
- (o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.
- (p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

CEQA Guidelines Section 15304: Minor Alterations to Land (Class 4)

15304. MINOR ALTERATIONS TO LAND (Class 4) consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.
- (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;
- (f) Minor trenching and backfilling where the surface is restored;
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;
- (h) The creation of bicycle lanes on existing rights-of-way.
- (i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

Why CEQA Guidelines Section 15301 “Existing Facilities” Class 1 Exemption Applies to the Proposed Project

A Class 1 Categorical Exemption applies to the proposed project as the stockpiling involves minor alteration of existing public structures, facilities, or topographical features, including grading on land less than 10 %, and involving negligible or no expansion of existing or former use. The area used for temporary stockpiling will be restored to pre-stockpiling conditions once the material is removed. The project as proposed minimizes impacts (air quality/GHG, noise traffic, safety) associated with movement of the material from the flood control project area and movement from the project site to the adjacent future park area. There are no sensitive biological, cultural or historic resource impacts associated with the proposed stockpiling.

Why CEQA Guidelines Section 15304 “Minor Alterations to Land” Class 4 Exemption Applies to the Proposed Project

A Class 4 Categorical Exemption applies to the proposed project because the project is a minor temporary use of the land with stockpile activity that will be restored to pre-stockpile conditions once the material is removed and meets several of the above outlined examples that qualify for the Class 4 Categorical Exemption. The proposed stockpiling does not remove healthy, mature, scenic trees, and meets several of the above example

types. The project as proposed minimizes impacts (air quality/GHG, noise traffic, safety) associated with movement of the material from the flood control project area and movement from the project site to the adjacent future park area. There are no sensitive biological, cultural or historic resource impacts associated with the proposed stockpiling.

Exceptions to the Use of a Categorical Exemption

Categorical exemptions are subject to exceptions defined in CEQA Guidelines Section 15300.2; if any of these exceptions occur, a categorical exemption cannot be used. The exceptions include:

- a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Conclusion

None of the above outlined exceptions to the use of a Class 1 and/or 4 Categorical Exemption apply to the proposed stockpiling. As a result, a combined Class 1/Class 4 Categorical Exemption is the appropriate CEQA document for the proposed stockpiling project.