

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research
U.S. Mail: _____ Street Address: _____
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ County Clerk
County of: Riverside
Address: 2724 Gateway
Riverside, CA 92507

From:

Public Agency: City of Hemet
Address: 445 East Florida Avenue
Hemet, CA 92543-4209
Contact: Monique Alaniz-Flejter
Phone: (951)765-3893

Lead Agency (if different from above): _____

Address: _____

Contact: _____

Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2020090200

Project Title: Hemet S2A Modular Factory Project (CUP No. 19-004 & SDR No. 19-009)

Project Applicant: S2A Modular

Project Location (include county): West side of N. State St. between W. Esplanade Ave & Menlo Ave (Riv

Project Description:

The Project is a new TESLA-powered modular "smart home" factory with manufacturing buildings and showroom/model display buildings with 239,952 square feet on 32.1 acres. The Project consists of five buildings including manufacturing space, a model home display village, and offices. This will be a "Net Zero" facility with all solar use, a battery storage system, and Tesla truck delivery system. The Project also includes vehicle parking, truck trailer parking, interior drives, and ornamental landscaping.

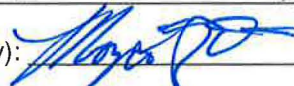
This is to advise that the City of Hemet has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on October 20, 2020 and has made the following determinations regarding the above
(date)
described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

445 East Florida Avenue, Hemet, CA 92543 <https://www.hemetca.gov/797/Environmental-Documents>

Signature (Public Agency):  Title: Senior Planner

Date: October 21, 2020 Date Received for filing at OPR: _____



MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for use in implementing mitigation for the:

S2A Modular Home Factory Project

The MMRP has been prepared for this project by the City of Hemet in compliance with State law and the Mitigated Negative Declaration (MND)(State Clearinghouse No. 2020090200).

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (Public Res. Code § 21081.6).

The law states that the MMRP shall be designed to ensure compliance during project implementation. The MMRP contains the following elements:

- 1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- 2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- 3) The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

This Mitigation Monitoring and Reporting Program outlines mitigation measures and their implementation prescribed in the August 2020 Initial Study/Mitigated Negative Declaration (IS/MND) for the approved Project.

MITIGATION MONITORING AND RESPONSIBILITIES

As the Lead Agency, the City of Hemet is responsible for ensuring full compliance with the mitigation measures adopted for the approved Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof. If during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.



MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project Name: S2A Modular Factory (CUP No. 19-004 & SDR No. 19-009)

Applicant: S2A Modular

Prepared by: City of Hemet/MIG

Date: October 21, 2020

Mitigation Measure No./Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/Initials	Sanctions for Non-Compliance
BIOLOGICAL RESOURCES						
BIO-1: Pre-Construction Burrowing Owl Survey. A burrowing owl pre-construction survey shall be conducted on the Project site within fourteen (14) days prior to ground disturbance to avoid direct take of burrowing owls. The pre-construction survey will follow the guidance outlined in Burrowing Owl Survey Instructions for the Western Riverside MSHCP (2006). A report of the findings prepared by a qualified biologist shall be submitted to the City of Hemet prior to any permit or approval for ground disturbing activities. If burrowing owls are detected on site during the 30-day preconstruction survey within the breeding season (February 1st to August 31st), then construction activities shall be limited to beyond 300 feet of the active burrows. If burrowing owls are detected on site during the 30-day pre-construction survey outside the breeding season (February 1 to August 31), then the buffer for construction activities shall be determined by a qualified biologist in consultation with the City. No construction activity shall be permitted within any burrowing owl construction buffer until a qualified biologist has confirmed that nesting efforts are complete or not initiated. In addition to monitoring breeding activity, if construction is initiated during the breeding season or active relocation is proposed, a burrowing owl mitigation plan shall be developed based on the County of Riverside Environmental Programs Division, California Department of Fish and Wildlife and United States Fish and Wildlife Service requirements for the relocation of individuals to Riverside Conservation Authority (RCA) conserved lands located in the general vicinity of Hemet. This measure shall be implemented to the satisfaction of the City of Hemet Planning Department.	City Planning Department and Project Biologist	Within 14 days prior to the first ground disturbance	Prior to the first ground disturbance	Submittal of evidence to the City that the survey has been completed and if needed appropriate buffers are established via on-site inspection and written final report by Project Biologist		Withhold grading permit and/or stop work order
BIO-2: Pre-Construction Nesting Bird Survey. If vegetation removal is scheduled during the nesting season (typically February 1 to September 1), then a focused survey for active nests shall be conducted by a qualified biologist (as determined by a combination of academic training and professional experience in biological sciences and related resource management activities) no more than five (5) days prior to the beginning of project-related activities (including but not limited to equipment mobilization and staging, clearing, grubbing, vegetation removal, and grading). Surveys shall be conducted in proposed work areas, staging and storage areas, and soil, equipment, and material stockpile areas. For passerines and small raptors, surveys shall be conducted within a 250-foot radius surrounding the work area (in areas where access is feasible). For larger raptors, the survey area shall encompass a 500-foot radius. Surveys shall be conducted during weather conditions suited to maximize the observation of possible nests	City Planning Department and Project Biologist	Within 5 days prior to the first ground disturbance	Prior to the first ground disturbance	Submittal of evidence to the City that the survey has been completed and if needed appropriate buffers are established via on-site inspection and written final report by Project Biologist		Withhold grading permit and/or stop work order

Mitigation Measure No./Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
and shall concentrate on areas of suitable habitat. If a lapse in project-related work of five (5) days or longer occurs, an additional nest survey shall be required before work can be reinitiated. If nests are encountered during any preconstruction survey, a qualified biologist shall determine if it may be feasible for construction to continue as planned without impacting the success of the nest, depending on conditions specific to each nest and the relative location and rate of construction activities. If the qualified biologist determines construction activities have potential to adversely affect a nest, the biologist shall immediately inform the construction manager to halt construction activities within minimum exclusion buffer of 50 feet for songbird nests, and 200 to 500 feet for raptor nests, depending on species and location. Active nest(s) within the Project site shall be monitored by a qualified biologist during construction if work is occurring directly adjacent to the established no-work buffer. Construction activities within the no-work buffer may proceed after a qualified biologist determines the nest is no longer active due to natural causes (e.g. young have fledged, predation, or other non-human causes of nest failure).						
CULTURAL RESOURCES						
CUL-1: Archaeological Monitoring. Prior to ground disturbing activity, the applicant shall retain a registered professional archaeologist (RPA), and the registered professional archaeologist shall conduct monitoring of all mass grading and trenching activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction.	City Planning Department and Project Archaeologist	Daily during grading	Prior to issuance of any grading permit (hire RPA) and during ground disturbing activities	Review of construction contract documentation and prepare final monitoring compliance report Evidence to the City that appropriate buffers have been established if necessary		Withhold grading permit(s) and/or stop work order
CUL-2: Cultural Resource Management Plan. A Cultural Resource Management Plan (CRMP) shall be developed by the Project Archaeologist, in consultation with the Soboba Band of Luiseno Indians, the contractor, and City, to address the documentation process for discovered resources, temporary storage of the items, limited non-destructive analysis, treatment and final disposition in accordance with CUL-4. Details in the Plan shall include: a. The protocols and stipulations to be followed in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. b. Treatment of inadvertent discoveries limited to basic recordation and non-destructive analysis. c. Pre-grading meeting with the City, the construction manager and any contractors, including but limited to a mandatory Workers Environmental Awareness Training (WEAP) to those in attendance. The Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols.	City Planning Department and Project Archaeologist	Prior to and during ground disturbing activities per the Project Archaeologist in consultation with the City, Applicant, and Soboba	Provide CRMP and WEAP prior to grading, and final monitoring compliance report after completion of grading	Evidence to the City that training has been provided before grading and appropriate buffers have been established during grading if necessary		Stop work order

Mitigation Measure No./Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
CUL-3: Tribal Monitoring. Prior to the issuance of a grading permit, and prior to the commencement of ground disturbing activity, the applicant shall secure an agreement with the Soboba Band of Luiseno Indians and Agua Caliente Band of Cahuilla Indians for Tribal Monitoring and the Treatment and Disposition of all tribally associated artifacts discovered within the project boundaries. Native American Monitor(s) from the Soboba Band of Luiseno Indians shall conduct monitoring of all initial ground disturbing activities associated with the project. The Native American Monitor(s) shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during project construction.	City Planning Department	Once	Prior to issuance of a grading permit or ground disturbing activity	Review of Tribal Monitoring Agreement and Cultural Resources Treatment and Disposition Agreement		Withhold grading permit
CUL-4: Inadvertent Discoveries. In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries: a) One or more of the following treatments, in order of preference, shall be employed, and evidence of such shall be provided to the City: (i) Preservation-In-Place of the cultural resources, if feasible. Preservation in place is defined as avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources. (ii) Onsite reburial of the discovered items. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of the Soboba Band of Luiseno Indians. The location for the future reburial area shall be identified on a confidential exhibit on file with the City and concurred to by the Soboba Band of Luiseno Indians prior to certification of the environmental document.	City Planning Department and Project Archaeologist	If cultural resources are found during grading	Project Archaeologist notifies City within 24 hours of discovery	Evidence to the City that appropriate steps have been taken to protect discovered resources		Stop work order if necessary
CUL-5: Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the Riverside County Coroner and the City of Hemet Planning Department immediately. The coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts, in consultation with the property owner and the lead agency.	City Planning Department and Project Archaeologist	Daily during grading	Within 24 hours of discovery of human remains onsite	City acknowledge notification that human remains were found onsite Tribal representatives acknowledge that human remains are of Native American origin if necessary		Withhold grading permit(s) and/or stop work order

Mitigation Measure No./Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
GEOLOGY AND SOILS						
GEO-1: Seismic Building Code Compliance. Prior to the issuance of any grading or building permits, the applicant shall demonstrate, and the applicable building plans shall show, all planned improvements are consistent in terms of location and design with the seismic design criteria of the California Building Code (CBC) including structures constructed as part of the parking lot enhancements (i.e. fences, rolling gates, drainage outlets, etc.) to prevent collapse during an earthquake. The Project must also be consistent with the seismic limitations outlined in the Fault Rupture Hazard Report and any subsequent geotechnical or soils constraints reports prepared by the applicant and approved by the City. The Project shall also install shut-off valves for any wet utilities (e.g., sewer and water) that cross the designated fault setback zone. These valves shall be placed on either side of the fault zone. This measure shall be implemented to the satisfaction of the City Engineer in consultation with the County Geologist, if necessary, to ensure public and worker health and safety are adequately protected against loss of life or significant property damage during operation of the Project.	City Engineering Division and City Building and Safety Division	Once each per approval	Prior to Issuance of Grading Permit and Building Plan approval	Issuance of grading permit and building plan approval		Withhold grading and/or building permits
GEO-2: Paleontological Training for Construction. The applicant shall retain a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology and shall conduct a paleontological sensitivity training for construction personnel prior to commencement of excavation activities. The training will include a handout and will focus on how to identify paleontological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of paleontological monitors, notification and other procedures to follow upon discovery of resources, and the general steps a qualified professional paleontologist will follow in conducting a salvage investigation if one is necessary.	City Planning Department	Once	Prior to issuance of a grading permit	Attendance at pre-grading meeting		Withhold grading permit
GEO-3: Paleontological Monitoring. The applicant shall retain a professional paleontologist who meets the qualifications set forth by the Society of Vertebrate Paleontology and shall conduct periodic Paleontological Spot Checks beginning at depths below six feet to determine if construction excavations have extended into older Quaternary deposits. After the initial paleontological spot check, further periodic checks will be conducted at the discretion of the qualified paleontologist. If the qualified paleontologist determines that construction excavations have extended into the older Quaternary deposits, construction monitoring for paleontological resources will be required. The applicant shall retain a qualified paleontological monitor, who will work under the guidance and direction of a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology. The paleontological monitor shall be present during all construction excavations (e.g., grading, trenching, or clearing/grubbing) into the older Pleistocene alluvial deposits. Multiple earth-moving construction activities may require multiple paleontological monitors. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known paleontological resources and/or unique geological features, the materials being excavated (native versus artificial fill soils), and the depth of excavation, and if found, the abundance and type of paleontological resources and/or unique geological features encountered. Full-time monitoring can be reduced to part-time	City Planning Department and Project Paleontologist	Spot checks during excavations in excess of 6 feet in older Quaternary or Pleistocene deposits onsite at the discretion of the Project Paleontologist	Prior to issuance of any grading permit (hiring paleo) and during ground disturbing activities (monitoring)	Review of construction contract documentation and final monitoring compliance report		Withhold grading permit and/or stop work order

Mitigation Measure No./Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
inspections if determined adequate by the qualified professional paleontologist.						
GEO-4: Paleontological Resource Treatment Plan (P RTP). If paleontological resources and or unique geological features are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until an appropriate paleontological treatment plan has been approved by the applicant and the City. Work shall be allowed to continue outside of the buffer area. The applicant and City shall coordinate with a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology, to develop an appropriate treatment plan for the resources. Treatment may include implementation of paleontological salvage excavations to remove the resource along with subsequent laboratory processing and analysis or preservation in place. At the paleontologist's discretion and to reduce construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.	City Planning Department	Once	Prior to issuance of a grading permit	Prepare P RTP and attendance at pre-grading meeting		Withhold grading permit
GEO-5: Paleo Completion Report. Upon completion of the above activities, the professional paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted to the applicant, the City, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures.	City Planning Department and Project Paleontologist	Once	Upon completion of paleo monitoring	Review of Paleontological Resources Monitoring and Treatment Plan, construction contract documentation, and final monitoring compliance report		Stop work order
HYDROLOGY AND WATER QUALITY						
HWQ-1: Hydrology Study. Prior to issuance of a grading permit, the applicant shall prepare a Project site Hydrology Study for review and approval by the City Engineer. The Study shall meet the City requirements and include calculations demonstrating the physical requirements for the onsite water quality basin in terms of storm water detention capacity for expected flood flows. The Study shall demonstrate that post-development offsite runoff will be equal or less than that under pre-development conditions. All submitted plans as appropriate shall be consistent with the Hydrology Study. This measure shall be implemented to the satisfaction of the City Engineer.	City Engineering Division and City Building and Safety Division	Once	Prior to issuance of grading permit and building plan approval	Issuance of grading permit and building plan approval		Withhold grading and/or building permits
HWQ-2: SWPPP. Prior to issuance of a grading permit, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) on the Project site for review and approval by the City Engineer. The SWPPP shall meet the City's requirements for such studies and include but not be limited to erosion and siltation reduction measure Best Management Practices (BMPs) to be implemented during construction. At the completion of construction, the Project will consist of impervious buildings surfaces, landscaped planters, and post-construction (operational) BMPs to be addressed in a Water Quality Management Plan (WQMP - see MM HWQ-3). All submitted plans as appropriate shall be consistent with the SWPPP. This measure shall be implemented to the satisfaction of the City Engineer.	City Engineering Division and City Building and Safety Division	Once	Prior to issuance of grading permit and Building Plan approval	Issuance of grading permit and building plan approval		Withhold grading and/or building permits

Mitigation Measure No./Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
HWQ-3: WQMP. Prior to issuance of a grading permit, the applicant shall prepare, and the City Engineer shall review and approve a Water Quality Management Plan (WQMP) on the Project site. The WQMP shall meet the City's requirements for such studies and include but not be limited to Best Management Practices (BMPs) for long-term water quality to be implemented by the Project after the completion of construction. The WQMP shall identify appropriate post-construction (operational) BMPs to address increases in impervious surfaces, methods to decrease incremental increases in off-site stormwater flows, and methods for decreasing pollutant loading in off-site discharges as required by the applicable NPDES requirements. All submitted plans shall be consistent with the WQMP. This measure shall be implemented to the satisfaction of the City Engineer.	City Engineering Division and City Building and Safety Division	Once	Prior to Issuance of Grading and Building Plans Permits	Issuance of grading permit and building plan approval		Withhold grading and/or building permits