FINAL

ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2014121047

BAXTER VILLAGE MIXED USE PROJECT (PA NO. 14-0002)

CITY OF WILDOMAR

RIVERSIDE COUNTY, CALIFORNIA

LSA

May 12, 2016

This Page Intentionally Left Blank

FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2014121047

BAXTER VILLAGE MIXED USE PROJECT (PA NO. 14-0002)

CITY OF WILDOMAR

RIVERSIDE COUNTY, CALIFORNIA

Prepared for:

City of Wildomar
Planning Department
23873 Clinton Keith Road, Suite 201
Wildomar, California 92595
Contact: Mathew C. Bassi, Planning Director
(951) 677-7751

Prepared by:

LSA Associates, Inc.
1500 Iowa Avenue, Suite 200
Riverside, California 92507
(951) 781-9310

LSA Project No. CWI401

LSA

May 12, 2016

This Page Intentionally Left Blank

TABLE OF CONTENTS

1. INTRODUCTION 1
   1.1 CONTENT AND FORMAT 1
   1.2 PUBLIC REVIEW OF THE DRAFT EIR 1
   1.3 POINT OF CONTACT 2
   1.4 PROJECT SUMMARY 2
      1.4.1 Project Location/Existing Conditions 2
      1.4.2 Proposed Project 2
      1.4.3 Project Objectives 4
      1.4.4 Required Permits and Discretionary Actions 4
2. RESPONSE TO COMMENTS 7
   2.1 LIST OF COMMENTERS ON THE DRAFT EIR 8
   2.2 RESPONSES TO COMMENTS 9
      LETTER A: STATE CLEARINGHOUSE 11
      Response to Letter A 13
      LETTER B: U.S. FISH AND WILDLIFE SERVICE (USFWS) 15
      Response to Letter B 23
      LETTER C: PECHANGA BAND OF LUISEÑO INDIANS (PECHANGA) 31
      Response to Letter C 37
      LETTER D: CALIFORNIA DEPARTMENT OF TRANSPORTATION 41
      Response to Letter D 43
      LETTER E: SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT 45
      Response to Letter E 49
      LETTER F: ELSINORE VALLEY MUNICIPAL WATER DISTRICT 53
      Response to Letter F 55
      LETTER G: MONTE GODDARD 57
      Response to Letter G 59
      LETTER H: SO. CALIF. ENVIRONMENTAL JUSTICE ALLIANCE 61
      Response to Letter H 79
3. REVISIONS TO THE DRAFT EIR 121
4. MITIGATION MONITORING AND REPORTING PROGRAM 135
   4.1 INTRODUCTION 135
   4.2 MITIGATION MONITORING AND RESPONSIBILITIES 135

Appendix A: CalEEMod 2035 Emission Data

This Page Intentionally Left Blank

1. INTRODUCTION

The Final Environmental Impact Report (Final EIR) for the proposed Baxter Village Mixed Use Project is composed of the Draft EIR for the Baxter Village Mixed Use Project (PA No. 14-0002) State Clearinghouse No. 2014121047 and Appendices; the Response to Comments on the Draft EIR, Revisions to the Draft EIR; and the Mitigation Monitoring and Reporting Program (MMRP). Specifically, this volume of the Final EIR includes the Comments and Responses to Comments, modifications or errata to the Draft EIR, and the Mitigation Monitoring and Reporting Program. The purpose of this document is to respond to all comments received by the City of Wildomar (City) regarding the environmental information and analyses contained in the Draft EIR. Additionally, any corrections to the text and/or figures of the Draft EIR generated either from responses to comments or independently by the City, are stated in this volume of the Final EIR.

1.1 CONTENT AND FORMAT

Subsequent to this introductory section, Section 2.0 contains copies of each comment letter received on the Draft EIR, along with annotated responses to each comment contained within the letters. Section 3 of this document contains corrections and errata to the Draft EIR. Section 4.0 contains the Mitigation Monitoring and Reporting Program.

1.2 PUBLIC REVIEW OF THE DRAFT EIR

As required by the California Environmental Quality Act (CEQA) Guidelines Section 15087, a Notice of Completion (NOC) and Notice of Availability (NOA) of the Draft EIR State Clearinghouse No. 2014121047 for the Baxter Village Mixed Use Project was filed with the Office of Planning and Research State Clearinghouse on December 30, 2015, and the NOA of the Draft EIR was filed with the Riverside County Clerk on December 30, 2015.

The Draft EIR was circulated for public review for a period of 45 days, from December 30, 2015 to February 12, 2016. Copies of the Draft EIR were distributed to Responsible Agencies and to the State Clearinghouse in addition to various public agencies, Native American tribes, and other parties. Copies of the Draft EIR were also made available for public review at the City's Planning Department and on the internet.

A total of eight (8) comment letters were received and all letters have been responded to within this document. In particular, comments that address environmental issues are responded to in Section 2.0.

1.3 POINT OF CONTACT

The Lead Agency for the proposed project is the City of Wildomar. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions, should be referred to:

Mathew C. Bassi, Planning Director
Planning Director
23873 Clinton Keith Road, Suite 201
Wildomar, California 92595
Phone: (951) 677-7751 x 213
Email: mbassi@cityofwildomar.org

1.4 PROJECT SUMMARY

The following information is summarized from the Project Description in the Draft EIR. For additional detail in regard to project characteristics and project-related improvements, along with analyses of the Project's potential environmental impacts, please refer to Draft EIR Sections 3.0 and 4.0, respectively.

1.4.1 Project Location/Existing Conditions

The project is generally located in the central portion of the City of Wildomar within the western portion of Riverside County, California. The project site is bordered on the east by Interstate 15 (I-15) and on the south by Baxter Road. The western boundary of the site is White Street and the northern boundary is Grove Street. The portions of White and Grove Street that border the project site are unimproved dirt roads. The project site is approximately 3.3 miles southeast of Lake Elsinore and 4.1 miles southwest of Canyon Lake.

The project site consists of Assessor's Parcel Numbers (APNs) 367-180-015 and 367-180-043 and is located in Section 26 of Township 6 South, Range 4 West of the San Bernardino Baseline and Meridian. As depicted on the U.S. Geological Survey (USGS) 7.5-minute series Wildomar, California quadrangle (1988) and has latitude 33° 36' 50" north and longitude 117° 15' 52" west.

The project site consists of rolling terrain with a general slope to the southwest at approximately 3.4 percent. Elevations on site range from approximately 1,373 feet above mean sea level (amsl) at the northeastern corner down to 1,329 feet amsl along the southern end.

1.4.2 Proposed Project

The project site is approximately 36 acres in size and its development would include a mixed-use project that would contain apartments, single-family homes, and commercial retail uses. The existing General Plan land use designation is Mixed Use

Policy Area (MUPA). Development of the proposed project would require a General Plan amendment from MUPA to Very High Density Residential (VHDR) on 11.3 acres to accommodate the multi-family apartment development, Medium High Density Residential (MHDR) on 12.5 acres to accommodate the single family residential development and Commercial Retail (CR) on 12.2 acres to accommodate the commercial/retail development. The project also requires a zone change from C-P-S (Scenic Highway Commercial) to R-4 (Planned Residential Zone) for the northwestern third of the project site where the 66 single-family homes would be located. In addition, the northeastern third of the project site, where the multifamily apartments would be located, would also require a zone change from C-P-S (Scenic Highway Commercial) to R-3 (General Residential). The Mixed Use Overlay zone will also be removed from the entire property. Table 1.A below identifies the development components of the proposed project.

Table 1.A: Project Components

Development Component	Acres	Square Feet	Dwelling Units	Density (DU/AC)
Commercial	12.2	75,000	–	–
Apartments	11.3	–	204	18
Single Family	12.5	–	66	5.3
Total	**36**	**75,000**	**270**	**–**

DU=Dwelling Unit, AC=Acre

The commercial retail portion of the project would consist of eight commercial retail buildings of various sizes ranging from 7,000 square feet to 26,000 square feet and total approximately 75,000 square feet. The commercial retail buildings would comply with Section 17.76.030.C of the City's Municipal Code, which restricts building heights in C-P-S (Scenic Highway Commercial) zones to no more than 50 feet. Potential uses include retail shops, offices and restaurants in compliance with Section 17.76.010 of the City's Municipal Code.

The multi-family apartment portion of project would consist of 42 one-bedroom apartments, 102 two-bedroom apartments, and 60 three-bedroom apartments, for a total of 204 apartments. The multifamily apartment buildings would be three stories and comply with Section 17.44.F of the City's Municipal Code, which restricts building heights in R-3 (General Residential) zones to no more than 50 feet.

The single-family residential portion of the project would include 66 homes on approximately 4,200-square foot lots. The single-family homes would be two-story buildings and would comply with Section 17.60.C of the City's Municipal Code, which restricts single-family residences to heights of no more than 40 feet. The single-family area would have a density of 55.3 dwelling units per acre.

1.4.3 Project Objectives

The following project objectives have been identified:

- Establish a mixed-use community for Wildomar with a balance of land uses including commercial, single-family housing, and multifamily housing.
- Provide both rental and ownership housing opportunities to accommodate a variety of housing preferences and lifecycles.
- Deliver an appropriately sized commercial center that provides a mix of retail, dining, and office uses with opportunities for employment growth and increased sales tax for Wildomar.
- Utilize architectural styles and design elements that reflect Wildomar's heritage, namely through the use of Ranch, Farmhouse, and Craftsman styles.
- Incorporate a public gathering place within the commercial area for the overall Wildomar community.
- Design the project's vehicular circulation routes to minimize traffic on White Street.
- Create a walkable community that provides convenient non-vehicular access from the residential areas to the commercial center.
- Implement a trail system for the project consistent with the Wildomar Multi-Use Trails Master Plan.
- Provide a transition along White Street and the project edge through architectural massing articulation and a landscaped buffer.

1.4.4 Required Permits and Discretionary Actions

City Actions and Permits

As established in *CEQA Guidelines* Section 15124(d)(2), "If a public agency must make more than one decision on a project, all its decisions subject should be listed." Actions necessary to fully develop the site as proposed include:

- Certification of the EIR;
- Approval of a General Plan Amendment from Mixed Use Planning Area (MUPA) to Very High Density Residential (VHDR) on 11.3 acres, Medium High Density Residential (MHDR) on 12.5 acres and Commercial Retail (CR) on 12.2 acres to accommodate the commercial/retail development;
- Approval of a Change of Zone from C-P-S (Scenic Highway Commercial) to R-3 (General Residential) on 11.3 acres, R-4 (Planned Residential Zone) on 12.5 acres, and Change of Zone to remove the Mixed Use Overlay (MU) zone designation on the entire project site;

- Approval of Tentative Parcel Map 36674 to divide the 36-acre project site into 82 lots; and
- Approval of a Plot Plan for development of the site.

In addition to these discretionary actions, the project will require City review and approval of construction, grading, drainage, and related permits to allow for the development of project features and facilities.

Other Required Actions

CEQA Guidelines Section 15124(d)(1) further requires the City, to the extent the information is known, include a list of the agencies that are expected to use the EIR in their decision-making process, a list of permits and other approvals required to implement the project, and a list of related environmental review/consultation requirements established by Federal, State, or local law, regulation and/or policy. Based on the project as proposed, the additional actions that may be required include, but are not limited to the following:

- Caltrans: Encroachment Permit (if needed);
- California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement (if needed); and
- Regional Water Quality Control Board (RWQCB) Federal Clean Water Act (CWA) water quality permitting.

This Page Intentionally Left Blank

2. RESPONSE TO COMMENTS

A total of eight (8) comment letters were received. Six were from federal, state or local agencies (including one Tribal government). One comment letter was received from a conservation group and one comment letter from an individual. All eight letters have been responded to within this document. Comments that address environmental concerns have been specifically addressed. Comments that (1) do not address the adequacy or completeness of the Draft EIR; (2) do not raise environmental issues; or (3) do request the incorporation of additional information not relevant to environmental issues, do not require a response, pursuant to Section 15088(a) of the State CEQA Guidelines.

Section 15088 of the State CEQA Guidelines, Evaluation of and Response to Comments, states:

> a) The Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
>
> b) The Lead Agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying and environmental impact report.
>
> c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
>
> d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:
>
> 1. Revise the text in the body of the EIR; or
> 2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this volume of the Final EIR clarifies, amplifies, or makes minor modifications to the Draft EIR. No significant changes have been made to the

information contained in the Draft EIR as a result of the responses to comments, and no significant new information has been added that would require recirculation of the document.

An Errata section (Section 3.0 in this document) has been prepared to make corrections and clarifications to the Draft EIR resulting from comments received during the public review period. Therefore, this Response to Comments document, along with the Errata is included as part of the Final EIR for consideration by the Planning Commission prior to a recommendation to the City Council to certify the Final EIR.

As required by Section 15088(b) of the State CEQA Guidelines, written responses to all public agency comments were sent to commenting agencies on May 12, 2016.

2.1 LIST OF COMMENTERS ON THE DRAFT EIR

The comments regarding the Draft EIR are listed below. A total of eight (8) comment letters were received, six from federal, state or local agencies and two from private organizations, conservation groups, or individuals. Each comment letter received is indexed as shown below:

Comment Letters Received Regarding the Draft EIR

Letter A **State Clearinghouse (February 18, 2016)**
Scott Morgan, Director

Letter B **U.S. Fish and Wildlife Service (February 12, 2016)**
Kennon Corey, Assistant Field Supervisor

Letter C **Pechanga Band of Luiseno Indians (February 12, 2016)**
Anna Hoover, Cultural Analyst

Letter D **California Department of Transportation (February 12, 2016)**
Mark Roberts, Office Chief, Intergovernmental Review

Letter E **South Coast Air Quality Management District (January 19, 2016)**
Jillian Wong, Program Supervisor, Planning, Rule Development, & Area Sources

Letter F **Eastern Municipal Water District (February 3, 2016)**
Ganesh Krishnamurthy, Water Resources Manager

Letter G **Monte Goddard (February 12, 2016)**
Private Individual/Area Resident

Letter H **So. California Environmental Justice Alliance (February 12, 2016)**
Craig Collins, Blum Collins LLP

2.2 RESPONSES TO COMMENTS

Aside from the courtesy statements, introductions, and closings, individual comments within the body of each letter have been identified and numbered. A copy of each comment letter and the City's responses are included in this section. Brackets delineating the individual comments and an alphanumeric identifier have been added to the right margin of the letter. Responses to each comment identified are included on the page(s) following each comment letter. Responses to comments were sent to the agencies that provided comments.

Pursuant to CEQA Guidelines section 15088.5, no "significant new information" has been added to the EIR such that recirculation of the Draft EIR is required. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (*CEQA Guidelines* Section 15088.5(a)). In the process of responding to the comments, there were no substantive revisions to the Draft Environmental Impact Report regarding any substantial adverse effects or a feasible way to mitigate or avoid such an effect. Therefore, recirculation is not required.

This Page Intentionally Left Blank

California Home

Friday, March 18, 2016

OPR Home > CEQAnet Home > CEQAnet Query > Search Results > Document Description

Baxter Village Mixed-Use Project (Planning Application No. 14-0002) Environmental Impact Report (EIR)

SCH Number: 2014121047

Document Type: EIR - Draft EIR

Project Lead Agency: Wildomar, City of

LETTER A

Project Description

The proposed project is a mixed-use residential and assisted living development and includes the following actions by the City of Wildomar: 1) General Plan Amendment: A proposal to amend the existing General plan land use designation on the entire project site from Mixed Use Planning Area (MUPA) to Very High Density Residential (VHDR) on 11.3 acres to accommodate the multi-family apartment development. Medium High Density Residential (MHDR) on 12.5 acres to accommodate the single family residential development and Commercial Retail (CR) on 12.2 acres to accommodate the commercial/retail development. 2) Change of Zone: A proposal to change the current zoning designation for approx. 24 acres of the 35-acre site form C-P-S (Scenic Hwy Commercial) to R-3 (General Residential) on 11.3 acres to accommodate the 204-unit multi-family apartment development, and R-4 (Planned Residential Zone) on 12.5 acres to accommodate the proposed 66 unit single family residential development. The proposed commercial/retail development will maintain its current zoning designation of C-P-S (Scenic Hwy Commercial) for 12.2 acre portion of the site. The Applicant has also proposed a Change of Zone to remove the Mixed Use Overlay (MU) zone for the entire project site to accommodate the proposed project. 3) Tentative Tract Map (TTM 36674): A Tentative tract map proposal to subdivide the 36-acre project site into 82 lots as follows: 66 lots will comprise the Single Family development portion, with a minimum 4,500 sq. ft. lot size. The Multi-Family development portion will have one (1) lot to accommodate the 204 unit multi-family apartments. The commercial development portion includes eight lots to accommodate the 75,0000 sq. ft. of commercial/retail development project. There are seven lots to be used for water quality basins, open space/trails and a private park. 4) Plot Plan: There are three plot plans proposed for the 35 acre project site.

Contact Information

Primary Contact:
Mathew C. Bassi
City of Wildomar
951-677-7751 x213
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

Project Location

County: Riverside
City: Wildomar
Region:
Cross Streets: Northwest Corner of Baxter Road and the I-15 Freeway
Latitude/Longitude:
Parcel No: 380-250-023
Township: 5S
Range: 3W
Section: 31
Base:
Other Location Info:

Proximity To

Highways: I-15
Airports: Skylark Field in Lake Elsinore
Railways:
Waterways:
Schools: Various
Land Use: Vacant / C-P-S / MUPA

Development Type

Residential, Commercial

Local Action

Rezone, General Plan Amendment, Site Plan, Other Action (Plot Plan. Tentative Tract Map)

Project Issues

Aesthetic/Visual, Agricultural Land, Air Quality, Archaeologic-Historic, Drainage/Absorption, Flood Plain/Flooding, Forest Land/Fire Hazard, Geologic/Seismic, Noise, Minerals, Population/Housing Balance, Public Services, Recreation/Parks, Schools/Universities, Septic System, Soil

Erosion/Compaction/Grading, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Vegetation, Water Quality, Water Supply, Wetland/Riparian, Wildlife, Growth Inducing, Landuse, Cumulative Effects

---

Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Department of Fish and Wildlife, Region 6; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 8; Air Resources Board; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

---

Date Received: 12/29/2015 **Start of Review:** 12/29/2015 **End of Review:** 2/11/2016

CEQAnet HOME | NEW SEARCH

Response to Letter A

State Clearinghouse

Response to Comment A-1. The City thanks the Clearinghouse for circulating the Draft EIR for public review and forwarding comments from State agencies to the City for inclusion in the Final EIR.

This Page Intentionally Left Blank

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262

In Reply Refer To:
FWS-WRIV-15B0034-16CPA0240

LETTER B1

FEB 12 2016

Mr. Matthew Bassi, Planning Director
City of Wildomar
Planning Department
23873 Clinton Keith Road, Suite 201
Wildomar, California 92595

Subject: Draft Environmental Impact Report for the proposed Baxter Village development, City of Wildomar, California

Dear Mr. Bassi:

The U.S. Fish and Wildlife Service (Service) has reviewed the draft Environmental Impact Report (DEIR) for the proposed Baxter Village Mixed-Use Project (project). The Service is providing the following comments under CEQA. We have recommendations regarding the proposed mitigation and concerns regarding Multiple Species Habitat Conservation Plan (MSHCP) implementation.

Project Description

The proposed project is a mixed-use residential and commercial development including single-family homes and apartments on the majority of the site. Additional project features include a community multi-use trail, a recreation area/retention basin, a second retention basin, and a landscape buffer adjacent to I-15. Access to the project would be off Central Avenue. There are 9.08 acres of off-site impacts from grading activities, manufactured slopes and road improvements. 1

Mitigation Concerns

We previously reviewed a Determination of Biologically Equivalent or Superior Preservation (DBESP) prepared for the project consistent with MSHCP's Riparian/Riverine Protection Policy (MSHCP Section 6.1.2), and expressed concerns regarding the adequacy of the identification of riparian/riverine resources and the suitability of the proposed mitigation strategy. We could not agree that the proposed mitigation strategy was equivalent or superior to avoidance of riparian/riverine resources. A copy of our October 2014 comment letter to the City is enclosed for your convenience. We note that the DBESP has not been revised since the City received our letter, and we would like to reiterate that we still have the same concerns regarding the DBESP now as then. We request that the DBESP be revised to address our concerns prior to adoption of the Final EIR. 2

We also have concerns about the characterization and specificity of the mitigation strategy identified in DEIR. The DEIR states that the project will eliminate 0.13 acres of MSHCP riparian and riverine resources, 0.36 acres of non-MSHCP riparian woodland and riparian scrub, and 0.55 acres of coast live oak woodland. The DEIR acknowledges that the loss of riparian and riverine areas constitutes a significant impact and must be mitigated, and proposes to mitigate for these impacts off-site at a 1:1 mitigation-to-impact ratio (i.e., conserve or create 0.47 acres of riparian woodland plus an additional 0.02 acres of riverine streambed or riparian habitat).

DEIR Appendix E-2 includes a long section detailing conceptual mitigation options, but fails to provide a firm mitigation proposal at a specific site (or located at a specific mitigation bank or a specific in-lieu fee program) which the project proponent has committed to implement. Without a firm proposal at a specific site or a specific mitigation bank/ in-lieu fee program, the mitigation proposed becomes unclear as to what actions would actually be take place, remains hypothetical and conjectural, and seems unlikely to be implemented. Therefore, we recommend that the DEIR be revised to include a firm, clear mitigation proposal at a specific site or at a specific mitigation bank or in-lieu fee program.

If credits at a biologically appropriate mitigation bank or in-lieu fee program are currently unavailable in the Santa Margarita River Watershed portion of the MSHCP Plan Area, the project proponent should develop a site-specific mitigation plan on land which the proponent has acquired, has an option to purchase, or on which the landowner has agreed to a conservation easement which would provide the requisite mitigation for the permanent habitat impacts of the Baxter Village Project.

We request that DEIR Appendix E-2 be revised to remove the discussion of hypothetical mitigation options and Appendix E-2's nested Appendix B (Wilson Creek Habitat Restoration Plan) describing a mitigation bank proposal for a different project (proposed back in 2011) requiring a Corps permit -- a mitigation bank proposal that ultimately failed to receive authorization to become a mitigation bank. The revised DEIR should put forth a specific mitigation proposal which the Project proponent is committed to implementing. If the proposal is to purchase credits at a specific mitigation bank or in-lieu fee program, the proposal should include the following details: 3

1. Name and location of agency-approved mitigation bank or in-lieu fee program within the MSHCP plan area.

2. The number and types of habitat credits which the project needs to purchase as mitigation (confirm this with the California Department of Fish and Wildlife (CDFW) and the Service prior to submitting the revised DBESP).

3. The number of each type of credits needed that is currently available at the bank or in-lieu fee program.

4. The bank or in-lieu fee program's acceptability to each of the resource agencies involved in approving mitigation for the Baxter Village project's impacts to riparian/riverine resources (CDFW, USFWS, USACE, and RWQCB).

Alternatively, the revised DEIR could put forth a mitigation proposal located at a specific site. The proposal should include a habitat restoration/enhancement/management plan identifying an organization experienced in managing conserved land to maintain its habitat value for wildlife, identifying a qualified habitat restoration entity (if restoration or habitat creation is part of the proposal), and detailing how the mitigation will be accomplished, the materials to be used, a proposed implementation schedule, success criteria, remedial actions if success is not achieved on schedule, and the legal mechanism by which the property will be conserved in perpetuity. 3

Burrowing Owls

We request that DEIR Mitigation Measure 4.4.6.1A be revised in the FEIR to include the following language:

"If burrowing owls are identified during the survey periods, the City or project applicant will develop a burrowing owl relocation and conservation strategy that is acceptable to the California Department of Fish and Wildlife, the Western Riverside County Regional Conservation Authority (RCA), and the U.S. Fish and Wildlife Service. If passive or active relocation of the owls is approved for the site by the CDFW, the relocation plan will include the following elements:

- The locations of the nests and the owls proposed for relocation.
- The locations of the proposed relocation sites. 4
- The numbers of adult owls and juveniles proposed for relocation.
- The time of year when relocation is proposed to take place.
- The name of the biologist proposed to supervise the relocation, and the details of his/her previous experiences capturing, handling, and relocating burrowing owls, including the outcomes of their previous relocation efforts (survival/mortality rates and site-fidelity rates of the relocated owls), and relevant permits held.
- A detailed description of the proposed method of capture, transport, and acclimation of the current project's owls on the proposed relocation site.
- A detailed description of relocation site preparations (e.g., the design and dimensions of the artificial release burrows and hacking cage, duration of hacking activities (including food and water provision).
- Description of the monitoring methods and monitoring duration to be employed to verify survival of the relocated owls and their long-term retention on the relocation site.

Technical Correction to DEIR Text

Although the overall text of the DEIR (p. 4.4-22) and Appendix E-2 show that the Project will comply with the MSHCP (Appendix E-2 Section 6.3.6 on pp. 65-66, and COA BIO-2 on p.69), there is a minor contradiction in DEIR Table 1.B on page 1-16, where the table states under "Adopted Habitat Conservation Plans" that "There are no established habitat conservation plan areas that include the project site or surrounding area. Therefore, impacts are less than significant" and "No mitigation is required." 5

We request that this oversight be corrected. The City of Wildomar is an MSHCP Permitte with MSHCP implementation responsibilities. The Project site is located within the Elsinore Area Plan of the MSHCP, and to comply with the MSHCP, the City will need to implement the MSHCP's Riparian/Riverine Policy (MSHCP Section 6.1.2) and Section 6.3.2 (Species Requiring Additional Surveys and Procedures) on the Project site, which is acknowledged in DEIR Section 4.4.6.5 as well as in Appendices E-1 and E-2. 5

Loss of the Onsite Oak Woodland

The DEIR states that the City's policy (General Plan Open Space Element OS 9.4) is to "Conserve the oak tree resources of the County." However, the proposed configuration of the Baxter Village development will eliminate the onsite oak woodland existing at the base of Drainage A in the southwest corner of the site. No mitigation has been proposed for this impact in the DEIR. The City may wish to consider requiring the project proponent to mitigate this loss by contributing an acre of oak woodland to the Western Riverside County MSHCP Reserve and/or creating or enhancing an acre of oak woodland on property owned by the Western Riverside Regional Conservation Authority (subject to approval by the RCA). 6

We appreciate the opportunity to provide comments on this DEIR. If you have any questions or comments regarding this letter, or to schedule a discussion of mitigation options, please contact Jim Thiede of the Service at 760-322-2070, extension 219.

Sincerely,

Kennon A. Corey
Assistant Field Supervisor

Enclosure: October 20, 2014 USFWS/CDFW joint agency comment letter on the draft MSHCP DBESP for the Baxter Village Project

cc:
Charles Landry, Regional Conservation Authority
Jeff Brandt, California Department of Fish and Wildlife

U.S. Fish and Wildlife Service
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262
760-322-2070
FAX 760-322-4648

California Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, California 91764
909-484-0167
FAX 909-481-2945

In Reply Refer To:
FWS/CDFW-15B0034-15CPA0012

LETTER B2

OCT 20 2014

Mr. Matthew C. Bassi
Planning Director
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, California 92595

Subject: Baxter Village Project Determination of Biological Equivalence or Superior Preservation, City of Wildomar, Riverside County, California

Dear Mr. Bassi:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the Determination of Biological Equivalence or Superior Preservation (DBESP) for the proposed Baxter Village residential and industrial Project (project) received on August 8, 2014. The DBESP was submitted to address unavoidable impacts to riparian/riverine resources in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools Policy (Riparian/Riverine Policy, MSHCP Section 6.1.2). The Wildlife Agencies are providing the following comments on the DBESP as they relate to the project's consistency with the Riparian Riverine Policy and the MSHCP.

The project is located within the City of Wildomar, Riverside County, California. Specifically, the project is west of Interstate 15, north of Baxter Road, and east of White Street. The project site is not located within MSHCP Criteria Area. The proposed project is a mixed residential and commercial development. The residential portion includes 67 two-story homes with approximately 4,200 square feet lots across 9.8 acres. In addition, 204 apartment units and 480 parking spaces on 10.8 acres. A recreation and leasing building is also proposed as part of the project. The proposed commercial portion of the project comprises 75,000 square feet of buildings and 412 parking spaces on 11.4 acres. 7

The project site supports riverine and riparian scrub habitat. According to the DBESP, the site includes a 0.11-acre Drainage A, a tributary to Drainage A (Tributary 1A), topographic low points, 0.36 acres of southern willow scrub, 0.11-acre Drainage B, and 0.02-acre Drainage C. The DBESP identifies Drainages B and C as MSHCP riparian/riverine habitat. However, the DBESP concludes that Drainage A and Tributary 1A, topographic low points, and 0.36 acres of southern willow scrub do not meet the definition of MSHCP Riparian/Riverine. According to the DBESP, Drainage A lacks riparian vegetation, an ordinary high water mark, and has no downstream connectivity. The DBESP also states that Drainage A was artificially created by drainage from a local swimming pool. Tributary 1A was discounted from MSHCP

riparian/riverine policy due to the dominance of upland vegetation, lack of upstream connectivity, and lack of an ordinary high water mark. Likewise, topographic low points were also not included in the MSHCP riparian/riverine habitat impact analysis. According to the DBESP, 0.36-acre southern willow scrub habitat did not meet the definition of MSHCP riparian/riverine habitat due to the remnant, isolated, and declining condition of the vegetation.

We have reviewed historical aerial imagery of the site on Google Earth, as well as materials submitted with the DBESP, and disagree with the assessment that the Tributary 1A, a portion of Drainage A, and the 0.36 acres southern willow scrub, are not riparian/riverine features. Further, the topographic low points appear to be ephemeral drainages that contribute flows to Drainage B through a culvert under the Baxter Road. Historical images show these features as being present on site prior to the addition of water from the pool. In addition, they connect to downstream drainage facilities, which are tributary to Murrieta Creek. We are concerned that the proposed project as described does not appear to be consistent with the Protection of Species Associated with the Riparian/Riverine Areas and Vernal Pools Policy (Section 6.1.2). Areas that contain habitat dominated by trees, shrubs, persistent emergent, or emergent mosses and lichens, which occur close to or depend upon soil moisture from a nearby fresh water source, or areas with fresh water flow during all or portions of the year are resources that must be considered under the Riparian/Riverine Policy. We request a site visit and meeting to discuss the DBESP's quantification and characterization of project related MSHCP riparian and riverine habitats. 7

The Department would like to note that Fish and Game Code (Section 1602) requires an entity to notify CDFW of any proposed activity that may substantially modify a river, stream, or lake. There are streams on site that require notification to the Department for this project. Streams, jurisdictional to the State, include, but are not limited to, intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams, and watercourses with subsurface flow. The Department defines a stream as: "A body of water that flows perennially or episodically and that is defined by the area in which water currently flows, or has flowed over a given course during the historic hydrologic regime, and where the width of its course can reasonably identified by physical or biological indicators." If you have any questions relating to the Lake and Streambed Alteration program, please contact Kim Freeburn of the Department at 909-945-3484. 8

Additionally, the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.) protects migratory birds and their nests, eggs, young, and parts from possession, sale, purchase, barter, transport, import, and export, and take. Furthermore, Sections 3503, 3503.5, and 3513 of the California Fish and Game Code (FGC) prohibit the take of all birds and their nests, including raptors. We recommend avoiding construction activities during the nesting season (February 1 through September 15) or developing and implementing a nesting bird plan. 9

Without the clarification on the status and connectivity to downstream resources, the Wildlife Agencies cannot agree that the project is equivalent or superior to avoidance. If the connectivity identified by the Wildlife Agencies in areal imagery is verified in the field, a revised DBESP 10

should be submitted that addresses Drainage A, Tributary 1A, the topographic low points and the 0.36 acres southern willow scrub. The DBESP should demonstrate that the project, including any conservation measures would be biologically equivalent or superior to an avoidance alternative for Riparian/Riverine resources. 10

We appreciate the opportunity to review and comment on the DBESP. If you have any questions regarding our letter, or to schedule a site visit and meeting to discuss this project, please contact Chris Allen of the Department at (909) 483-6319 or Karin Cleary-Rose of the Service at (760) 322-2070 at extension 206. 11

Sincerely,

for

Kennon A. Corey
Assistant Field Supervisor
U.S. Fish and Wildlife Service

for

Kimberly Nicol
Regional Manager
California Department of Fish and Wildlife

cc:
Charles Landry, Regional Conservation Authority
Jeff Brandt, California Department of Fish and Wildlife

This Page Intentionally Left Blank

Response to Letter B

U.S. Fish and Wildlife Service (USFWS)

Response to Comment B-1. The City acknowledges the USFWS is responsible for managing biological resources on a federal level within the project area. Responses to the USFWS's letter are provided below.

Response to Comment B-2. The City received and reviewed the October 2014 letter. The project Biological Resources Assessment & Western Riverside County MSHCP Consistency Analysis (BRA), provided as Appendix A of the DBESP, was found to be sufficient to demonstrate that the project will not have "a substantial adverse effect on federally protected wetlands" and does not "conflict with a local HCP" as defined by CEQA guidelines. The City is committed to ensuring full compliance with the MSHCP guidelines as a responsible signatory agency to the Western Riverside MSHCP. .The DBESP provided adequate detail regarding compensatory mitigation for impacts to biological resources, and no wetlands, vernal pools, or other sensitive aquatic habitat are present, or suspected of being present, within the project footprint. The City has integrated measure COA BIO-4 from section 7.2.4 of the project BRA which requires the wildlife agencies to approve a specific mitigation strategy prior to issuance of a grading permit. Response to Comments B7-B11 specifically responds to the issues raised in the 2014 letter. In addition, Mitigation Measure 4.4.6.3A has been modified as shown below to require DBESP approval before issuance of a grading permit:

4.4.6.3A Prior to the issuance of any grading permit for permanent impacts in either on-site or off-site jurisdictional features, the project applicant shall obtain a Clean Water Act Section 404 permit and an Approved Jurisdictional Determination from the USACE, a Clean Water Act Section 404 permit from the RWQCB, and a Streambed Alteration Agreement permit under Section 1602 of the California Fish and Game Code from the CDFW. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies:

1. Off-site replacement and/or restoration of USACE/RWQCB jurisdictional "waters of the U.S." or "waters of the State" within the Santa Margarita Watershed at a ratio of no less than 1:1 or within an adjacent watershed at a ratio of no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or within an agency-accepted off-site permittee-responsible mitigation area.

2. Off-site replacement and/or restoration of CDFW jurisdictional streambed and associated riparian habitat within the Santa Margarita Watershed at a ratio no less than 1:1 or within an adjacent watershed at a ratio no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or within an agency-accepted off-site permittee-responsible mitigation area.
3. Approval of a project-specific Determination of a Biologically Equivalent or Superior Preservation (DBESP) report by the resource agencies as appropriate and consistent with established MSHCP procedures.

Response to Comment B-3. As stated in Section 7.3.1 of the DBESP, no known mitigation banks capable of providing viable streambed mitigation for the project currently exist in the Santa Margarita watershed, viable off-site permittee-responsible streambed restoration mitigation is currently available within the Wilson Creek Habitat Restoration Plan Study Area, and the project proponent seeks to avoid mitigating for impacts to resources more than once given the nature of permittee-responsible mitigation which requires project-by-project approval as part of subsequent regulatory permitting. As described on page 43 of the DBESP, the Wilson Creek HRP Study Area, is not a resource agency approved mitigation bank or In-Lieu Fee program, but has been recently accepted by the [resource agencies] as compensatory mitigation for jurisdictional streambed impacts associated with public and private projects and continues to be evaluated by the agencies for regulatory permitting compensation on a project-by-project basis. The project is committed to mitigating streambed impacts within the Wilson Creek HRP Study Area which currently offers appropriate off-site "permittee-responsible" streambed restoration opportunities developed by PCR, in conjunction with the San Diego Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), and California Department of Fish & Wildlife (CDFW) (collectively, the "resource agencies"). However, it cannot be determined until subsequent regulatory permitting whether the resource agencies will accept the streambed restoration currently available within the Wilson Creek HRP Study Areas given the standard requirement that any permittee-responsible mitigation area be evaluated on a project-by-project basis as part of regulatory permit approvals. As such, the DBESP summarized and included the Wilson Creek HRP document as Appendix A, which provides a significant amount of detail about mitigation implementation including methods, success criteria, functional gains, long-term preservation, etc. The Wilson Creek HRP Study Area currently represents the most appropriate and thoroughly documented opportunity for off-site mitigation within the Santa Margarita watershed. Although it cannot be predicted whether the resource agencies will accept the

Wilson Creek HRP Study Area or whether mitigation opportunities will remain available in Wilson Creek during the future processing of regulatory permits, the Wilson Creek HRP currently provides the best framework for what would generally be considered acceptable to the resource agencies for streambed restoration within a watershed that is severely underserved when it comes to streambed mitigation. The DBESP recognized that the resource agencies will have the ultimate determination in what mitigation is acceptable pursuant to future regulatory permits required by MM 4.4.6.3A, which is true even in the presence of a local agency-approved mitigation bank which is not the case in the Santa Margarita Watershed. The Wilson Creek HRP represents a clear framework of the general methods and success criteria that would be acceptable to the resource agencies as part of regulatory permitting pursuant to MM 4.4.6.3A, with the intent of ensuring impacts to streambeds are less than significant under CEQA. Therefore, removal of the document as an appendix to a technical study is not warranted.

Response to Comment B-4. Mitigation Measure 4.4.6.1A will be revised to add the following recommended language from USFWS:

"If burrowing owls are identified during the survey periods, the City or project applicant will develop a burrowing owl relocation and conservation strategy that is acceptable to the California Department of Fish and Wildlife, the Western Riverside County Regional Conservation Authority (RCA), and the U.S. Fish and Wildlife Service. If passive or active relocation of the owls is approved for the site by the CDFW, the relocation plan will include the following elements:

• The locations of the nests and the owls proposed for relocation.

• The locations of the proposed relocation sites.

• The numbers of adult owls and juveniles proposed for relocation.

• The time of year when relocation is proposed to take place.

• The name of the biologist proposed to supervise the relocation, and the details of his/her previous experiences capturing, handling, and relocating burrowing owls, including the outcomes of their previous relocation efforts (survival/mortality rates and site-fidelity rates of the relocated owls), and relevant permits held.

• A detailed description of the proposed method of capture, transport, and acclimation of the current project's owls on the proposed relocation site.

• A detailed description of relocation site preparations (e.g., the design and dimensions of the artificial release burrows and hacking cage, duration of hacking activities (including food and water provision).

• Description of the monitoring methods and monitoring duration to be employed to verify survival of the relocated owls and their long-term retention on the relocation site.

Response to Comment B-5. The text on page 1-16 of Table 1.B in the Executive Summary will be modified to indicate the project is within the County MSHCP area, as indicted in Impact Section 4.4.6.5 under Biological Resources and Section 4.10 under Land Use and Planning (see Section 3).

Response to Comment B-6. Page 59 of the BRA report (6.3.2.1 Sensitive Plant Communities) prepared by PCR states as follows:

> *The remainder of the Project site and off-site areas supports native (buckwheat scrub, buckwheat scrub/ruderal, and coast live oak woodland) and non-native dominated (eucalyptus woodland, olive grove/ruderal, ruderal/buckwheat scrub, and disturbed) communities which are not considered sensitive pursuant to CDFW, USFWS, or the MSHCP. Furthermore, the native communities within the Project site are small, scattered, and are of low quality for sensitive plant and wildlife species. Since these habitats are not sensitive, impacts would be less than significant and no mitigation measures would be required.* **[emphasis added]**

Therefore, the small remnant area of oak woodland vegetation at the southwest corner of the site is not considered a significant biological resource and its removal does not result in a significant impact to biological resources. Although it does not change the significance determination of the study or the EIR, consistent with GP policy OS 9.4, the City will require the project to implement the following **Condition of Approval:**

Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime), an Oak Tree Replacement Plan prepared by a certified arborist, registered professional forester, botanist, or landscape architect shall be submitted for review and approval by the City that includes:

1. *A survey showing the location of oak trees 5 inches or more in diameter at breast height (DBH), as defined by Public Resources Code Section 21083.4(a).*
2. *The removal of all oak trees 5 inches or more DBH height shall be mitigated. Removal shall be mitigated by planting (or replanting) and maintaining oak trees. A minimum of three native oak trees of 5 gallons or larger size shall be planted for each oak tree removed that is greater than or equal to 5 inches DBH. The trees shall be planted in areas deemed appropriate by the Oak Tree Replacement Plan, considering future lot development and interference with foundations, fencing, roadways, driveways, and utilities. Replanted oak trees shall be maintained for a period of seven years after they are planted. If any of the replanted oak trees die or become diseased, they shall be replaced and maintained for seven years after the new oak trees are planted.*
3. *A replanting schedule and diagram for trees removed or encroached upon by the project shall be submitted to and approved by the City. Replanted trees shall be*

planted in areas deemed appropriate by the Oak Tree Replacement Plan, considering future lot development and interference with foundations, fencing, roadways, driveways, and utilities. Trees planted shall be protected from livestock and other animals.

4. *Oak tree protection measures for trees to be retained within the project site shall be included in construction specifications. Each oak tree to be preserved shall be surrounded by a tree zone identified by the drip-line of the tree. An orange plastic fence or other suitable type of fence shall be used to identify the tree zone during construction activities. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and minimize compaction of the soil, unless authorized by the Oak Tree Replacement Plan.*

Response to Comment B-7. A project Biological Resources Assessment & MSHCP Consistency Document (BRA) included as Appendix A of the project Determination of Biologically Equivalent or Superior Preservation (DBESP) was prepared by PCR, the Project biological consultant. PCR stated in the BRA it was their professional opinion that the areas in question did not meet the MSHCP's definition of Riparian/Riverine Areas. As supported by the existing site conditions described in the BRA, the entire project site has been subjected to ongoing agricultural and weed abatement activities since the early 1900s that has largely prohibited the establishment of streambed resources capable of supporting Riparian/Riverine species protected by the MSHCP. Natural topographic low-points on the site are indicative of historic conditions prior to the construction of Interstate 15 when much of the upstream watershed was diverted into culverts beneath the highway. Based on the BRA, the low-points were not found to support indicators of stream flow during the PCR assessment and no riparian habitat capable of supporting MSHCP covered species exist in these areas.

The areas of the low-points have been disturbed by agricultural and weed abatement activities that span many decades and have resulted in the lack of any discernible streambed or riparian vegetation including trees, shrubs, mosses, or lichens. During the rainy season, the low-points tend to appear greener given the impression of streambed vegetation. However, based on PCR's review of the site, such vegetation is limited to more dense ruderal upland grasses that are plowed or disked every year. Due to the excessively well-drained nature of the plowed sandy soils, the gently-sloping topography in the area, and the lack of surface flow indicators observed from the culverts, streambed reestablishment is not believed to occur. As such, no streambed or riparian vegetation that could be utilized by MSHCP covered species exists, or has existed, in the topographic low-points for decades. As documented in Section 4.6.1 of the project BRA, the USACE is processing an Approved Jurisdictional Determination (JD) for the site. The JD is intended to determine if Drainage A is regulated as "waters of the U.S." It should be noted that PCR attended a site visit with the USACE Branch Chief and Biologist to review the Approved JD request (which does not include the topographic low-points

as USACE jurisdictional waters) and no suggestion that jurisdiction occurs in those areas was made by Corps staff, given the field conditions that are documented in the DBESP as Photograph 8 and 9 of Figure 6c.

Tributary A1 was documented in Section 4.6.3 of the BRA as being a remnant (or relict) streambed likely remaining from prior to construction of the I-15, that has largely reverted to upland vegetation comprising ruderal grasses and sparse patches of buckwheat which are indistinguishable from adjacent upland areas (see Photo 7 on Figure 9c). The channel does not exhibit signs of flow and the upland vegetation in the channel is not believed to be dependent upon soil moisture any more than similar vegetation communities occur within upland areas of the site are. Therefore, PCR's position remains that the remnant tributary does not meet the definition of a Riparian/Riverine Area.

Although much of Drainage A was presumed to support Riparian/Riverine Areas based on weak indications of freshwater flow, A portion of Tributary A1 upstream was determined not to be Riparian/Riverine due to what appeared to be unusually high-velocity discharge from an off-site pool to the north forming an unvegetated gully. Based on the field assessment conducted for the BRA, review of available historic imagery, and review of U.S. Geological Survey (USGS) topographic mapping, no discernible drainage occurred upstream of the highly incised portion of streambed in the Drainage A headwaters. The 2004 imagery that forms the basis of the pending USACE Approved JD documented in the BRA depicts the off-site pool to the north discharging via a pipe directly into what is currently a heavily incised, unvegetated, erosional feature that is not located within a natural topographic low-point. The pool was constructed at latest in the 1990s, and has likely been draining to that erosional feature periodically since, resulting in the artificial conditions observed in the field and documented in the BRA. Based on these observations, it would appear likely that Tributary A1 formed the headwaters of historic drainages that were hydraulically impacted by the construction of the I-15 in the 1950s, and that the "pool drainage" feature identified within the upper 758 linear feet of Drainage A ultimately joins and discharges into what is a remnant feature. It also helps support why streambed indicators are lost quickly given the lack of natural watershed and the lack of any discernible surface connection to downstream resources. It should be noted that Drainage A does not drain to Drainage B as stated in the 2014 letter. Drainage A historically outlets near the southwest corner of the site, but no longer supports the flow needed to erode a discernible streambed The BRA documents the unregulated discharge from the off-site pool as being evident on historic aerial imagery and is the subject of a pending USACE Approved JD application requesting concurrence the man-made portion of Drainage A does not support federal "waters of the U.S."

The 0.36-acre southern willow scrub/eucalyptus woodland community did not support indications of freshwater flow and PCR ruled it out as an MSHCP

Riparian/Riverine Area based on the following analysis presented on page 69 of the BRA:

> "*The 0.36-acre of southern willow scrub/eucalyptus woodland community was also not considered a Riparian/Riverine feature based on the lack of hydrology and no upstream or downstream connections. This has resulted in a remnant, isolated native component that is showing signs of stress and is not considered suitable for MSHCP Riparian/Riverine protected species. Based on the lack of suitable habitat, no focused surveys or mitigation is required pursuant to the MSHCP."*

Per Mitigation Measure (MM) 4.4.6.2A of the DEIR, the 0.36 acres of southern willow scrub habitat will be adequately mitigated as a sensitive community under CEQA. The southern willow scrub does not support indicators of flow within, or upstream of, the on-site habitat. Although, the southern willow scrub habitat is located at the culvert directly upstream of Drainage B, that off-site drainage does not support riparian habitat until well after it's confluence with Murrieta Creek over 1 mile from the site, thereby supporting the classification of a 'remnant isolated component" that does not meet the MSHCP's definition of Riparian/Riverine Areas.

Response to Comment B-8. The Project will be required to obtain a Section 1602 Streambed Alteration Agreement as required by Mitigation Measure 4.4.6.3A of the DEIR.

Response to Comment B-9. Mitigation Measure 4.4.6.4A was developed to avoid impacts to nesting birds pursuant to the Migratory Bird Treaty Act (MBTA), including avoidance of work during the nesting bird season, if feasible. The nesting season was established in Mitigation Measure 4.4.6.4A as February 1 through August 31. However, the mitigation measure has been revised in the FEIR to reflect the USFWS newest preferred nesting season of February 1 through ~~August 31~~ <u>September 15</u> to ensure full compliance with the MBTA. Any additional requirements for MBTA compliance will be conditioned by CDFW as part of the future Section 1602 Streambed Alteration Agreement that must be obtained prior to issuance of a grading permit pursuant to Mitigation Measure 4.4.6.3A.

Response to Comment B-10. Please refer to Response to Comment B-7 above.

Response to Comment B-11. The City will transmit responses to all comments on the Draft EIR to all commenting agencies at least ten days before certification of the EIR and action on the Project as required under State CEQA Guidelines Section 15088(b). The City will also contact the USFWS if it requires additional consultation or field meetings regarding impacts of the proposed Project.

This Page Intentionally Left Blank

PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office. Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

Chairperson:
Neal Ibanez

Vice Chairperson:
Bridgett Barcello

Committee Members:
Mary Bear Magee
Evie Gerber
Darlene Miranda
Richard B. Scearce, III
Michael Vasquez

Director:
Gary DuBois

Coordinator:
Paul Macarro

Planning Specialist:
Tuba Ebru Ozdil

Cultural Analyst:
Anna Hoover

February 12, 2016

LETTER C

VIA E-MAIL and USPS

Mr. Matthew Bassi
Planning Director
City of Wildomar Planning Dept.
23873 Clinton Keith Road, Ste 201
Wildomar, CA 92595

Re: Pechanga Tribe Comments on the Notice of Availability for a Draft Environmental Impact Report, Baxter Village Mixed-Use Project, PA 14-0002, City of Wildomar

Dear Mr. Bassi:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe requests to continue to be directly notified of all public hearings and scheduled approvals concerning this Project and we request that these comments be incorporated into the record of approval for this Project.

The Tribe thanks the City of Wildomar and the Developer for providing mitigation to preserve and protect the any potential sensitive Payómkawichum cultural resources that may be identified during earthmoving activities and to require both archaeological and Pechanga tribal monitoring during earthmoving activities. However, the Tribe is concerned that the provided measures do not reflect the standard City language. The Tribe has worked with the City and its representatives over the past few years to develop standard language that can be used to mitigate potential impacts to cultural resources. When these measures are not utilized, there can potentially be confusion on the part of the project archaeologist, the Developer and the City. In order to provide consistency throughout City documents and to reduce any potential issues or conflicts with the proposed earthmoving activities, we have provided recommended edits to the Cultural Resources mitigation measures below to reflect the current language and clarify the grading and monitoring process better. 1

The State and Federal governments have mandated that cultural resources must be appropriately mitigated for within the confines of development projects. The Tribe appreciates the active role the City has taken to maintain the significant history of the Tribe and of California.

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe asserts that the Project area is at the northwestern-most portion of Payómkawichum, and therefore the Tribe's, aboriginal territory as evidenced by the existence of place names, *tóota yixélval* (rock art, pictographs, petroglyphs), cultural landscapes and an extensive Payómkawichum artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area, our history with this Project that extends back to 2007 and our history of being the sole Tribe to monitor and care for cultural resources in the Wildomar area.

The Pechanga Tribe's knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history and ethno-history; and through recorded ethnographic and linguistic accounts. Of the many anthropologists and historians who have presented boundaries of the Luiseño traditional territory, none have excluded the Wildomar area from their descriptions (Sparkman 1908; Kroeber 1925; Oxendine 1983; White 1963; Harvey 1974; Smith and Freers 1994), and such territory descriptions correspond almost identically with that communicated to the Pechanga people by our elders. While historic accounts and anthropological and linguistic theories are important in determining traditional Payómkawichum territory, the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions. 1

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area that comprises the Project property and is the closest affiliated tribe to the Property. The Tribe has specific knowledge of cultural resources and sacred places near the proposed Project which we have shared with the City on previous occasions on this and other projects.

The Tribe welcomes the opportunity to meet with the City, its consultants and the Developer to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction, if so desired.

REQUESTED TRIBAL INVOLVEMENT AND MITIGATION

The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources. The Tribe's primary concerns stem from the Project's proposed impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Payómkawichum village sites, sacred sites, cultural landscapes and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work. 2

The proposed Project is located in a sensitive region of Luiseño territory and the Tribe believes that the possibility for recovering subsurface resources during ground-disturbing activities is high. The Tribe has over thirty-five (35) years of experience in working with various types of construction projects throughout its territory. The combination of this knowledge and experience, along with the knowledge of the culturally-sensitive areas and oral tradition, is what the Tribe relies on to make fairly accurate predictions regarding the likelihood of subsurface resources in a particular location.

The Tribe is in receipt of and has reviewed the Draft Environmental Impact Report. Based upon the information provided to the Tribe, there are no known cultural resources located within the Project boundaries. Therefore, the sensitivity of this Project lies with the potential to impact subsurface, unknown cultural resources during earthmoving activities which is acknowledged in the DEIR. While we appreciate the inclusion of mitigation measures that include both archaeological and tribal monitoring, these measures are not the standard measures that the City utilizes on its projects. Thus, to maintain consistency with City documentation, we request that the currently proposed measures in 4.5.6.1 be removed and the standard City measures be implemented. As such, please incorporate the below language as mitigation measures in the DEIR and as conditions of approval into the final EIR and any other final environmental documents approved by the City (strikeouts are deletions; underlines are additions):

2

~~**4.5.6.1A.** If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist, the Pechanga Tribe, and the Soboba Band. Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist, the Tribe, and/or the Band determines the resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required by mitigation measure MM 3.5.2b. This mitigation measure shall be incorporated in all construction contract documentation.~~

~~**4.5.6.1B.** At least 30 days prior to seeking a grading permit, the project applicant shall contact both the Pechanga Tribe and the Soboba Band to notify them of grading, excavation, and the monitoring program and to coordinate with the City of Wildomar, the Tribe, and the Band to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; project grading and development scheduling; terms of compensation for the monitors; treatment and final~~

~~disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal/Band monitors during all ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.~~

~~**4.5.6.1C.** If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery. The developer, the project archeologist, the Pechanga Tribe, and the Soboba Band shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the developer and the Tribe and/or Band cannot agree on the significance of or the mitigation for such resources, these issues will be presented to the City of Wildomar Planning Director. The Planning Director shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of both the Pechanga Tribe and the Soboba Band. Notwithstanding any other rights available under the law, the Planning Director's decision shall be appealable to the City Council of Wildomar. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique as defined by relevant state and local laws, avoidance and mitigation would be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.~~

~~**4.5.6.1D.** To address the possibility that cultural resources may be encountered during grading or construction, a qualified professional archeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural resources.~~ 2

4.5.6.1A At least 30 days prior to seeking a grading permit, the Project Applicant shall contact the Pechanga Tribe to notify the Tribe of grading, excavation and the monitoring program, and to coordinate with the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.

4.5.6.1B Prior to the issuance of a grading permit, the Project Applicant shall retain a Riverside County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological

resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation.

4.5.6.1C Prior to issuance of any grading permit, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation which will be determined in consultation with the Pechanga Tribe. Said methodology shall include the requirement for a qualified archaeological monitor and a Pechanga Tribal monitor to be present and to have the authority to temporarily stop and redirect grading activities in order to evaluate the significance of any archaeological and cultural resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation and groundbreaking activities.

4.5.6.1D If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the Wildomar City Council. 2

4.5.6.1E All cultural materials, that are collected during the grading monitoring program and, if applicable, from any previous archaeological studies or excavations on the project site, with the exception of sacred items, burial goods and human remains which will be addressed in the Treatment Agreement required in 4.5.6.1A shall be tribally curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility which meets the standards set forth in 36 CRF Part 79 for federal repositories. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

4.5.6.1F If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and

> disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in 4.5.6.1A.

2

The Pechanga Tribe looks forward to continuing to work together with the City of Wildomar in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov once you have had a chance to review these comments if you have any comments or concerns. Thank you for continuing to partner with the Pechanga Band to preserve and protect our sensitive cultural heritage.

3

Sincerely,

Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel

Response to Letter C

Pechanga Band of Luiseño Indians

Response to Comment C-1. The City acknowledges Pechanga as a sovereign government and understands it has knowledge of the area's Payómkawichum cultural resources. The City has worked and will continue to work cooperatively with the Tribe to help protect cultural resources within the Project area.

Response to Comment C-2. The City will include the Tribe's recommended modifications and additions to the proposed mitigation measures relative to cultural resources (Measures 4.5.6.1A through 4.5.6.1F), as outlined below, in Section 3, and the Mitigation Monitoring and Reporting Program (Section 4) of this Final EIR.

~~**4.5.6.1A** If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist, the Pechanga Tribe, and the Soboba Band. Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist, the Tribe, and/or the Band determines the resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required by mitigation measure MM 3.5.2b. This mitigation measure shall be incorporated in all construction contract documentation.~~

4.5.6.1A At least 30 days prior to seeking a grading permit, the Project Applicant shall contact the Pechanga Tribe to notify the Tribe of grading, excavation and the monitoring program, and to coordinate with the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.

~~**4.5.6.1B** At least 30 days prior to seeking a grading permit, the project applicant shall contact both the Pechanga Tribe and the Soboba Band to notify~~

~~them of grading, excavation, and the monitoring program and to coordinate with the City of Wildomar, the Tribe, and the Band to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; project grading and development scheduling; terms of compensation for the monitors; treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal/Band monitors during all ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.~~

4.5.6.1B Prior to the issuance of a grading permit, the Project Applicant shall retain a Riverside County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation.

~~**4.5.6.1C** If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery. The developer, the project archeologist, the Pechanga Tribe, and the Soboba Band shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the developer and the Tribe and/or Band cannot agree on the significance of or the mitigation for such resources, these issues will be presented to the City of Wildomar Planning Director. The Planning Director shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of both the Pechanga Tribe and the Soboba Band. Notwithstanding any other rights available under the law, the Planning Director's decision shall be appealable to the City Council of Wildomar. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique as defined by relevant state and local laws, avoidance and mitigation would be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.~~

4.5.6.1C Prior to issuance of any grading permit, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation which will be determined in consultation with the Pechanga Tribe. Said methodology shall include the requirement for a qualified archaeological monitor and a

Pechanga Tribal monitor to be present and to have the authority to temporarily stop and redirect grading activities in order to evaluate the significance of any archaeological and cultural resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation and groundbreaking activities.

~~**4.5.6.1D.** To address the possibility that cultural resources may be encountered during grading or construction, a qualified professional archeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural resources.~~

4.5.6.1D If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The City Planning Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the Wildomar City Council.

4.5.6.1E All cultural materials, that are collected during the grading monitoring program and, if applicable, from any previous archaeological studies or excavations on the project site, with the exception of sacred items, burial goods and human remains which will be addressed in the Treatment Agreement required in Mitigation Measure 4.5.6.1A shall be tribally curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility which meets the standards set forth in 36 CRF Part 79 for federal repositories. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

4.5.6.1F If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to

origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in Mitigation Measure 4.5.6.1A.

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING (MS 722)
464 WEST 4th STREET, 6th Floor
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
TTY (909) 383-6300
www.dot.ca.gov/dist8

Serious drought
Help save water!

LETTER D

February 12, 2016

File: 08-RIV-15-PM-15.02

RECEIVED
FEB 22 2016
CITY OF WILDOMAR

Mr. Matthew Bassi
Planning Director
Planning Department
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

Traffic Impact Analysis for the Baxter Village Mixed-Use Project

Mr. Bassi,

The California Department of Transportation (Caltrans) has completed the review of the revised Notice of Preparation of the Environmental Impact Report for the Baxter Village Mixed-Use Project. The project is located west of I-15, north of Baxter Road, and east of residential lots and White Street. The project proposes the development of a 36 acre site for 75,000 square feet of commercial retail buildings on 12.2 gross acres, 204 multi-family apartment units on 11.3 gross acres, 66 single-family residential dwelling units on 12.5 gross acres, and including necessary roads, parking, retention basins, and recreation areas. 1

We offer the following comments regarding the Project Traffic Impact Analysis:

Traffic Operations and Forecasting:

Caltrans' Operations and Forecasting units are tasked with analyzing the methodology and mitigation measures found within the TIA. We concur with the methodologies provided and have no comments.

Multimodal Accessibility:

Caltrans is committed to ensuring that a multimodal transportation system serves every local development project, where feasible. Planning facilities for pedestrians, cyclists, transit riders and car- / van-pooling will encourage more multimodal trips- which will reduce congestion, vehicles miles traveled, greenhouse gas emissions, and our State's effect on climate change. To assist the County in reducing vehicle trips associated with the proposed development, we offer the following comments: 2

- Referring to TIA Exhibit 3-4, City of Wildomar Regional Community Multi-Use Adopt-A-Trail System, a roadside multi-use trail is proposed along Baxter Road. We recommend the

City include the construction of the trail along Project frontage as a condition of approval, and pursue construction across the I-15 overcrossing when it is widened, to mitigate cyclist and pedestrian safety concerns.

Thank you for providing us the opportunity to review the Traffic Impact Analysis for the Baxter Village Mixed-Use Project and for your consideration of these and future comments. These recommendations are preliminary and summarize our review of materials provided for our evaluation. If this proposal is revised in any way, please forward appropriate information to this office so that updated recommendations for impact mitigation may be provided. If you have questions concerning these comments, or would like to meet to discuss our concerns, please contact Dustin Foster (909) 806-3955 or myself at (909) 383-4557. 2

Sincerely,

MARK ROBERTS
Office Chief
Intergovernmental Review, Community and Regional Planning

Response to Letter D

California Department of Transportation (Caltrans)

Response to Comment D-1. Comment noted that Caltrans concurs with the methodologies provided in the project traffic study and has no comments regarding traffic operations and forecasting.

Response to Comment D-2. As indicated on Exhibit 3-4 of the Traffic Study, City of Wildomar Regional Community Multi-Use Adopt-A-Trail System, a roadside multi-use trail is required along Baxter Road adjacent to the project site (see section W-E-12 and W-E-12-A). The project is conditioned to provide a “multi-purpose” trail with landscape buffers within the parkway.

This Page Intentionally Left Blank

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA USPS AND E-MAIL:
mbassi@cityofwildomar.org

January 19, 2016

Mr. Matthew C. Bassi, Director
Planning Department
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

LETTER E

Draft Environmental Impact Report (DEIR)
for the Proposed Baxter Village Mixed-Use Project
(PA 14-0002) (SCH No. 2014121047)

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final CEQA document.

The Lead Agency proposes a mixed-use development on an approximately 36-acre site. The uses would include three basic components: 1) 75,000 square feet of commercial uses (retail and restaurant); 2) 204 apartment units; and 3) 66-single family units. Grading activities will include 723,422 cubic yards of earthwork including import of approximately 142,652 cubic yards of soil resulting in approximately 15,850 total trips to import the soil to the project site. Construction is proposed to occur in phases over a 2-3 year period starting in late 2016. 1

In the Air Quality Analysis, the Lead Agency analyzed project regional and localized significance threshold emission impacts for construction and operational activities finding that these impacts were less than significant with mitigation when compared with the applicable SCAQMD thresholds of significance. In addition, a screening level Health Risk Assessment (HRA) was conducted to determine risk to future residents from the traffic operating on the Interstate 15 Freeway (I-15 Freeway) located just east of the project site. Based on the risk estimates in the HRA, the estimated mitigated Maximum Incremental Cancer Risk (MICR) to future residents would be 7.81 in one million, which is less than the SCAQMD significance threshold of ten in one million. Even though the cancer risk for future residents was estimated as being less than significant, the Lead Agency has proposed implementation of air filtration systems for the proposed apartments and single-family residents. The SCAQMD staff recognizes the Lead Agency's proposed installation of the proposed MERV filters but has concerns that the filters have limits, and since most of the future residents will be sited less than 500 feet from the adjacent I-15 Freeway, the SCAQMD staff further reiterates concerns related to

the California Air Resources Board (CARB) guidance regarding siting sensitive receptors near freeways. Further details are included in the appendix. 1

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Gordon Mize, Air Quality Specialist CEQA Section, at (909) 396-3302, if you have any questions regarding the enclosed comments. 2

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

Attachment

JW:JC:GM

RVC160105-01
Control Number

Limitations to Using Filters as Mitigation

1. In the HRA, cancer risk to future sensitive receptors (single- and multi-family residences) from freeway traffic was estimated to be below the SCAQMD significance threshold. The Lead Agency, however, has proposed a filtered air supply system for all residential homes that will include high-efficiency filters with a MERV of 14 for the people living in the apartment units and MERV 8 for those living in the single-family residential units.

   The SCAQMD reminds the Lead Agency that the use of the proposed air filters has limitations. The filters have no ability to filter out any toxic gasses from vehicle exhaust and residents will not be protected outside of their homes, whether relaxing outside in their yard, playing in a common area, washing a vehicle or when the windows or doors are open. Further, the heating, ventilation and air conditioning (HVAC) system and as well as the filters have to be serviced/replaced as required by manufacturer recommendations with annual replacement costs expected to range from $120 to $240 to replace each filter.[1] Adequate pressure must also be maintained within the residences and it is assumed that the filters will operate 100 percent of the time while residents are indoors. 3

CARB Land Use Guidance for Sensitive Receptors Located Near Freeways

2. Based on the California Air Resources Board's (CARB) Land Use and Air Quality Handbook (CARB Handbook), guidance is included for siting sensitive receptors near sources of air toxics including exposure to residents from diesel fueled vehicles operating on the nearby freeway. Based on the project description, the DEIR shows that future residents (sensitive receptors) would be sited within the recommended 500-foot buffer.[2]

   This would include siting the proposed residences near the I-15 Freeway that has a peak monthly daily traffic volume of 131,000 vehicles including approximately 11,397 daily trucks.[3] As a result, future residents will be exposed to a significant source of toxic emissions. Numerous past health studies have demonstrated the potential adverse health effects of living near a freeway or highly travelled roads. Since the time of that study, additional research has continued to build the case that the near roadway environment also contains elevated levels of many pollutants that adversely affect human health, 4

---

[1] http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf?sfvrsn=0 . This study evaluated filters rated MERV 13+ while the proposed mitigation calls for less effective MERV 12 or better filters. See also CARB link for the "Status of Research on Potential Mitigation Concepts to Reduce Exposure to Nearby Traffic Pollution" (August 23, 2012): http://www.arb.ca.gov/db/search/google_result.htm?q=Potential+Mitigation+Concepts&which=arb_google&cx=006180681887686055858%3Abew1c4wl8hc&srch_words=&cof=FORID%3A11

[2] CARB Handbook link: http://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf?sfvrsn=0 .

[3] http://traffic-counts.dot.ca.gov/ 2014 Traffic and Truck Volumes: 1) Traffic Volume, I-15 Freeway at Chapman Avenue, 131,000 vehicles per day based on the peak month ADT, which is the average daily traffic for the month of heaviest traffic flow; 2) Truck Percentage of Total Vehicles is 8.7 % or 11,397 trucks per day. The monthly traffic total was used instead of the annual average daily traffic figure because it represents a more conservative, worst-case scenario.

including some pollutants that are unregulated (e.g., ultrafine particles) and whose potential health effects are still emerging.

While the health science behind recommendations against placing new residences close to freeways is clear, SCAQMD staff recognizes the many factors Lead Agencies must consider when siting new housing. Further, many strategies have been proposed for other projects to reduce exposure, including building filtration systems (as proposed in the DEIR), sounds walls, vegetation barriers, etc. However, because exposure to roadway dust, vehicle emissions and potential adverse health risks might be involved, it is critical that any proposed strategy, whether proposed as mitigation for CEQA purposes or otherwise must be carefully evaluated prior to determining the ultimate impacts to future residents in order to reduce their exposure from criteria pollutants and adverse health impacts from impacts including roadway dust, diesel particulate matter, etc., coming from vehicles operating on the nearby freeway. 4

Response to Letter E

South Coast Air Quality Management District (SCAQMD)

Response to Comment E-1. The City acknowledges the SCAQMD is responsible for monitoring and regulating air pollutant emissions from stationary sources within the South Coast Air Basin. This comment summarizes characteristics of the Project and the Health Risk Assessment (HRA) conducted for the Project. For a detailed response regarding the HRA and related mitigation (e.g., house air conditioning filters) please see Response to Comment E-3 below.

Response to Comment E-2. The City will transmit responses to all comments on the Draft EIR to all commenting agencies at least ten days before certification of the EIR and action on the Project as required under State CEQA Guidelines Section 15088(b).

Response to Comment E-3. The HRA recommended the use of particulate filters to limit indoor pollutant concentrations by applying recognized control efficiencies with implementation of minimum efficiency reporting values (MERV) 14 or equivalent filters that would reduce potential impacts to less than significant levels as discussed in the DEIR and the HRA. The control efficiencies utilized to identify ventilation performance standards were based on the reported MERV as identified in the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. Based on the reported effectiveness of these filters, a recommendation to limit the infiltration of particulates into residential units was identified as the appropriate project design feature to ensure that carcinogenic risk estimates are maintained at less than the threshold of 10 in one million. As noted in the DEIR (Section 4.3.5.2), the maximum risk levels are projected to be 7.81 in one million which is less than the acceptable threshold of 10 in one million and thus a less than significant level. This was accomplished by requiring corresponding particulate filters that conform to ASHRAE Standards.

The efficacy of particulate filters to trap gaseous pollutants is documented by many sources, including the U.S. Environmental Protection Agency (USEPA).[1] The project design features requiring air filtration were not designed or proposed to control gaseous pollutants because their contribution to the cancer risk estimate was determined by the HRA to be *de minimis*. The HRA calculates that diesel particulates from both trucks and vehicles contribute more than 80 percent of the reported cancer risk values.

[1] U.S. Environmental Protection Agency, "Residential Air Cleaners (Second Edition): A Summary of Available Information Revised August 2009," http://www.epa.gov/iaq/pubs/residair.html#summary.

A consideration of time spent in or outdoors need not be considered in the HRA. Regulatory guidance from SCAQMD, the state Office of Environmental Health Hazard Assessment (OEHHA), and USEPA assumes that source-receptor locations are static, whereby exposures are assumed to be continuous based on the averaging time under consideration. It is important to note that the analysis assumes a "static" exposure scenario of constant exposure 24 hours per day, 7 days per week for a long-term duration (30 years). Notwithstanding that, the time spent indoors at residences is over 90 percent of the 24-hour day. The latest version of the US EPA's Exposure Factor Handbook: 2011 Edition includes empirical data that suggests on average over 21 hours per day are spent indoors at the residence for all age groups (See Table ES-1 of that document). A link to the full document is as follows: http://www.epa.gov/ncea/efh/pdfs/efh-complete.pdf.

Please refer to SCAQMD's Pilot Study of High Performance Air Filtration for Classrooms Applications,[1] which addresses SCAQMD's concern about filter efficiency associated with a scenario of open doors and windows. The SCAQMD Pilot Study was conducted to determine the effectiveness of air filtration systems in reducing the indoor exposure to air contaminants; the systems evaluated in the Pilot Study are similar to the recommended filtration system for the Project. The SCAQMD Pilot Study report clearly concludes that adequate particulate removal is achieved with "doors and windows that are frequently open to outside air" for a MERV 14 filtration system, which is consistent to the type of filtration system proposed by the Project. Therefore regardless of a positive or negative air pressure system, the Project will meet the filter efficiencies and thereby achieve reductions for indoor particulate concentrations that would be less than all of the established, applicable thresholds of significance discussed in the HRA and in the EIR. Based upon the indoor pollutant reductions achieved by the proposed filtration system, there is no need to consider whether a positive or negative air pressure system is needed; thus, the nature of such a pressure system has no bearing on the findings of the HRA. Also, as the SCAQMD notes in their Pilot Study report, filter efficiencies are achieved regardless of outside air infiltration. Therefore, there is no need for a positive or negative pressure system.

Additionally, if a pressure system were to be used, it would be a positive pressure system. Because the final building design and HVAC design of the project is not completed, it may not be entirely feasible to design a positive pressure system due to design constraints including, but not limited to fire department regulations, ducting, and insulation for the building envelope, although as discussed above, the MERV 14 filtration system of the Project does not rely upon a pressure system to effectively mitigate the Project's impacts. For reference, a positive air pressure system creates a steady flow of air out of a room, and an intake (in this case filtered air) replaces it.

---

[1] http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf?sfvrsn=0

The maintenance and continued operation of the filter will be the responsibility of the building owner (for the apartment units) and individual homeowners (for single-family residents).

Response to Comment E-4. The California Air Resources Board (CARB) Land Use Handbook ("handbook") recommends a buffer distance of at least 500 feet between new sensitive land uses and a freeway. However, pages 4–5 of the handbook acknowledge that CARB's recommendations are only advisory and "to determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel particulate matter (DPM) will decrease over time as cleaner technology phases in." The handbook goes on to state that "these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists."

The DEIR and underlying technical documents are consistent with the handbook because they include a site-specific HRA based on the actual physical relationship of the proposed development to the adjacent existing freeway.

Based upon the site-specific HRA and as noted in the DEIR, the Project would not pose a significant health risk to sensitive receptors within the proposed Project. Specifically, the HRA determined that even for homes within the 500-foot buffer, the maximum cancer risk levels are projected to be 7.81 in one million. This is less than SCAQMD's acceptable threshold of 10 in one million.

Consistent with CARB guidance, the 500-foot buffer recommendation is intended to apply when no site specific information is available and/or no site-specific health risk assessment modeling has been conducted. In this case, simply relying on the 500-foot buffer recommendation is not appropriate or required, since site specific information on the type of use, number of vehicles, and average travel speeds is generally known and since a site-specific HRA has been conducted that did not find any significant health risk impacts associated with DPM to any sensitive receptors in the project vicinity.

This Page Intentionally Left Blank

Board of Directors
Phil Williams, President
Harvey R. Ryan, Vice President
Andy Morris, Treasurer
George Cambero, Director
Nancy Horton, Director

Elsinore Valley Municipal Water District

Our Mission...
EVMWD will provide reliable, cost-effective, high quality water and wastewater services that are dedicated to the people we serve.

General Manager
John D. Vega
District Secretary
Terese Quintanar
Legal Counsel
Best Best & Krieger

February 3, 2016

LETTER F

City of Wildomar
Attn: Matthew C. Bassi – Planning Director
23873 Clinton Keith, Suite 201
Wildomar, CA 92595

SUBJECT: BAXTER VILLAGE MIXED USE PROJECT (PA NO. 14-0002)
DRAFT ENVIRONMENTAL IMPACT REPORT – DISTRICT COMMENTS

Dear Gentlemen:

Recently the City circulated for comment the Draft Environmental Impact Report (DEIR) for the Baxter Village Mixed Use Project (BVMUP). The Elsinore Valley Municipal Water District (EVMWD) has reviewed the DEIR and is providing to the City our comments on the DEIR. BVMUP is within EVMWD's service area and EVMWD is the responsible agency for providing Sewer, Water and Recycled Water to the BVMUP project. EVMWD has worked closely with City during the Preliminary Application Review (PAR) and communicated water and sewer requirements to serve this project. Detailed plan review will be required during the design phase.

The EVMWD Board of Directors adopted its 2010 Urban Water Management Plan (UWMP) in 2011, which included future growth and water supply demand for the next 25 years. Even though this BVMUP project did not require a Water Supply Assessment (WSA) as established by SB 610, the 2010 UWMP's water demand projections include BVMUP's demand requirements. EVMWD's 2010 Urban Water Management Plan is based upon findings from the planning documents of regional water purveyors such as Western Municipal Water District and the Metropolitan Water District of Southern California. It should be noted that the 2015 Urban Water Management Plan is due to the California Department of Water Resources on July 1, 2016 and EVMWD along with the regional water purveyors is in the process of updating the plan. 1

EVMWD is also in the process of updating our Infrastructure Master Plans (Water, Sewer, and Recycled Water) and has incorporated future water distribution and sewer needs from the BVMUP project as part of the Master Plan update process. EVMWD is also developing a comprehensive Recycled Water Master Plan (RWMP) for its service area. As part of the RWMP, EVMWD is considering strategies for the future of recycled water generated by new developments including BVMUP project. EVMWD is evaluating the feasibility of conducting an Indirect Potable Reuse Study (partially funded by the United

951.674.3146
Fax 951.674.9872
www.evmwd.com

31315 Chaney Street
P.O. Box 3000
Lake Elsinore, CA 92530

States Bureau of Reclamation) which will result in 100 percent reuse of the recycled water generated within EVMWD's service area.

EVMWD plans to finalize these documents for adoption by EVMWD's Board of Directors by the end of June 2016. EVMWD, as the Water, Sewer, and Recycled Water service provider to BVMUP, has reviewed the BVMUP DEIR and believes that the DEIR substantially conforms to EVMWD's Infrastructure Master Plans. 1

If you need further comments or clarifications, please contact Nemesciano Ochoa, EVMWD's Assistant General Manager, at 951-674-3146, ext. 8359.

Sincerely,

Ganesh Krishnamurthy
Water Resources Manager

GK/gk

g:\admin\1-2016 correspondence\16032se.docx

Response to Letter F

Elsinore Valley Municipal Water District (EVMWD)

Response to Comment F-1. This comment provides information on the status of related planning documents prepared by EMWD. The comment concludes that…"the DEIR substantially conforms to EVMWD's Infrastructure Master Plans." This comment does not require any changes to the data or conclusions of the EIR.

This page left intentionally blank

LETTER G

Baxter Village Draft EIR Comments

Section 4-16: I have serious concerns with permitting the developer to further degrade the already unacceptable LOS at **Intersection 5, I-15 Southbound Ramps and Baxter Road** as well as **Intersection 3, Central Street and Baxter Road.**

Concern #1:

In reference to **Intersection 3, Central Street and Baxter Road, on page 4.16-31 the Draft EIR states:** "Mitigation Measure 4.16.6.1A requires that the intersection improvements be constructed prior to occupancy of any development on the project site that would generate more than 50 outbound AM peak-hour trips at intersection 3. The mitigation measure also requires that any development on the site prior to installation of the improvements either verify the anticipated number of trips to the City or agree to install the improvements prior to occupancy."

The related **Mitigation Measure 4.16.6.1A states:** "The following intersection improvements shall be completed prior to the issuance of a certificate of occupancy for development on the project site that would, combined with any previous development on the site, generate 50 or more AM peak-hour outbound trips at this intersection: 1

- Traffic signal with protected left-turn phasing on the eastbound approach of Baxter Road
- Northbound approach: N/A
- Southbound approach: one left-turn lane, one right-turn lane.
- Eastbound approach: one left-turn lane, one through lane.
- Westbound approach: one through lane, one right-turn lane.

Any application for development prior to installation of the intersection improvements shall provide to the City an estimate of trips associated with the proposal prepared by a traffic engineer, demonstrating that the number of trips at this intersection are below the threshold of 50 AM our outbound trips, or the intersection improvements shall be required prior to occupancy."

My comment #1 is: Any incremental approach to constructing these absolutely necessary traffic improvements must **as a minimum provide a left turn lane** at this intersection for east bound traffic on Baxter Road prior to any onsite construction, much less any occupancy.

Concern #2:

In ref to **Intersection 5, I-15 Southbound Ramps and Baxter Road, page 4.16-32 the Draft EIR states:** "…will enter into a development agreement with the City to submit the design of the signal to Caltrans for approval prior to issuance of the first building permit, and to begin construction of **the signal prior to the issuance of a certificate of occupancy for the twenty-second single-family home or thirtieth apartment, or 10,000 square feet of commercial retail space, whichever occurs first**."

On page 4.16-32 of the Draft EIR Mitigation Measure 4.16.6.1B states: 2
"… **Construction of the signals shall begin prior to construction of more than 22 single-family dwelling units (or 30 apartments), or construction of more than 10,000 square feet of commercial retail uses**."

My comment #2 is: This wording opens the door to permit **a total of** 21 single-family dwelling units, **and** 29 apartments, **and** construction of than 9,999 square feet of commercial retail uses prior to construction of the signal. This needs crystal clear wording in both instances.

Concern #3:

In ref to **Intersection 5, I-15 Southbound Ramps and Baxter Road, Page 78 of the Draft EIR's Appendix K-1 states "Construct an eastbound right turn lane and install a traffic signal"** 3

My comment #3 is: As a minimum provide a right turn lane at this intersection for east bound traffic on Baxter Road to enter the southbound I-15 onramp prior to any onsite construction, much less any occupancy.

Concern and My Comment #4:

I see a comment on construction related noise in the Draft EIR. I could not find any mention of a traffic management plan during construction. What is the plan to **not** bring Baxter Road and Central Avenue to a standstill during construction? Implementing my comments #1 and #3 above would be a good start. 4

Mr. Monte Goddard
Wildomar Resident

Response to Letter G

Monte Goddard

Response to Comment G-1. The limited development intensity allowed under the 50 peak hour trip cap would not necessitate a dedicated eastbound left-turn pocket at the Central/Baxter intersection to achieve the City's requisite LOS threshold, as shown in the project's Traffic Impact Analysis. It is anticipated that the interim project would generate approximately 5 eastbound left-turns during the AM peak hour, and 12 eastbound left-turns during the PM peak hour, which on average would result in one left-turning vehicle every 12 minutes during the AM peak hour, and one left turning vehicle every 5 minutes during the PM peak hour. However, once the project generates 50 outbound AM peak-hour trips at this intersection, one left turn lane and one through lane will be added to the Eastbound approach, consistent with Mitigation Measure 4.16.6.1A

Response to Comment G-2. The intent of the wording is to provide for either/or and not in addition to. For clarification, the clause "whichever occurs first" will be added to the end of Mitigation Measure 4.16.6.1B which is consistent with the intent.

Response to Comment G-3. An eastbound right-turn lane at Traffic Impact Analysis Intersection 5 (I-15 Southbound Ramp/Baxter Road) is not required to mitigate direct impacts due to project traffic. However, the technical report does note that a right-turn lane is needed in the future to accommodate future growth in the area. The final geometric design for the I-15 Southbound Ramp at Baxter Road will be based on plans as reviewed and approved by the City of Wildomar and Caltrans.

Response to Comment G-4. Development of a traffic management plan is a standard condition of approval for construction projects in the City of Wildomar and will be applied to this project as well. Additionally, although it does not change the significance determination of the study or the EIR, Mitigation Measure 4.16.6.1C has been added to limit transport of soil to other than the typical morning and evening peak commute hours (i.e., 7:00–9:00 a.m. and 4:00–6:00 p.m.) and to prepare a Construction Traffic Management Plan for review and approval by the City prior to grading (see Section 3 and MMRP).

This page intentionally left blank

BLUM | COLLINS LLP

Aon Center
707 Wilshire Boulevard
Suite 4880
Los Angeles, California
90017

213.572.0400 phone
213.572.0401 fax

February 12, 2016

Matthew C. Bassi, Planning Director
Planning Department
City of Wildomar
23873 Clinton Keith Rd., Suite 201
Wildomar, CA 92595
mbassi@cityofwildomar.org

LETTER H

Via Email & U.S. Mail

Re: *Comments on Baxter Village Mixed Use DEIR*

Dear Mr. Bassi and the City of Wildomar:

Pursuant to the California Environmental Quality Act ("CEQA"), this letter is to serve you with comments on behalf of the SoCal Environmental Justice Alliance ("SEJA") regarding the Baxter Village Mixed Use Project ("the Project" or "Baxter Village") Draft Environmental Impact Report ("DEIR"). 1

Aesthetics

As to scenic vistas, your DEIR concludes that the Project would block views of motorists from the I-15 looking toward the Santa Ana Mountains, and of pedestrians on White Street looking toward the Sedco Hills but that blocked views would only be of the lower portions thereof. We consider this a significant impact. Moreover, you have not addressed the impacts to residents to the west of the Project. 2 3

As to scenic highways you conclude that since the I-15 at the point of the Project is only an Eligible Scenic Highway – Not Officially Designated, it is not required to provide a formal Visual Impact Assessment to Caltrans, and that "there are no designated local scenic roadways near the project site." We believe that the fact that I-15 in this segment is an Eligible Scenic Highway means the impact of the Project could be significant and mitigation should be required. 4

Regarding the Existing Visual Character of the Site, you acknowledge that the proposed Project will substantially change the views of both nearby residents and motorists. You claim that this part of Wildomar is transitioning consistent with the City's General Plan which designates the area surrounding the project as Medium Density Residential. This doesn't comport with the Zoning Map which designates the area to the east and north of 5

the site as Rural Residential. Moreover, the question here isn't how the land is zoned or planned but what is the visual character of the site *now* relative to the proposed Project. 5

Finally, the General Plan's Goals and Targets are inconsistent with the Project. LU 13.1's goal is to "Preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public"; the Project is inconsistent with this. O.S. 9.3 says "Maintain and conserve superior examples of native trees, natural vegetation and *stands of established trees*" – the Project doesn't do this. OS 21.1 says "Identify and conserve the skylines, view corridors and outstanding scenic vistas within the City." You claim the Project won't "substantially obstruct" any scenic vistas but it will impact multiple vistas from I-15 and White Street. Finally ELAP 13.1 states "Protect I-15 from change that would diminish the aesthetic value of adjacent properties"; you claim the Project is consistent with this but it is not. 6

As to Light and Glare, you concede that "[d]evelopment of the project site would introduce new sources of light and glare into the area in the form of street lighting, parking lots and security lighting for commercial and residential buildings and nighttime traffic, as well as landscaping lights," but you contend that adherence to the Wildomar Municipal Code will reduce these impacts to less than significant levels. We believe that in accordance with Appendix G's question whether the project will introduce substantial new light and glare, the answer is yes. 7

Next, as to cumulative impacts, you claim that compliance with the City's General Plan and Municipal Code standards would assure there was no significant impacts to scenic vistas or visual character. We beg to differ. The Project in combination with other projects would create a significantly different visual character for the City and for passing motorists. Figure 2.1 shows there are significant cumulative projects planned along the I-15 corridor in Wildomar. As to cumulative impacts to lighting, you claim they would be reduced through adherence to applicable City lighting standards, but this does not alter the fact that nighttime views will be significantly altered. 8

<u>Air Quality</u>

As an initial matter, the proposed Project would place approximately 653 sensitive receptors next to a major freeway, with a number of them less than 500 feet away. This is contrary to California Air Resources Board ("CARB") recommendations as well as to your own General Plan. *See* General Plan Policy AQ 2.2, "Require site plan designs to protect people sensitive to air pollution through the use of barriers and/or distance from emissions sources." Shockingly, you claim the development is "consistent" with this policy because the Project has setbacks from the residential to the commercial areas planned. DEIR at 4.3-15. Obviously the concern regarding air quality should be focused on diesel particulate matter ("DPM") from the I-15. Given this concern, the site is much better zoned for commercial uses (which is what most of the rest of the I-15 corridor is planned to be under Wildomar's General Plan). Nevertheless, you excluded a commercial use from your alternatives analysis. 9

As a second initial matter, we note that you declined to follow Appendix G of the CEQA Guidelines as to Air Quality in your identification of Thresholds. This led to your not asking the question whether the Project would "result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment . . ." *See* CEQA Guidelines, Appendix G, item III(c). 10

At DEIR 4.3-21 you indicate that you used the minimum distance Local Significance Threshold ("LST") since the nearest sensitive receptors were 62 feet away – however, the minimum distance LST assumes a distance of 82 feet. This is not, as you claim it is, a "worst case estimate." 11

At 4.3-22 you list the South Coast Air Quality Management District ("SCAQMD") criteria for determining whether a project would conflict with or obstruct the implementation of the Air Quality Management Plan ("AQMP"). You note that SCAMD states that the proposed project will result in a violation if it will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards. SCAQMD has determined that the California Ambient Air Quality Standards ("CAAQS") or National Ambient Air Quality Standards ("NAAQS") would be violated if their LSTs are exceeded. 12

In Section 4.3.5.2 you address your Health Risk Assessment ("HRA"). You note that CARB has advised against placing residential land uses within 500 feet of a freeway and that it has concluded that doing so results in an increased cancer risk of from 300 to 1,700 per million. You fail to note that CARB's Handbook states that this assessment discounts the background risk and that they conclude the estimated regional risk from air toxics alone in the Los Angeles region are an additional 1,000 in a million. *See* CARB Air Quality and Land Use Handbook (2005). (The CARB Handbook should be in the record since you relied upon it.) SCAQMD calculates the average background rate in the entire South Coast Basin at 1,400 in a million. *See* SCAQMD Guidance Document, Chapter 2 (Attachment A). We doubt that your HRA factored in background levels of pollution. Additionally, we question whether it accounted for increased traffic counts which you acknowledge will develop on the I-15 (in addition to the present – or present as of when you wrote the DEIR – 116,000 vehicles a day). What happens at General Plan Buildout in 2035? Additionally, the HRA supposedly calculated less than 10 in a million cancer risk based on the use of air filtration units. We question whether these filtration units will curtail indoor air pollution to the degree you have assumed and we are certain that they will not work outside where the residents are recreating. Finally, studies have shown that children are particularly at risk for TACs and can experience asthma as well as cancer risks as a result of exposure. For that matter, all individuals are at risk of increased asthma and other respiratory problems. You have not made mention of this at all in your analysis. 13 14 15 16 17 18

Regarding your HRA you rely on thresholds for a 30-year and 9-year exposure scenarios. We thought that OEHHA required analysis of 70-year exposures. 19

At 4.3-23 you state that "Additionally, as part of the project design, the Project Applicant has agreed to the implement the following design measures to *further* reduce exposure to pollutants," and you refer to the air filter installations. This isn't an "additional" measure, it was one that was required to get your Health Risk Assessment to come in at under 10 in one million. Finally, you do not include the air filters as a mitigation measure for the Project. This means it is not enforceable. 20

Regarding construction impacts, you concluded that you could use the SCAQMD's look-up tables to determine of the Project had a significant impact, rather than the dispersion modeling required if the Project disturbs more than five acres per day. Yet you did not include the requirement that the Project disturb less than five acres a day as a mitigation. 21

Table 4.3.H shows Construction Impacts relative to LSTs of PM_{10} and $PM_{2.5}$ exceeding the thresholds. You assume that Mitigation Measures ("MMs") 4.3.6.1A (all rubber tired dozers and scrapers shall be CARB Tier 3 certified or better) and 4.3.6.1B (a sign will be posted prohibiting more than 5 minutes of idling on site), together with adherence to SCAQMD Rule 403, will reduce levels of these pollutants to less than significant levels. We question whether these measures will reduce emissions, particularly emissions of $PM_{2.5}$, to less than significant levels. 22

Regarding Long-Term Operational Emissions, you conclude that the Project would result in an increase of NO_x in excess of applicable standards. You claim that MM 4.3.6.3A will reduce these emissions to less than significant levels. However, if one looks at Table 4.3.K, the contribution of winter emissions of NO_x is only 1.3 lbs/day, and Total Project Emissions are 56.8 lbs/day, so if you eliminate energy consumption emissions entirely you are still at the threshold of 55 lbs/day. You cite to Table 4.3.M where you have reduced emissions projected from mobile sources due to the mixed use nature of the Project. We question the assumptions that went into this reduction and it is logically inconsistent with your earlier table. 23

Regarding cumulative impacts, you rely on SCAQMD guidance to conclude that cumulative impacts are not exceeded because the Project does not exceed project-specific thresholds. We do not believe it is appropriate to rely on the SCAQMD guidance as it flies in the face of multiple CEQA Guidelines as well as Pub. Resources Code §21083(b)(2). *See* Guidelines §§ 15130(a), 15064(h)(1), 15065(a)(3), 15355(b). CEQA does not excuse an EIR from evaluating cumulative impacts simply because the project-specific analysis determined its impacts would be less than significant. Gordon & Herson, "Demystifying CEQA's Cumulative Impact Analysis Requirements: Guidance for Defensible EIR Evaluation," *Cal. Env't'l. L. Reporter* 379, 381 (Sept. 2011)(Vol. 2011, Issue 9) (Attachment B). We also note that we were unable to find the SCAQMD guidance on its website. 24

As noted above, we also think you have failed to assess cumulative impacts in your HRA and you failed to address short-term health risks at all.

Biological Resources

Regarding impacts to special status species, we disagree with your conclusions for a number of reasons. First, relating to the paniculate tarplant, this is a California Native Plant Society ("CNPS") plant of limited distribution. It has California Rare Plant Rank ("CRPR") 4, which means that it is "fairly endangered" in California, and merits CEQA consideration, and meets the standard you yourself set, "rare and endangered in California but . . . more common elsewhere." Mitigation is therefore appropriate, after a finding of significance. *See* Attachment C. 25

Second, you indicate that seven special status species are present on the site but do not require surveys with payment of the Multi-Species Habitat Conservation Plan ("MSHCP") fee. One, we dispute this assumption. Elsewhere in the DEIR you suggest that surveys *are* required. *See* DEIR at 4.10-7. Two, under CEQA you have to assess potential impacts regardless of what the MSHCP says. Three, this assumes that the MSHCP is effective, and there are reasons for believing it may not be. Specifically, the RAND Corporation concluded in 2008 that there are questions as to the MSHCP's ability to purchase lands based on the fees it is receiving and to achieve the reserve strategy relied upon by the US Fish and Wildlife Service in their Biological Opinion and CEQA analysis. *See* "Balancing Environment and Development: Costs, Revenues, and Benefits of the Western Riverside County Multiple Species Habitat Conservation Plan" (RAND 2008). RAND further concluded that (1) operating costs for the MSHCP exceed original forecasts, and (2) individual acreage goals cannot all be met using the U.S. Fish and Wildlife Service's ("USFWS's") conceptual reserve design ("CRD"). We reiterate that the MSHCP cannot afford to purchase lands; although there was some funding passed for 2015 to 2019, we doubt that further funds will be forthcoming from Congress. *See* Attachment D. 26

You also declined to survey for the Jacumba pocket mouse, the San Diego desert woodrat, the western mastiff bat and the pallid bat. We disagree with your conclusion that they have a low potential to occur on the site and with regard to the bat species we disagree with your conclusions on foraging habitat. *See* Attachments E and F. 27

Finally, you concede (contrary to what you did as to seven other species) that you must do additional surveys for the least Bell's vireo. But you conclude without having done these surveys that there are no significant impacts to any species other than the burrowing owl. 28

Mitigation Measure 4.4.6.1A requires that within 30 days prior to ground disturbance there be a preconstruction survey for burrowing owl. California Department of Fish & Wildlife ("CDFW," formerly "CDFG") guidance, to which you cite, calls for take avoidance surveys no less than 14 days prior to ground disturbance. *See* CDFG Staff Report on Burrowing Owl Mitigation (March 7, 2012), Appendix D. Moreover, it requires up to four surveys. 29

Regarding the question whether the Project would have a substantial adverse effect on any sensitive community, you acknowledge that the existing eucalyptus woodland and southern riparian scrub are considered sensitive by the California Natural Diversity Database ("CNDDB"). You propose MM 4.4.6.2A and state that mitigation that is not a part of an agency approved mitigation bank shall include a Habitat Monitoring Mitigation Program which shall be prepared prior to any impacts to habitats. We question whether this will provide for mitigation in perpetuity and it should be provided for in the Mitigation Monitoring and Reporting Program for the Project. 30

At 4.4.6.3 regarding Jurisdictional Waters, you indicate that a Determination of Biologically Equivalent or Superior Preservation ("DBESP") was conducted and that Drainage C was not found suitable for plant species afforded protection under the MSHCP. What about other sensitive plant species? 31

MM 4.4.6.3A calls for permits from the relevant agencies, U.S. Army Corps of Engineers ("USACE"), Regional Water Quality Control Board ("RWQCB") and CDFW. This MM calls for offsite mitigation on land acquired for the purpose of in perpetuity preservation. What measures assure that the land will be preserved in perpetuity? 32

At 4.4.7 regarding Cumulative Impacts you assume that compliance with the MSHCP and the burrowing owl measures will reduce cumulative impacts to less than significant levels. Again, this depends on the functioning of the MSHCP and your mitigation for non-MSHCP species, some of which you have not even surveyed for. 33

Cultural and Paleontological Resources

In Section 4.5 you conclude that there will be less than significant impacts to the R.J. Brown House because, you claim, it lost its historical significance when it was moved from its original site. As you know, it was moved from its original site because it was considered culturally significant. We disagree with your conclusion there is no significant impact. 34

Regarding Paleontological Resources, you recognize that the majority of the Project site is underlain by deposits that have yielded finds in many nearby areas in Southern California. MM 4.5.6.2A states that if fossils are discovered during grading work will be halted "in that area" until a qualified paleontologist can be retained. Under the circumstances (since this is a significant impact that requires mitigation) we believe you should retain the paleontologist before grading begins to instruct workers as to when they may be encountering a fossil, since it is not readily apparent. 35

Finally you conclude cumulative impacts regarding both are less than significant. Not leaving the resources in place, combined with not leaving the resources in place throughout the other projects under development throughout Wildomar, is a significant impact. 36

Geology and Soils

Under 4.6.3, Methodology, you state that in determining the level of significance your analysis assumes the construction and operation of the Project would comply with relevant State and Federal laws and regulations as well as with the General Plan. You need ordinances in order to enforce the General Plan – do you have those in place? 37

At 4.6.5.3, Seismic-Related Ground Failure, you acknowledge that Pauba Sandstone and alluvium *underlying* the bedrock have been shown to be a factor in subsidence but you claim that this will not be an issue after grading. Were you going to grade below the bedrock? Additionally, the Project involves imported fill. What analysis has been done of the fill material, and why are we not to worry about the existing 723,422 cubic yards of earthwork? 38

At 4.6.5.4 you discount the potential for soil erosion based on what appears to be an as-of-yet undeveloped Storm Water Pollution Prevention Plan ("SWPPP"). The SWPPP for construction impacts should have been developed already, but, unless we've missed it, you don't have one. 39

At 4.6.6.1 you acknowledge that the Project could experience substantial ground shaking. You haven't quantified the likelihood of an earthquake in the region in the DEIR, which we think is contrary to standard practice. The MM 4.6.6.1A states that the developer should implement the recommendations of Geocon West in its March 26, 2015 report. We believe to be enforceable that the Mitigation Measure should include the specific recommendations. The DEIR then concludes that with the implementation of these mitigations the impacts from ground shaking will be less than significant. We don't think this conclusion is based on substantial evidence. Among other things Monserate sandy loam and Ramona sandy loam are both underlain by clay. Also there is alluvium. *See* DEIR at 4.6-8. From what we can see, you haven't proposed cutting all the material and not using it as fill. 40

Regarding Cumulative Impacts, you conclude that compliance with City, County and State regulations will be adequate to prevent a significant impact. But the increased need for public services from a major earthquake will be greater. 41

Greenhouse Gas Emissions

As you note, CEQA Guidelines section 15064.4 calls for the lead agency to consider the "extent to which the project may increase or reduce greenhouse gas ["GHG"] emissions as compared to the *existing* environmental setting." However, your GHG analysis relies almost solely upon measures adopted as a result of AB32 to claim it has "reduced" impacts to less than significant levels. The measures adopted by CARB in the Scoping Plan are measures in the *existing* environment. You went back to 2005 levels to calculate "Business As Usual" ("BAU") emissions. We do not think this is a proper baseline. The measures in the Scoping Plan have nothing to do with the contribution of land use to 42

GHG emissions. You have improperly skewed your analysis by using an inaccurate and hypothetical baseline that allows you to achieve reductions beyond 28.5 percent of BAU. 42

Further, you have failed to conclude based on substantial evidence that the Project's GHG emissions will not have a cumulatively significant impact on the environment. The DEIR discloses no basis for concluding that the project-level reductions are consistent with AB32's statewide goal. *See Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 225, 227 ("At bottom, the EIR's deficiency stems from taking a quantitative comparison method developed by the Scoping Plan as a measure of the greenhouse gas emissions reduction effort required by the state as a whole, and attempting to use that method, without consideration of any changes or adjustments, for a purpose very different from its original design: to measure the efficiency and conservation measures incorporated in a specific land use development proposed for a specific location. The EIR simply assumes that the level of effort required in one context, a 29 percent reduction from business as usual statewide, will suffice in the other, a specific land use development.") 43

You assume that because the growth resulting from the Project is anticipated by SCAG's projections, there are no significant GHG impacts. To the contrary, you should have assessed the additional vehicle miles travelled ("VMT") that the Project will generate. As you recognize elsewhere in the DEIR, "Since job opportunities in the project and City are low relative to the rest of the SCAG region, most residents would need to commute to work. This would incrementally increase the overall VMT of the City." (And thus, it is not consistent with SCAG's Regional Comprehensive Plan.) 44

At Table 4.7.C you conduct a General Plan consistency analysis. As to EJ 2.19, "Encourage public and private development to achieve LEED certification," you claim that the Project "may meet many of the LEED building standards" but may not go through certification. This is *not* consistent. The LEED standards exceed Title 24 requirements. 45

<u>Hazards and Hazardous Materials</u>

At 4.8.5 you conclude there are less than significant impacts relating to airports, stating that there are no airports within two miles of the site. Elsewhere in the DEIR you state that the nearest airport is 1.9 miles away. 46

<u>Hydrology and Water Quality</u>

Regarding the question whether the Project would substantially alter existing local drainage patterns and substantially increase the rate or amount of surface runoff, Table 4.9.F has a calculation error with respect to Area B for Pre-Project versus Post-Project 10-year, 24-hour flow rates. It compares the pre-condition at 5.66 to the post condition at 7.17 and concludes the difference is 4.51. This suggests there were alterations to your base calculations after the Table was generated. 47

Next you posit that there will be five sand filter basins and two subsurface basins, and that "These basins would be regularly maintained by a Home Owners Association and Property Owner's Association." We were previously informed that the Project was to contain apartments. Is there a property owner from offsite that will do this maintenance? 48

You also conclude that the Project would not substantially deplete groundwater supplies based on the availability of imported water from the Metropolitan Water District ("MWD") to the Elsinore Valley Municipal Water District ("EVMWD"). The assumption that EVMWD is able to import water to prevent significant groundwater overdraft is not supported by the figures from MWD as to demand versus supply. *See also* EVMWD Groundwater Management Plan (2005) at ES-2 (prior to current extreme drought, EVMWD concluded that "the Elsinore Basin may be in a state of overdraft (about 4,400 afy)" and that a "continuation of the current conditions to the year 2020 will result in an increased overdraft (about 6,500 afy) and a significant decline in water levels.") 49

You assume that "[s]hort term water pollutant discharge from within the project would be mitigated through compliance with the required NPDES permits, resulting in a less than significant impact." Similarly you assume that site BMPs will mitigate operational impacts to less than significant. Assuming that compliance with NPDES permits will alleviate water pollution impacts is not supported: as the DEIR itself recognizes,

> there are four receiving waters downstream of the project site as identified in the most recent Federal Clean Water Act (CWA) Section 303(d) list of impaired water bodies – Murrieta Creek for pesticides (Chlorpyrifos), metals (copper, iron, manganese), nutrients (nitrogen, phosphorus) and toxicity; the Upper Portion of the Santa Margarita River for nutrients (phosphorus) and toxicity; the Lower Portion of the Santa Margarita River for bacteria and viruses (Enterococcus, fecal coliform), and nutrients (phosphorus, nitrogen); and the Santa Margarita Lagoon for nutrients (eutrophic) (WQMP, JLC Engineering and Consulting 2015, Receiving Waters for Urban Runoff from Site – Santa Margarita Watershed). 50

This is despite NPDES permits.

At 4.9.7 regarding Cumulative Impacts, you recognize that cumulatively, development in the watershed will result in increased impervious surfaces and association pollution runoff, but you conclude that NPDES permits will reduce this impact to less than significant levels. We disagree for the reasons stated above. And again, you are conflating project-level analysis with cumulative impacts analysis. Further, your assumptions regarding availability of imported water to mitigate EVMWD's overdraft conditions are not supported on a cumulative level. 51

Land Use

As you note regarding land use, one of the thresholds of significance is whether the Project would "conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project." As you note, the Project would require a General Plan amendment and zoning change. Clearly, it is not consistent and there is a significant impact in this regard. Additionally, the Project site was originally identified as satisfying a portion of the City's Regional Housing Needs Assessment ("RHNA") for low, very low and extremely low income households. 52

Regarding your General Plan consistency analysis, you also state that the Project is consistent with Policy LU 22.6, "Require setbacks and other design elements to buffer residential units to the extent possible from impacts of abutting . . . roadway . . . uses." The Project is not consistent with this Policy. Setbacks could easily have been provided to limit residential exposure to Toxic Air Contaminants ("TACs") from the freeway. Regarding LU 23.5, "Concentrate commercial uses near transportation facilities and require the inclusion of facilities to promote the use of public transit, such as bus turnouts," you state that the Project is consistent merely because "Two bus routes have stops less than a mile from the site." It appears that there is now only one bus route within a mile and that is Route 8, which we believe is 0.86 miles away. Moreover, you have not included a facility for promoting transit use such as a bus turnout. Finally, you conclude the Project overall is consistent with the General Plan, but the fact is you have to amend the General Plan in order to allow that more than 50% of the site will be developed as residential. 53

Next you move on to compliance of the Project with the Southern California Association of Governments' ("SCAG's") Regional Comprehensive Plan ("the RCP"). The RCP has a goal of targeting growth in housing, employment and commercial development within walking distance of existing and planned transit stations. Again, the Project does not qualify. The RCP also lists as an Outcome to "improve the regional jobs-housing balance." You concede that the jobs-housing ratio for the City is (extremely) jobs-poor at 0.32 relative to the SCAG region's 1.14, but you claim that the Project's commercial element deals with this. To state the obvious, if you left the General Plan designation at MUPA (Mixed Use Planning Area) or changed it to Commercial, that would better improve the jobs-housing imbalance. 54

Regarding RCP Policy LU-6.2, "Developers and local governments should integrate green building measures into project design and zoning such as those identified in the US Green Building Council's [LEED], Energy Star Homes, Green Point Rated Homes, and the California Green Builder Program," we believe SCAG was calling for *more* than just complying with Title 24. You assume consistency with this Policy inappropriately as a result. We have the same comment regarding your consistency with Policy EN-10. Regarding Policy WA-12, you claim consistency because of "water efficient" landscaping design. We don't think this is the xeriscaping the Policy calls for, and this doesn't incorporate weather-based irrigation systems either. Policy SW-14 calls for reduced resource consumption and recycling both for building construction and lifetimes. 55

You again revert to meeting existing legal requirements. We believe SCAG's Policy intends more than that. SCAG was calling, among other things, for a local ordinance on top of existing requirements. 56

Starting at 4.10-23 you analyze the Project's consistency with the SCAG Regional Transportation Plan and Sustainable Communities Strategy ("RTP/SCS"). It's not consistent, and this is one reason why your GHG analysis is flawed. First, SCAG calls for increasing their share of growth in High Quality Transit Areas ("HQTAs"). You claim the Project is consistent because "local transit has numerous bus routes that serve the City." First of all, the Project is not in a HQTA. Second, the question is whether there are transit routes *accessible to the Project*, and there appears to be one, nearly a mile away. Next SCAG wants to decrease the average distance for work and non-work trips. You claim your Project is consistent because the Project includes commercial uses "that would incrementally reduce commute distances for residents." It's not consistent. As you elsewhere concede, "most residents would need to commute to work." Then the RTP/SCS calls for increasing the percentage of work trips of less than three miles. You claim the Project would be consistent by adding its commercial/retail element. Wrong. There is no proof that residents will work in the retail center – many if not most could not afford to – and there is no proof that the retail center will employ Wildomar residents generally. The same is true for SCAG's goal of reducing the statistical distribution of work trip lengths. 57

The RTP/SCS goes on to call for reduced emissions of criteria pollutants and GHG emissions. With regard to both, it is certain the Project will increase emissions, though it may not do so beyond criteria pollutant thresholds. This is not consistent. Next, SCAG wants local governments to reduce annual household transportation costs. Here you concede that the "majority of residents . . . will be traveling to work outside the Wildomar area." Still you claim it is "Generally Consistent." We disagree. Then they call for increasing the percentage of jobs within 15 minutes' walk of transit. The only bus route now extant is more than 15 minutes from the Project. 58

Overall, you claim, the Project is consistent with the RTP/SCS. We disagree. Our assessment is that you meet fewer than half of the performance standards in it. This represents a significant impact and it should have been addressed in the GHG section.

<u>Noise and Vibration</u>

Noise. In your analysis of noise you concede that Wildomar has not set a threshold for noise between 6 am and 6 pm during the months of June to September or 7 am to 6 pm October to May. Then the DEIR goes about setting one: 59

> To determine a threshold for construction noise, worker noise safety standards of other agencies were reviewed. The rationale is that if a maximum construction noise level is generally safe for construction workers who were exposed to the noise all day, noise level should also be

> safe for adjacent residents who are typically farther from the noise source and exposed only briefly during the day.

59

One problem here is that you are adopting a *safety* standard to determine annoyance limits. Safety standards are meant to prevent *hearing loss*. Another problem is that you're concluding baselessly that residents are exposed to only briefly during the day. What if they work from home, or they don't work? A third problem is that you use that threshold to assess noise impacts at the site of the receptors. Thus, your rationale that residents are typically farther away makes no sense at all.

60

You conclude there will be no airport noise impacts because Skylark Field is more than two miles away, but elsewhere you state that it is 1.9 miles away. Further the airport noise can be cumulative to other noise for both the construction and operation phases of the Project.

61

You recognize that construction noise could be up to 87.1 L_{eq} dBA for the closest receptors. According to your chart at 4.12-3, this is just below the level at which a receptor would experience hearing loss (90 dBA). This is clearly unacceptable. Then you implement MM 4.12.6.1A which calls for a construction noise mitigation plan. This is already required by General Plan Policy N 12.3. Your construction noise mitigation plan is to assure that noise levels do not exceed 85 dBA at any time when measured at the nearest property line of noise receptors. This is well above where the EPA range begins for "Very Noisy" in your chart at Figure 4.12.1 at 4.12-3. This is not mitigation to less than significant levels.

62

Regarding operational noise you note that the threshold is 45 dBA CNEL, and you try to get below this threshold with regard to freeway noise by imposing some construction standards. You recognize that you don't have the adequate specifications yet which means that you can't project whether the impact will be significant or not.

63

Regarding cumulative noise impacts you state that it is unlikely the adjacent properties will be developed at the same time but that in the unlikely event they are the City's Municipal Code would mitigate all impacts. We are not convinced. You're already allowing noise up to and at 85 dBA for neighbors. Additional construction would obviously have cumulative noise impacts.

64

Vibration. You recognize that groundborne vibration from a large bulldozer I Would produce 87 VdB at 25 feet. The nearest sensitive receptor is approximately 50 feet away, and you state get the maximum level the vibration felt would be 78 VdB. You claim this is below the FTA human annoyance standard of 80 VdB. First these are approximate numbers. Second, the FTA threshold, from what we can tell, is ***75*** to 80 VdB. *See* FTA Chapter 7 at 7-7 (Attachment G)("residential vibration exceeding 75 VdB is unacceptable for a repetitive vibration source . . . The results of [a] Japanese study confirm the conclusion that at a vibration level of 75 to 80 VdB, many people will find the vibration annoying").

65

Parks and Recreation

As you note, the Quimby Act calls for parks of 3 acres per 1,000 people. As you further note, the City has far less than this. The City currently has a deficit of approximately 86.88 acres of parkland. With the increase in population from the Project the City would have a further deficit. Table 4.15.B claims that there would be three new acres of parkland but elsewhere you state that the dedication would only be 1.96 acres. You claim that "payment of these fees and taxes will result in project impacts associated with this issue being less than significant." We don't see how. We also think the Project is not consistent with General Plan LU 19.5 and EJ 3.14. We think it is ludicrous to assert that the 5.41 acres of open space on the Project site will be "publically accessible" for environmental justice purposes. 66

Transportation and Traffic

General Plan consistency analysis. Policy C 3.9 provides for the design of off-street loading facilities for all new commercial and industrial construction so that they do not face surrounding roadways *or residential neighborhoods.* The way the Project is designed loading and unloading will have to occur in the parking lot for all but the 26,000 square foot building. 67

Policy LU 12.1 says "Provide land use arrangements that reduce reliance on the automobile and improve opportunities for pedestrian, bicycle and transit use." You claim the Project is consistent because the Project will install sidewalks. But the Project doesn't encourage transit use because there is only one line 0.86 miles away. 68

Policy C 4.5 means to assure that there are proper routes such as local pedestrian or bike paths or a local transit route to access schools. There appears to be a very circuitous and time-consuming route to Donald Graham Elementary School and no transit to any of the three schools. 69

Trip Generation Assessment. You assume only 38 trips out from 104 homes during the AM peak hour, with 42 returning during the PM, and only 84 trips from 166 apartments during the AM peak hour, with 82 returning during the PM peak. We think these are underestimates. You also assume a total of 2,850 daily trips reduced by internal capture. Even if you cut this in half you are assuming more than two trips per resident per day to the commercial area. Again, we think this is overly optimistic. We also note that in your Alternatives Analysis, at around 6-8 in the DEIR, you discuss the Project as generating 6,386 average daily trips ("ADT"), as opposed to the 4,777 you ultimately found. We don't know what caused your calculations to change, but we suspect the earlier number is more representative. 70

Thresholds of Significance. Under the CEQA Guidelines you were to have assessed whether the Project would conflict with an applicable congestion management program. You skipped this analysis. Riverside County includes I-15 all throughout the County as subject to its CMP. You say thresholds for intersections under the jurisdiction of the City 71

make an impact significant if the intersection has a pre-project level of service of E or F, and the project will add an additional 5 seconds to wait times. We don't know on what basis you are adopting this threshold. We think if it adds to such conditions at all it should be significant. 71

Existing Plus Project Impacts. At Intersection 3, Central Street/Baxter Road, you state that certain improvements would make the level of service ("LOS") acceptable but that "As it is likely that the project will be developed in smaller phases for which construction of the signal may not be feasible," the traffic engineer has concluded that 50 outbound peak AM trips could be accommodated before the LOS drops to unacceptable levels. Again, we think that you have underestimated the number of trips the Project is likely to generate. 72

At Intersection 5, you don't take the same approach, concluding instead that the mitigation measure proposed can wait until 30 apartments or 22 single family dwelling units or 10,000 square feet of commercial space is occupied. What if the developer creates a combination of these three? Also this ignores that the intersection is at LOS F already, and you haven't stated a basis for your 5-second threshold under that circumstance. You conclude that the impact won't be significant with your mitigation, but as you note, you have no control over whether Caltrans grants an encroachment permit, so you have to assume this impact will be significant. 73

You conclude that with implementation of the MM's we can be assured that an acceptable LOS will be maintained. However, you have not calculated in cumulative impacts in this scenario – and if we are not mistaken, you used data from 2013 as to existing traffic conditions. 74

Project Buildout. Table 4.16.K purports to reflect LOS's for the five impacted intersections under this scenario. It appears as though the impacts for Intersections 3, 5 and 7 are the same even with cumulative projects. We find this hard to believe – what are the assumptions that underlie this? 75

<u>Utilities and Services</u>

Water Supply. Table 4.17.A shows 70.581 afy of projected supply in 2035 compared to water demand of 65,258 afy of demand, but not all of the water supply is potable (by our understanding, the "recycled water" and "lake replenishment" categories would not be). This indicates that there is not enough water to meet demand. Also the Table assumes "average year hydrology," which we haven't had for years. As you know, EVMWD gets half of its water from MWD and MWD's supplies have been curtailed. The agency's storage in the Colorado River stood at less than 50% capacity in 2014 and imports from the State Water Project ("SWP") were only at 20% in 2015. Your information reflects that MWD's storage was at 1.2 million af, and MWD sold 2.06 million af of water in the 2013/2014 fiscal year. 76

You state that MWD's most recent Regional Urban Water Management Plan ("RUWMP") indicates that SWP supplies combined with other supplies would be adequate to meet demand. But the RUWMP was generated before our recent drought conditions, it assumes that the Sacramento Bay Delta conveyance will be fully operational as of 2022, and the Project relies on 70% imported water. 77

As you note, the U.S. Drought Monitor identified 58 percent of California as in Exceptional Drought Conditions, the worst category possible, and over 80% of California was in Extreme Drought Conditions. 78

Despite all these considerations, the Project plans to use potable water to irrigate its landscaping.

You place the Project's water demand at 184,744 gallons per day ("gpd") assuming a rate of 152 gpd per retail employee. We think this is aspirational. You cite for this assumption a publication of the Pacifica Institute called "Waste Not, Want Not: The Potential for Water Conservation in California." You also posit that per capita consumption within the Project can be reduced to 240 gpd from 248 based on compliance with the EVMWD's Ordinance, but we cannot assume there will be a reduction. 79

Table 4.17.C, Water Supply Sufficiency, shows supplies exceeding those of normal years in the single dry year and multiple dry year scenarios. Also demand totals do not reflect the 10% addition which we would anticipate from MWD's experience as detailed earlier in the DEIR. 80

General Plan Consistency Analysis. Policy OS 2.1 says "Encourage the installation of water-conserving systems such as dry wells and gray water systems, where feasible, especially in new developments. The installation of cisterns or infiltrators shall also be encouraged to capture rain water from roofs for irrigation in the dry season." You claim the Project is consistent because the Project's stormwater drainage facilities "include features that maximize on-site infiltration." This does not address the water-conservation goals of the Policy. 81

Policy AQ 5.1 says "Utilize source reduction, recycling and other appropriate measures to reduce the amount of solid waste disposed of in landfills." You say it is consistent because "the project will be required to comply with applicable local and state solid waste reduction and recycling guidelines." We think the General Plan Policy was meant to encourage more than just compliance with existing laws. Otherwise there would have been no reason for including it. 82

<u>Significant Irreversible Environmental Changes</u>

Guidelines section 15126(c) calls for the finding of a significant irreversible environmental change if "primary and secondary impacts of the project would generally commit future generations of people to similar uses." Obviously, the Project will do that. 83

Growth Inducing Impacts

Guidelines section 15126.2(d) states there are growth inducing impacts when the project would cause "population growth or construct new housing." Clearly, here, the Project will do that. 84

Energy Consumption

Table 5.C, Project Operational Fuel Consumption, is confusing. What is the unit of measurement of VMT? Moreover, your numbers do not seem to correlate: fuel consumption times 17.5 does not total your VMT numbers. 85

You recommend here that the applicant work with the City and RTA to obtain bus service. We agree, but this should be a mitigation measure, it is otherwise totally unenforceable. 86

Alternatives Analysis

Because your assessment of significant impacts was so (improperly) limited, you claim that only the lack of ability to conduct a freeway widening on traffic is a significant impact.[1] We disagree; the impact to sensitive receptors from Toxic Air Contaminants from the freeway is but one example of an additional significant impact. You've failed to assess an adequate range of alternatives or to assess an alternative site which would mitigate this or other impacts. 87

You also listed an arbitrary set of Project Objectives which skew the conclusion toward the Project. For example, you list as an objective the accommodation of single-family residential on the site, when that is contrary to the designation in the present General Plan, as well as to your RHNA obligations. 88

Further, you failed to assess the potential for the site to be all commercial, a zoning designation which would avoid the significant health impacts to all but a few receptors. This would have been an obvious choice in that most of the corridor along I-15 *is* zoned commercial within Wildomar. 89

Alternative 1/No Project Alternative. Regarding the "no project" alternative, CEQA Guidelines section 15126.6(e) provides that "The 'no project' analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced." You did not do this. The Guideline further states, "If the project is other than a land use or regulatory plan, *for example a development project on identifiable property*, the 'no project' alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its 90

[1] Even as to traffic, this is wrong: you cannot guarantee that Caltrans will grant an encroachment permit so there are impacts to intersections which you should have found significant as well,.

existing state against environmental effects which would occur if the project is approved." Again, you failed to comply with this mandate. 90

Additionally, you skewed your analysis of this alternative by assuming the maximum residential development permitted under the MUPA designation – 50% residential, as opposed to the minimum of 30%. At 30% there would be not many more units developed than under the proposed Project. 91

Regarding your assessment of GHG emissions, using your methodology of calculating GHG emissions based on a 2005-base year, AB32-unmitigated baseline as BAU, we doubt that the Alternative would have a significant impact – but again, we dispute this approach. 92

Alternative 3. Despite the significant risks to all sensitive receptors from siting the Project next to a freeway you fail to assess the significant benefit of Alternative 3 in that it could locate all residential and commercial development at more than 300 feet from the freeway. As SCAQMD's Guidance Document has noted, "A downwind distance of 328 feet (100 m) will reduce cancer risk by over 60 percent. If the physical downwind distance is increased to 984 feet (300 m), the relative concentration is reduced over 80 percent." 93

We further disagree with your finding of significance as to GHG impacts – if you use the same BAU analysis you did for the Project (an analysis with which we disagree), we don't think this Alternative's impacts would be significant. 94

We look forward to your responses. Please notify us of the availability of a Final Environmental Impact Report when it becomes available at collins@blumcollins.com and bentley@blumcollins.com. Thank you. 95

Sincerely,

Craig M. Collins

attachments: A-G

This Page Intentionally Left Blank

Response to Letter H

So. Cal. Environmental Justice Alliance (SEJA)

Response to Comment H-1. Introductory comments are noted.

Response to Comment H-2. This comment is concerned with impacts to scenic vistas, and states that the commenter believes partial blockage of views toward the Santa Ana Mountains and Sedco Hills constitutes a significant impact.

The threshold at issue is whether the project would "have a ***substantial*** adverse effect on a scenic vista." As discussed on page 4.1-18 of the Draft EIR, blocked views would be limited only to the lower portions of the Santa Ana Mountains and Sedco Hills; the peaks will still be visible. In addition, views of the scenic vistas are preserved in whole from other locations on the project site.

Further, for motorists on the I-15 Freeway views would only be blocked for a brief period of time, mainly traveling south, and views across the valley to the north and south as well as the upper portion of the Santa Ana Mountains immediately west of the project would be maintained. Based on this, the EIR has determined that any impacts to scenic vistas would not be "substantial". Therefore consistent with State CEQA Guidelines section 15064(b), the EIR concluded impacts to scenic vistas would be a less than significant aesthetic impact (See pages 4.1-18 and 4.1-19 of the Draft EIR).

Response to Comment H-3. This comment is concerned with impacts to the private views from existing residences west of the proposed project. Similar to Response to Comment H-2 above, incorporated herein by reference, the project is expected to block some public views for some pedestrians along White Street looking east, and the change in private views would be similar for residents living west of White Street.

Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477). The Draft EIR's analysis of aesthetic impacts related to scenic vistas is concerned with public views (i.e., views experienced by the public in public areas and the effects of the project on the general public), not private views from individual homes. As described above in Response to Comment H-2, impacts relating to views of scenic vistas were found to be less than significant (see pages 4.1-18 and 4.1-19 of the Draft EIR). Nonetheless, residents west of the Project, like pedestrians on White Street, would still be afforded views of the Sedco Hills to the east, even after development of the proposed project. Therefore the proposed project would not have a "substantial" adverse impact to scenic vistas, even for specific, private residents.

Response to Comment H-4. This comment requests that a "formal Visual Impact Assessment" be provided to Caltrans for the project, on grounds the I-15 is an "Eligible Scenic Highway."

A Visual Impact Assessment (VIA) is required in certain circumstances for new highway projects to assess the impacts of new highway infrastructure on the surrounding aesthetic environment. Guidelines for when VIAs are required and how they should be completed are provided by the Federal Highway Administration, and utilized by Caltrans. The Baxter Mixed Use Project is not a Caltrans-sponsored project, nor is Caltrans the lead agency and federal/state funds are not involved in the project. Therefore, a VIA is not required.

If the commenter simply meant to state that it desired an analysis of the proposed project's aesthetic impacts on I-15, this is also not required. The threshold at issue is "Would the proposed project ***substantially damage scenic resources***, including, but not limited to, trees, rock outcroppings, and historic buildings ***within a state scenic highway and/or local scenic road***?" As explained on page 4.1-19 of the Draft EIR, there are no designated state scenic highways or designated local scenic roads in the vicinity of the proposed project. Further, the project does not substantially adversely affect trees, rock outcroppings, or historic buildings within such a highway. As such, the EIR determined that impacts are less than significant.

Response to Comment H-5. This comment is concerned with the visual character of the project site and objects to comparisons of the project site against future planned uses in the area. The comment states that the areas surrounding the project are not designated as Medium Density Residential, but are instead designated as Rural Residential.

Per the existing City General Plan Land Use Plan, the project site is surrounded by the following land use designations: mixed use policy areas to the North and South, Commercial to the East and Low Density Residential to the West. Further, per the existing City Zoning Map, the project site is surrounded by the following zoning designations: Rural Residential to the West and North, and Scenic Highway Commercial to the East and South.

The threshold at issue is "Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?" To analyze impacts under this threshold, the Draft EIR discloses that "[d]evelopment of the proposed project would substantially and fundamentally change the existing character of the project site from undeveloped vacant space to residential and commercial." (See page 4.1-19 of the Draft EIR.) The Draft EIR notes that the project site does not presently contain superior examples of native trees or natural vegetation, or oak stands, and considers this fact in its comparison of the project against existing conditions. (See page 4.1-20 of the Draft EIR.) This analysis

constitutes a comparison of the proposed project against the CEQA baseline of existing views as requested by the commenter.

On page 4.1-20, the Draft EIR goes on to state that the project will be required to comply with all City of Wildomar ordinances and regulations pertaining to visual character, and that the project will comply with all City design standards. The Draft EIR also describes that landscaping and roadway buffers will be utilized onsite.

In addition to comparing the Project against existing conditions, the EIR went an additional step and provided information on planned uses to explain how overall views would change over time, and what the project area will ultimately look like as it develops according to the General Plan. The inconsistencies between the General Plan land use designations and zoning for the areas east and north of the site are due to the failure of the County to do "consistency zoning" after it adopted the 2003 General Plan, and the General Plan land use designations more accurately reflect the probable future development of the area. The project area will eventually have a mixture of suburban and rural mainly residential uses with higher activity nodes around the freeway ramps like the mixed uses (including commercial retail uses) of the proposed project.

Response to Comment H-6. This comment states that the proposed project is inconsistent with General Plan policies LU 13.1, OS 9.3, OS 21.1 and OS 13.1. However, the comment does not explain why or how the project is inconsistent with these policies.

Draft EIR Table 4.1.B provides a detailed analysis of the project relative to General Plan polices applicable to aesthetics and determined the project was consistent with those policies (DEIR page 4.1-20). The site does not contain a "superior" example of native trees or large stands of trees, as explained in detail in Section 4.4 of the DEIR regarding biological resources. The potential impacts to various views around the project site were already evaluated in Sections 4.1.5.1 through 4.1.5.3 in the DEIR.

Response to Comment H-7. This comment states that the project will introduce substantial new sources of light and glare, but does not provide factual support for this conclusion.

Light and glare impacts are analyzed on page 4.1-21 of the Draft EIR. The EIR discloses that the project would add new sources of light and glare to the area, in the form of street lighting, parking lots, security light, traffic headlights, and landscaping lights. The threshold at issue is whether the project would introduce a new source of "substantial" light or glare. The Draft EIR determined that the new sources introduced by the project would be required to comply with City design standards regulating light and glare. These City design standards are located at Chapter 8.64 of the City Municipal Code. These standards require preserved access to dark night sky; reduced light pollution; minimized adverse off-site impacts of lighting; energy

conservation; and adequate lighting for safety and security. The Draft EIR determined that implementation of and compliance with these standards would diminish the impacts of the new lighting sources, such that no new substantial sources of light or glare would occur. As such, the Draft EIR concluded that impacts are less than significant. Therefore, no additional action (i.e., mitigation) is needed.

Response to Comment H-8. This comment states that the commenter believes cumulative impacts relating to aesthetics will be significant because passing motorists will experience a different visual character, and nighttime views will be altered.

The cumulative setting for visual impacts includes the aesthetic impacts of the proposed project combined with the aesthetic impacts of those projects identified in the Draft EIR Table 2.B, Cumulative Projects List. (See page 2-15 of the Draft EIR.)

However, as described on page 4.1-22 of the Draft EIR, and detailed above in Response to Comment H-7, incorporated herein by reference, compliance with the City's General Plan standards and the City's Municipal Code standards would ensure that the proposed project in combination with the Cumulative Projects would not result in significant impacts upon scenic vistas, scenic resources within designated state scenic highways, or visual character.

The project area is planned to from rural uses to more suburban and in some areas (i.e., near freeway ramps) to urban uses in the coming years. While this transition will eventually change the visual character of the area, this change is not considered significant in a CEQA context because major viewsheds (i.e., Santa Ana Mountains) will be maintained, although not to the degree they exist now with much less development along the valley floor. This characterizes the cumulative impacts to both views and lighting that will slowly occur in this portion of the valley, but those changes are anticipated and will not be significant in a CEQA context as long as development complies with the City's architectural, planning, and lighting standards.

Response to Comment H-9. This comment is concerned with the siting of residences within 500 feet of the I-15. The comment also states the City excluded a commercial use alternative.

As described in detail above, in Response to Comment E-3 and E-4, incorporated herein by reference, the CARB Land Use Handbook ("handbook") recommends a buffer distance of at least 500 feet between new sensitive land uses and a freeway. However CARB's guidance, on Pages 4-5 of the handbook, acknowledges that the recommendations are in fact advisory and "to determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel particulate matter (DPM) will decrease over time as cleaner technology phases in." The handbook goes on to state that "these recommendations are designed to fill a

gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists."

The DEIR and underlying technical documents are consistent with the handbook because they include a site-specific health risk assessment (HRA) based on the actual physical location of the proposed development in relation to the existing adjacent freeway. Based upon the site-specific HRA, as noted in the DEIR, the Project would not pose a significant health risk to sensitive receptors at the proposed project. Specifically, the HRA determined that even for homes within the 500-foot buffer, the maximum cancer risk levels are projected to be 7.81 in one million. This is less than SCAQMD's acceptable threshold of 10 in one million. (See Section 4.3.5.2 of the Draft EIR.)

Consistent with CARB guidance, the 500-foot buffer recommendation is intended to apply when no site specific information is available and/or no site-specific health risk assessment modeling has been conducted. In this case, simply relying on the 500-foot buffer recommendation is not appropriate, nor required, since site specific information on the type of use, number of vehicles, and average travel speeds is generally known and since a site-specific HRA has been conducted that did not find any significant health risk impacts associated with DPM to any sensitive receptors in the project vicinity.

Regarding an "all commercial" alternative, page 6-3 in the DEIR clearly states…

…during project design development, several all commercial alternatives were discussed, but these would have generated substantially more traffic and would not be consistent with the general plan land use and zoning designations on the site, so they were eliminated from further consideration.

Table 6.A also shows that all of the alternatives contain some level of commercial development but for the reasons discussed above no "all commercial" alternatives were selected for detailed analysis since they would increase a number of impacts (traffic, criteria air pollutant emissions, noise) and would not be consistent with the General Plan land use or zoning designations for the site.

Response to Comment H-10. This comment states that the Draft EIR failed to consider whether the project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment.

The Draft EIR and supporting documents do consider whether the project will result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment. This analysis addressed in Sections 4.3.6.1 and 4.3.6.3 of the Draft EIR.

Table 4.3.B of the Draft EIR identifies each criteria pollutant and its attainment status. (See page 4.3-6 of the Draft EIR.) This table discloses that the South Coast Air Basin is in nonattainment for 1-hour ozone, 8-hour ozone, PM10, PM2.5, and NO2. The generalized health effects of criteria pollutants are disclosed in Table 4.3.D of the Draft EIR. (See DEIR pages 4.3-8 and 4.3-9.)

On page 4.3-25, the Draft EIR considers whether the proposed project would "result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment" and identifies the applicable daily thresholds for each pollutant. The analysis goes on to determine that, with the incorporation of the identified mitigation measures, construction emissions of these criteria pollutants would fall below the SCAQMD thresholds, and impacts would be less than significant. (See pages 4.3-28 and 4.3-31.) Similarly, the analysis determines that, with the incorporation of identified mitigation measures, operational emissions would also fall below the SCAQMD thresholds, and impacts would be less than significant. (See pages 4.3-33 and 4.3-34.) Cumulative impacts relating to these emissions are addressed on page 4.3-35 of the Draft EIR. This analysis also determines that impacts are less than cumulatively considerable over the life of the project.

Response to Comment H-11. This comment is concerned with the minimum distance assumed in the Draft EIR's Localized Significance Threshold (LST) analysis. The minimum LST utilized in this report is based on the SCAQMD's "Final Localized Significance Threshold Methodology" which can be accessed via [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds].

As noted in the Draft EIR at Section 4.3.6.2, the nearest sensitive receptors are located approximately 62 feet (18.84 meters) away from the Project site. Chapter 3—Screening Tables and Their Use of the Final Localized Significance Threshold Methodology states that "it is possible that a project may have receptors closer than (82 feet) 25 meters. Projects with boundaries located closer than 25 meters to the nearest receptor ***should use the LSTs for receptors located at 25 meters***." (Emphasis added.) As such, the nearest sensitive receptor distance of 82 feet (25 meters) was utilized in the Draft EIR's analysis and represents a "worst-case" estimate for construction activity.

Response to Comment H-12. This comment summarizes SCAQMD thresholds of significance utilized by the Draft EIR. This is not a comment regarding the adequacy of the DEIR. This is a summary of what is already stated in the Draft EIR and no further response is necessary.

Response to Comment H-13. This comment states the project should implement a 500-foot buffer per CARB guidance. Based on CARB's guidance, the 500-foot buffer recommendation is intended to apply when no site specific information is available and/or no site-specific health risk assessment (HRA) modeling has been conducted.

In this case, simply relying on the 500-foot buffer recommendation is not appropriate, nor required, since site specific information on the type of use, number of vehicles, and average travel speeds is generally known and since a site-specific HRA has been conducted that did not find any significant health risk impacts associated with diesel particulate matter (DPM) to any sensitive receptors in the project vicinity. For additional detail, please see Response to Comments E-4 and H-9, incorporated herein by reference.

Response to Comment H-14. This comment questions whether the Draft EIR's HRA factored in background levels of pollution. The comment references Attachment A to the comment letter which is an SCAQMD Guidance Document. The additional background health risk is in excess of an additional 1,000 in a million in the Los Angeles region. The 1,400 in a million background health risk, as determined by SCAQMD, is based on the old MATES-II study. The most current air toxics study is the MATES IV data - it can be accessed at [http://www.aqmd.gov/home/library/air-quality-data-studies/health-studies/mates-iv] MATES is an abbreviation for Multiple Air Toxics Exposure Study. Regardless of where a Project is located in the SCAB, the 1,400 in a million background health risk would occur. As such, the HRA evaluates whether or not ***the Project*** exposes future residents to an ***incremental*** health risk greater than 10 in a million. As noted on page D-3 of the SCAQMD Guidance, Appendix A: Background section, the 10 in one million threshold, known as the maximum individual cancer risk (MICR) is one of three TAC emissions significance thresholds considered when evaluating project specific and cumulative impacts. As described above in Response to Comment E-4 and H-9 (incorporated herein by reference), the HRA determined that the project would not result in an incremental health risk (above the background conditions) of 10 in one million, and therefore impacts were determined to be less than significant. (See Section 4.3.5.2 of the Draft EIR.)

Response to Comment H-15. This comment questions whether the HRA accounted for future increases in background traffic on the I-15 Freeway. The traffic data utilized in the HRA is based on readily available data provided by Caltrans, as shown in the HRA report. Furthermore, the HRA evaluates a very conservative exposure scenario as it assumes an individual is outside for 24 hours a day, seven days a week, for a period of 30 years. As such, the HRA and Draft EIR show a conservative health risk impact that would not be affected by the potential for traffic to increase in the 2035 traffic conditions.

Response to Comment H-16. This comment asks for an HRA that accounts for full General Plan buildout. The commenter has not indicated why such an analysis is necessary to accurately characterize potential long-term cumulative health risk impacts from project-related air pollutants. Such an estimate would have to be based on a whole host of assumptions about future conditions, future development and projects, regional pollutant emissions, future ambient pollutant concentrations, etc. At this time there is no air quality modeling that could accurately estimate such

impacts, nor is it clear how this information would assist in the evaluation of specific health risks from this project. Therefore, such an analysis is considered overly speculative and is determined to not be necessary for this project-level CEQA analysis.

Response to Comment H-17. This comment questions the effectiveness of the MERV filters. The comment also states that filters will not be effective when residents are outside.

Regulatory guidance from SCAQMD, OEHHA, and USEPA assumes that source-receptor locations are static, whereby exposures are assumed to be continuous based on the averaging time under consideration. It is important to note that the analysis assumes a "static" exposure scenario of constant exposure 24 hours per day, 7 days per week for a long-term duration (30 years). Notwithstanding that, the time spent indoors at residences is over 90 percent of the 24-hour day. The latest version of the US EPA's Exposure Factor Handbook: 2011 Edition includes empirical data that suggests on average over 21 hours per day are spent indoors at the residence for all age groups (See Table ES-1 of the document). A link to the full document is as follows: http://www.epa.gov/ncea/efh/pdfs/efh-complete.pdf. For additional detail, please see Response to Comment E-3 incorporated herein by reference.

The SCAQMD's "Pilot Study of High Performance Air Filtration for Classrooms Applications"[1] addresses SCAQMD's concern about filter efficiency associated with a scenario of open doors and windows. The SCAQMD Pilot Study was conducted to determine the effectiveness of air filtration systems in reducing the indoor exposure to air contaminants; the systems evaluated in the Pilot Study are similar to the recommended filtration system for the Project. The SCAQMD Pilot Study report clearly concludes that adequate particulate removal is achieved with "doors and windows that are frequently open to outside air" for a MERV 14 filtration system, which is consistent to the type of filtration system proposed by the Project.

Response to Comment H-18. The HRA does make mention and evaluates cancer and non-cancer health risk, as well as health risk associated with criteria pollutant exposures, to receptors. As shown in Section 5.3 "Criteria Pollutant Exposures" of the HRA report, the criteria pollutants evaluated are PM_{10}, $PM_{2.5}$, CO, and NO_2 and the receptors evaluated are individuals susceptible to respiratory distress, such as asthmatics, the young, the elderly, and those with existing conditions that may be affected by increased pollutant concentrations.

Response to Comment H-19. To represent residential exposures, the Project air quality assessment employed the U.S. Environmental Protection Agency's guidance

[1] http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf?sfvrsn=0

to develop viable dose estimates based on reasonable maximum exposures (RME). Specifically, activity patterns for population mobility recommended by the U.S. Environmental Protection Agency (USEPA) and presented in the Exposure Factors Handbook were utilized. As a result, lifetime risk values for residents were adjusted to account for an exposure duration of 350 days per year for 30 years (i.e., 95th percentile). A 9-year exposure duration was additionally assessed to identify risk estimates associated with the average time individuals are reported to reside at a given residence. These values are consistent with the California Environmental Quality Act (CEQA) which considers the evaluation of environmental effects of proposed projects in a manner that reflects both reasonable and feasible assumptions.

Response to Comment H-20. This comment requests that MERV filters be required as a mitigation measure for the project. The City will include the requirement to include MERV filters as Mitigation Measures 4.3.6.2B through 4.3.6.2D (See Section 3 (Changes to the Draft EIR under Air Quality) and Section 4 (Mitigation Monitoring Plan) of this Final EIR. However, this additional mitigation does not alter the significance findings of the HRA or the Draft EIR.

Response to Comment H-21. This comment is concerned that there is no mechanism requiring that the project grading not disturb more than 5 acres per day. The City will include the requirement to not disturb more than 5 acres per day as Mitigation Measure 4.3.6.1C (See Section 3 and the MMPR in Section 4 of this Final EIR) However, this additional measure will not alter the significance findings of the air quality report or the Draft EIR.

Response to Comment H-22. This comment questions the effectiveness of Mitigation Measures 4.3.6.1A and 4.3.6.1B. According to the SCAQMD's *Table XI-A Mitigation Measures Examples: Fugitive Dust from Construction & Demolition*, adherence to Rule 403 (Fugitive Dust) will result in approximately 61% reduction in PM_{10} and $PM_{2.5}$. According to the SCAQMD's *Table II- Off-road Engine Emission Rates & Comparison of Uncontrolled to Tiered Rates and Tiered to Tiered Rates*, the percentage reduction in PM levels from uncontrolled to tier 3 is approximately 45 percent. The Project will result in an approximately 54 percent reduction from the unmitigated/without applicable SCAQMD measure emissions levels, which is generally consistent with the percentage reductions previously mentioned. Therefore, Project construction-source LST emissions levels are considered less than significant with implementation of mitigation measure (MM) 4.3.6.1A and MM 4.3.1.6.1B. as disclosed in Section 4.3.6.1 of the Draft EIR.

Response to Comment H-23. This comment questions the assumptions underlying the determination that, with mitigation incorporated, operational emissions of NOx would fall below SCAQMD's applicable threshold. The proposed project consists of commercial and residential development and recreational space. According to the California Air Pollution Control Officers Association (CAPCOA): Quantifying

Greenhouse Gas Mitigation Measures for LUT-3 Increase Diversity of Urban and Suburban Developments (Mixed Use), "having different types of land uses near one another can decrease vehicle miles traveled (VMT) since trips between land use types are shorter and may be accommodated by non-auto modes of transport." As such, credit for the project's mixed use characteristic was taken in Table 4.3.M, which led to regional reductions in operational activity for mobile sources. As shown on Table 4.3.M, the project would reduce NOx emissions to less than significant with incorporation of Mitigation Measure 4.3.6.3A and reductions resulting from the mixed-use nature of the project, which is noted in footnote 1 on page 4.3-34.

Response to Comment H-24. This comment is concerned with the cumulative impacts determination for air quality impacts. The comment references Attachment B to the comment letter which is an article entitled "Demystifying CEQA's Cumulative Impact Analysis Requirements: Guidance for Defensible EIR Evaluation."

It is true that cumulative impacts consider the impacts of the proposed project in combination with the impacts of other related past, present and reasonably foreseeable future projects.

Cumulative impacts relating to air quality are addressed on page 4.3-35 of the Draft EIR. The analysis utilizes the methodology of the SCAQMD, which is the regional agency with responsibility for researching and adopting appropriate thresholds of significance for air pollutant emissions. This is the same methodology that is used in nearly all cumulative impact analyses for air quality impacts in the SCAQMD region. As quoted on page 4.3-35 of the Draft EIR:

> *"…the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR…*
>
> *Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely,* ***projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.****"* (Emphasis added.)

The quoted text is found on page D-3 of the SCAQMD Guidance, Appendix A: Background section which can be accessed via [http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf?sfvrsn=4].

Because the proposed project does not exceed any of SCAQMD's thresholds (see Table 4.3.G of the Draft EIR), impacts are not cumulatively considerable.

The comment also states that the Draft EIR fails to address short-term health risks. The issue of short-term health risks is addressed in Response to Comments H-13 through H-19, incorporated herein by reference.

Response to Comment H-25. This comment is concerned with impacts to paniculate tarplant. It references Attachment C, which is an excerpt from the CNPS Inventory Plant Detail for the species. The paniculate tarplant has a CRPR of 4 with a threat rank of .2, as shown in Attachment C of the comment letter. List 4 species are defined as "Plants of limited distribution – a watch list", and the threat rank of .2 is defined as "Moderately endangered in California (20-80% occurrences threatened/ moderate degree and immediacy of threat)". These definitions were developed by the California Native Plant Society (CNPS),[1] and were also provided in Sections 4.7.2 and 4.7.4 of the Biological Resources Assessment (BRA) for the project, on which the analysis of this species in the Draft EIR is based. The listing status of paniculate tarplant is also provided in Appendix B of the BRA.

With regards to determining if species merit CEQA consideration, CDFW has published guidelines for evaluating impacts to native plant populations that are available on their website.[2] As outlined on page 2 of these guidelines, special-status plants meet the definition of rare or endangered under CEQA if they are CNPS List 1A, 1B and 2. Footnote 5 on page 2 of the CDFW guidelines also states that in general, List 4 plants may not warrant consideration under CEQA depending on factors such as regional rarity. As such, an analysis of the paniculate tarplant within Riverside County was conducted in the BRA (section 6.3.1.1), as summarized below, and is the basis of the Draft EIR conclusions:

This species is widely distributed in Riverside County, as documented on Calflora, including 31 CNPS and other records, in addition to georeferenced coordinates for several hundred observations (Calflora, 2012). Based on the distribution of this species within Riverside County, the lack of consideration of this species for coverage under the MSHCP, and the CNPS listing of 4, this species is not considered sensitive. Therefore, impacts to paniculate tarplant would be considered a less than significant impact and no mitigation measures would be required.

Based on the wide distribution of this species within Riverside County, as described above and also shown in the comment letter's Attachment C, and in consideration of the limited population on-site, this species was not considered to warrant further consideration under CEQA.

The comment refers to a standard set by the City of Wildomar regarding "rare and endangered [species] in California but… more common elsewhere." However, this is

---

1 http://cnps.org/cnps/rareplants/ranking.php
2 http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_background.asp

not a City-established standard. As stated on page 4.4-12 and 4.4-13 of the Draft EIR, this language is from a CNPS standard used to determine what plant species are considered "sensitive." As described above, the CNPS has applied its standards to the paniculate tarplant and determined that it is a List 4 species. Guidelines of the CDFW, the state agency with jurisdiction over sensitive species and related resources, establish that special-status plants meet the definition of rare or endangered under CEQA if they are CNPS List 1A, 1B and 2.

Response to Comment H-26. This comment is concerned with the reliance on the MSHCP for mitigation of potential special status species impacts. The comment references Attachment D to the comment letter which is an article titled "The Western Riverside County Multiple Species Habitat Conservation Plan: Looking Forward After Ten Years," by Ouellette and Landry, winter 2015.

The Draft EIR does not identify seven special status species as present on the site, but rather that they have a potential to occur and are Covered Species under the MSHCP (see page 4.4-13 of the DEIR). As outlined in the Biological Resources Assessment for the project, these species include coast horned lizard, orange-throated whiptail, coastal California gnatcatcher, northwestern San Diego pocket mouse, Stephen's kangaroo rat, Los Angeles pocket mouse, and San Diego black-tailed jackrabbit.

The comment disputes that no surveys are required for these species. However, as Covered Species that are "adequately conserved" under the MSHCP, these seven species receive full coverage for projects participating in the MSHCP. Moreover, compliance with the MSHCP constitutes full mitigation under CEQA for the covered species. The MSHCP requires surveys for 40 species, and these survey requirements are outlined in Appendix E of the MSHCP. All but one of the seven species listed above are absent from the survey list; one species, Los Angeles pocket mouse, is on the survey list but the Project is not within the area that requires surveys. As such, surveys are not required for these species. The language referenced in the Draft EIR at 4.10-7 is a general description of the survey requirements under the MSHCP, which are only required within survey areas for a specific list of species provided in Appendix E, and broken down into five categories in the MSHCP, namely narrow endemic plants, criteria area plants, burrowing owl, amphibians, and small mammals (totaling 34 species), with the addition of 6 riparian species that do not have defined survey areas. Surveys for species identified in these groups are only required if a project is within the survey area for that species, and only if suitable habitat is present and full avoidance cannot be met. This project is within only one of those survey overlays, the burrowing owl. Thus, burrowing owl surveys are required by Mitigation Measure 4.4.6.1A.

With regards to analyzing impacts under CEQA, the MSHCP is an adopted Habitat Conservation Plan with a certified EIR document and regulatory permits (http://rctlma.org/Portals/0/mshcp/volume4/index.html). The City of Wildomar is a

member agency of the WRCRCA and permittee of the MSHCP and is responsible for being in compliance with, and implementing the plan. This includes payment of an MSHCP development mitigation fee that provides coverage under the MSHCP permit for take of Covered Species. In contrast, CDFW issued and NCCP Permit to permittees such as Wildomar. Therefore, based on compliance with the MSHCP, any impacts covered under the MSHCP are also adequately mitigated under CEQA. The DEIR demonstrates the project's compliance with the MSHCP.

The comment also mentions there are reasons to believe the MSHCP is not effective, and quotes the RAND Corporation as questioning the MSHCP's ability to purchase land. However, the comment does not identify any facts supporting that statement. Also, Attachment D of the comment letter, on page 1, states, "The HCP has been very successful, conserving nearly 400,000 acres of habitat while allowing residential, commercial, and infrastructure development to proceed, often more quickly than without the Plan in place." Attachment D does discuss that the acquisition of lands for conservation has slowed down due to the economic recession slowing down development (page 3), and reduced state and federal funding sources, but also states that the RCA has developed some novel strategies for funding the MSHCP's conservation needs and proceeds to provide details on those funding strategies (page 4). The conclusion of the article is that the RCA and Plan participants are committed to resolving these problems. The article does not state that the MSHCP cannot purchase land or that the plan is not effective, and the City of Wildomar, as a permittee of the plan, is not aware of any other published sources providing this conclusion. Regardless, Attachment D does not provide any evidence showing that this project's impacts will not be mitigated through payment of MSHCP fees. Finally, if the MSHCP was not in compliance with either the relevant permits or state and federal law, it would be up to CDFW and the USFWS to rescind all or a portion of the permits. The permits are in full force and effect and therefore the MSHCP is fully effective.

Response to Comment H-27. This comment disagrees with the Draft EIR's conclusion that the Jacumba pocket mouse, the San Diego desert woodrat, the western mastiff bat and the pallid bat have a low potential to occur on the site. The comment does not provide factual support or reasons for this disagreement. The comment refers to Attachments E and F of the comment letter, which are species accounts prepared by Dudek ICF, dated March 2012, for the pallid bat and western mastiff bat, respectively. Attachments E and F provide species accounts for the western mastiff bat and the pallid bat which are similar to information used during preparation of the Biological Resources Assessment (BRA) for the project, and on which the analysis of these species in the DEIR is based. It should be noted that the distribution maps for these species provided in Attachments E and F show no documented occurrences within western Riverside County.

The DEIR analysis of these species was based on the BRA, which analyzed impacts to the species in section 6.3.1.2 as follows:

No significant impacts to western mastiff bat and pallid bat foraging habitat based on the limited and disturbed nature of the habitat within the Project's boundaries, and the availability of alternative, higher quality foraging habitat within the region. As such, any impacts to foraging habitat for these species would be less than significant and no mitigation measures would be required.

No significant impacts to Jacumba pocket mouse or San Diego desert woodrat based on the low to very low potential for presence, respectively, and the limited, disturbed habitat that would not be expected to support large populations of these species, if present. Furthermore, these species were not considered for coverage under the MSHCP, indicating that regionally significant populations of these species do not exist within the MSHCP boundaries, and no CNDDB records occur within 10 miles of the Project site. As such, any impacts to these species would be less than significant and no mitigation measures would be required (See Sections 4.4.3.1 and 4.4.6.1 of the Draft EIR).

Response to Comment H-28. This comment is concerned with surveys for least Bell's vireo. The Draft EIR identified the MSHCP requirement for least Bell's vireo surveys pursuant to MSHCP Section 6.1.2, which states that surveys for least Bell's vireo are required, but only if suitable habitat is identified for the species, and the proposed project design does not incorporate avoidance of the identified habitat. The commentator appears to have misinterpreted the MSHCP guidelines stated in the Draft EIR as being a project requirement to conduct surveys. However, as determined in the Draft EIR on page 4.4-14, suitable habitat to support breeding of the least Bell's vireo was not identified on the project site. Therefore, focused surveys are not required based on the MSHCP guidelines of only conducting surveys if suitable habitat is present. The habitat, specifically the southern willow scrub/eucalyptus woodland community, was identified as a potential migratory stopover rest area during migration of individuals to suitable breeding habitats in the region. There are no protocol least Bell's vireo surveys designed to identify habitat used for migratory purposes. The Draft EIR analysis of impacts to this species is based on the Biological Resources Assessment for the project, which states:

No indirect (habitat) or direct (loss of individuals) impacts are expected to least Bell's vireo. No impacts to potential least Bell's vireo habitat (southern willow scrub/eucalyptus woodland) will occur since it is not considered suitable for nesting based on the declining structure of the understory and the size of the habitat which is generally too small for a breeding territory. The habitat could be used as a stop-over rest area during migration of individuals to suitable breeding habitats in the region. However, no direct impacts are anticipated to least Bell's vireo as no nests are anticipated. If the species is present, only migrant birds would be expected on the Project site for a short duration just prior to the start of the breeding season when the birds have not yet established their breeding

territories (breeding season starts around April 10, depending on their arrival from wintering areas). (See Section 4.4.6.1 of the Draft EIR.)

Response to Comment H-29. This comment is concerned with the specifics of the burrowing owl surveys required by Mitigation Measure 4.4.6.1A. The requirement for pre-construction surveys within 30 days prior to ground disturbance is an MSHCP requirement, outlined in Appendix E of the MSHCP.[1] Since the project is within the MSHCP, compliance with the MSHCP instructions for pre-construction surveys[2] is required as follows: "*All project sites containing burrows or suitable habitat (based on Step I/Habitat Assessment) whether owls were found or not, require pre-construction surveys that shall be conducted within 30 days prior to ground disturbance to avoid direct take of burrowing owls (MSHCP Species-Specific Objective 6).*" The number of site visits for a pre-construction survey is not specified in the MSHCP survey instructions or the CDFW 2012 guideline (which refers to pre-construction surveys as take avoidance surveys). However, typically it includes a Step I (habitat assessment) and Step II, Part A (Focused burrow survey) of the MSHCP burrowing owl survey instructions, which can usually be completed in one day. Additional surveys (up to three additional visits) may be required pursuant to Step II, Part B (Focused burrowing owl surveys) of the survey instructions ***if*** features that could support burrowing owls, or individual owls, were identified during the Step II, Part A surveys. As such, up to four visits may be required for the pre-construction survey pursuant to the MSHCP survey instructions, which is consistent with the CDFW 2012 guidelines for four breeding season surveys (as previously stated, the number of visits for the pre-construction surveys, or take avoidance surveys, is not specified in the protocol which is provided in Appendix D of the CDFW 2012 guidelines). The CDFW 2012 guidelines were specifically included in the mitigation measure for compliance with, should burrowing owls be determined present during the MSHCP protocol pre-construction surveys, specifically in terms of methods for passive relocation and translocation sites. While the MSHCP provides objectives on the use of passive relocation and translocation sites to avoid take of active nests (Objectives 6 and 7), it does not provide specific details on the methodologies unlike the CDFW protocol. The Wildlife Agencies, and specifically CDFW, will require consultation (Objective 7) if owls are determined present pursuant to their guidelines.

Response to Comment H-30. This comment is concerned with the adequacy of Mitigation Measure 4.4.6.2A. Pursuant to Mitigation Measure 4.4.6.2A, a Habitat Mitigation and Monitoring Plan (HMMP) is required should mitigation be proposed on land acquired for the purposed of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program. Since it is proposed within a mitigation measure, it will be included in the Mitigation Monitoring and Reporting

---

1 http://rctlma.org/Portals/0/mshcp/volume1/Appendix_E.html
2 http://rctlma.org/Portals/1/EPD/consultant/burrowing_owl_survey_instructions.pdf

Program (MMRP) for the Project (see Section 4). In addition, it should be noted that the southern willow scrub/eucalyptus woodland also supports jurisdictional waters; as such, impacts and mitigation will require discretionary approval pursuant to the permitting process as outlined in Mitigation Measure 4.4.6.3A.

Response to Comment H-31. This comment is concerned with whether there are additional sensitive plant species located in Drainage C. All sensitive plant species were assessed under 4.4.6.1 of the Draft EIR. The only plant species identified during the focused surveys was the paniculate tarplant (see also related Response to Comment H-20 above). This species was not associated with jurisdictional waters.

Response to Comment H-32. This comment asks what mechanism will ensure that the off-site mitigation is preserved in perpetuity. The off-site mitigation would require discretionary approval pursuant to the permitting process, including securing an appropriate mechanism for in perpetuity conservation. The mechanism would be determined by the regulatory agencies prior to issuance of the permits, and typically includes, but is not limited to, deed restrictions, restrictive covenants, or conservation easements.

Response to Comment H-33. This comment is concerned with cumulative impacts to biological resources. As outlined in above Response to Comment H-25, incorporated herein by reference, the MSHCP has been designed to provide comprehensive mitigation for those species covered by the MSHCP. The City of Wildomar is not aware of any published sources that conclude the MSHCP is not functioning. With regard to the species that are not covered under the MSHCP, specifically Jacumba pocket mouse, the San Diego desert woodrat, the western mastiff bat and the pallid bat, please see prior related Response to Comment H-26 above, incorporated herein by reference. As explained prior and as analyzed in the Draft EIR, these species are not anticipated to occur onsite.

Response to Comment H-34. This comment states that impacts to the R.J. Brown house are potentially significant; however, the comment does not provide any evidence or facts supporting this conclusion. The Brown House is being temporarily stored on the project site by the local historical society (Draft EIR, page 4.6-1 through 4.6-2.) Impacts to the Brown House are discussed on pages 4.5-14 through 4.6-16 of the Draft EIR.

The 2004 Historic Resource Assessment prepared by PCR on the original Brown Property (Appendix F-7 to the Draft EIR) concluded that the Brown House was not architecturally significant due to the multiple additions and alterations which physically compromised the original structure. The Brown House is no longer located at the original subject property and is temporarily stored at the current location (i.e., the Project site). Per the California Register criteria, in order for properties to be eligible for inclusion on the California Register and considered significant under CEQA, they must retain “integrity” which is defined as a property's ability to convey

its significance through seven factors: location, design, setting, materials, workmanship, feeling, and association. Even when the building was at its original location, it exhibited compromised integrity of design, materials, and workmanship. Moving the house from its original location further negatively impacted its integrity of location, setting, feeling, and association. Therefore, the Project will not cause a significant historical or environmental impact to the Brown House.

Response to Comment H-35. This comment requests that a paleontologist be retained before grading begins to instruct workers as to when they may be encountering a fossil. As drafted, Mitigation Measure 4.5.6.2A adequately addresses paleontological resources and reduces the potential for impacts to a less than significant level. (See pages 4.5-18 and 4.5-19 of the Draft EIR.)

Neither CEQA nor the City specifies requirements for accidental paleontological discoveries. Retention of a paleontologist prior to the commencement of grading is not required to address potentially significant impacts. Mitigation Measure 4.5.6.2A was included in the Draft EIR to address potential impacts to paleontological resources and requires halting of grading if resources are discovered during grading activities. However, a new Mitigation Measure 4.5.6.2B will be added to the FEIR and MMRP which does not change the significance determination of the study or the EIR, which states… "A qualified paleontologist shall be retained and conduct a pre-construction meeting prior to ground disturbance to instruct workers on proper fossil identification and subsequent notification of a trained professional." (See Section 3.0, Draft EIR Errata and 4.0, MMRP, of this Final EIR).

Response to Comment H-36. This comment states that the project will result in significant cumulative impacts; however, the comment does not provide evidence or facts supporting this conclusion. Each tribe has different preferences for how cultural resources should be treated. Not every tribe believes that preservation "in place" is appropriate for all types of cultural resources. Thus, your comment is based on the false presumption that preservation in place is necessary to mitigate impacts to cultural resources. As discussed in the Draft EIR, implementation of the Mitigation Measures 4.5.6.1A through D, and 4.5.6.2A and B will reduce potential project impacts related to cultural and paleontological resources to a less than significant level.

Response to Comment H-37. This comment asks if the City has ordinances in place to "enforce the General Plan." However, it is unclear to what ordinances this is referring, or what aspects of the General Plan the comment is concerned will not be enforced.

Earthwork is regulated through the California Building Code (CBC). The geotechnical report presents additional detailed earthwork recommendations for the specific site. The grading plans are developed with the geotechnical recommendations incorporated into them. Therefore, the earthwork on the site will

be performed in accordance with the CBC and the project plans and specifications. The geotechnical engineer of record is retained to observe and perform testing during earthwork operations to verify that the project is being constructed in accordance with those documents.

Specific General Plan policies relevant to geology and soils are presented in Table 4.6.A of the Draft EIR. The table identifies how the proposed project will be consistent with each specific General Plan policy. (See page 4.6-13 of the Draft EIR.)

Response to Comment H-38. This comment is concerned with potential land subsidence resulting from the presence of Pauba Sandstone. First, it should be noted that alluvium overlies bedrock and not underlies it as indicted by the commenter. Alluvium overlying bedrock has been a factor in subsidence in the nearby Cal Oaks community where granitic bedrock formed ridges and valleys and alluvium was left in place during grading. The alluvium became saturated from irrigation of the golf course and consolidated thereby resulting in settlement related distress. The geotechnical report for this project recommends the removal of the alluvial soils, therefore, the conditions that resulted in settlement at Cal Oaks will not be present on the subject site after grading.

Imported fill materials cannot be identified prior to grading at the site because sources available today may not be available at the time of grading. The project's geotechnical report does recommend that geotechnical testing be performed on any potential import soil so the engineering properties tested and assumed during the planning phases can be verified in the import soil. The City's development review process and standard Conditions of Approval require the conclusions and recommendations of a project-specific geotechnical report to be incorporated into project grading and building plans with future review and approval by appropriate City staff consistent with City standards.

Response to Comment H-39. This comment requests that the project SWPPP be developed prior to project approval. However, in compliance with State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit Requirements, a Storm Water Pollution Prevention Plan (SWPPP) is required prior to land disturbance activities. An Approved Project SWPPP will be required by the City prior to project grading activities. (See page 4.9-8 of the Draft EIR for a general discussion of the SWPPP and General Construction Permit process.)

Response to Comment H-40. This comment is concerned with the potential for substantial ground shaking, the recommendations of the Geocon West report, and the presence of Monserate sandy loam, Ramona sandy loam, and alluvium.

The peak ground accelerations due to anticipated seismic events (earthquakes) are provided in the geotechnical report included as Appendix G of the Draft EIR. The geotechnical parameters provided for structural design incorporate the peak ground acceleration in their calculations. Further, the project civil and structural engineers utilize the peak ground accelerations and the geotechnical values to design the project infrastructure and structural components. Therefore, the project will be designed to withstand the estimated seismic shaking at the site.

The geotechnical report does recommend remedial grading of the site alluvium. Further, the alluvium is suitable for use as fill soil. The geotechnical recommendations have considered the soils that are present on the property and provide recommendations as appropriate. Therefore, export of alluvial soils generated during remedial grading is not required. The City's development review process and standard Conditions of Approval require the conclusions and recommendations of a project-specific geotechnical report to be incorporated into project grading and building plans with future review and approval by appropriate City staff, consistent with City standard development review procedures.

Response to Comment H-41. This comment is concerned that the project will result in increased need or public services from a major earthquake. Impacts to public services resulting from the project, including potential increased demand due to emergencies, are analyzed and considered in Draft EIR Section 4.14, Public Services and Facilities. The analysis concluded, in Sections 4.14.5.1 and 4.14.5.2, that impacts to police and fire services would be less than significant with the offset in services paid for by the required payment of development impact fees.

Response to Comment H-42. This comment is concerned with the use of 2005 emissions to determine "business as usual" emissions. Based on the California Air Resource Board's (CARB's) definition, the forecast of 2020 emissions in a business-as-usual scenario is an estimate of the emissions expected to occur in the year 2020 if none of the foreseeable measures included in the Scoping Plan were implemented (see Page 92, 6th paragraph of First Update to the Climate Change Scoping Plan – May 2014). CARB also defines "business-as-usual" to mean "the normal course of business or activities for an entity or a project before the imposition of greenhouse gas emissions reduction requirements or incentives." (ARB: "Preliminary Draft Regulation for a California Cap-and-Trade Program," Section 95802 (a)(18), Dec., 2009; page 7.)

Furthermore, even the California Air Pollution Control Officers Association (CAPCOA) acknowledges that the "business-as-usual" scenario is the estimate of emissions that would occur in the absence of measures to reduce emissions. CAPCOA goes on to further state that "business-as-usual" is the projection of GHG emissions at a future date based on current technologies and regulatory requirements in absence of other reductions. (CAPCOA: "Model Policies for Greenhouse Gases in General Plans," Jun., 2009, page 15). In this case, the base

BAU scenario would reflect emissions absent implementation of AB32 which is effectively a 2005 year emissions profile since AB32 was adopted in 2006. Additionally, CARB's emissions baseline period in its scoping plan reflects the average emissions from 2002 to 2004. (ARB: "Climate Change Scoping Plan: a framework for change," Dec., 2008; page 11.)

Therefore use of 2005 year emission factors from a greenhouse gas standpoint is appropriate since the emission factors in 2005 would reflect what would happen in 2020 if the Scoping Plan measures were not implemented. (See page 4.7-40 of the Draft EIR.) Additionally, see further clarification and supplemental evaluation presented in Response to Comment H-43.

Response to Comment H-43. This comment is concerned with the Draft EIR's conclusion that the proposed project will not have a cumulatively significant impact on the environment.

The commenter also generally claims that the DEIR's approach to GHG impact analysis is not appropriate based on the recent California Supreme Court Decision in *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204 (*Newhall Ranch*). The following additional analysis is based on the SCAQMD's draft service population (efficiency-based) threshold as a quantitative significance criterion. As described in the DEIR (Page 4.7-29), the SCAQMD defines the service population as the total residents and employees associated with a project. The origin of the service population is based on CARB's 2008 Scoping Plan. The Scoping Plan identified that based on the GHG emissions inventories for the state, the people of California generate approximately 14 tons of GHG emissions per capita and would need to reduce annual emissions to approximately 10 tons per capita in order to meet the GHG reduction target of AB 32. Because people who live in California generally work in California, the service population metric did not include employees. As CEQA significance thresholds were being determined by air districts, the air districts considered applying this efficiency metric to their air district boundaries. Consistent with methodology provided by the Regional Targets Advisory Committee (RTAC) as part of the SB 375 target setting discussions, the definition of service population was amended to include employees in addition to residents. This is because the transportation sector is the primary source of project-related GHG emissions; and unlike the state as a whole, people who work in one county/air district may not live in the same county/ air district boundary. Also, people who live in a county/air district boundary would also have other trip ends such as school, parks, and retail uses. As such, the air district/county boundary as a whole did not take into account other users within the site.

As, described in the DEIR, the SCAQMD convened a Working Group to develop GHG significance threshold. On December 5, 2008, the SCAQMD Governing Board

adopted its staff proposal for an interim CEQA GHG significance criteria for industrial stationary source projects where the SCAQMD is the lead agency. As to all other projects, where the SCAQMD is not the lead agency, the SCAQMD Working Group has recommended an interim screening level numeric "bright-line" threshold of 3,000 metric tons of CO_2e annually and an efficiency-based threshold of 4.8 metric tons of CO_2e per service population (residents plus employees) per year in 2020 and 3.0 metric tons of CO_2e per service population per year in 2035. The GHG Significance Threshold Working Group was formed to assist SCAQMD's efforts to develop a GHG significance threshold and is comprised of a wide variety of stakeholders including the State Office of Planning and Research (OPR), CARB, the Attorney General's Office, a variety of city and county planning departments in the South Coast Air Basin, various utilities such as sanitation and power companies throughout the South Coast Air Basin, industry groups, and environmental and professional organizations. The efficiency-based thresholds were developed to be consistent with CEQA requirements for developing significance thresholds, are supported by substantial evidence, and provides guidance to CEQA practitioners with regard to determining whether GHG emissions from a proposed project are significant. For the purposes of this discussion, the proposed project is compared to the SCAQMD-recommended efficiency-based threshold of 4.8 metric tons of CO_2e per service population per year in 2020 and 3.0 metric tons of CO_2e per service population per year in 2035.

The calculations behind this option are based on the same inventory calculated by CARB. The 4.8 metric ton per service population target is based on the same statewide 2020 GHG inventory in the CARB Scoping Plan, i.e., 295,530,000 MT CO2e/yr. To derive the project level service population of 4.8 metric ton, SCAQMD took the 2020 statewide GHG reduction target for land use only (295,530,000 MTCO_2e/yr) and divided it by the total 2020 statewide population plus the total statewide employment for land use only (44,135,923 + 17,064,489) (i.e., (295,530,000 MT CO_2e/yr)/(44,135,923 + 17,064,489) = 4.8 MT CO_2e/yr). Thus, SCAQMD's threshold is another metric for assessing compliance with AB 32, just based on using numbers attributable to certain sectors and trying to break down the analysis to a finer grain based on a per person methodology associated with land use-related sectors.

As previously stated, the SCAQMD defines the service population as the total residents and employees associated with a project. According to the EIR, the service population for the proposed residential uses is anticipated to be 653 persons and the proposed commercial uses would generate approximately 150 employees. However, for a commercial project, the employees may be only about two percent of the number of people that visit a site. The majority of people visiting a commercial project are customers and a smaller number of vendors. When determining the service population for commercial uses, it is logical to not only consider the employees as part of the service population, yet also the primary users of commercial uses, which are the customers (who are being served by the Project)

and a small number of vendors. As such, for the purposes of this Project, the service population for the commercial uses would be the employees, the customers, and the vendors. In order to estimate the number customers and vendors that visit the site in addition to the employees, the number of potential daily vehicle trips is divided by two to account for each service population member making one trip to the Project site and one trip from the Project site, therefore each Project customer and vendor would count for two trips. This is a very conservative assumption since each vehicle is assumed to accommodate only one person, whereas, many of the vehicles would accommodate more than one person.

The proposed commercial uses would generate approximately 5,633 trips per day. An internal capture value of 563 is subtracted from the commercial trip generation in order to take into account the trips taken internally between the residential and commercial uses of the Project site. As such, the proposed commercial uses would generate 5,070 trips per day. The total number of trips per day is divided by two to derive 2,535 employees, customers, and vendors. As such, the total service population for the Project would be 3,188 (653 residents + 2,535 employees, customers, and vendors).

As shown on Table 4.7E of the DEIR (page 4.7-42), total annual Project GHG emissions for the year 2020 is 6,271.94 $MTCO_2e$. Dividing the year 2020 annual GHG emissions by the 3,188 service population yields an efficiency of 1.97 $MTCO_2e$ of GHGs per service population member. The analysis demonstrates that the GHG emissions per service population member would not exceed SCAQMD's draft threshold of 4.8 $MTCO_2e$ per service population for the year 2020. Additionally, the total annual Project GHG emissions for the year 2035 is calculated to be 6,035.82 $MTCO_2e$ (see FEIR Appendix A). Dividing the year 2035 annual GHG emissions by the service population yields an efficiency of 1.89 $MTCO_2e$ of GHGs per service population member. The analysis demonstrates that the GHG emissions per service population member would not exceed SCAQMD's draft threshold of 3.0 $MTCO_2e$ per service population for the year 2035. Therefore, the proposed Project would not have a significant impact on the environment.

Response to Comment H-44. This comment is concerned with whether the proposed project is consistent with SCAG projections and whether vehicle miles traveled are considered in the GHG analysis. The proposed project is a mixed use project that will provide locally serving commercial uses adjacent to two different residential neighborhoods. The project will create local job opportunities as well as local shopping, both of which will help reduce offsite trips and thereby reduce VMT. It should be noted that the Governor's Office of Planning and Research (OPR), which is responsible for guidance on the CEQA process at the state level, has not yet issued final guidance on how CEQA documents are to incorporate VMT into their analysis of traffic and land use impacts relative to recent changes in thresholds of significance for traffic impacts. The analysis of traffic and land use impacts in the EIR has followed current accepted practices relative to these two issues.

Due to the anticipated VMT changes, the commenter then concludes the project is not consistent with SCAG's Regional Comprehensive Plan (RCP). Under CEQA, the threshold at issue is whether the proposed project would "conflict" with any applicable land use plan, policy, or regulation (see DEIR, page 4.10-8; State CEQA Guidelines Appendix G, Threshold X.b). The threshold does not ask if the proposed project fully implements every goal, policy, and objective of every land use plan (in this case, the RCP). Adoption of SCAG policies does not result in municipalities losing all discretion to plan for a variety of land uses within their jurisdiction. No specific conflict with a specific SCAG policy is identified in this comment, and the project's influence on local VMT is explained above.

Response to Comment H-45. This comment asserts that the proposed project is not consistent with General Plan policy EJ 2.19. However, policy EJ 2.19 reads… "Encourage public and private development to achieve LEED certification or an equivalent green building standard." While the project may meet many of the LEED building standards, it is not known if the project will achieve LEED certification, nor is LEED certification required for consistency with this General Plan policy. Pursuant to the City of Wildomar's Municipal Code, 15.20, the Project buildings will required to comply with the California Green Building Standards (Title 24), which is considered an equivalent green building standard. As discussed in Table 4.7C General Plan Consistency Analysis and as further required by Mitigation Measure 4.3.6.3A, the Project will be consistent with or exceed 2013 Title 24 standards, so the Project will be consistent with EJ 2.19.

Response to Comment H-46. This comment is concerned with impacts relating to hazards associated with airports. The analysis in the DEIR (Section 4.8.5.3 on page 4.8-7) correctly indicates the following:

> *The nearest airport to proposed project site is the Skylark Field Airport in Lake Elsinore approximately 1.9 miles northwest of the site. However, the project is not within the Skylark Airport Influence Policy Area. There are no other airports within two miles of the project site. In addition, Table 4.8.B shows the project is consistent with the City's goals and policies related to airport land use compatibility plans. Therefore, the project will not have a significant impact related to airports. No mitigation is required.*

There is no Land Use Compatibility Plan for the Skylark Field Airport and the project site is not within any influence zones of policy areas of that airport. It is correct there are no other airports within 2 miles of the project site. Therefore, as concluded in the EIR, the project will not have a significant impact related to airports and no mitigation is required. However, Section 4.12.5.1 of the Draft EIR will be corrected to show the correct distance of the project to the airport (see Section 4 of this Final EIR).

Response to Comment H-47. The comment notes a calculation error in Draft EIR Table 4.9.F. The noted error resulted from a typographical error when copying the numbers from the Flow Rate Summary Table of the project's "Preliminary Hydrology and Hydraulics Study" (Study) to Table 4.9.F of the Draft EIR. The quantity used in the Study and as basis for the analysis and findings was 7.17-5.66=1.51. There were no alterations of base calculations as the commenter suggests.

Response to Comment H-48. This comment is concerned with the maintenance of the project's water basins. The regular maintenance of the basins at their respective locations will be the responsibility of the respective Owner's Associations whose property contains the subject basins whether in the single family, apartments, or commercial portions of the site

Response to Comment H-49. This comment is concerned with depletion of groundwater supplies. The water consumption and infrastructure requirements of the project were reviewed by the Elsinore Valley Municipal Water District which concluded that "the DEIR substantially conforms to EVMWD's Infrastructure Master Plans." (See Response to Comment F-1 in Letter F in this section of the FEIR, incorporated herein by reference.) The project is also consistent with the EVMWD's current 2011 Urban Water Master Plan (UWMP) which accounts for local consumption of surface and groundwater supplies through 2030 (note, the District is updating its UWMP which is planned to be issued by July 2016).

Response to Comment H-50. This comment questions the ability of NPDES permits to address short term water pollutant discharge. This project is required to meet the NPDES requirements associated with Order No. R9-2001-001, which was adopted by the San Diego Regional Water Quality Control Board on July 14, 2004 for the Santa Margarita River Region. Per the Riverside County Water Quality Management Plan for Urban Runoff, dated July 24th 2006, which was developed to provide guidelines for project-specific post-construction Best Management Practices (BMPs)…

"The list of potential Urban Runoff pollutants identified for the project must be compared with the pollutants identified as causing an impairment of Receiving Waters, if any."

Therefore, the above-mentioned impairments listed for the abovementioned water bodies were compared to the expected pollutants for the project site, and it was determined that the following are the projects "Pollutants of Concern":

- Nutrients
- Bacteria & Viruses
- Pesticides
- Metals

Therefore, the BMPs are required to provide medium to high removal effectiveness of the four pollutants of concern.

The grassed swale discharges directly into a Sand Filter Basin, therefore this BMP is more of a pre-treatment mechanism. The porous pavers are an infiltration-based BMP (per Appendix E from the Riverside County – Low Impact Development BMP Design Handbook) has high removal effectiveness for all pollutants, including nutrients, metals, bacteria and pesticides. The Sand Filter Basins shall incorporate a soil media filter similar to that of Bioretention. This will ensure that the pollutants of concern are removed with high effectiveness, per Appendix E from the Riverside County – Low Impact Development BMP Design Handbook. All onsite areas discharge into porous pavers or a sand filter basin, and therefore all the pollutants of concern required by MS4 Permit, Order No. R9-2001-001. (See Sections 4.9.2.3 and 4.9.5.7 of the Draft EIR.)

Response to Comment H-51. This comment is concerned with cumulative impacts relating to water. As discussed on pages 4.9-29 and 4.9-30 of the Draft EIR, the cumulative analysis considered impacts throughout the watershed and region. If each project within a given area can mitigate its own potential water-related impacts to less than significant levels, it can substantially reduce the potential for cumulative water supply impacts. In addition, the water consumption and infrastructure requirements of the project were reviewed by the Elsinore Valley Municipal Water District which concluded that…"the DEIR substantially conforms to EVMWD's Infrastructure Master Plans." (See Response to Comment F-1 in Letter F in this section of the FEIR.) For additional analysis on the issue of groundwater recharge and overdraft, see Response to Comment H-575 below incorporated herein by reference.

Response to Comment H-52. This comment states that the project is not consistent with the City's General Plan and zoning, and states that this site was previously identified as satisfying a portion of the City's Regional Housing Needs Assessment (RHNA) for low income households.

Under CEQA, the threshold at issue is whether the proposed project would "conflict" with any applicable land use plan, policy, or regulation. (See DEIR, p. 4.10-8; State CEQA Guidelines Appendix G, Threshold X.b.) Here, the project includes a General Plan Amendment and Zoning Change. Upon approval of those entitlements, the proposed project would not conflict with the General Plan or Zoning Code of the City. Further, if a land owner wishes to change a particular land use designation, such an analysis is required to determine if the proposed change is consistent with the guiding land use policies of the City. Here, a General Plan consistency analysis was undertaken, and it determined that the project was consistent with the General Plan's policies. (See Section 4.10.5.2 of the Draft EIR.)

Regarding the City's RHNA (excerpt from DEIR page 4.10-9):

> *…as a part of the City's 2014-2021 Housing Element Update, the project site was identified as satisfying a portion of the City's RHNA for low, very low and extremely low income households due to its Mixed Use Planning Area (MUPA) land use designation and the Mixed Use Overlay zoning on the project. The project proposes to change the land use designation and remove the Mixed Use Overlay from the project site; thus, the residences proposed as a part of the project will not count toward the City's RHNA obligations for low, very low and extremely low income households. However, the remainder of the Mixed Use Planning Area (MUPA) land in the City is able to accommodate the City's low, very low and extremely low income RHNA.*

The comment fails to acknowledge the ability of the City's remaining MUPA-designated land to accommodate the number of RHNA units lost under the proposed project. In addition, the RHNA does not require the City to provide affordable housing, it only requires the City to identify parcels that could accommodate affordable housing. The updated Housing Element clearly identifies sufficient parcels within the City to achieve the City's RHNA allocation even without the proposed project site.

Response to Comment H-53. The comment is concerned about the project's consistency with General Plan policies LU 22.6 (regarding setbacks) and LU 23.5 (regarding transportation facilities).

Regarding LU 22.6, the commenter is incorrect;; the project does provide necessary setbacks based on air pollutant emissions associated with the adjacent I-15 Freeway. Detailed analyses of the issues of setbacks and mitigation are provided in Responses to Comments E-4, H-9 and H-13 above (including Letter E above from the South Coast Air Quality Management District). Further, in response to comments from this commenter, the City has added Mitigation Measures 4.3.6.3B through 4.3.6.3D to ensure installation of air filtration systems in residential units. Also, Mitigation Measure 4.3.6.3E has been added for the project to provide its fair share of funding for transit-related improvements in the immediate project area, including bus stops if necessary.

Regarding the comment that the proposed project is not consistent with the General Plan, please see Response to Comment H-51, above, incorporated herein by reference.

Response to Comment H-54. This comment is concerned with the jobs to housing ratio within the City. This is a mixed use project which will provide locally serving commercial uses adjacent to two different residential neighborhoods. The project will create local job opportunities as well as local shopping, both of which will help reduce offsite trips and thereby reduce VMT and thereby help be consistent with the RCP. Even though the City is considered "jobs poor" by SCAG it is not required to only approve job-generating uses. Instead the City may continue to effectively plan

and approve land uses that provide a balance of housing, jobs, and commercial opportunities for its residents.

Response to Comment H-55. This comment is concerned with the proposed project's consistency with specific policies identified in the SCAG Regional Comprehensive Plan. As discussed above, the CEQA threshold at issue is whether the proposed project would "***conflict*** with any applicable land use plan, policy, or regulation…" (See DEIR, page 4.10-9). The threshold does not ask if the proposed project fully implements every goal, policy, and objective of every land use plan.

Here, this project exceeds the minimum required by law and regulation in terms of energy and resource conservation. For example, Mitigation Measure 4.3.6.3A requires the project achieve a minimum of 15 percent increase in energy efficiencies **beyond** 2013 Title 24 performance standards. This includes using efficient heating equipment among other high efficiency appliances. The project also includes extensive landscaping including evergreen and deciduous tree species providing shade throughout the site. Finally, the project may meet many of the LEED building standards, but it is not known if the project will achieve LEED certification, nor is LEED certification required by the City. Pursuant to the City of Wildomar's Municipal Code Section 15.20, the Project buildings will required to comply with the California Green Building Standards (Title 24), which is considered an equivalent green building standard. Mitigation Measure 4.3.6.3A requires the Project to demonstrate its energy use will be 15 percent less than 2013 Title 24 standards, so the Project will not conflict with EJ 2.19.

The purpose of Policy WA-12 is to encourage drought-tolerant or water conserving landscaping, which the City's drought response requirements and water efficient landscaping design guidelines promote, so the project does not conflict with that policy. Likewise, the Project will meet many of the LEED building standards, including resource recycling, although LEED certification is not required by the City. By encouraging resource recycling and reduction according to City development and CBC requirements, the Project will not conflict with Policy SW-14.

Response to Comment H-56. This comment states that unspecified, additional measures are required for the proposed project to be consistent with an unspecified SCAG policy.

As discussed above, the CEQA threshold at issue is whether the proposed project would "***conflict*** with any applicable land use plan, policy, or regulation…" (See DEIR, page 4.10-9.) The threshold does not ask if the proposed project fully implements every goal, policy, and objective of every land use plan. Adoption of SCAG policies does not result in municipalities losing all discretion to plan for a variety of land uses within their jurisdiction. No specific conflict with a specific SCAG policy is identified in this comment.

The proposed project is a private development project proposed for City review and action and at a minimum is required to comply with existing laws and regulations. If the project would have some potentially significant environmental impact related to energy or water conservation, then additional actions (i.e. mitigation) may be warranted. In the Draft EIR, Mitigation Measure 4.3.6.3A requires the project achieve a minimum of 15 percent increase in energy efficiencies beyond 2013 Title 24 performance standards. The project is also required to meet the state Water Conservation in Landscaping Act through the City's Municipal Code (Chapter 17.276) which implements landscaping and irrigation standards to promote water-efficient landscapes.

Response to Comment H-57. This comment states that the proposed project is not consistent with SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

As discussed above, the CEQA threshold at issue is whether the proposed project would "***conflict*** with any applicable land use plan, policy, or regulation…" (See DEIR, page 4.10-9). The threshold does not ask if the proposed project fully implements every goal, policy, and objective of every land use plan. The RTP/SCS does not preclude projects that are not within a "High Quality Transit Area" (HQTA) contrary to the statement made by the commenter. The HQTA policies do not apply to the proposed project, so the project does not conflict with those policies.

Although it does not change the significance determination of the EIR,, the City will add Mitigation Measure 4.3.6.3E to the FEIR and MMRP which states… "Prior to issuance of the first certificate of occupancy, the Project Applicant shall coordinate with RTA and the City of Wildomar to provide its fair share contribution of a future bus stop improvement within walking distance (approximately a quarter mile or less) to the site." The Project Applicant did in fact discuss with RTA a potential transit stop as part of the project design, and an RTA representative indicated there was currently no plan for a transit stop at this location.

In regards to the comment that the project is inconsistent with SCAG's goal of reducing the statistical distribution of work trip lengths, this is a mixed use project which will provide locally serving commercial uses adjacent to two different residential neighborhoods. The project will create local job opportunities as well as local shopping, both of which will help reduce offsite trips and thereby reduce VMT and thereby help be consistent with the RCP. Even though the City is considered "jobs poor" by SCAG it is not required to approve only job-generating uses. Instead, the City must continue to effectively plan and approve land uses that provide a balance of housing, jobs, and commercial opportunities for its residents. The project does not conflict with any SCAG policy. (Refer to analysis in Section 4.10.5.2 of the Draft EIR.)

Response to Comment H-58. The comment is concerned that the proposed project is inconsistent with RTP/SCS goals relating to reducing emissions, reducing transportation costs, and increasing the percentage of jobs within 15 minutes of transit. However, these are broad goals not applicable to each individual project within each jurisdiction within the region. As discussed above, the CEQA threshold at issue is whether the proposed project would "***conflict*** with any applicable land use plan, policy, or regulation…" (See DEIR, page 4.10-9.) The threshold does not ask if the proposed project fully implements every goal, policy, and objective of every land use plan.

It is the responsibility of the City to determine if or to what degree its land use decisions meet the advisory guidelines of the RCP regarding air pollutants and GHG emissions. SCAG is not the legal land use authority for land within the City. Even though the City is considered "jobs poor" by SCAG, the City cannot simply approve only job-generating uses to the exclusion of housing, and must continue to effectively plan and approve land uses that provide a balance of housing, jobs, and commercial opportunities for its residents. To the degree practical, the City's land use decisions reflect a balancing effort to achieve both local and regional land use goals while accommodating actual land use realities at the local level. The City works to meet the SCAG goals espoused in the RCP given its physical and locational limitations.

Response to Comment H-59. This comment is concerned with the use of construction noise standards adopted by other agencies in the Draft EIR's analysis of construction noise impacts.

As explained on page 4.12-20 of the Draft EIR, the City General Plan does not set standards for temporary noise impacts, including construction noise impacts. The City Municipal Code does place limits on when construction noise may take place. The Draft EIR identifies construction noise thresholds set by a variety of other agencies and jurisdictions. After such a review, the Draft EIR determined that a construction noise threshold of 85 dBA was appropriate, and that construction noise exceeding this threshold would be considered a significant environmental impact. (See page 4.12-22.) This is based in part on the fact that construction noise is temporary and intermittent, and therefore a higher threshold than would be appropriate for permanent noise can be found acceptable.

To analyze potential construction noise impacts against this threshold, the Draft EIR determined construction noise levels that would be experienced at the three closest sensitive receptors, located 50 feet, 140 feet, and 440 feet from the project site. This analysis determined that construction noise experienced by at least one sensitive receptor would exceed the threshold set. (See Table 4.12.D, page 4.12-27, of the Draft EIR.) As a result, impacts were determined to be potentially significant.

Because the temporary construction noise levels will exceed the threshold, the Draft EIR identified Mitigation Measure 4.12.6.1A, which will require that noise control barriers and noise protection measures be installed prior to start of construction to reduce the level of construction noise experienced at the property line of sensitive receptors to less than 85 dBA (See pages 4.12-27 and 4.12-28 of the Draft EIR.)

Response to Comment H-60. This comment is concerned about the Draft EIR's use of a construction noise threshold of 85 dBA. The City's threshold was selected after a review of the construction noise thresholds set by other jurisdictions and entities. Construction activities vary widely in time and location during any given day, as to the position of local residents within or coming and going from their residences during the day. As a practical matter, an 85 dBA threshold for construction noise is lower than many jurisdictions which typically use 90 dBA for temporary noise thresholds from construction. Mitigation Measure 4.12.6.1A also requires the use of mufflers, barriers, etc. to reduce potential impacts on local residents, regardless of how much time they spend in their residences during construction activities. Pages 4.12-20 through 4.12-22 in the Draft EIR explain how the City selected 85 dBA as its local construction noise impact significance threshold.

Response to Comment H-61. This comment is concerned about the project's distance from an existing airport. Section 4.12.5.1 (Noise, DEIR page 4.12-22) of the DEIR lists the distance of the project to the Skylark airport as 2.4 miles but Section 4.16.5.1 (Traffic, DEIR page 4.16-27) lists the distance as 1.9 miles. Section 4.12.5.1 will be corrected to reflect the correct distance of 1.9 miles, consistent with Section 4.12.5.1. However, the project site is not located within an influence zone or an established planning area of the Skylark Field Airport (i.e., it has no adopted Airport Land Use Plan). Therefore, no analysis is required or included in the Noise Impact Analysis (NIA) regarding aircraft operations from Skylark Airport.

Response to Comment H-62. This comment is concerned with unmitigated and mitigated levels of construction noise. The 85 dBA construction noise threshold will in fact protect local residents living near construction sites, including residents living adjacent to the proposed project. As required by Mitigation Measure 4.12.6.1A, the project must prepare a Noise Mitigation Plan which is site and project specific and takes into account adjacent residences/residents. It should be noted the City's standard is actually to the property line which would mean that actual noise levels closer to a residence, and within a residence would be noticeably lower, possibly much lower, depending on the actual distance of the residence from the property line closest to the construction area. The City also requires the use of mufflers, barriers, etc. to help reduce potential impacts on local residents.

Response to Comment H-63. This comment is concerned with the interior noise threshold utilized by the Draft EIR. The 45 dBA CNEL interior noise level threshold is for on-site traffic noise, not operational noise as the comment suggests. (See Section 4.12.6.2 of the Draft EIR.) The NIA and Draft EIR describe the Sound

Transmission Class (STC) rating for all windows required to satisfy the 45 dBA CNEL interior noise level standard in the Executive Summary of the NIA. While the precise building specifications were not available at the time of the analysis, the recommendation is based on worst-case noise conditions and represents a conservative recommendation to reduce the noise levels below the 45 dBA CNEL noise level standard.

Response to Comment H-64. This comment is concerned with cumulative construction noise impacts. No adjacent or nearby development or public works projects are proposed at this time. Therefore, it is unlikely that adjacent properties or the surrounding area will undergo development at the same time as the proposed project. However, if another property in the same general area were to develop at roughly the same time as the proposed project, it is most likely cumulative impacts would remain less than significant because each project would be required to restrict or maintain its own activities within City standards, and noise from overlap of activities on different sites would be expected to occur over a relatively short period of time (i.e., weeks or a few months versus years).Beyond that general caveat, it is overly speculative to attempt to estimate cumulative noise levels based on unknown projects at this time given the fact there are no planned projects at this time when the proposed project is being processed.

Response to Comment H-65. This comment is concerned with ground vibration levels experienced at adjacent residences. The comment identifies the Category 2 (residential) FTA 75 to 80 VdB range for Occasional Events, which are defined in Table 8-1 of the FTA Noise and Vibration Assessment Manual as having between 30 to 70 vibration events of the same source per day. Most commuter truck lines have this many operations. However, construction activity, and the 80 VdB threshold used in the NIA analysis, apply to Infrequent Events which the FTA defines as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines. Based on the FTA definitions, the construction activity is expected to represent fewer than 30 vibration events of the same kind per day, and therefore, the 80 VdB threshold is used. This is consistent with the FTA Noise and Vibration Assessment Manual, Section 12.2.1, Page 12-11, “Annoyance Assessment” methodology which indicates the use of the criteria for general assessment in Chapter 8, Table 8-1 of the FTA manual for construction vibration. (See Section 4.12.5.2 of the Draft EIR.)

Response to Comment H-66. This comment is concerned with parkland impacts. CEQA requires a project to address and mitigate its own impacts regarding parks and recreational activities. The EIR does evaluate project impacts (DEIR Section 4.15) on parkland and recreational resources. The City would require this project, as it does of all private development projects, to meet its parkland requirement by providing either onsite parkland or through payment of an in lieu fee so parkland can be provided on another site (consistent with LU 19.5). As described in the Draft EIR,

together the project's payment of in lieu fees will reduce any potential impacts to parkland to a level of less than significant (See Section 4.15.5.1 of the Draft EIR).

The project's consistency with applicable general plan policies was evaluated in Table 4.15.A (DEIR page 4.15-3). It should also be noted that general plan policy EJ 3.14,("increase access to urban parks, green space and natural environments for traditionally underserved communities") is a City-wide goal and not specifically applicable to a particular project, but the proposed project is consistent with the provision of City-wide parkland and trails.

Response to Comment H-67. This comment is concerned with the placement of loading facilities. The project site plan, as shown on Draft EIR Figure 3.6, was specifically designed so that the majority of loading areas are away from the residential neighborhoods. By placing the loading areas in the parking lots, the commercial/office buildings will serve as buffers between these activities and the future residential areas. Likewise the internal loading areas are a noticeable distance from Baxter Road and the existing residential areas farther to the south. As a result, the project is consistent with General Plan policy C 3.9 which provides for the design of off-street loading facilities away from residential uses.

Response to Comment H-68. This comment is concerned with the project's consistency with General Plan policy LU 12.1. The project's mixed use design locates residential and commercial/office uses adjacent to each other. This provides opportunities for residents to shop and work at a convenient location which would reduce reliance on the automobile. The sidewalk system to be constructed by the project will encourage pedestrian and bicycle use, which is not available currently. The Project Applicant did in fact discuss with RTA a potential transit stop as part of the project design, and an RTA representative indicated there was currently no plan for a transit stop at this location.

Although it does not change the significance determination of the study or the EIR, Mitigation Measure 4.3.6.3E has been added to the FEIR and MMRP and states…

"<u>Prior to issuance of the first certificate of occupancy, the Project Applicant shall coordinate with RTA and the City of Wildomar to provide its fair share contribution of a future bus stop improvement within walking distance (approximately a quarter mile or less) to the site</u>."

Response to Comment H-69. This comment is concerned with routes to nearby schools. The sidewalk system to be constructed by the project will facilitate pedestrian and bicycle use beyond what is available currently. The City works with the School District concerning the design of roads and other public improvements in and around school sites. The City will continue to work with the District, Caltrans and the County on funding and improvements related to Safe Routes to School Program, which the City has been successful in implementing other phases of this Program

when the need is warranted. Further, the Project Applicant did in fact discuss with RTA a potential transit stop as part of the project design. RTA representative indicated there was currently no plans for a transit stop at this location. Although this action does not change a significance determination, Mitigation Measure 4.3.6.3E has been added to the FEIR and MMRP and is described above in Response to Comment H-68, incorporated herein by reference.

Response to Comment H-70. This comment states that the trip assumptions for the residential land uses are underestimates, but does not provide any facts or evidence supporting this conclusion. This comment also states that the trip capture rate is an overestimate, but does not provide any facts of evidence supporting this conclusion.

The 38 outbound trips in the AM peak hour and 42 inbound trips in the PM peak hour is for 67 single family residences (not 104 homes per commenter), and is based on trip generation statistics published in the Institute of Transportation Engineers (ITE) Trip Generation manual (9th Edition, 2012) (referred to as "Trip Generation"). ITE's Trip Generation is a nationally recognized and reliable source for trip generation data for numerous land use categories, and has been developed over many years based on thousands of site surveys collected both in California and nationwide. Additionally, the 84 outbound trips in the AM peak hour and 82 inbound trips in the PM peak hour as noted by the reviewer for the 204 apartment unit component of the project are also based on the same ITE trip generation rates. (See Table 4-2 of the Traffic Impact Analysis and Table 4.16.G of the Draft EIR.)

As described in Section 4.16.3.3 of the Draft EIR, the 2,850 trips referenced by the reviewer are for **both** internal capture and pass-by trip reductions and **not** for internal capture alone. As shown in Table 4-2 of the Traffic Impact Analysis, the internal capture percentage and resulting number of trips (563 residential trips and 563 retail trips) are based on an adopted methodology for determining internal capture rates as described in the ITE Trip Generation Handbook (2nd Edition, 2004), which is a widely accepted practice for determining internal capture.

Page 6-8 of the DEIR Alternatives section indicates that the Project ADT is 6,386 in the paragraph for Noise and Vibration – this was a typographical error on this page. However, the correct Project ADT of 4,777 is identified in the paragraph for Transportation and Traffic on the same page, and is consistent with the project's Traffic Impact Analysis which is included in the Draft EIR as Appendix K.

Response to Comment H-71. This comment states that the Draft EIR did not consider whether the project would conflict with a congestion management plan and takes issue with the Draft EIR's threshold of significance for determining intersection impacts. Level of Service (LOS) thresholds are established by the City's General Plan. CMP facilities within the study area include Interstate 15 (I-15) and related facilities (e.g., freeway ramp intersections). Project impacts to these facilities are coincident with analyses of Intersection LOS; Freeway Ramp Progression; Mainline

Freeway Segment performance; and Freeway Merge/Diverge operations disclosed in the DEIR and the Traffic Impact Analysis which is included in the Draft EIR as Appendix K. There is a recognized need to improve both the interchange and widen the I-15 Freeway over time, but with mitigation, the proposed project does not cause a CMP facility to fall from an acceptable LOS to an unacceptable LOS – it represents a small portion of the overall anticipated growth in the region. Therefore, the proposed project is consistent with the CMP.

CEQA allows the lead agency the ability to apply its own significance thresholds where none exist. The City as a standard practice utilizes 5.0 seconds as a reasonable approximation of when an individual development project's traffic contribution during peak hours to an already deficient intersection is cumulatively considerable. Application of a delay based significance criteria for the purposes of determining a project's potential impact to a deficient intersection is a standard practice used by many cities and agencies throughout Southern California.

Response to Comment H-72. This comment again states that the Draft EIR has underestimated the number of trips generated by the project. See Response to Comment H-69 above, incorporated herein by reference. Further, the threshold of 50 outbound AM peak hour trips is the limit to which the project could contribute traffic to Intersection 3: Central Street/Baxter Road without the LOS being degraded to such an extent that additional improvements are required. The threshold of trips is understood to be a subset of the overall project traffic, and estimation of the trip cap would be based on the analysis as presented by a registered traffic engineer at the time of development.

Response to Comment H-73. This comment is concerned with impacts to the Intersection 5: the I-15 Southbound Ramps at Baxter Road. The Draft EIR uses a similar approach to analyze impacts and provide mitigation at this intersection as it does at other intersections analyzed in the Draft EIR. Specifically, with implementation of Mitigation Measure 4.16.6.1B there is a cap in the amount of development that can occur prior to the project mitigation being in place. The threshold of development (i.e., 30 apartments or 22 single family dwelling units or 10,000 square feet of retail) represents a threshold of trips that would keep the project's contribution at Intersection 5 to less than 5.0 seconds, thus not creating a significant impact based on the City's adopted significance threshold of 5.0 seconds in additional delay. The intent of the Mitigation Measure wording is to provide for either/or and not in addition to. For clarification, the clause "whichever occurs first" will be added to the end of Mitigation Measure 4.16.6.1B which is consistent with the intent in Sections 3 and 4 of this FEIR.

As commenter notes the findings contained in the Draft EIR for Intersection 5, because the City cannot guarantee construction of proposed traffic signal due to the intersection location in Caltrans right-of-way, the Draft EIR must assume the impact to this intersection would remain significant for Draft EIR purposes.

Response to Comment H-74. This comment is concerned with cumulative traffic impacts. However, the project mitigates its proportional share of future cumulative traffic impacts through the payment of both City of Wildomar Development Impact Fees (DIF) and Western Riverside County Council of Government (WRCOG) TUMF fees. Consistent with CEQA law, 2013 traffic count data was found to be representative of baseline (existing) traffic conditions at the study area intersections at the time the project's Notice of Preparation (NOP) was established.

Response to Comment H-75. This comment questions project impacts under the project buildout condition, as depicted in Draft EIR Table 4.16.K. The purpose of Table 4.16.K is to summarize the existing intersection controls and LOS for each of the impacted intersections, and to also provide the needed traffic control and associated mitigation measure to bring the cumulatively impacted intersection to an acceptable LOS. The information presented in Table 4.16.K is a summarized version of the more descriptive table presented in the Traffic Impact Analysis (see Table 6-5 of the Baxter Village Traffic Impact Analysis, City of Wildomar, California, Urban Crossroads, revised March 18, 2015.).

The delay values calculated based on Highway Capacity Manual (HCM) methodology grows exponentially once the level of service (LOS) reaches LOS "F" or failure conditions. In an effort not to misrepresent the actual delay that may be experienced in the "real-world", Table 6-5 of the Traffic Impact Analysis shows the delay as >50 seconds and LOS "F" , without improvements. This does not mean the impacts are the same for existing and cumulative conditions, but that the increase in delay greater than 50 seconds cannot be reasonably measured using the current available methodologies after the LOS "F" threshold has been reached.

Response to Comment H-76. This comment questions whether projected water supplies are adequate to meet project demand. This project would demand an amount of water less than the amount of water required by a 500-dwelling unit project. This means the project is not required to conduct a Water Supply Assessment (WSA) under SB 901 which assumes smaller projects such as this will not have significant impacts on regional water supplies, including groundwater recharge.

According to their website,[1] the EVMWD has adopted an Urban Water Management Plan (UWMP) and relies mainly on local groundwater…

> "for a significant source of its water supply. Recognizing the importance of groundwater to communities like those served by EVMWD, the state legislature enacted the *Sustainable Groundwater Management Act of 2014* (SGMA). The

[1] www.evmwd.com

> SGMA provides local water agencies with important new groundwater management tools not previously available for the purpose of achieving sustainable groundwater use.
>
> In order to implement the SGMA, the California Department of Water Resources (DWR) has prioritized all of the Designated Groundwater Basins in California as high, medium, low, or very low. In accordance with the SGMA, DWR requires the formation of Groundwater Sustainability Agencies (GSAs) that cover the entire basin for all medium and high priority Groundwater Basins. A GSA can be a single agency, or a group of agencies coordinating the sustainable planning and management of the basin.
>
> In 2005, the EVMWD adopted a Groundwater Management Plan (GWMP) for portions of the DWR-designated Elsinore Groundwater Basin (Basin No. 8-4), on which EVMWD relies for water supply. DWR has designated the Elsinore Basin as high priority. EVMWD has been actively managing groundwater resources in most of the Elsinore Basin for decades."

The EVMWD website goes on to state it adopted a Water Shortage Contingency Plan (WSCP) in 2015 which addresses EVMWD's plan to compare projected water supplies and demands, as well as assesses the overall reliability of EVMWD's future supplies.

Finally, according to the EVMWD 2010 UWMP the average daily per capita water use in the EVMWD service area is 248 gallons per day. Therefore, the water demand of the project residential portion would be approximately 161,944 gallons per day. EVMWD's assessment of groundwater usage in its UWMP took into account planned growth in its service area. Although the project requires a General Plan Amendment and zone change, the proposed development is of similar or lesser intensity than land uses under the existing General Plan and zoning. For this reason, any increase in groundwater use from the proposed project would have been accounted for in the UWMP. As such, the project would not substantially deplete groundwater supplies. Impacts are less than significant.

Based on its adopted water management plans, the EVMWD has demonstrated it has and will have adequate water supplies.

Imported Water Reliability. Although EVWMD gets a majority of its water from local wells, it also imports surface water from the Metropolitan Water District (MWD) which in turn gets most of its water from imported sources (i.e., the state water system). Based on the Water Allocation analysis released by the California Department of Water Resources (DWR) on March 22, 2010, export restriction could reduce MWD deliveries by 150 to 200 thousand acre-feet (TAF) under mean hydrologic conditions, and operations could remain restricted until a long-term solution is found to improve the stability of the Bay-Delta region.

MWD has developed near and long-term action plans to increase water supply reliability, such as its Regional Urban Water Management Plan (RUWMP). MWD is also working with stakeholders throughout the state to develop and implement long term solutions to the problem in the Bay Delta.

Response to Comment H-77. This comment questions the Draft EIR's reliance on the most recent MWD RUWMP. The previous Response to Comments H-75 and 76, incorporated herein by reference, addresses issues related to the RUWMP. In addition, the water consumption and infrastructure requirements of the project were reviewed by the Elsinore Valley Municipal Water District which concluded that…"the DEIR substantially conforms to EVMWD's Infrastructure Master Plans." (see Response to Comment F-1 in Letter F in this section of the FEIR).

Response to Comment H-78. This comment is concerned with California drought conditions. When the EIR was drafted, the state, including Southern California, was in unprecedented drought conditions. However, this winter and spring have brought "El Nino" conditions to the state, including Southern California, to the point where most state water supply reservoirs are now at or near historical levels (Refer to http://cdec.water.ca.gov/cgi-progs/reservoirs/RES).

Response to Comment H-79. This comment disagrees with the Draft EIR's assumed per capita water consumption, but provides no facts or evidence showing that the assumed water consumption is unreasonable. The EVMWD's website[1] currently indicates the project area is in Stage 4a drought conditions, so various procedures are in effect and required of existing and new development to help reduce area water use.

> *With Governor Brown's declaration of a drought emergency, the State Water Resources Control Board (SWRCB) was charged with mandating water restrictions for California. The SWRCB adopted statewide mandates on May 6, 2015 requiring agencies to increase conservation efforts. The mandate requires EVMWD and its customers reduce water use by 28 percent.*
>
> *In response to California's historic drought, EVMWD is implementing a temporary drought surcharge. This surcharge is designed to encourage additional water conservation, help offset revenue losses due to the Governor's Executive Order and increase compliance with state conservation requirements. The surcharge took effect July 31, 2015 and will continue until further notice. Drought surcharges are applied to all tiers at Stages 3a through Stages 5c.* (EVMWD Website 2016)

The water consumption estimates in the EIR are reasonable, supported by EVMWD, and based on existing regional consumption information. In any event, the proposed

[1] http://www.evmwd.com/about/departments/public/drought.asp

project, and its future residents and employees, would be required to comply with any drought response activities in place at the time.

Response to Comment H-80. This comment questions the numbers presented in Draft EIR Table 4.17.C. However, the issues raised in this comment appear to be overly speculative, especially for a project-level CEQA document in which the water supply analysis is based on information from the serving agency (i.e., EVMWD). As outlined in Responses to Comments H-75 through H-78, incorporated herein by reference, there are many reasons why it is not appropriate to rely too heavily on detailed projections of supply and consumption, especially when there are regulations in effect for residents and businesses to comply with the Governor's drought directives.

Response to Comment H-81. This comment is concerned with the project's consistency with General Plan policy OS 2.1. Onsite detention and infiltration helps recharge local groundwater supplies, which is consistent with water supply goals of the EVMWD which serves the project site and surrounding area. Water consumption was not determined to be a significant impact of the project, in fact the EVMWD concluded that…"the DEIR substantially conforms to EVMWD's Infrastructure Master Plans." (See Response to Comment F-1 in Letter F in this section of the FEIR.) Grey water systems are not in general use in the City, and their installation is tightly restricted by the California Green Building Code. This project has ample area for infiltration and does not need to install dry wells or grey water systems, so it is consistent with the general plan policy even though it does not need to install such systems.

Response to Comment H-82. This comment questions the project's consistency with General Plan policy AQ 5.1. The project will comply with established source reduction and recycling programs for residential and commercial uses. The commenter incorrectly interprets the policy; it does not say "create new programs" but rather utilize established programs. The City can certainly establish additional programs, but the policy is not intended to penalize an individual development project for not creating new programs in this regard.

Response to Comment H-83. This comment states that the project will result in significant irreversible environmental change, yet provides no facts or evidence supporting this conclusion. Table 5.A in Section 5 of the DEIR clearly outlines the significant environmental impacts of the project determined in Section 4 of the EIR. In addition, Section 5.2 identifies a number of irreversible environmental changes that would result from the project. Therefore, the EIR is consistent with State CEQA Guidelines Section 15126(c).

Response to Comment H-84. This comment states that the project will result in growth inducing impacts, yet provides no facts or evidence supporting this conclusion. Section 5.3 of the Draft EIR identifies a number of growth-inducing

impacts that would result from the project. Therefore, the EIR is consistent with State CEQA Guidelines Section 15126(d).

Response to Comment H-85. This comment questions values presented in Table 5.C of the Draft EIR. A calculation error was found in Table 5.C which has been corrected as follows:

Original Table

Table 5.C: Project Operational Fuel Consumption

Land uses	Annual Vehicle Miles Traveled (VMT)[1]	Fuel Consumption (gallons)[2]
Single-Family	638	11,165
Apartments	1,357	23,748
Shopping Center	5,633	98,578
Total	**4,777**	133,491

1. Air Quality Impact Analysis (Appendix D). Average Daily Trip from the project traffic study (DEIR Table 4.16.G) times assumed average trip length of 15 miles per trip.
2. Calculated by dividing the VMT by 17.5 miles/gallon based on U.S Energy Information Administration, Annual Energy Review, Table 2.8 Motor Vehicle Mileage, Fuel Consumption, and Fuel Economy, 1949–2010. http://www.eia.gov/totalenergy/data/annual/showtext.cfm?t=ptb0208, website accessed March 27, 2015.

Revised Table

Table 5.C: Project Operational Fuel Consumption

Land uses	Average Daily Traffic (ADT)[1]	Daily Vehicle Miles Traveled (DVMT)[2]	Daily Fuel Consumption (gallons)[3]
Residential	1,431	21,465	1,227
Commercial	3,346	50,190	2,868
Daily Total	**4,777**	**71,655**	**4,095**

1 Trip data from Table 4-2 from project Traffic Impact Assessment (DEIR Appendix J).
2 Calculated by multiplying the average daily trips (ADT) times 15 miles per trip.
3 Calculated by dividing the daily VMT by 17.5 miles/gallon based on U.S Energy Information Administration, Annual Energy Review, Table 2.8 Motor Vehicle Mileage, Fuel Consumption, and Fuel Economy, 1949–2010. http://www.eia.gov/totalenergy/data/annual/showtext.cfm?t=ptb0208, website accessed March 27, 2015.

The revised table indicates the daily fuel consumption of the project will be approximately 4,095 gallons per day or an annual consumption of 1.5 million gallons. These corrections will be reflected in Section 4 of the Final EIR. This information does not change the conclusions of the EIR because energy use or conservation was not identified as a significant impact of the project under the original calculation, nor is it significant under this additional analysis.

Response to Comment H-86. This comment requests that the applicant be required to work with the City and RTA to obtain bus service via a new mitigation

measure. The Project Applicant did in fact discuss with RTA a potential transit stop as part of the project design. RTA representative indicated there was currently no plans for a transit stop at this location. Although this action does not change a significance determination, Mitigation Measure 4.3.6.3E has been added to the FEIR and MMRP and is described above in Response to Comment H-57, incorporated herein by reference.

Response to Comment H-87. This comment states that the Draft EIR should have identified a significant environmental impact related to Toxic Air Contaminants (TACs), and states that an adequate range of alternatives should assess an alternative site that would reduce this and other unspecified impacts.

As explained in Responses to Comments H-9 through H-19, incorporated herein by reference, the conclusion of the EIR regarding TACs was correct and is fully supported by the results of the site and project-specific Health Risk Assessment that was prepared (DEIR Appendix D-3). Table 5.A therefore correctly reflects the identified significant impacts of the proposed project.

The commenter requested an alternative site analysis. However, Section 6.6 (DEIR page 6-18) of the DEIR clearly explains why an alternative site analysis was not needed:

> *The only significant impact of the project is cumulative traffic impacts on I-15 because it is under the control of Caltrans and the City cannot guarantee that planned or recommended improvements will be made as needed. However, if it was possible to find a vacant site in the City on which the proposed project could be built, the project would still have the same significant impact. Therefore, there is no need to evaluate any specific alternative sites for the proposed project.*

No conditions have changed regarding the analysis of potential environmental impacts of the proposed project, so the determination not to evaluate an alternative site for the project is still appropriate.

Response to Comment H-88. This comment takes issue with the identified project objectives. The project objectives were developed by City staff after discussion with the project applicant. They are similar to objectives developed for other projects within the City. They reflect the desire of the applicant, as stated in the project application materials, to change the General Plan and zoning designations on the site. The City is obligated to objectively review a development application submitted by a property owner for their property, even if it is not consistent with the current land use designations for the site. The City's development review and CEQA processes allow for land use and zoning designations to be changed on a site if the proposed project does not conflict with the intent of the General Plan. Objectives are not required to be consistent with General Plan designations, and the City's Housing

Element does not require applicants to propose affordable housing projects on any specific sites within the City.

Response to Comment H-89. This comment states that the Draft EIR failed to assess an all-commercial alternative. CEQA does not require the evaluation of all possible alternatives but rather a reasonable range of feasible alternatives that could reduce the significant environmental impacts of the proposed project while meeting most of the basic project objectives.

After extensive discussion, City staff concluded that any "all commercial" alternatives were not appropriate in this location. It was considered to not be in the best interests of the City, land owner, or the adjacent residents because it would be out of balance with other planned commercial properties in the area, and the proposed residential uses can act as a buffer between the commercial uses and the existing residences.

As explained in Section 6.2 of the DEIR (page 6-3)… "an all-commercial alternative also would not meet most of the project objectives because it would not provide a balance of housing as encouraged by the mixed use designation, would have generated substantially more traffic, and would not be consistent with the general plan land use and zoning designations on the site, so they (all commercial alternatives) were eliminated from further consideration." For these reasons, an all-commercial alternative was discussed but not analyzed in the Draft EIR.

Response to Comment H-90. This comment questions the assumptions underlying the analysis of the No Project Alternative. The City determined that the most appropriate "No Project" alternative would be if the property was developed under its existing General Plan and zoning designations. The "No Project" condition the commenter is describing is essentially an outline of the baseline conditions of the property when the NOP was issued, and that was provided as the existing setting information in each sub-section of Section 4. Obviously no development on the site at all would have no environmental impacts unless there was an existing adverse condition that was affecting area residents at present. There do not appear to be any of those conditions present. In this case, if the proposed project does not proceed, the City assumed for the purposes of this analysis that the site would be developed according to existing land use designations, and that is what was evaluated in the No Project Alternative. Therefore, the City, and the lead agency under CEQA, determined that the most appropriate alternatives to study in the EIR were those outlined in Section 6 of the DEIR.

Response to Comment H-91. This comment states that the No Project Alternative should have assumed only 30 percent of the project site would be developed with residential, not the 50 percent allowed under the existing General Plan designation. CEQA does not require the evaluation of all possible alternatives but rather a reasonable range of feasible alternatives. If the project as proposed was not built, it would be reasonable to assume another development proposal would try to

maximize residential development of the site, so the EIR evaluated that as a "worst case" condition to make sure potential impacts were identified. The comment does not provide any evidence that a 50 percent residential buildout is unreasonable or unforeseeable.

Response to Comment H-92. The comment questions whether the No Project Alternative would result in greenhouse gas related environmental impacts. It is unclear what information in the alternatives analysis this comment takes issue with. The commenter seems to be indicating the EIR concluded the project and/or the alternatives would have significant GHG impacts. In fact, DEIR Table 6.H shows that the proposed project and all the alternatives studied would have less than significant impacts regarding GHG emissions, although Alternatives 1 and 3 would have slightly more emissions due to having more units. This conclusion would not change even if the alternatives were reduced in size. As outlined in Responses to Comments H-37 through H-44, incorporated herein by reference, the City believes the EIR correctly and accurately assesses potential impacts of the project relative to GHG emissions and climate change.

Response to Comment H-93. This comment questions the assumptions underlying the analysis of Alternative 3. The shape and size of the project site does not lend itself to placing all of the commercial uses adjacent to the freeway as suggested by the commenter. In addition, such a layout would result in an inefficient land use and traffic circulation plan. The project had a detailed Health Risk Assessment (HRA) prepared which concluded there would be no significant health risks to project residents from proximity to the freeway, which is what is recommended in the CARB land use planning handbook. For additional information, please see Response to Comments E-4 and H-9 through H18, incorporated herein by reference.

Additionally, CEQA requires that EIRs analyze a reasonable range of alternatives with the potential to reduce the significant environmental impacts associated with a proposed project. Here, there are no significant air quality impacts with implementation of Mitigation Measure 4.3.6.3A and applicable SCAQMD rules. Therefore CEQA does not require analysis of alternatives that would reduce the project's already less than significant air quality impacts.

Response to Comment H-94. This comment questions the impact determinations for greenhouse gas emissions for the alternatives. However, as discussed above in Response to Comment H-91, incorporated herein by reference, none of the alternatives were found to result in potentially significant environmental impacts relating to greenhouse gas emissions.

Response to Comment H-95. The City will provide notice of availability of the FEIR document to this commenter prior to action on the EIR.

3. REVISIONS TO THE DRAFT EIR

Any corrections to the Draft Environmental Impact Report (EIR) text and figures generated either from responses to comments or independently by the City, are stated in this section of the Final EIR. These EIR errata are provided to clarify, refine, and provide supplemental information for the Baxter Village Mixed Use Project. None of the information contained in these EIR modifications constitutes significant new information or changes to the analysis or conclusions of the Draft EIR.

The information included in this EIR erratum that resulted from a typographical error does not constitute substantial new information that requires recirculation of the Draft EIR. The California Environmental Quality Act (CEQA) Guidelines, Section 15088.5, states in part:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The changes to the Draft EIR included in these modifications do not constitute "significant" new information because:

- No new significant environmental impact would result from the project or from a new mitigation measure;
- There is no substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted that reduce the identified significant impacts to a level of insignificance;
- No feasible project alternative or mitigation measure considerably different from others previously analyzed has been proposed or identified that would clearly lessen the significant environmental impacts of the project; and
- The Draft EIR is not fundamentally or basically inadequate or conclusory in nature such that meaningful public review and comment were precluded.

Therefore, recirculation of the Draft EIR is not required because the new information added to the Draft EIR is not significant and the following modifications to the Draft EIR only clarifies information already provided or makes insignificant modifications to the already adequate Draft EIR.

For simplicity, the modifications contained in the following pages are in the same order as the information appears in the Draft EIR. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by a double underline (underline) where text has been added. The applicable page numbers from the Draft EIR are also provided where necessary for easy reference.

1.0 EXECUTIVE SUMMARY, TABLE 1.B (DEIR page 1-16)

The following editorial correction was made to this table to exchange wrong headings for two of the impacts evaluated in Section 4.4 of the DEIR (i.e., the headings in the actual section were correct):

4.4 BIOLOGICAL RESOURCES		
Less than Significant Impacts		
Adopted ~~Habitat Conservation Plans~~Policies and/or Ordinances: There are no established ~~habitat conservation plan areas~~ local policies or ordinances related to biological resources that ~~include~~ affect the project site or surrounding area. Therefore, impacts are less than significant.	No mitigation is required	Less than Significant
Significant Impacts		
Impact 4.4.6.5 - Adopted ~~Policies~~	Refer to **Mitigation**	Less than Significant

~~**and/or Ordinances Habitat**~~ **Conservation Plans:** The proposed project may affect adopted habitat conservation plans such as the MSHCP due to potential impacts to Burrowing owl. Mitigation is required.	**Measure 4.4.6.1A.**	with Mitigation

4.3 AIR QUALITY (DEIR page 4.3-33)

At the suggestion of the Southern California Environmental Justice Alliance (see Letter H in Section 2), the City has decided to add the following mitigation measures so these project activities can be better monitored:

4.3.6.1C During grading operations, no more than 5 acres of land will be disturbed per day to help reduce particulate air pollution on surrounding residences. Violation of this restriction will be cause for work to be halted for a period of one day for each violation.

4.3.6.3B Prior to issuance of a building permit for each multi-family (apartment) building, the applicant shall demonstrate that the Heating, Ventilating, and Air Conditioning (HVAC) system in each unit is served by an air filtration system with an efficiency equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 14 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2 (2)1.

4.3.6.3C Prior to issuance of a building permit for each single family unit, the applicant shall demonstrate that the Heating, Ventilating, and Air Conditioning (HVAC) system in each unit has an air filtration system with an efficiency equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 8 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2 (2)2.

4.3.6.3D Prior to issuance of an occupancy permit for any residential unit, the applicant shall demonstrate that each unit has or is served by an appropriate air filtration system as outlined in Mitigation Measures 4.3.6.3B and 4.3.6.3C. In addition, the applicant shall provide each homeowner or apartment manager with information on filter system operation and maintenance and product warranties.

In addition, the following measure was added based on a suggestion by the Southern California Environmental Justice Alliance to better encourage future transit opportunities:

4.3.6.3E Prior to issuance of the first certificate of occupancy, the Project Applicant shall coordinate with RTA and the City of Wildomar to provide its fair share contribution of a future bus stop improvement within walking distance (approximately a quarter mile or less) to the site.

4.4 BIOLOGICAL RESOURCES (DEIR pages 4.4.-14 and 4.4-21)

Based on comments from the U.S. Fish and Wildlife Service, the following changes were made to the mitigation measures:

4.4.6.1A Within 30 days prior to ground disturbance, a pre-construction survey for burrowing owl shall be conducted to avoid potential direct take of burrowing owls that may occupy the site in the future. In the event no burrowing owls are observed within the limits of ground disturbance, no further mitigation is required.

~~If burrowing owls are determined present following the pre-construction survey, occupied burrows shall be avoided t following the guidelines in the "Staff Report on Burrowing Owl Mitigation" published by California Department of Fish and Wildlife (March 7, 2012) including, but not limited to, avoiding occupied burrows during the nesting and non-breeding seasons, implementing a worker awareness program, biological monitoring, establishing avoidance buffers, and flagging burrows for avoidance with visible markers. If occupied burrows cannot be avoided, acceptable methods may be used to exclude burrowing owl either temporarily or permanently, pursuant to a Burrowing Owl Exclusion Plan that shall be prepared and approved by CDFW. The Burrowing Owl Exclusion Plan shall be prepared in accordance with the guidelines in the Staff Report on Burrowing Owl Mitigation.~~

If burrowing owls are identified during the survey periods, the City or project applicant will develop a burrowing owl relocation and conservation strategy that is acceptable to the California Department of Fish and Wildlife, the Western Riverside County Regional Conservation Authority (RCA), and the U.S. Fish and Wildlife Service. If passive or active relocation of the owls is approved for the site by the CDFW, the relocation plan will include the following elements:

- The locations of the nests and the owls proposed for relocation.
- The locations of the proposed relocation sites.
- The numbers of adult owls and juveniles proposed for relocation.
- The time of year when relocation is proposed to take place.

- The name of the biologist proposed to supervise the relocation, and the details of his/her previous experiences capturing, handling, and relocating burrowing owls, including the outcomes of their previous relocation efforts (survival/mortality rates and site-fidelity rates of the relocated owls), and relevant permits held.
- A detailed description of the proposed method of capture, transport, and acclimation of the current project's owls on the proposed relocation site.
- A detailed description of relocation site preparations (e.g., the design and dimensions of the artificial release burrows and hacking cage, duration of hacking activities (including food and water provision).
- Description of the monitoring methods and monitoring duration to be employed to verify survival of the relocated owls and their long-term retention on the relocation site.

4.4.6.3A Prior to the issuance of any grading permit for permanent impacts in either on-site or off-site jurisdictional features, the project applicant shall obtain a Clean Water Act Section 404 permit and an Approved Jurisdictional Determination from the USACE, a Clean Water Act Section 404 permit from the RWQCB, and a Streambed Alteration Agreement permit under Section 1602 of the California Fish and Game Code from the CDFW. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies:

1. Off-site replacement and/or restoration of USACE/RWQCB jurisdictional “waters of the U.S.” or “waters of the State” within the Santa Margarita Watershed at a ratio of no less than 1:1 or within an adjacent watershed at a ratio of no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or within an agency-accepted off-site permittee-responsible mitigation area.
2. Off-site replacement and/or restoration of CDFW jurisdictional streambed and associated riparian habitat within the Santa Margarita Watershed at a ratio no less than 1:1 or within an adjacent watershed at a ratio no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired

for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or within an agency-accepted off-site permittee-responsible mitigation area.

3. Approval of a project-specific Determination of a Biologically Equivalent or Superior Preservation (DBESP) report by the resource agencies as appropriate and consistent with established MSHCP procedures.

4.4.6.4A Pursuant to the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGC), site preparation activities (removal of trees and vegetation) shall be avoided during the nesting season of potentially occurring native and migratory bird species (generally February 1 to ~~August 31~~ September 15). If site preparation activities must occur during the nesting season, a pre-activity field survey shall be conducted by a qualified biologist prior to issuance of grading permits for such development. The survey shall determine if active nests of species protected by the MBTA or CFGC are present in the construction zone. If active nests of these species are found, the developer shall establish an appropriate buffer zone with no grading or heavy equipment activity within of 500 feet from an active listed species or raptor nest, 300 feet from other sensitive or protected bird nests (non-listed), or 100 feet for sensitive or protected songbird nests. In the event no special status avian species are identified within the limits of disturbance, no further mitigation is required. In the event such species are identified within the limits of ground disturbance, Mitigation Measure 4.4.6.4B shall also apply.

4.5 CULTURAL RESOURCES (DEIR pages 4.5-16 through 4.5-18)

Based on comments from the Pechanga Band of Luiseño Indians (see Letter C in Section 2), the text of the mitigation measures relative to cultural resources will be modified or added as follows:

~~**4.5.6.1A** If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist, the Pechanga Tribe, and the Soboba Band. Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist, the Tribe, and/or the Band determines the resources to~~

~~be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required by mitigation measure MM 3.5.2b. This mitigation measure shall be incorporated in all construction contract documentation.~~

4.5.6.1A At least 30 days prior to seeking a grading permit, the Project Applicant shall contact the Pechanga Tribe to notify the Tribe of grading, excavation and the monitoring program, and to coordinate with the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.

~~**4.5.6.1B** At least 30 days prior to seeking a grading permit, the project applicant shall contact both the Pechanga Tribe and the Soboba Band to notify them of grading, excavation, and the monitoring program and to coordinate with the City of Wildomar, the Tribe, and the Band to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; project grading and development scheduling; terms of compensation for the monitors; treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal/Band monitors during all ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.~~

4.5.6.1B Prior to the issuance of a grading permit, the Project Applicant shall retain a Riverside County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation.

~~**4.5.6.1C** If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery. The developer, the project archeologist, the Pechanga Tribe, and the Soboba Band shall assess the significance of~~

~~such resources and shall meet and confer regarding the mitigation for such resources. If the developer and the Tribe and/or Band cannot agree on the significance of or the mitigation for such resources, these issues will be presented to the City of Wildomar Planning Director. The Planning Director shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of both the Pechanga Tribe and the Soboba Band. Notwithstanding any other rights available under the law, the Planning Director's decision shall be appealable to the City Council of Wildomar. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique as defined by relevant state and local laws, avoidance and mitigation would be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.~~

4.5.6.1C Prior to issuance of any grading permit, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation which will be determined in consultation with the Pechanga Tribe. Said methodology shall include the requirement for a qualified archaeological monitor and a Pechanga Tribal monitor to be present and to have the authority to temporarily stop and redirect grading activities in order to evaluate the significance of any archaeological and cultural resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation and groundbreaking activities.

~~**4.5.6.1D.** To address the possibility that cultural resources may be encountered during grading or construction, a qualified professional archeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural resources.~~

4.5.6.1D If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The City Planning Director shall make the determination based on the provisions of the

California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the Wildomar City Council.

4.5.6.1E All cultural materials, that are collected during the grading monitoring program and, if applicable, from any previous archaeological studies or excavations on the project site, with the exception of sacred items, burial goods and human remains which will be addressed in the Treatment Agreement required in Mitigation Measure 4.5.6.1A shall be tribally curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility which meets the standards set forth in 36 CRF Part 79 for federal repositories. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

4.5.6.1F If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in Mitigation Measure 4.5.6.1A.

In addition, the following measure was added to help assure there would be no significant impacts related to paleontological resources:

4.5.6.2B A qualified paleontologist shall be retained and conduct a pre-construction meeting prior to ground disturbance to instruct workers on proper fossil identification and subsequent notification of a trained professional.

4.9 HYDROLOGY AND WATER QUALITY

Table 4.9.F (DEIR page 4.9-18)

The table contains a typographical error – a number from the Flow Rate Summary Table of the project's "Preliminary Hydrology and Hydraulics Study" (Study) was copied incorrectly into EIR Table 4.9.F. The quantity used in the Study, and as basis for the analysis and findings, was 7.17-5.66=1.51. This does not change the base calculations of the Study.

4.12 NOISE (DEIR page 4.12-22)

4.12.5 Less than Significant Impacts

The following impacts were identified as having a less than significant impact or no impact on the environment with implementation of the proposed project.

4.12.5.1 Airport Noise Impacts

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

The project is ~~not~~ located within two miles of an airport or private airstrip. The closest airport is the Skylark Field airport in the City of Lake Elsinore, located approximately ~~2.4~~ 1.9 miles northwest of the project. However, there is no Land Use Compatibility Plan for the Skylark Field Airport, and the project site is not within any influence zones of policy areas of that airport (i.e. no land use or noise constraint zones). Therefore, the project would not have the potential to expose people to excessive noise levels from airport operations. No significant noise impacts would occur regarding these issues from implementation of the project and no mitigation is required.

4.16 TRAFFIC AND CIRCULATION (DEIR page 4.6-33)

The following text was added to MM 4.16.6.1B at the suggestion of Monte Goddard (FEIR Comment Letter G):

4.16.6.1B Prior to the issuance of the first building permit, application shall be made to Caltrans and the City of Wildomar for construction of a traffic signal and associated improvements at the I-15 Southbound Ramps/ Baxter Road intersection. Construction of the signals shall begin prior to construction of more than 22 single-family dwelling units (or 30

apartments), or construction of more than 10,000 square feet of commercial retail uses, whichever occurs first.

4.16.6.1C Construction activity associated with soil import activities shall occur outside of the typical morning and evening peak commute hours (i.e., 7:00–9:00 a.m. and 4:00–6:00 p.m.).

Prior to the issuance of grading permits, the project applicant shall submit to the City for review and approval, a Construction Traffic Management Plan. Construction-related traffic (including soil import activity) shall operate on the routes and/or during the hours of operation defined in the Construction Traffic Management Plan.

5.0 OTHER CEQA TOPICS

A calculation error was found in Table 5.C which has been corrected and the table reformatted as follows:

Original Table

Table 5.C: Project Operational Fuel Consumption

Land uses	Annual Vehicle Miles Traveled (VMT)[1]	Fuel Consumption (gallons)[2]
Single-Family	638	11,165
Apartments	1,357	23,748
Shopping Center	5,633	98,578
Total	**4,777**	133,491

1 Air Quality Impact Analysis (Appendix D). Average Daily Trip from the project traffic study (DEIR Table 4.16.G) times assumed average trip length of 15 miles per trip.
2 Calculated by dividing the VMT by 17.5 miles/gallon based on U.S Energy Information Administration, Annual Energy Review, Table 2.8 Motor Vehicle Mileage, Fuel Consumption, and Fuel Economy, 1949–2010. http://www.eia.gov/totalenergy/data/annual/showtext.cfm?t=ptb0208, website accessed March 27, 2015.

Revised Table

Table 5.C: Project Operational Fuel Consumption

Land uses	Average Daily Traffic (ADT)[1]	Daily Vehicle Miles Traveled (DVMT)[2]	Fuel Consumption (gallons)[3]
Residential	1,431	21,465	1,227
Commercial	3,346	50,190	2,868
Daily Total	**4,777**	**71,655**	**4,095**

1 Trip data from Table 4-2 from project Traffic Impact Assessment (DEIR Appendix J).
2 Calculated by multiplying the average daily trips (ADT) times 15 miles per trip.
3 Calculated by dividing the daily VMT by 17.5 miles/gallon based on U.S Energy Information Administration, Annual Energy Review, Table 2.8 Motor Vehicle Mileage, Fuel Consumption, and Fuel Economy, 1949–2010. http://www.eia.gov/totalenergy/data/annual/showtext.cfm?t=ptb0208, website accessed March 27, 2015.

The revised table indicates the daily fuel consumption of the project will be

approximately 4,095 gallons per day or an annual consumption of 1.5 million gallons. These corrections will be reflected in Section 4 of the Final EIR. This information does not change the conclusions of the EIR.

6.0 ALTERNATIVES

Note: The following alternatives impact analysis for recreation and parks was inadvertently left out of the alternatives discussion. This addition does not change the conclusion of the DEIR and has been provided only as additional information.

6.4.1 Alternative 1: No Project-Existing General Plan (DEIR page 6-8)

This alternative would create an incrementally greater demand for recreation and park facilities compared to the proposed project due to the higher buildout population. However, this increase would not be expected to result in significant impacts to recreation and park facilities and any increased costs would be funded by Development Impact Fees through the City and increased property taxes, subventions, and sales tax revenues from the project land uses. Cumulative impacts would be similar to the proposed project (i.e., less than significant).

Note: Page 6-8 of the DEIR Alternatives section indicates that the Project ADT is 6,386 in the paragraph for Noise and Vibration – this was a typographical error and the correct Project ADT of 4,777 is identified in the paragraph for Transportation and Traffic on the same page, and is consistent with the project's Traffic Impact Analysis.

6.4.2 Alternative 2: Reduce Intensity (DEIR page 6-12)

The alternative would create an incrementally lower demand for recreation and park facilities compared to the proposed project due to the lower buildout population. This decrease would not be expected to result in significant impacts to recreation and park facilities and any increased costs would be funded by Development Impact Fees through the City and increased property taxes, subventions, and sales tax revenues from the project land uses. Cumulative impacts would be similar to the proposed project (i.e., less than significant).

6.4.3 Alternative 3: Modified Mixed Use (DEIR page 6-16)

The alternative would create an incrementally greater demand for recreation and park facilities compared to the proposed project due to the higher buildout population. However, this increase would not be expected to result in significant impacts to recreation and park facilities and any increased costs would be funded by Development Impact Fees through the City and increased property taxes, subventions, and sales tax revenues from the project land uses. Cumulative impacts would be similar to the proposed project (i.e., less than significant).

6.5 COMPARISON OF PROJECT ALTERNATIVES (DEIR page 6-18)

Table 6.H: Impacts of the Alternatives Compared to the Proposed Project

Environmental Issue	Proposed Project	Alternative 1 Existing General Plan	Alternative 2 Reduced Intensity	Alternative 3 Modified Mixed Use
Aesthetics	LTS	➔	=	➔
Agricultural and Forest Resources	LTS	=	=	=
Air Quality	LTS	+	←	+
Biological Resources	LTS	=	=	=
Cultural Resources	LTS	=	=	=
Geology and Soils	LTS	=	=	=
Greenhouse Gas Emissions	LTS	+	←	+
Hazards and Hazardous Materials	LTS	=	=	=
Hydrology and Water Quality	LTS	=	=	=
Land Use and Planning	LTS	←	=	=
Mineral Resources	LTS	=	=	=
Noise and Vibration	LTS	=	=	=
Population and Housing	LTS	➔	←	➔
Public Services	LTS	➔	←	➔
Recreation and Parks	LTS	➔	←	➔
Transportation and Traffic	SIG	➔SIG	← SIG	➔SIG
Utilities and Service Systems	LTS	➔	←	➔

Impact Abbreviations
NI: No Impact
LTS: Less than Significant Impact
LTS/mit: Less than Significant Impact with Mitigation
SIG: Significant Impact with or without Mitigation

Project Alternatives
= Compared with the proposed project, no change in the significance of impact will occur.
➔ Compared with the proposed project, the significance of the impact is increased.
← Compared with the proposed project, the significance of the impact is reduced.
+ Compared with the proposed project, a new impact has been identified.
- Compared with the proposed project, an impact has been eliminated.
←SIG Compared with the proposed project, the extent of the impact is reduced, yet still significant.
➔SIG Compared with the proposed project, the extent of the impact is increased, yet still significant.

This Page Intentionally Left Blank

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

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

Baxter Village Mixed Use Project (PA No. 14-0002)

The program has been prepared in compliance with State law for the Baxter Village Mixed Use Project Environmental Impact Report (EIR) (State Clearinghouse No. 2014121047) prepared for the project for the City.

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 Resource Code Section 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program 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 includes changes to measures outlined in the Draft EIR and any additional mitigation identified in the Final EIR.

4.2 MITIGATION MONITORING AND RESPONSIBILITIES

As the Lead Agency, the City is responsible for ensuring full compliance with the mitigation measures adopted for the proposed 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.

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.3 Air Quality						
4.3.6.1A. All rubber-tired dozers and scrapers used during grading operations shall be California Air Resources Board (CARB) Tier 3 certified or better. The project contractor will provide specific equipment information to the City Public Works Department which shall be verified by inspection during construction.	City Planning Department	As needed	During grading or construction operations	City inspectors verify use of specified equipment		Issue a Stop Work Order for one day per day of violation
4.3.6.1B. Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that grading plans include a requirement for the posting of an on-site sign instructing construction workers to shut off engines at or before five minutes of idling.	City Planning Department	Once	Prior to issuance of grading permit	Verify written notice included on grading plans		Withhold Grading Permit
4.3.6.1C. During grading operations, no more than 5 acres of land will be disturbed per day to help reduce particulate air pollution on surrounding residences. Violation of this restriction will be cause for work to be halted for a period of one day for each violation.	City Planning Department	Ongoing	During grading activities	City inspectors observe more than 5 acres graded per day		Issue a Stop Work Order for one day per day of violation
4.3.6.3A. Prior to the issuance of building permits, the Project Applicant shall submit energy demand calculations to the City (Planning and Building Departments) demonstrating that the increment of the Project for which building permits are being requested would achieve a minimum 15% increase in energy efficiencies beyond current California Building Code Title 24 performance standards.	City Planning and Building Departments	Once	Prior to issuance of building permit	Verification of calculations showing energy efficiencies		Withhold Building Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Representative energy efficiency/energy conservation measures to be incorporated in the project would include, but would not be not limited to, those listed below (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that would demonstrably reduce energy consumption and promote energy conservation would also be acceptable): • Increase in insulation such that heat transfer and thermal bridging is minimized; • Limit air leakage through the structure and/or within the heating and cooling distribution system; • Use of energy-efficient space heating and cooling equipment; • Installation of electrical hook-ups at loading dock areas; • Installation of dual-paned or other energy efficient windows; • Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;						

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
• Installation of automatic devices to turn off lights where they are not needed; • Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings; • Design of buildings with "cool roofs" using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors; • Design of buildings to accommodate photo-voltaic solar electricity systems or the installation of photo-voltaic solar electricity systems; and Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.						
4.3.6.3B. Prior to issuance of a building permit for each multi-family (apartment) building, the applicant shall demonstrate that the Heating, Ventilating, and Air Conditioning (HVAC) system in each unit is served by an air filtration system with an efficiency equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 14 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers	City Planning and Building Departments	Once	Prior to issuance of building permit	Verification that units will contain filtration systems		Withhold Building Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
(ASHRAE) Standard 52.2 (2)1.						
4.3.6.3C. Prior to issuance of a building permit for each single family unit, the applicant shall demonstrate that the Heating, Ventilating, and Air Conditioning (HVAC) system in each unit has an air filtration system with an efficiency equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 8 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2 (2)2.	City Planning and Building Departments	Once	Prior to issuance of building permit	Verification that units will contain filtration systems		Withhold Building Permit
4.3.6.3D. Prior to issuance of an occupancy permit for any residential unit, the applicant shall demonstrate that each unit has or is served by an appropriate air filtration system as outlined in Mitigation Measures 4.3.6.3B and 4.3.6.3C. In addition, the applicant shall provide each homeowner or apartment manager with information on filter system operation and maintenance and product warranties.	City Building Department	Once	Prior to issuance of each occupancy permit	Verification that unit filtration systems will be maintained for at least 10 years		Withhold Occupancy Permit
4.3.6.3E. Prior to issuance of the first certificate of occupancy, the Project Applicant shall coordinate with RTA and the City of Wildomar to provide its fair share contribution of a future bus stop improvement within walking distance (approximately a quarter mile or less) to the site.	City Planning and Building Departments	Once	Prior to issuance of first certificate of occupancy	Verification that the applicant has communicated with RTA regarding transit stops		Withhold Building Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.4 Biological Resources						
4.4.6.1A. Within 30 days prior to ground disturbance, a pre-construction survey for burrowing owl shall be conducted to avoid potential direct take of burrowing owls that may occupy the site in the future. In the event no burrowing owls are observed within the limits of ground disturbance, no further mitigation is required. If burrowing owls are identified during the survey periods, the City or project applicant will develop a burrowing owl relocation and conservation strategy that is acceptable to the California Department of Fish and Wildlife, the Western Riverside County Regional Conservation Authority (RCA), and the U.S. Fish and Wildlife Service. If passive or active relocation of the owls is approved for the site by the CDFW, the relocation plan will include the following elements: • The locations of the nests and the owls proposed for relocation. • The locations of the proposed relocation sites. • The numbers of adult owls and juveniles proposed for relocation. • The time of year when relocation is proposed to take place.	City Planning Department	Once	Prior to the start of ground disturbing activities	Review of pre-construction survey for burrowing owls		Withhold Grading Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
• The name of the biologist proposed to supervise the relocation, and the details of his/her previous experiences capturing, handling, and relocating burrowing owls, including the outcomes of their previous relocation efforts (survival/mortality rates and site-fidelity rates of the relocated owls), and relevant permits held. • A detailed description of the proposed method of capture, transport, and acclimation of the current project's owls on the proposed relocation site. • A detailed description of relocation site preparations (e.g., the design and dimensions of the artificial release burrows and hacking cage, duration of hacking activities (including food and water provision). • Description of the monitoring methods and monitoring duration to be employed to verify survival of the relocated owls and their long-term retention on the relocation site.						
4.4.6.2A. Prior to ground disturbance or issuance of a grading permit, impacts to 0.36 acre of southern willow scrub/eucalyptus woodland (including 0.33 acre on site and 0.03 acre off site) and 0.10 acre of southern riparian scrub (off site) shall be compensated for by the developer providing no less than a 1:1 ratio of	City Planning Department	Once	Prior to ground disturbance or issuance of grading permit	Evidence of purchase of mitigation credits		Withhold Grading Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
off-site land within the Santa Margarita Watershed or an adjacent watershed to be acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an established off-site mitigation bank or in-lieu fee program. Purchase of mitigation credits shall occur prior to any impacts to the southern willow scrub/eucalyptus woodland or southern riparian scrub habitats. Mitigation proposed on land acquired for the purpose of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program shall include the preservation, creation, restoration, and/or enhancement of similar habitat within the Santa Margarita Watershed or an adjacent watershed pursuant to a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall be prepared prior to any impacts to the southern willow scrub/eucalyptus woodland and southern riparian scrub habitats, and shall provide details as to the implementation of the mitigation, maintenance, and future monitoring. The goal of the mitigation shall be to preserve, create, restore, and/or enhance similar habitat with equal or greater function and value than the affected habitat.						
4.4.6.3A. Prior to the issuance of any grading permit for permanent impacts in either on-site or off-site jurisdictional features, the project	City Planning Department	Once	Prior to issuance of grading permit	Written verification of the USACE		Withhold Grading Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
applicant shall obtain a Clean Water Act Section 404 permit and an Approved Jurisdictional Determination from the USACE, a Clean Water Act Section 404 permit from the RWQCB, and a Streambed Alteration Agreement permit under Section 1602 of the California Fish and Game Code from the CDFW. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies: 1. Off-site replacement and/or restoration of USACE/RWQCB jurisdictional "waters of the U.S." or "waters of the State" within the Santa Margarita Watershed at a ratio of no less than 1:1 or within an adjacent watershed at a ratio of no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or within an agency-accepted off-site permittee-responsible mitigation area. 2. Off-site replacement and/or restoration of CDFW jurisdictional streambed and associated riparian habitat within the Santa Margarita Watershed at a ratio no				approval of jurisdictional determination and Clean Water Act Section 404 permit		

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
less than 1:1 or within an adjacent watershed at a ratio no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or within an agency-accepted off-site permittee-responsible mitigation area. 3. Approval of a project-specific Determination of a Biologically Equivalent or Superior Preservation (DBESP) report by the resource agencies as appropriate and consistent with established MSHCP procedures.						
4.4.6.4A. Pursuant to the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGC), site preparation activities (removal of trees and vegetation) shall be avoided during the nesting season of potentially occurring native and migratory bird species (generally February 1 to September 15). If site preparation activities must occur during the nesting season, a pre-activity field survey shall be conducted by a qualified biologist prior to issuance of grading permits for such	City Planning Department	Once	Prior to issuance of grading permits	Written evidence a qualified biologist has been retained by the applicant to conduct an onsite nesting survey prior to grading		Withhold Grading Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
development. The survey shall determine if active nests of species protected by the MBTA or CFGC are present in the construction zone. If active nests of these species are found, the developer shall establish an appropriate buffer zone with no grading or heavy equipment activity within of 500 feet from an active listed species or raptor nest, 300 feet from other sensitive or protected bird nests (non-listed), or 100 feet for sensitive or protected songbird nests. In the event no special status avian species are identified within the limits of disturbance, no further mitigation is required. In the event such species are identified within the limits of ground disturbance, Mitigation Measure 4.4.6.4B shall also apply.						
4.4.6.4B. If it is determined that project-related grading or construction will affect nesting special status avian species, no grading or heavy equipment activity shall take place within the limits established in Mitigation Measure 4.4.6.4A until it has been determined by a qualified biologist that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow.	City Planning Department	Once	Prior to construction	Evidence from qualified biologist that nesting birds will not be effected		Withhold grading permit
4.5 Cultural Resources						
4.5.6.1A. At least 30 days prior to seeking a grading permit, the Project Applicant shall contact the Pechanga Tribe to notify the Tribe of grading, excavation and the monitoring program, and to coordinate with the Tribe to develop a Cultural	City Planning Department	Once	Prior to issuance of grading permit	Proof of Cultural Resources Treatment and Monitoring		Withhold Grading Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.				Agreement		
4.5.6.1B. Prior to the issuance of a grading permit, the Project Applicant shall retain a Riverside County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation.	City Planning Director and Building Official	Once	Prior to issuance of grading permit	Proof of retaining an approved cultural resource monitor		Withhold Grading Permit
4.5.6.1C. Prior to issuance of any grading permit, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation which will be determined in consultation with the Pechanga Tribe. Said methodology shall include the requirement for a qualified archaeological monitor and a Pechanga Tribal monitor to be present and to have the authority to temporarily stop and redirect grading activities in order to evaluate	City Planning Department	As needed	Prior to issuance of a grading permit	File a Pre-Grading Report for cultural resources		Withhold Grading Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
the significance of any archaeological and cultural resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation and groundbreaking activities.						
4.5.6.1D. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The City Planning Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the Wildomar City Council.	City Planning Department	During grading and construction	Prior to issuance of grading permit	Consult with project archaeologist and involved tribal representatives as appropriate		Issue a Stop Work Order
4.5.6.1E. All cultural materials, that are collected during the grading monitoring program and, if	City Planning Department	During grading and	Prior to issuance of grading permit	Consult with project		Issue a Stop Work Order

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
applicable, from any previous archaeological studies or excavations on the project site, with the exception of sacred items, burial goods and human remains which will be addressed in the Treatment Agreement required in Mitigation Measure 4.5.6.1A shall be tribally curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility which meets the standards set forth in 36 CRF Part 79 for federal repositories. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.		construction		archaeologist and involved tribal representatives as appropriate		
4.5.6.1F. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the	City Planning Department	Ongoing	During grading activities	Consult with project archaeologist and involved tribal representatives as appropriate		Issue a Stop Work Order

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in Mitigation Measure 4.5.6.1A.						
4.5.6.2A. If paleontological resources (fossils) are discovered during project grading, work will be halted in that area until a qualified paleontologist can be retained to assess the significance of the find. The project paleontologist shall monitor remaining earthmoving activities at the project site and shall be equipped to record and salvage fossil resources that may be unearthed during grading activities. The paleontologist shall be empowered to temporarily halt or divert grading equipment to allow recording and removal of the unearthed resources. Any fossils found shall be evaluated in accordance with the CEQA Guidelines and offered for curation at an accredited facility approved by the City of Wildomar. Once grading activities have ceased or the paleontologist determines that monitoring is no longer necessary, monitoring activities shall be discontinued.	City Planning Department	During grading and construction	Prior to issuance of grading permit	Verification to the City that a qualified archeologist has been retained by the contractor prior to grading activities		Withhold Grading Permit
4.5.6.2B. A qualified paleontologist shall be retained and conduct a pre-construction meeting prior to ground disturbance to instruct workers	City Planning Department	Once	Prior to issuance of a grading permit	Provide proof a training session was conducted		Withhold Grading Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
on proper fossil identification and subsequent notification of a trained professional.				with workers		
4.6 Geology and Soils						
4.6.6.1A. The developer shall implement the seismic design recommendations of the project geotechnical assessment conducted by Geocon West, Inc. dated March 26, 2015 (revised). These site-specific recommendations shall be incorporated as appropriate into project building plans, project grading, etc.	City Engineer or Designee	Prior to grading and construction	Prior to issuance of grading permit	Review and approval of construction documents		Withhold Grading Permit
4.12 Noise						
4.12.6.1A. A construction noise mitigation plan shall be prepared and submitted to the City for review and approval prior to start of construction. The plan shall identify the location of construction equipment and activity, proximity to identified noise receptors, and demonstrate either a minimum 10 dBA reduction in noise levels off-site, or that noise levels would not exceed 85 dBA at any time when measured at the nearest property line of noise receptors. Methods to mitigate construction noise may include (but shall not be limited to): • Install temporary noise control barriers, or equally effective noise protection measures. The noise barriers shall be maintained and any damage promptly repaired. Noise control barriers and associated elements shall be completely removed and the site	City Engineer or Designee	Once	Prior to issuance of grading permit	Applicant shall submit for City review and approval a noise mitigation plan		Withhold Grading Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
appropriately restored upon the conclusion of the construction activity. • During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise-sensitive receivers nearest the project site. • The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the project site during all project construction.						
4.12.6.2A. To satisfy the City of Wildomar 45 dBA CNEL interior noise level criteria, lots facing the I-15 Freeway will require a Noise Level Reduction (NLR) of up to 27.7 dBA and a windows closed condition requiring a means of mechanical ventilation (e.g., air conditioning). Specific window recommendations will be made once final architectural plans are available and detailed interior noise reduction calculations can be calculated based on actual building assembly details. The preliminary interior noise analysis indicates that in order to meet the City of	City Building Official	Once	Prior to issuance of building permits	Review and approval of building plans		Withhold Building Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Wildomar 45 dBA CNEL interior noise standards, the project shall provide the following noise mitigation measures: • **Windows:** All windows and sliding glass doors shall be well fitted, well weather-stripped assemblies and shall have a minimum STC of 32. • **Exterior Walls:** Provide exterior walls with a minimum Sound Transmission Class (STC) rating of 46. Typical walls with this rating will have 2 × 4 studs or greater, 16" o.c. with R-13 insulation, a minimum ⅞" exterior surface of cement plaster and a minimum interior surface of ½" gypsum board. • **Doors:** All exterior doors shall be well weather-stripped solid core assemblies at least 1¾" thick. • **Roof:** Roof sheathing of wood construction shall be well fitted or caulked plywood of at least one-half inch thick. Ceilings shall be well fitted, well-sealed gypsum board of at least ½" thick. Insulation with at least a rating of R-19 shall be used in the attic space. • **Ventilation:** Arrangements for any habitable room shall be such that any exterior door or window can be kept closed when the room is in use. A forced air circulation system (e.g., air conditioning) shall be provided which satisfy the requirements of the Uniform						

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Mechanical Code. • **Landscaping:** A screen of planting containing predominantly evergreen tree and shrub species between the property and the freeway will help to reduce noise and visual impacts associated with freeway vehicle movement.						
4.16 Traffic						
4.16.6.1A Central Street/Baxter Road intersection: The following intersection improvements shall be completed prior to the issuance of a certificate of occupancy for development on the project site that would, combined with any previous development on the site, generate 50 or more AM peak-hour outbound trips at this intersection: • Traffic signal with protected left-turn phasing on the eastbound approach of Baxter Road • Northbound approach: N/A • Southbound approach: one left-turn lane, one right-turn lane. • Eastbound approach: one left-turn lane, one through lane. • Westbound approach: one through lane, one right-turn lane. Any application for development prior to	City Engineer or Designee	Once	Prior to issuance of a certificate of occupancy for development on the project site that would, combined with any pervious development on the site, generate 50 or more AM peak-hour outbound trips	Application for development will include estimate of trips associated with that portion of the project		Withhold Certificate of Occupancy

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
installation of the intersection improvements shall provide to the City an estimate of trips associated with the proposal prepared by a traffic engineer, demonstrating that the number of trips at this intersection are below the threshold of 50 AM peak hour outbound trips, or the intersection improvements shall be required prior to occupancy.						
4.16.6.1B Prior to the issuance of the first building permit, application shall be made to Caltrans and the City of Wildomar for construction of a traffic signal and associated improvements at the I-15 Southbound Ramps/ Baxter Road intersection. Construction of the signals shall begin prior to construction of more than 22 single-family dwelling units (or 30 apartments), or construction of more than 10,000 square feet of commercial retail uses whichever occurs first.	City Engineer or Designee	Once	Prior to issuance of first building permit	Application to Caltrans and the City for construction of a traffic signal and associated improvements at the I-15 Southbound Ramps/Baxter Road intersection		Withhold Building Permit
4.16.6.1C Construction activity associated with soil import activities shall occur outside of the typical morning and evening peak commute hours (i.e., 7:00–9:00 a.m. and 4:00–6:00 p.m.). Prior to the issuance of grading permits, the project applicant shall submit to the City for review and approval, a Construction Traffic Management Plan. Construction-related traffic (including soil import activity) shall operate on the routes and/or during the hours of operation defined in the Construction Traffic Management	City Engineer or Designee	Once	Prior to issuance of grading permit	Submit Construction Traffic Management Plan for review and approval.		Withhold Grading Permit

DEIR Section/Mitigation Measure/ Implementing Actions	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Plan.						
4.16.6.2A Prior to the issuance of the first building permit, application shall be made to Caltrans and the City of Wildomar for construction of a traffic signal and associated improvements at the I-15 Northbound Ramps/Baxter Road intersection. Construction of the signals shall begin prior to construction of more than 22 single-family dwelling units (or 30 apartments), or construction of more than 10,000 square feet of commercial retail uses whichever occurs first.	City Engineer or Designee	Once	Prior to issuance of first building permit	Application to Caltrans and the City for construction of a traffic signal and associated improvements at the I-15 Northbound Ramps/Baxter Road intersection		Withhold Building Permit

APPENDIX A

CalEEMod 2035 Emission Data

This Page Intentionally Left Blank

Baxter Village (2035 Operation)

Riverside-South Coast County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	892.00	Space	8.03	356,800.00	0
Apartments Low Rise	204.00	Dwelling Unit	12.75	204,000.00	0
Single Family Housing	67.00	Dwelling Unit	21.75	120,600.00	0
Regional Shopping Center	75.00	1000sqft	1.72	75,000.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2035
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	427.08	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 intensity factor based on compliance with SB 350- 50% renewable energy in portfolio by 2030

Land Use - based on information from the applicant

Construction Phase - no construction emissions modeled

Off-road Equipment - no construction emissions modeled

Vehicle Trips - TR based on the Baxter Village Traffic Impact Analysis. TR was adjusted to account for internal capture.

Woodstoves - No woodstoves. All natural gas fireplaces

Energy Use - T-24 Electricity & Nat Gas were adjusted to reflect 2013 Title 24 requirements.Impact Analysis California's 2013 Building Energy Efficiency Standards (CEC 2013)

Mobile Land Use Mitigation -

Mobile Commute Mitigation -

Area Mitigation - 150 g/L low VOC paint

Energy Mitigation -

Water Mitigation -

Waste Mitigation -

Vechicle Emission Factors -

Vechicle Emission Factors -

Vechicle Emission Factors -

Table Name	Column Name	Default Value	New Value
tblAreaMitigation	UseLowVOCPaintNonresidentialExteriorValue	250	150
tblAreaMitigation	UseLowVOCPaintNonresidentialInteriorValue	250	150
tblAreaMitigation	UseLowVOCPaintResidentialExteriorValue	100	150
tblAreaMitigation	UseLowVOCPaintResidentialInteriorValue	50	150
tblConstructionPhase	NumDays	50.00	1.00
tblEnergyUse	T24E	636.58	488.26
tblEnergyUse	T24E	5.60	4.38
tblEnergyUse	T24E	980.99	623.91
tblEnergyUse	T24NG	11,224.20	10,797.68

tblEnergyUse	T24NG	2.02	1.68
tblEnergyUse	T24NG	27,816.78	26,008.69
tblFireplaces	NumberGas	173.40	204.00
tblFireplaces	NumberGas	56.95	67.00
tblFireplaces	NumberNoFireplace	20.40	0.00
tblFireplaces	NumberNoFireplace	6.70	0.00
tblFireplaces	NumberWood	10.20	0.00
tblFireplaces	NumberWood	3.35	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblProjectCharacteristics	CO2IntensityFactor	630.89	427.08
tblProjectCharacteristics	OperationalYear	2014	2035
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	PB_TP	11.00	34.00
tblVehicleTrips	PR_TP	54.00	66.00
tblVehicleTrips	ST_TR	7.16	4.59
tblVehicleTrips	ST_TR	49.97	44.97
tblVehicleTrips	ST_TR	10.08	7.11
tblVehicleTrips	SU_TR	6.07	4.21
tblVehicleTrips	SU_TR	25.24	22.72
tblVehicleTrips	SU_TR	8.77	6.19
tblVehicleTrips	WD_TR	6.59	4.77
tblVehicleTrips	WD_TR	42.94	67.59
tblVehicleTrips	WD_TR	9.57	6.83
tblWoodstoves	NumberCatalytic	10.20	0.00
tblWoodstoves	NumberCatalytic	3.35	0.00
tblWoodstoves	NumberNoncatalytic	10.20	0.00

tblWoodstoves	NumberNoncatalytic	3.35	0.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	3.0505	0.0322	2.7975	1.5000e-004		0.0201	0.0201		0.0200	0.0200	0.0000	69.6663	69.6663	5.6500e-003	1.1900e-003	70.1549
Energy	0.0270	0.2309	0.1013	1.4700e-003		0.0186	0.0186		0.0186	0.0186	0.0000	787.8841	787.8841	0.0405	0.0122	792.5202
Mobile	1.8078	4.3370	19.7586	0.0814	5.5863	0.1265	5.7128	1.4925	0.1167	1.6091	0.0000	5,289.4492	5,289.4492	0.1195	0.0000	5,291.9589
Waste						0.0000	0.0000		0.0000	0.0000	51.0137	0.0000	51.0137	3.0148	0.0000	114.3249
Water						0.0000	0.0000		0.0000	0.0000	7.3642	89.8368	97.2009	0.7625	0.0191	119.1405
Total	**4.8853**	**4.6002**	**22.6574**	**0.0830**	**5.5863**	**0.1652**	**5.7515**	**1.4925**	**0.1554**	**1.6478**	**58.3778**	**6,236.8364**	**6,295.2142**	**3.9429**	**0.0325**	**6,388.0994**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	3.1885	0.0322	2.7975	1.5000e-004		0.0201	0.0201		0.0200	0.0200	0.0000	69.6663	69.6663	5.6500e-003	1.1900e-003	70.1549
Energy	0.0237	0.2027	0.0889	1.2900e-003		0.0164	0.0164		0.0164	0.0164	0.0000	741.6404	741.6404	0.0389	0.0114	745.9993
Mobile	1.7605	4.0091	18.6164	0.0735	5.0277	0.1150	5.1427	1.3432	0.1061	1.4493	0.0000	4,779.7140	4,779.7140	0.1086	0.0000	4,781.9953
Waste						0.0000	0.0000		0.0000	0.0000	51.0137	0.0000	51.0137	3.0148	0.0000	114.3249
Water						0.0000	0.0000		0.0000	0.0000	7.3642	89.8368	97.2009	0.7623	0.0191	119.1287
Total	**4.9726**	**4.2440**	**21.5028**	**0.0750**	**5.0277**	**0.1515**	**5.1792**	**1.3432**	**0.1425**	**1.4857**	**58.3778**	**5,680.8575**	**5,739.2353**	**3.9304**	**0.0317**	**5,831.6032**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**-1.79**	**7.74**	**5.10**	**9.66**	**10.00**	**8.32**	**9.95**	**10.00**	**8.27**	**9.84**	**0.00**	**8.91**	**8.83**	**0.32**	**2.52**	**8.71**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2014	1/1/2014	5	1	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Excavators	0	8.00	162	0.38
Demolition	Rubber Tired Dozers	0	8.00	255	0.40

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

3.2 Demolition - 2014

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Increase Diversity

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	1.7605	4.0091	18.6164	0.0735	5.0277	0.1150	5.1427	1.3432	0.1061	1.4493	0.0000	4,779.7140	4,779.7140	0.1086	0.0000	4,781.9953
Unmitigated	1.8078	4.3370	19.7586	0.0814	5.5863	0.1265	5.7128	1.4925	0.1167	1.6091	0.0000	5,289.4492	5,289.4492	0.1195	0.0000	5,291.9589

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	973.08	936.36	858.84	3,251,469	2,926,322
Parking Lot	0.00	0.00	0.00		
Regional Shopping Center	5,069.25	3,372.75	1704.00	9,922,368	8,930,131
Single Family Housing	457.61	476.37	414.73	1,551,948	1,396,754
Total	6,499.94	4,785.48	2,977.57	14,725,785	13,253,206

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	14.70	5.90	8.70	40.20	19.20	40.60	86	11	3
Parking Lot	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Regional Shopping Center	16.60	8.40	6.90	16.30	64.70	19.00	66	0	34
Single Family Housing	14.70	5.90	8.70	40.20	19.20	40.60	86	11	3

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.438660	0.072081	0.188459	0.180479	0.040352	0.006464	0.011426	0.050289	0.000798	0.001105	0.004136	0.000696	0.005056

5.0 Energy Detail

4.4 Fleet Mix

Historical Energy Use: N

5.1 Mitigation Measures Energy

Exceed Title 24

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	507.3005	507.3005	0.0345	7.1300e-003	510.2333
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	520.9551	520.9551	0.0354	7.3200e-003	523.9668
NaturalGas Mitigated	0.0237	0.2027	0.0889	1.2900e-003		0.0164	0.0164		0.0164	0.0164	0.0000	234.3399	234.3399	4.4900e-003	4.3000e-003	235.7661
NaturalGas Unmitigated	0.0270	0.2309	0.1013	1.4700e-003		0.0186	0.0186		0.0186	0.0186	0.0000	266.9290	266.9290	5.1200e-003	4.8900e-003	268.5535

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Regional Shopping Center	148500	8.0000e-004	7.2800e-003	6.1100e-003	4.0000e-005		5.5000e-004	5.5000e-004		5.5000e-004	5.5000e-004	0.0000	7.9245	7.9245	1.5000e-004	1.5000e-004	7.9728
Single Family Housing	2.14124e+006	0.0116	0.0987	0.0420	6.3000e-004		7.9800e-003	7.9800e-003		7.9800e-003	7.9800e-003	0.0000	114.2648	114.2648	2.1900e-003	2.0900e-003	114.9602
Apartments Low Rise	2.71232e+006	0.0146	0.1250	0.0532	8.0000e-004		0.0101	0.0101		0.0101	0.0101	0.0000	144.7397	144.7397	2.7700e-003	2.6500e-003	145.6205
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0270**	**0.2309**	**0.1013**	**1.4700e-003**		**0.0186**	**0.0186**		**0.0186**	**0.0186**	**0.0000**	**266.9290**	**266.9290**	**5.1100e-003**	**4.8900e-003**	**268.5535**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Regional Shopping Center	129600	7.0000e-004	6.3500e-003	5.3400e-003	4.0000e-005		4.8000e-004	4.8000e-004		4.8000e-004	4.8000e-004	0.0000	6.9160	6.9160	1.3000e-004	1.3000e-004	6.9580
Single Family Housing	1.87985e+006	0.0101	0.0866	0.0369	5.5000e-004		7.0000e-003	7.0000e-003		7.0000e-003	7.0000e-003	0.0000	100.3162	100.3162	1.9200e-003	1.8400e-003	100.9267
Apartments Low Rise	2.38191e+006	0.0128	0.1098	0.0467	7.0000e-004		8.8700e-003	8.8700e-003		8.8700e-003	8.8700e-003	0.0000	127.1078	127.1078	2.4400e-003	2.3300e-003	127.8813
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0237**	**0.2027**	**0.0889**	**1.2900e-003**		**0.0164**	**0.0164**		**0.0164**	**0.0164**	**0.0000**	**234.3399**	**234.3399**	**4.4900e-003**	**4.3000e-003**	**235.7661**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Low Rise	801618	155.2896	0.0105	2.1800e-003	156.1874
Parking Lot	313984	60.8251	4.1300e-003	8.5000e-004	61.1767
Regional Shopping Center	1.083e+006	209.7990	0.0143	2.9500e-003	211.0119
Single Family Housing	490612	95.0414	6.4500e-003	1.3400e-003	95.5908
Total		**520.9551**	**0.0354**	**7.3200e-003**	**523.9668**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Low Rise	786677	152.3953	0.0104	2.1400e-003	153.2763
Parking Lot	313984	60.8251	4.1300e-003	8.5000e-004	61.1767
Regional Shopping Center	1.03373e+006	200.2534	0.0136	2.8100e-003	201.4111
Single Family Housing	484341	93.8267	6.3700e-003	1.3200e-003	94.3691
Total		**507.3005**	**0.0345**	**7.1200e-003**	**510.2333**

6.0 Area Detail

6.1 Mitigation Measures Area

Use Low VOC Paint - Residential Interior

Use Low VOC Paint - Residential Exterior

Use Low VOC Paint - Non-Residential Interior

Use Low VOC Paint - Non-Residential Exterior

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	3.1885	0.0322	2.7975	1.5000e-004		0.0201	0.0201		0.0200	0.0200	0.0000	69.6663	69.6663	5.6500e-003	1.1900e-003	70.1549
Unmitigated	3.0505	0.0322	2.7975	1.5000e-004		0.0201	0.0201		0.0200	0.0200	0.0000	69.6663	69.6663	5.6500e-003	1.1900e-003	70.1549

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.2263					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	2.7333					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	6.5800e-003	0.0000	3.6000e-004	0.0000		4.5400e-003	4.5400e-003		4.5000e-003	4.5000e-003	0.0000	65.0772	65.0772	1.2500e-003	1.1900e-003	65.4732
Landscaping	0.0844	0.0322	2.7972	1.5000e-004		0.0155	0.0155		0.0155	0.0155	0.0000	4.5891	4.5891	4.4100e-003	0.0000	4.6817
Total	**3.0505**	**0.0322**	**2.7975**	**1.5000e-004**		**0.0201**	**0.0201**		**0.0200**	**0.0200**	**0.0000**	**69.6663**	**69.6663**	**5.6600e-003**	**1.1900e-003**	**70.1549**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.3643					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	2.7333					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	6.5800e-003	0.0000	3.6000e-004	0.0000		4.5400e-003	4.5400e-003		4.5000e-003	4.5000e-003	0.0000	65.0772	65.0772	1.2500e-003	1.1900e-003	65.4732
Landscaping	0.0844	0.0322	2.7972	1.5000e-004		0.0155	0.0155		0.0155	0.0155	0.0000	4.5891	4.5891	4.4100e-003	0.0000	4.6817
Total	**3.1885**	**0.0322**	**2.7975**	**1.5000e-004**		**0.0201**	**0.0201**		**0.0200**	**0.0200**	**0.0000**	**69.6663**	**69.6663**	**5.6600e-003**	**1.1900e-003**	**70.1549**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	97.2009	0.7623	0.0191	119.1287
Unmitigated	97.2009	0.7625	0.0191	119.1405

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Low Rise	13.2914 / 8.37937	55.7778	0.4366	0.0110	68.3412
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	5.55544 / 3.40495	23.1039	0.1825	4.5700e-003	28.3539
Single Family Housing	4.36532 / 2.75205	18.3192	0.1434	3.6000e-003	22.4454
Total		**97.2009**	**0.7625**	**0.0191**	**119.1405**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Low Rise	13.2914 / 8.37937	55.7778	0.4365	0.0109	68.3345
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	5.55544 / 3.40495	23.1039	0.1824	4.5700e-003	28.3511
Single Family Housing	4.36532 / 2.75205	18.3192	0.1434	3.5900e-003	22.4432
Total		**97.2009**	**0.7623**	**0.0191**	**119.1287**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Unmitigated	51.0137	3.0148	0.0000	114.3249
Mitigated	51.0137	3.0148	0.0000	114.3249

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Low Rise	93.84	19.0487	1.1257	0.0000	42.6893
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	78.75	15.9855	0.9447	0.0000	35.8246
Single Family Housing	78.72	15.9795	0.9444	0.0000	35.8110
Total		**51.0137**	**3.0148**	**0.0000**	**114.3249**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Low Rise	93.84	19.0487	1.1257	0.0000	42.6893
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	78.75	15.9855	0.9447	0.0000	35.8246
Single Family Housing	78.72	15.9795	0.9444	0.0000	35.8110
Total		**51.0137**	**3.0148**	**0.0000**	**114.3249**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation

This Page Intentionally Left Blank