



**RESPONSE TO COMMENTS ON THE INITIAL STUDY/MITIGATED
NEGATIVE DECLARATION FOR**

**NOVA HOMES RESIDENTIAL PROJECT
(Planning Application 15-0129)
SCH# 2016081009**

LEAD AGENCY:

CITY OF WILDOMAR

23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

Prepared by:

Michael Baker International
9755 Clairemont Mesa Boulevard
San Diego, CA 92124

September 2016

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1.0 INTRODUCTION

This document, in conjunction with the draft Initial Study/Mitigated Negative Declaration (IS/MND), responds to comments made on the proposed Nova Homes Residential Project. While the State's California Environmental Quality Act (CEQA) Guidelines do not require a final initial study or the preparation of formal responses to comments on draft initial studies/mitigated negative declarations, in order to provide further disclosure of the project's impacts, the City has determined that it will provide responses to the comments it has received.

1.1 BACKGROUND OF ENVIRONMENTAL REVIEW PROCESS FOR THE PROJECT

INITIAL STUDY

The IS/MND was released for public and agency review on February 17, 2016, with the 30-day review period ending on March 17, 2016. The City received one comment letter during this review period.

RESPONSE TO COMMENTS

This document provides a response to comments received on the IS/MND. The comment letter is included in Section 2.0, Comments and Responses to Comments.

1.2 INTENDED USES OF THE IS/MND

The City of Wildomar will use the IS/MND in its final form in considering approval of the proposed project. In accordance with CEQA Guidelines Section 15074, the IS/MND will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

CONSIDERATION OF COMMENTS

Prior to taking action on the proposed project, the City will consider the IS/MND, this response to comments document, and any additional comments or testimony. Negative declarations and mitigated negative declarations are considered and adopted per CEQA Guidelines Section 15074, which reads as follows:

15074. CONSIDERATION AND ADOPTION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

- (a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
- (b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.
- (c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

1.0 INTRODUCTION

- (d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- (e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.
- (f) When a non-elected official or decision making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decision making body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

Upon review and consideration of the IS/MND, the City may take action to adopt, revise, or reject the proposed project. A decision to approve the proposed project would be made in a resolution recommending certification of the IS/MND as part of consideration of the proposed project. The City of Wildomar has prepared this IS/MND and has determined that the environmental impacts of the proposed project have been reduced to a less than significant level through mitigation measures adopted as part of a Mitigation Monitoring and Reporting Program (MMRP).

1.3 ORGANIZATION AND SCOPE OF THIS DOCUMENT

This document is organized in the following manner:

SECTION 1.0 – INTRODUCTION

Section 1.0 provides an overview of the environmental review process to date and discusses the CEQA requirements for consideration and adoption of a mitigated negative declaration.

SECTION 2.0 – COMMENTS AND RESPONSES TO COMMENTS

Section 2.0 lists the commenter, summarizes written comments (coded for reference), and includes responses to those comments made on the IS/MND.

SECTION 3.0 – MINOR REVISIONS TO THE IS/MND

Section 3.0 provides a list of minor edits made to the IS/MND as a result of comments received or other staff-initiated changes.

2.0 COMMENTS AND RESPONSE TO COMMENTS

2.0 COMMENTS AND RESPONSES TO COMMENTS

2.1 LIST OF COMMENTERS

The following organization submitted written comments on the IS/MND.

Letter	Agency, Organization, or Individual	Date
A	Department of Fish and Wildlife	August 1, 2016
B	Agua Caliente Band of Cahuilla Indians	July 5, 2016
C	Pechanga Band of Luiseno Indians	August 1, 2016
D	Department of Transportation	August 26, 2016
1	Monty Goddard	June 30, 2016

2.2 COMMENTS AND RESPONSES

RESPONSES TO COMMENT LETTERS

Written comments on the draft IS/MND are reproduced on the following pages, along with responses to those comments. CEQA does not require lead agencies to provide formal responses to comments received on initial studies supporting proposed mitigated negative declarations. However, the City prepared this response to comments document to provide responses to comments received on the IS/MND in order to provide comprehensive information and disclosure for both the public and the City's decision-makers.

Where changes deemed necessary to clarify the draft IS/MND text result from responding to comments, those minor changes are included in the response and demarcated with revision marks (underline for new text, ~~strikeout~~ for deleted text). The four comment letters are listed chronologically.

2.0 COMMENTS AND RESPONSES TO COMMENTS



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



August 1, 2016

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

Subject: Mitigated Negative Declaration
Nova Homes Residential Project (PA No. 15-0129)

Dear Mr. Bassi:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Initial Study (IS) with Proposed Mitigated Negative Declaration (MND) for the Nova Homes Residential Project (project). The Department is responding to the IS and MND as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Project Description

The proposed project consists of the development of 77 detached single-family residential dwellings and associated infrastructure on 11.25 acres, located west of Iodine Springs Road, east of George Avenue, and north of Clinton Keith Road in the City of Wildomar, within assessor's parcel numbers (APN): 362-250-001 and -026.

Biological Resources and Impacts

Following review of the Biological Resources section of the IS and Appendix 3, the Department identified a number of questions, comments and concerns, and requests that each of these be addressed prior to adoption of the proposed Mitigated Negative Declaration (MND). The Department's questions, comments, and concerns include:

- A-1 | 1. The IS states that there are two drainage features on the project site, but argues that neither are jurisdictional under Fish and Game Code (FGC) section 1600 *et seq.* The

Conserving California's Wildlife Since 1870

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 Nova Homes Residential Project
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A-1
 continued

Delineation of Jurisdictional Waters (Appendix 3b) states that Drainage 1 has a defined bed and bank and riparian vegetation is growing in the feature, but the IS argues that because of discontinuation of upstream flows feature will eventually revert to upland habitat and is therefore not jurisdictional under FGC section 1600 et seq. The IS also argues that Drainage 2 is not jurisdictional under FGC section 1600 et seq. as the feature lacks an ordinary high water mark, wetland vegetation or bed and bank.

Given that the delineation was completed following a single site visit on March 10, 2016, the Department queries whether the City of Wildomar (City; the CEQA Lead Agency) can definitively state that Drainage 1 now receives no flow. Based on review of aerial photography, the Department counters that the topographic position of Drainage 1 lends it to the receipt of coalesced upland sheet flow, and could therefore be hydrologically maintained irrespective of the loss of inflow from upstream areas. Similarly, Drainage 2 is also positioned topographically to receive coalesced sheet flow from adjacent upland areas. Thick vegetation and the on-going drought likely contributed to the difficulty in observing indicators of recent flow.

Please note that the Department requires notification for work undertaken in or near any river, stream, or lake that flows at least episodically, including ephemeral streams, desert washes, and watercourses with a subsurface flow. Further FGC section 1602 states, "An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless all of the following occur...." Upon receipt of a complete notification, the Department determines if the activities may substantially adversely affect existing fish and wildlife resources.

Without additional site information, and a site visit, the Department finds the City's assessment of no impact to state jurisdictional waters premature, and potentially erroneous, and recommends that the City condition the applicant to notify the Department pursuant to FGC section 1602 prior to project-related ground-disturbing activities.

A-2

2. Regarding Mitigation Measures BIO-3 and BIO-4: Please note that the Department does not recommend the exclusion of owls using passive relocation unless there are suitable burrows available within 100 meters of the closed burrows (Trulio 1995, CDFG 2012) and the relocation area is protected through a long-term conservation mechanism (e.g., conservation easement). We recommend that the Lead Agency notify the United States Fish and Wildlife Service (Service) and the Department if owls are found to be present onsite and develop a conservation strategy in cooperation with the Service, the Department, and the Regional Conservation Authority in accordance with the Department's *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). The Department recommends that the City condition

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A-2
Continued

Mitigation Measures BIO-3 and BIO-4 to include the above-mentioned information and notification requirements.

The Department appreciates the opportunity to comment on the Initial Study and Proposed Mitigated Negative Declaration for the Nova Homes Residential Project. The Department recommends that the City contact the Department at its earliest convenience to arrange a site visit with staff from the Department's Lake and Streambed Alteration Program and Western Riverside County Multiple Species Habitat Conservation Plan. If you should have any questions pertaining to this letter, please contact Joanna Gibson at (909) 987-7449 or Joanna.Gibson@wildlife.ca.gov.

Sincerely,


Leslie MacNair
Regional Manager

cc: Kim Freeburn, CDFW
Heather Pert, CDFW

Comment Letter A – California Department of Fish and Wildlife (CDFW)

- A-1** The commenter states that the IS articulates that there are two drainage features on the project site, but argues that neither are jurisdictional under Fish and Game Code (FGC) Section 1600 et seq. The Delineation of Jurisdictional Waters (Appendix 3b) states that Drainage 1 has a defined bed and bank and riparian vegetation is growing in the feature, but the IS argues that because of discontinuation of upstream flows, the features will eventually revert to upland habitat and are therefore not jurisdictional under FGC Section 1600 et seq. The IS also argues that Drainage 2 is not jurisdictional under FGC Section 1600 et seq., as the feature lacks an ordinary high water mark, wetland vegetation, or bed and bank.

Given that the delineation was completed following a single site visit on March 10, 2016, the commenter questions whether the City of Wildomar can definitively state that Drainage 1 now receives no flow. Based on review of aerial photography, the CDFW counters that the topographic position of Drainage 1 lends it to the receipt of coalesced upland sheet flow and could therefore be hydrologically maintained irrespective of the loss of inflow from upstream areas. Similarly, Drainage 2 is also positioned topographically to receive coalesced sheet flow from adjacent upland areas. Thick vegetation and the ongoing drought likely contributed to the difficulty in observing indicators of recent flow.

Furthermore, the commenter indicates that the CDFW requires notification for work undertaken in or near any river, stream, or lake that flows at least episodically, including ephemeral streams, desert washes, and watercourses with a subsurface flow. Further FGC Section 1602 states, "An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless all of the following occur..." Upon receipt of a complete notification, the CDFW determines if the activities may substantially adversely affect existing fish and wildlife resources.

Without additional site information, and a site visit, the commenter (CDFW) finds the City's assessment of no impact to state jurisdictional waters premature, and potentially erroneous, and recommends that the City condition the applicant to notify the CDFW pursuant to FGC Section 1602 prior to project-related ground-disturbing activities.

As stated in the project jurisdictional delineation report, based on aerial photograph review (Google Earth), Drainage 1 is an erosional feature that was not present on the subject site until between 2006 and 2009, when the project to the north was originally graded for development. The flows supporting this drainage have subsequently been retained with the final development of this adjacent project site. Therefore, the main flows to this drainage no longer exist as a result of final development. Although Drainage 1 may still receive localized flows from adjacent upland areas (e.g., roadway runoff from George Avenue) and supports limited riparian habitat (less than five individual mulefat plants), the habitat conditions are not much different than those present in the immediate vicinity. It should be noted that mulefat is also growing just south of Drainage 1, along George Avenue, as a result of sheet flow from George Avenue, where no drainage feature is present. For these reasons, it is LSA Associates'

2.0 COMMENTS AND RESPONSES TO COMMENTS

opinion that Drainage 1 is a small (between 0.01 acre and 0.02 acre) roadside, non-natural, erosional feature that is not subject to the regulatory authority of the CDFW.

The field evaluation of Drainage 2 showed no evidence of bed and bank subject to CDFW regulatory authority. Through further aerial photograph review (<http://www.historicaerials.com>), it appears Drainage 2 head waters originally formed just upstream of the subject site and flowed southwest into a larger tributary that has since been affected by development. This aerial photo review also shows that flows into Drainage 2 appear to cease at the time of the grading of the project site to the north between 2006 and 2009. Therefore, Drainage 2 has not likely received significant flows since as early as 2006. It is LSA Associates' opinion that because flows to Drainage 2 have ceased and the drainage feature no longer supports a defined bed and bank, Drainage 2 is not subject to CDFW regulatory authority.

While the technical information indicates that the drainages are not jurisdictional, in an abundance of caution, and to respond to the agency request, the City is including a condition of approval on the proposed project that requires the consult with the Department of Fish and Game prior to ground disturbance.

A-2 The commenter recommends the following changes to Mitigation Measures BIO-3 and BIO-4: The commenter does not recommend the exclusion of owls using passive relocation unless there are suitable burrows available within 100 meters of the closed burrows and the relocation area is protected through a long-term conservation mechanism. The commenter recommends that the City notify the US Fish and Wildlife Service (USFS) and the CDFW if owls are found to be present on-site and develop a conservation strategy in cooperation with the USFS, the CDFW, and the Regional Conservation Authority in accordance with the CDFW Staff Report on Burrowing Owl Mitigation.

Mitigation measures BIO-3 and BIO-4 will be revised as follows:

BIO-3 Per MSHCP Species-Specific Objective 6, preconstruction presence/absence surveys for burrowing owl within the survey area, where suitable habitat is present, will be conducted for all covered activities through the life of the building permit. Surveys will be conducted 14 days prior to disturbance. Take of active nests will be avoided. Passive relocation (use of one-way doors and collapse of burrows) will occur when owls are present outside the nesting season if there are suitable burrows available within 100 meters of the closed burrows and the relocation area is protected through a long-term conservation mechanism. If construction is delayed or suspended for more than 14 days after the survey, the area shall be resurveyed.

Surveys shall be completed within all construction areas and within 150 meters (500 feet) of the project work areas (where possible and appropriate based on habitat). All occupied burrows will be mapped on an aerial photo.

BIO-4 If burrowing owls are identified during the survey period, the City shall require the project applicant to take the following actions to offset impacts prior to ground disturbance:

Active nests within the areas scheduled for disturbance or degradation shall be avoided from February 15 through August 31, and a minimum 75-meter (250-foot)

buffer shall be provided until fledging has occurred. Following fledging, owls may be passively relocated (use of one-way doors and collapse of burrows) by a qualified biologist if there are suitable burrows available within 100 meters of the closed burrows and the relocation area is protected through a long-term conservation mechanism.

If impacts on occupied burrows in the non-nesting period are unavoidable, on-site passive relocation techniques may be used if approved by the CDFW to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season. A qualified biologist must verify through noninvasive methods that the burrow is no longer occupied.

If the relocation of the owls is approved for the site by the CDFW, the City shall require the developer to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site that is consistent with the CDFW's Staff Report on Burrowing Owl Mitigation (3/7/2012). The relocation plan must include all of the following:

- The location of the nest and owls proposed for relocation.
- The location of the proposed relocation site.
- The number of owls involved and the time of year when the relocation is proposed to take place.
- The name and credentials of the biologist who will be retained to supervise the relocation.
- The proposed method of capture and transport for the owls to the new site.
- A description of site preparation at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control).
- A description of efforts and funding support proposed to monitor the relocation.

If paired owls are present within 50 meters (160 feet) of a temporary project disturbance (e.g., parking areas), active burrows shall be protected with fencing/cones/flagging and monitored by a qualified biologist throughout construction to identify losses from nest abandonment and/or loss of reproductive effort. The City of Wildomar shall notify the USFWS and the CDFW if owls are found to be present on-site and develop a conservation strategy in cooperation with the USFWS, the CDFW, and the Regional Conservation Authority in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation. Any identified loss shall be reported to the CDFW.

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From: [THPO Consulting](#)
To: [Matthew Bassi](#)
Subject: IS/MND for Nova Homes Residential Project (PA 15-0129)
Date: Tuesday, July 05, 2016 4:44:59 PM

Greetings, Mr. Bassi,

B-1

Thank you for the copy of the MND. We appreciate it. However, a records check of the ACBCI cultural registry revealed that this project is not located within the Tribe's Traditional Use Area (TUA). Therefore, we defer to the other tribes in the area. This letter shall conclude our consultation efforts.

Thank you,

Victoria Harvey M.A., R.P.A.

Archaeological Monitoring Coordinator
Agua Caliente Band of Cahuilla Indians
760-699-6981 (Desk)
(760) 406-1909 (Cell)
vharvey@aguacaliente.net

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Comment Letter B – Agua Caliente Band of Cahuilla Indians

- B-1** The commenter states that this project is not located within the Tribe's Traditional Use Area (TUA). Therefore, the commenter defers to the other tribes in the area and concludes all consultation efforts.

The comment is acknowledged.

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From: [Anna Hoover](#)
To: [Matthew Bassi](#)
Cc: [Ebru Ozdil](#); [Andrea Fernandez](#)
Subject: Pechanga Tribe Comments on the MND for the Nova Homes Residential Project
Date: Monday, August 01, 2016 6:04:32 PM

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 formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the “Project”). If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archaeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

Based upon the information provided to the Tribe, there are no known tribal 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. At this time, the Tribe thanks the City of Wildomar for working closely with us to develop appropriate and adequate mitigation measures. These are identified in the Initial Study/Mitigated Negative Declaration (IS/MND) as CUL-1 to CUL-5. We request that these measures/conditions of approval, with the following requested minor edits, be incorporated into the final IS/MND and any other final environmental documents approved by the City.

C-1 | CUL-2: Please indicate that two separate agreements must be prepared between the Pechanga Tribe and the Developer, and the Soboba Tribe and the Developer.

C-2 | CUL-5: Pechanga requests that monitoring may be discontinued upon agreement with the qualified professional and the tribal representatives.

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.

Noʃúun Lóoviq (Thank you),

Anna M. Hoover
Cultural Analyst/Assistant THPO
Pechanga Band of Luiseno Indians
P.O. Box 2183
Temecula, CA 92593

951-770-8104 (O)
951-694-0446 (F)
951-757-6139 (C)
ahoover@pechanga-nsn.gov

2.0 COMMENTS AND RESPONSES TO COMMENTS

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2.0 COMMENTS AND RESPONSES TO COMMENTS

Comment Letter C – Pechanga Band of Luiseno Indians

- C-1 The commenter requests that the following minor edits be made to mitigation measure CUL-2: Please indicate that two separate agreements must be prepared between the Pechanga Tribe and the developer, and the Soboba Tribe and the developer.**

Mitigation measure CUL-2 will be revised as follows:

CUL-2 At least 30 days prior to any ground-disturbing activity, the project applicant shall contact the City Planning Department, Pechanga and Soboba Tribes with notification of the proposed grading and shall coordinate with the City of Wildomar and the Tribes to develop an Archaeological Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the handling of archaeological resources; project grading and development scheduling; terms of compensation for the monitors; treatment and final disposition of any archaeological resources, sacred sites, burial goods and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. The terms of the agreement shall not conflict with mitigation measures **CUL-1, CUL-3, CUL-4, and CUL-5.** Two separate agreements must be prepared between the Pechanga Tribe and the developer, and the Soboba Tribe and the developer. 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.

- C-2 The commenter requests that the following minor edits be made to mitigation measure CUL-5: Pechanga requests that monitoring may be discontinued upon agreement with the qualified professional and the tribal representatives.**

Mitigation measure CUL-5 will be revised as follows:

CUL-5 To address the possibility that archaeological resources may be encountered during grading or construction, a qualified professional archaeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued upon agreement with the qualified professional and the tribal representatives. ~~as soon the qualified professional is satisfied that construction will not disturb archaeological resources.~~

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING (MS 725)
464 WEST 4th STREET, 6th FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 388-4557
FAX (909) 383-5936
TTY 711
www.dot.ca.gov/dist8



Serious Drought.
Help save water!

August 26, 2016

File: 08-Riv-15-PM 13.651

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

Initial Study for the Nova Homes Residential Project

Mr. Bassi,

The California Department of Transportation (Caltrans) has completed our review of the Initial Study for the Nova Homes Residential Project. The project is located in the City of Wildomar north of Clinton Keith Road, east of I-15, south of La Estrella Street and west of Iodine Springs Road. The project proposes the development of 77 single family detached residential dwelling units, or apartments. This project will involve a change of zoning from mixed-use planning area to medium high density residential.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Wildomar, due to the project's potential impact to State facilities, it is also subject to the policies and regulations that govern the SHS.

We have the following comments regarding the Initial Study:

Traffic Operations:

Caltrans District 8's Operations Surveillance unit has analyzed the project's Traffic Impact Analysis (TIA) methodology to mitigate traffic on state facilities, which includes the I-15 mainline and impacted on- and off-ramps. We have the following comments regarding the TIA:

D-1

- The Project TIA shall include an analysis of the intersections of the I-15 Freeway and Clinton Keith Road southbound and northbound ramps.

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- D-2
- The TIA shall include ramp merge/diverge analyses at the northbound and southbound ramps for the following interchanges:
 - I-15 and Baxter Road
 - I-15 and Clinton Keith Road
- D-3
- Please forward all Synchro analysis output to our office for review.
- Multimodal Accessibility and Vehicle Miles Traveled Reduction Strategies:**
- D-4
- Per SB 743 and Caltrans Deputy Directive 64-R2, we offer the following strategies to improve the local bicycle, pedestrian and transit network in order to increase multi-modal trips and decrease vehicle miles traveled:
- D-5
- Striping high visibility crosswalks at all pedestrian crossings with strategically-placed bulbouts for traffic calming.
- D-6
- Striping Class II Bike Lanes on Clinton Keith Road to connect to the bike lanes in the City of Murrieta. We recommend inclusion of buffered spaces and green paint in conflict areas.
 - Striping Class II Bike Lanes on George Avenue and Iodine Springs Road to connect the development to the bike lanes on Clinton Keith Road.
- D-7
- For the design of all minor roads in the development, we recommend the applicant utilize innovative safety strategies outlined in the National Association of City Transportation Officials' Urban Street Design Guide. Refer to the guidelines provided for the "Neighborhood Street", "Yield Street", "Green Alley", and "Residential Shared Street" designations.
- D-8
- We recommend the applicant meet with the Riverside Transit Agency on constructing a bus stop with a shelter at the corner of George Avenue and Clinton Keith Road, and/or the corner of Arya Road and Clinton Keith Road to service the Westpark Promenade project. As the Clinton Keith Road corridor is rapidly developing, RTA should also consider reducing Bus Route 23 headways to 30 or 45 minutes between bus trips and making route modifications to increase the Route's efficiency.
- D-9
- Quality neighborhood planning fosters community, aesthetics, and sustainability. We offer the following community planning recommendations:
 - The City should re-consider amending the land use designation from mixed-use to medium high-density residential. Mixed-use developments have been found to reduce vehicle miles traveled from 1-30%. This would help mitigate congestion at state

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|------------------|--|
| D-9
continued | facilities by providing retail options for local residents to patronize by walking or bicycling to instead of driving to the nearest shopping center. |
| D-10 | <ul style="list-style-type: none">○ To increase density and transit ridership, consider utilizing rowhouse or terraced house design principles, especially near transit access locations recommended above. |
| D-11 | <ul style="list-style-type: none">○ The placement of street-trees creates an inviting aesthetic appeal, provides traffic calming benefits, while also reducing the urban heat island affect. Please consider utilizing drought tolerant trees and/or recycled water to provide these livability benefits to residents. |

Thank you for the opportunity to review the Initial Study for the Nova Homes Residential Project. If the plans are modified in any way, please forward them to this office for further review. If you have any questions regarding this letter, please contact Dustin Foster at (909) 806-3955 or myself at (909) 383-4557 for assistance.

Sincerely,



for MARK ROBERTS
Office Chief
Community and Regional Planning

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Comment Letter D – Department of Transportation

D-1 The commenter states that the project TIA shall include an analysis of the intersections of the I-15 Freeway and Clinton Keith Road southbound and northbound ramps.

The study area intersections were determined based on a series of scoping discussions with the City of Wildomar Transportation Department staff. Appendix B shows the signed scoping agreement. When the traffic impact analysis was prepared, the City of Wildomar utilized the guidelines as set forth in the Riverside County Transportation Department Traffic Impact Analysis Preparation Guide, April 2008. As stated in this document: "In general, the minimum area to be studied shall include any intersection of "Collector" or higher classification street, with "Collector" or higher classification streets, at which the proposed project will add 50 or more peak hour trips, not exceeding a 5-mile radius from the project site."

The proposed development is projected to add 29 project trips during the morning peak hour and 39 project trips during the evening peak to the I-15 Freeway at Clinton Keith Road interchange. As such, the proposed project will not meet the threshold for analysis for this interchange since the proposed project is not projected to add 50 or more peak hour trips to either of the freeway ramps.

D-2 The commenter states that the TIA shall include ramp merge/diverge analyses at the northbound and southbound ramps for the following interchanges:

- I-15 and Baxter Road
- I-15 and Clinton Keith Road

See Response to Comment 1. The proposed project does not meet the thresholds for merge/diverge analyses at either interchange.

D-3 The commenter requests the City to forward all Synchro analysis to their office for review.

Synchro was not utilized in the traffic impact analysis. The intersections were analyzed utilizing Traffix 7.9.0215 as shown in Appendix D of the traffic impact analysis.

D-4 Per SB 743 and Caltrans Deputy Directive 64-R2, the commenter offers strategies to improve the local bicycle, pedestrian and transit network in order to increase multi-modal trips and decrease vehicle miles traveled:

Striping high visibility crosswalks at all pedestrian crossings with strategically-placed bulbouts for traffic calming.

Comment noted. The lead agency (City of Wildomar) will determine whether or not these recommendations are implemented.

D-5 The commenter requests striping class II bike lanes on Clinton Keith Road to connect to the bike lanes in the City of Murrieta. The commenter recommends inclusion of buffered spaces and green paint in conflict areas.

Comment noted. The lead agency (City of Wildomar) will determine whether or not these recommendations are implemented.

- D-6 The commenter recommends striping class II bike lanes on George Avenue and Iodine Springs Road to connect the development to the bike lanes on Clinton Keith Road.**

Comment noted. The lead agency (City of Wildomar) will determine whether or not these recommendations are implemented.

- D-7 For the design of all minor roads in the development, the commenter recommends the applicant utilize innovative safety strategies outlines in the National Association of City Transportation Officials' Urban Street design Guide. Refer to the guidelines provided for the "Neighborhood Street", "Yield Street", "Green Alley", and "Residential Shared Street" designations.**

Comment noted. The lead agency (City of Wildomar) will determine whether or not these recommendations are implemented.

- D-8 The commenter recommends the applicant meet with the Riverside Transit Agency on constructing a bus stop with a shelter at the corner of George Avenue and Clinton Keith Road, and/or the corner of Arya Road and Clinton Keith Road to service the Westpark Promenade project. As the Clinton Keith Road corridor is rapidly developing, RTA should also consider reducing Bus Route 23 headways to 30 or 45 minutes between bus trips and making route modifications to increase the Route's efficiency.**

Comment noted. The lead agency (City of Wildomar) will determine whether or not these recommendations are implemented.

- D-9 The commenter states that quality neighborhood planning fosters community, aesthetics, and sustainability and offers the following community planning recommendations:**

The City should re-consider amending the land use designation from mixed-use to medium high-density residential. Mixed-use developments have been found to reduce vehicle miles traveled from 1-30%. This would help mitigation congestion at state facilities by providing retail options for local residents to patronize by walking or bicycling to instead of driving to the nearest shopping center.

Comment noted.

- D-10 To increase density and transit ridership, the commenter recommends utilizing rowhouse or terraced house design principles, especially near transit access locations.**

Comment noted. The proposed land use is single-family detached residential and not multi-family attached residential (condominiums).

- D-11 The commenter states that the placement of street-trees creates an inviting aesthetic appeal, provides traffic calming benefits, while also reducing the urban heat island affect. The commenter requests to consider utilizing drought tolerant trees and/or recycled water to provide these livability benefits to residents.**

Comment noted. The lead agency (City of Wildomar) will determine landscaping requirements.

2.0 COMMENTS AND RESPONSES TO COMMENTS

From: [Monty Goddard](#)
To: [Gary Nordquist](#); [Matthew Bassi](#)
Subject: Nova Homes Residential Project IS/MND
Date: Thursday, June 30, 2016 1:46:38 PM

Good day Gentlemen,

1-1

My first glance at the subject project brings to mind my concerns on future Measure Z parks funding. I was very dismayed while serving on the Measure Z oversight committee when I first suspected, and as I recall Gary you confirmed, that large apartment complexes like the one next to City Hall only pay a total of \$28/year in Measure Z funds. This because the entire apartment complex is one piece of property. I observed multiple shocked/surprised expressions on council members faces when I subsequently mentioned this inequity within Measure Z at a CC mtg.

This proposed "one parcel" 77 unit condo complex appears to be a similar situation. Is this suspicion on my part correct?

Also, related to this proposed project,.....what happened to mixed use? Rhetorical question on my part, but man I hate seeing potential commercial property (and future city budget \$s) evaporate.

VR, Monty

Comment Letter 1 – Monty Goddard

- 1-1 The commenter would like clarification regarding how much the project will be required to pay in Measure Z funds. In addition, the commenter requests information about a possible mixed-use project.**

Per the City of Wildomar Measure Z requirements found here: <http://www.cityofwildomarparcs.org/#!measure-z/cuyx>, the Nova Homes Residential Project would pay a \$28 annual tax. Furthermore, the IS/MND addressed impacts to parkland. The applicant is required to pay the currently adopted Parkland In-Lieu fees to offset the parkland dedication in compliance with the Quimby Act Ordinance (Section 16.20.020 of the Wildomar Municipal Code) and the City's Development Impact Fee Program (Wildomar Municipal Code Chapter 3.44, Fees), which includes a Parkland Acquisition Fee and a Park Improvement Fee. Payment of fees would reduce impacts to less than significant levels. Furthermore, the commenter's request about a possible mixed-use project is not relevant to the Nova Homes Residential Project.

2.0 COMMENTS AND RESPONSES TO COMMENTS

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3.0 MINOR REVISIONS TO THE IS/MND

3.1 INTRODUCTION

This section includes minor edits to the IS/MND. These modifications resulted from responses to comments received during the public review period as well as from staff-initiated changes.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text).

3.2 MINOR CHANGES AND EDITS TO THE IS/MND

The following minor changes are made to clarify the IS/MND based on comments received on the project and review of those comments by the City and by the technical experts responsible for the supporting studies.

BIOLOGICAL RESOURCES

The following Mitigation Measure has been added to page 46 of the IS/MND:

BIO-5 Prior to ground disturbance the developer, applicant or successor in interest shall consult with the California Department of Fish and Game to verify the jurisdictional status of the existing drainages. The City shall be kept informed of the consultation and final determination.

Timing/Implementation: Prior to ground disturbance

Enforcement/Monitoring: City of Wildomar Planning Department

Mitigation measure BIO-3 and BIO-4 on page 45 of the IS/MND has been amended as follows:

BIO-3 Per MSHCP Species-Specific Objective 6, preconstruction presence/absence surveys for burrowing owl within the survey area, where suitable habitat is present, will be conducted for all covered activities through the life of the building permit. Surveys will be conducted 14 days prior to disturbance. Take of active nests will be avoided. Passive relocation (use of one-way doors and collapse of burrows) will occur when owls are present outside the nesting season if there are suitable burrows available within 100 meters of the closed burrows and the relocation area is protected through a long-term conservation mechanism. If construction is delayed or suspended for more than 14 days after the survey, the area shall be resurveyed.

Surveys shall be completed within all construction areas and within 150 meters (500 feet) of the project work areas (where possible and appropriate based on habitat). All occupied burrows will be mapped on an aerial photo.

Timing/Implementation: Fourteen days prior to any vegetation removal or ground-disturbing activities

Enforcement/Monitoring: City of Wildomar Planning Department

BIO-4 If burrowing owls are identified during the survey period, the City shall require the project applicant to take the following actions to offset impacts prior to ground disturbance:

3.0 MINOR REVISIONS TO THE IS/MND

Active nests within the areas scheduled for disturbance or degradation shall be avoided from February 15 through August 31, and a minimum 75-meter (250-foot) buffer shall be provided until fledging has occurred. Following fledging, owls may be passively relocated (use of one-way doors and collapse of burrows) by a qualified biologist if there are suitable burrows available within 100 meters of the closed burrows and the relocation area is protected through a long-term conservation mechanism.

If impacts on occupied burrows in the non-nesting period are unavoidable, on-site passive relocation techniques may be used if approved by the CDFW to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season. A qualified biologist must verify through noninvasive methods that the burrow is no longer occupied.

If the relocation of the owls is approved for the site by the CDFW, the City shall require the developer to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site that is consistent with the CDFW's Staff Report on Burrowing Owl Mitigation (3/7/2012). The relocation plan must include all of the following:

- The location of the nest and owls proposed for relocation.
- The location of the proposed relocation site.
- The number of owls involved and the time of year when the relocation is proposed to take place.
- The name and credentials of the biologist who will be retained to supervise the relocation.
- The proposed method of capture and transport for the owls to the new site.
- A description of site preparation at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control).
- A description of efforts and funding support proposed to monitor the relocation.

If paired owls are present within 50 meters (160 feet) of a temporary project disturbance (e.g., parking areas), active burrows shall be protected with fencing/cones/flagging and monitored by a qualified biologist throughout construction to identify losses from nest abandonment and/or loss of reproductive effort. The City of Wildomar shall notify the USFWS and the CDFW if owls are found to be present on-site and develop a conservation strategy in cooperation with the USFWS, the CDFW, and the Regional Conservation Authority in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation. Any identified loss shall be reported to the CDFW.

Timing/Implementation: Prior to any vegetation removal or ground-disturbing activities

Enforcement/Monitoring: City of Wildomar Planning Department

3.0 MINOR REVISIONS TO THE IS/MND

CULTURAL RESOURCES

Mitigation measure CUL-2 page 50 of the IS/MND has been amended as follows:

CUL-2 At least 30 days prior to any ground-disturbing activity, the project applicant shall contact the City Planning Department, Pechanga and Soboba Tribes with notification of the proposed grading and shall coordinate with the City of Wildomar and the Tribes to develop an Archaeological Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the handling of archaeological resources; project grading and development scheduling; terms of compensation for the monitors; treatment and final disposition of any archaeological resources, sacred sites, burial goods and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. The terms of the agreement shall not conflict with mitigation measures **CUL-1**, **CUL-3**, **CUL-4**, and **CUL-5**. Two separate agreements must be prepared between the Pechanga Tribe and the developer, and the Soboba Tribe and the developer. 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.

Timing/Implementation: Thirty days prior to any ground-disturbing construction activities.

Enforcement/Monitoring: City of Wildomar Engineering and Planning Departments

Mitigation measure CUL-5 page 51 of the IS/MND has been amended as follows:

CUL-5 To address the possibility that archaeological resources may be encountered during grading or construction, a qualified professional archaeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued upon agreement with the qualified professional and the tribal representatives. ~~as soon the qualified professional is satisfied that construction will not disturb archaeological resources.~~

Timing/Implementation: During any ground-disturbing construction activities

Enforcement/Monitoring: City of Wildomar Engineering and Planning Departments

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ATTACHMENTS

ATTACHMENT A: PUBLIC NOTICES

Bridgette Moore, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Marsha Swanson, Council Member
Ben J. Benoit Council Member



23873 Clinton Keith Rd, Ste 201
Wildomar, CA 92595
951/677-7751 Phone
951/698-1463 Fax
www.CityofWildomar.org

TO: Reviewing Agencies/Interested Persons
FROM: Matthew C. Bassi, Planning Director
DATE: August 1, 2016
SUBJECT: Initial Study/Mitigated Negative Declaration (MND) for Nova Homes Residential Project (PA No. 15-0129)

The City of Wildomar (City) is the lead agency for the preparation and review of an Initial Study/Mitigated Negative Declaration (MND) for Nova Homes Residential project. The project site is located west side of Iodine Springs Road, east side of George Avenue, and north of Clinton Keith Road in Wildomar, California (APN: 362-250-001 and 362-250-026) and consists of single-family residential development.

The project includes the following applications for consideration by the Wildomar Planning Commission:

1. **General Plan Amendment** – A General Plan Amendment to remove the existing land use designation of Mixed Use Planning Area (MUPA) and add the Medium High Density Residential (MHDR, 5 – 8 units/acre density) land use designation.
2. **General Plan Amendment** – A General Plan Amendment to the Circulation Element to remove the extension of Depasquale Road through the project site.
3. **Change of Zone** – A Change of Zone to remove the Mixed-Use overlay district from the site and to change the existing zoning designation from R-R (Rural Residential) to R-4 (Planned Residential).
4. **Tentative Tract Map No. 36952** – A Tentative Tract Map to subdivide 11.25 acres of mostly vacant (an existing mobile home is located on the northeastern portion of the project site) land into one (1) numbered lot for condominium purposes and 5 lettered lots (Lots A through E).
5. **Plot Plan No. 15-0129** – A Plot Plan to develop 77 detached single-family residential dwelling units with related open space and recreational amenities.

The City is requesting comments for the Nova Homes Residential IS/MND. This notice is being sent to responsible agencies, trustee agencies, and other interested parties, along with a copy of the IS/MND and copies of the technical studies (refer to attached CD). The public comment period for the MND began on **Thursday, June 30, 2016 and concluded on Monday, August 1, 2016**. However, the public review period is being extended for an additional 30-days starting **Tuesday, August 2, 2016 and concluding on Wednesday, August 31, 2016**. Written comments can be sent to Matthew C. Bassi, Planning Director, City of Wildomar Planning Department, 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595. Comments can also be emailed to mbassi@cityofwildomar.org. Should you have any questions or require additional information regarding this letter of the proposed project, please contact me at (951) 677-7751, ext. 213, or email me at mbassi@cityofwildomar.org.

Sincerely,

A handwritten signature in blue ink that reads "Matthew Bassi".

Matthew C. Bassi
Planning Director

Enclosed – CD of Draft IS/MND



NOTICE OF AVAILABILITY FOR PUBLIC REVIEW OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION NOVA HOMES RESIDENTIAL PROJECT

An Initial Study/Mitigated Negative Declaration (MND) has been prepared by the City of Wildomar for the Nova Homes Residential Project (PA No. 15-0129). The MND and technical appendices will be available for public review/comment beginning on Thursday, June 30, 2016. All files can be downloaded from the City of Wildomar Environmental Documents Center webpage at <http://www.cityofwildomar.org/environmental-documents.asp>. A printed/hard copy of the MND document will also be available for public review at the City of Wildomar Planning Department located at 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595 during regular business hours (8 a.m. - 5 p.m., Monday through Thursday, Closed Friday's).

The project site is located west side of Iodine Springs Road, east side of George Avenue, and north of Clinton Keith Road in Wildomar, California (APN: 362-250-001 and 362-250-026) and consists of single-family residential development. The project includes the following applications for consideration by the Wildomar Planning Commission:

1. **General Plan Amendment** – A General Plan Amendment to remove the existing land use designation of Mixed Use Planning Area (MUPA) and add the Medium High Density Residential (MHDR, 5 – 8 units/acre density) land use designation.
2. **General Plan Amendment** – A General Plan Amendment to the Circulation Element to remove the extension of Depasquale Road through the project site.
3. **Change of Zone** – A Change of Zone to remove the Mixed-Use Overlay Zone district designation from the site and to change the existing zoning designation from R-R (Rural Residential) to R-4 (Planned Residential).
4. **Tentative Tract Map No. 36952** – A Tentative Tract Map to subdivide the 11.25 acre site into one (1) lot for single family detached condominium purposes.
5. **Plot Plan No. 15-0129** – A Plot Plan to develop 77 detached single-family residential dwelling units with related on-site & off-site improvements and open space and recreational amenities.

The IS/MND identifies impacts that require mitigation in the following topic areas: biological resources, cultural resources, geology and soils, and noise. Significant and unavoidable impacts and cumulatively considerable impacts have not been identified in any of the environmental issue areas. The project is not located on any hazardous materials sites enumerated under Section 65962.5 of the California Government Code.

In accordance with Sections 15072(a) and (b) of the CEQA Guidelines, this public notice is posted to officially notify the public, public agencies, and responsible and trustee agencies that the required 30-day public review/comment period will commence on **Thursday, June 30, 2016 and conclude on Monday, August 1, 2016**. Any written comments (via email or letter) on the IS/MND must be submitted no later than 5 p.m. on July 30, 2016. Written comments may be mailed to Matthew C. Bassi, Planning Director, City of Wildomar Planning Department, 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595. Email comments can be sent to mbassi@cityofwildomar.org. The Planning Commission is tentatively scheduled to review the IS/MND and proposed development project at their September 21, 2016 meeting.

Posted: June 30, 2016