



Section 12.0

Comments and Responses



12.0 COMMENTS AND RESPONSES

12.1 CEQA REQUIREMENTS

Before approving a project, the *California Environmental Quality Act (CEQA)* requires the Lead Agency to prepare and certify a Final Environmental Impact Report (EIR).

In accordance with *CEQA Guidelines* Sections 15120 through 15132 and Section 15161, the City of Murrieta has prepared an EIR for the General Plan 2035 (SCH #2010111084). The Comments and Responses section, combined with the Draft EIR and Mitigation Monitoring Program, comprise the Final EIR.

The following is an excerpt from the *CEQA Guidelines* Section 15132, Contents of Final Environmental Impact Report:

The Final EIR shall consist of:

- (a) *The Draft EIR or a version of the draft.*
- (b) *Comments and recommendations received on the Draft EIR either verbatim or in summary.*
- (c) *A list of persons, organizations, and public agencies commenting on the Draft EIR.*
- (d) *The responses of the Lead Agency to significant environmental points raised in the review and consultation process.*
- (e) *Any other information added by the Lead Agency.*

This Comments and Responses section includes all of the above-required components and shall be attached to the Final EIR. As noted above, the Final EIR will be a revised document that incorporates all of the changes made to the Draft EIR following the public review period.

12.2 PUBLIC REVIEW PROCESS – DRAFT EIR

The Draft EIR was circulated for review and comment to the public, agencies, and organizations. The Draft EIR was also circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research. The 45-day public review period ran from February 8, 2010 to March 24, 2010. Comments received during the 45-day public review period from the public and local and State agencies on the Draft EIR have been incorporated into this section.



12.3 FINAL EIR

The Final EIR allows the public and Lead Agency an opportunity to review revisions to the Draft EIR, the responses to comments, and other components of the EIR, such as the Mitigation Monitoring Program, prior to approval of the project. The Final EIR serves as the environmental document to support a decision on the proposed project.

After completing the Final EIR, and before approving the project, the Lead Agency must make the following three certifications as required by *CEQA Guidelines* Section 15090:

- That the Final EIR has been completed in compliance with *CEQA*;
- That the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the project; and
- That the Final EIR reflects the Lead Agency’s independent judgment and analysis.

Additionally, pursuant to *CEQA Guidelines* Section 15093(b), when a Lead Agency approves a project that would result in significant, unavoidable impacts that are disclosed in the Final EIR, the agency must submit in writing its reasons for supporting the approved action. This Statement of Overriding Considerations is supported by substantial information in the record, which includes the Final EIR. Since the proposed project would result in significant, unavoidable impacts, the Lead Agency would be required to adopt a Statement of Overriding Considerations if it approves the proposed project.

These certifications, the Findings of Fact, and the Statement of Overriding Considerations are included in a separate Findings document. Both the Final EIR and the Findings will be submitted to the Lead Agency for consideration of the proposed project.

12.4 WRITTEN COMMENT LETTERS AND RESPONSES

All correspondence from those agencies or individuals commenting on the Draft EIR is reproduced on the following pages. The individual comments on each letter have been consecutively numbered for ease of reference. Following each comment letter are responses to each numbered comment. A response is provided for each comment raising significant environmental issues. Added or modified text is underlined (example), while deleted text will have a strike out (~~example~~) through the text, and is included in a box, as the example below shows.

~~“Text from EIR”~~ Text from EIR



Comment Letters

A total of 19 written comment letters were received; 18 during the 45-day public review period and one following the close of the public review period.

- A. Endangered Habitats League, dated February 17, 2011, received by City via email February 17, 2011
- B. Rancho California Water District, dated March 16, 2011, received by City March 17, 2011
- C. Native American Heritage Commission, dated March 17, 2011, received by City March 21, 2011
- D. Department of Toxic Substances Control, dated March 21, 2011, received by City March 22, 2011
- E. Pechanga Cultural Resources, dated March 22, 2011, received by City via email March 22, 2011
- F. Regional Conservation Authority, dated March 24, 2011, received by City via email March 24, 2011
- G. South Coast Air Quality Management District, dated March 24, 2011, received via email March 24, 2011
- H. City of Menifee, dated March 24, 2011, received via email March 24, 2011 (also including March 9, 2011 letter with this)
- I. Antelope Meadowlark 56, LLC, dated March 24, 2011, received by City March 28, 2011 (Received after close of 45-day review period)
- J. Johnson & Sedlack, Attorneys at Law, received via email March 24, 2011
- K. State Clearinghouse, dated March 25, 2011
- L. MaryAnn Shusan Miller, dated March 8, 2011, received by City March 9, 2011
- M. CQLM, dated March 9, 2011, received by City March 9, 2011
- N. CQLM, dated March 15, 2011, received by City March 15, 2011
- O. CQLM, dated March 23, 2011, received by City March 23, 2011
- P. Michael O'Donnell, received at March 23, 2011 PC Hearing
- Q. Mary Anne Lindsley, received at March 23, 2011 PC Hearing
- R. Raul and Gayle Vergara, received at March 23, 2011 PC Hearing
- S. CQLM, dated March 23, 2011 – revised March 24, 2011, received by City March 24, 2011

COMMENT LETTER A

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



February 17, 2011

Greg Smith, Associate Planner
City of Murrieta
Community Development Dept
1 Town Square
Murrieta CA 92562

RE: General Plan 2035 and DEIR

Dear Mr. Smith:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on the Draft General Plan 2035 and its DEIR. For your reference, EHL is Southern California's only regional conservation group. For over a decade, EHL has been involved in the development and implementation of Western Riverside County's Multiple Species Habitat Conservation Plan (MSHCP)

A-1

EHL supports the City's participation in MSHCP as the primary mechanism for mitigation of biological impacts associated with infrastructure and development. The MSHCP's benefits are reflected both in the draft General Plan 2035 goals and policies and in the City's environmental mitigation strategy in the DEIR for the Plan.

A-2

The value of the MSHCP lies particularly in its mitigation of impacts on a project specific and cumulative basis. Through its participation, the City confers upon itself and third party landowner beneficiaries the time and cost-saving benefit of tiering off the MSHCP EIR/EIS to disclose, analyze and mitigate biological impacts.

A-3

If the City were to withdraw from the MSHCP, a major revision to the General Plan and DEIR would be required, along with the development of alternative mitigation measures. Withdrawal would also have expensive and time-consuming ramifications for public and private beneficiaries, as impact analyses and mitigation strategies would need to be developed on a project-by-project basis. Such a decision would also irretrievably set back the region's efforts to preserve its natural heritage and quality of life.

A-4

Please retain EHL on all mailing and distribution lists for this project.

Sincerely,



Dan Silver
Executive Director



A. RESPONSES TO COMMENTS FROM DAN SILVER, EXECUTIVE DIRECTOR, ENDANGERED HABITATS LEAGUE, DATED FEBRUARY 17, 2011.

- A1. The comment letter acknowledges receipt of the Draft EIR, and the Endangered Habitats League's (EHL) role in the development and implementation of the Western Riverside County's Multiple Species Habitat Conservation Plan (MSHCP). The comment letter does not raise any issues with respect to the contents of the Draft General Plan 2035 or the Draft Environmental Impact Report (EIR), or any environmental issue regarding the proposed project, therefore, no further response is necessary.
- A2. EHL supports the goals and policies in the Draft General Plan 2035 and the mitigation strategy discussed in the Draft EIR. This comment is acknowledged. No further response is necessary.
- A3. EHL comments that the City's participation in the MSHCP provides time and cost savings to landowners through the use of tiering off both the MSCHP EIR/EIS and the Draft EIR to disclose, analyze and mitigate biological impacts. This comment is acknowledged. No further response is necessary.
- A4. EHL notes the potential implications associated with the City withdrawing from the MSHCP. This comment is acknowledged. No further response is necessary.



**Rancho
Water**

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COMMENT LETTER B

CITY OF MURRIETA

March 16, 2011

MAR 17 2011

RECEIVED
PLANNING DEPT.

Greg Smith, Associate Planner
City of Murrieta
Community Development Department
1 Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

**SUBJECT: CITY OF MURRIETA GENERAL PLAN – PUBLIC
REVIEW OF DRAFT GENERAL PLAN AND
ENVIRONMENTAL IMPACT REPORT**

Dear Mr. Smith:

Rancho California Water District (RCWD) appreciates the opportunity to provide comments for the Public Review of the Draft City of Murrieta General Plan and the Draft Environmental Impact Report (EIR). RCWD's comments are as follows:

GENERAL PLAN 2035

CHAPTER 3: LAND USE ELEMENT

Exhibit 3-5: the General Plan 2035 Land Use Policy Map should be revised to show all RCWD-owned property as Civic/Institutional land use.

B-1

CHAPTER 5: CIRCULATION ELEMENT

Exhibit 5-10: the General Plan 2035 Circulation Map indicates a proposed secondary roadway, Hayes Avenue, between Elm Street and Cherry Street. This proposed roadway was not identified on previous City of Murrieta Circulation Maps and RCWD questions the purpose of this road to be constructed through RCWD property.

B-2

CHAPTER 6: INFRASTRUCTURE ELEMENT

Pg. 6-2, Wastewater, 2nd paragraph: RCWD operates only one water reclamation plant within the City of Murrieta. RCWD had in the past operated two; however, one has been partially demolished and removed from service.

B-3

CHAPTER 6: INFRASTRUCTURE ELEMENT

Pg. 6-3, Recycled Water, 2nd paragraph: Similar to EMWD, RCWD has a mandatory recycled water use ordinance requiring customers to use recycled water for appropriate permitted uses and is not limited to golf course and major park areas.

B-4

CHAPTER 8: CONSERVATION ELEMENT

Pg. 8-3, Upper Santa Margarita Integrated Regional Water Management Plan: The following additional information in bold, italics, and underlined is suggested – “Through the IRWMP, stakeholders collaborate across jurisdictional boundaries to implement water resource management projects *to address the issues and differing perspectives of all the entities involved through mutually beneficial solutions.* These stakeholders include regional water agencies, flood control districts, *water districts,* counties, cities, *land and nature conservancies, universities, Indian tribes, Camp Pendleton Marine Corps Base, and other* federal, state, and local agencies.”

B-5

ENVIRONMENTAL IMPACT REPORT

SECTION 5.15: WATER SUPPLY

Section 5.15.1 Regulatory Setting, pg. 5-15.2, California Water Plan, 3rd paragraph: The Plan was last updated in 2009 and DWR is working on the next plan for 2013, which is called the 2013 California Water Plan Update.

B-6

Section 5.15.1 Regulatory Setting, pg. 5-15.4, California Title 22 Drinking Water Standards, 1st paragraph, 2nd sentence: Recommend adding language to make it clear that monitoring of chemicals by water agencies is only required in the water supply. Example change: “...the monitoring of all regulated chemicals, as well as a number of unregulated chemicals, *in the drinking water supply,* as required by Title 22, is conducted by water agencies in the upper watershed.”

B-7

Section 5.15.1 Regulatory Setting, pg. 5-15.5, Upper Santa Margarita Integrated Regional Water Management Plan, 2nd paragraph: Same general comment as above for Chapter 8: Conservation Element, Pg. 8-3 of the General Plan. Suggestion: “Through the IRWMP, regional water agencies, flood control districts, *water districts,* counties, cities, *land and nature conservancies, universities, Indian tribes, Camp Pendleton Marine Corps Base,* federal, state, local agencies, and other stakeholder groups collaborate across jurisdictional boundaries to implement water resource management projects *to address the issues and differing perspectives of all the entities involved through mutually beneficial solutions.*”

B-8

Section 5.15.1 Regulatory Setting, pgs. 5-15.5 and 5-15.6: WMWD and EMWD Urban Water Management Plans (UWMP) are discussed; RCWD’s UWMP is not included, but should be. In addition, RCWD has prepared and adopted a Regional Integrated Resources Plan (IRP). Both documents should be briefly discussed. The following is suggested language for each:

B-9

Rancho California Water District

URBAN WATER MANAGEMENT PLAN

Rancho California Water District (RCWD) provides retail water for urban and agricultural uses to the City of Temecula, portions of the City of Murrieta, and unincorporated Riverside County lands in the surrounding area. RCWD comprises approximately 100,000 acres (~156 square miles) in the southwestern portion of Riverside County, California.



The RCWD UWMP complies with the Urban Water Management Planning Act. The Plan provides an assessment of water sources and supply, reliability of supplies, water use efficiency measures, and water demand and supply comparison. In addition, recent legislation, the Water Conservation Bill of 2009, requires urban water suppliers to report in their UWMPs base daily per capita water use (baseline), urban water use targets for the year 2020, and interim water use targets for the year 2015. This information will be included in RCWD's 2010 UWMP Update, which is anticipated to be adopted by July 1, 2011.

REGIONAL INTEGRATED RESOURCES PLAN

RCWD prepared a Regional Integrated Resources Plan (IRP) to develop a long-range water supply plan to reliably meet the needs of the District through 2050. The IRP addresses issues of imported water supply availability, system capacity constraints, rising imported water costs, and water quality. The IRP evaluates and examines a set of water supply objectives against different water supply alternatives such as increased water conservation, additional groundwater storage and reuse, conversion of agriculture from imported water to untreated water or advanced-treated recycled water, groundwater recharge using advanced-treated recycled water, and water transfers. The evaluation resulted in a preferred plan to meet the objectives and resulted in the following benefits: 1) increased groundwater production; 2) increased use of recycled water; 3) reducing peak imported water demand; and 4) water supply cost efficiency through multiple measures.

B-9

Section 5.15.2 Environmental Setting, Rancho California Water District, pg. 5-15.13: The discussion of RCWD's current service area should be corrected to 2010 data on the following items: 37 storage reservoirs; 48 groundwater wells, and 133,200 people are served (population) through 42,988 service connections.

B-10

Data for Table 5.15-2 RCWD Planned Water Supplies are currently under development for the 2010 UWMP Update and will be available within the next few weeks. Early information shows the following, which is substantially different than that in the 2005 IRP as currently noted in the Public Review Draft EIR:

RCWD Water Supply Source	2010	2015	2020	2025	2030	2035
Imported Water (MWD)						
Treated	37,214	45,527	50,723	52,131	52,577	54,375
Untreated ¹	16,500	16,500	16,500	16,500	16,500	16,500
Local Groundwater	25,000	26,000	26,000	26,000	26,000	26,000
Recycled Water	4,593	4,972	3,854	3,854	3,854	3,854
Total	83,307	92,999	97,077	98,485	98,931	100,729

B-11

Source: RCWD projection for average annual water demand in the 2010 UWMP Update.

1. Used for groundwater recharge, surface water discharge to the Santa Margarita River, and eastern service area agriculture (after conversion of system).

Section 5.15.4 Project Impacts and Mitigation Measures, Water Supply, pg. 5-15.19, 3rd paragraph: This paragraph should reference the 2010 UWMPs for each agency, since each agency is working on their 2010 UMWP Update and should be able to provide the city with current data for 2030 projections. Therefore, the total AF/Y for RCWD for the year 2030 should be changed to 98,931 to reflect the change in Table 5.15-2, as shown above.

B-12



Letter to Greg Smith/City of Murrieta
March 16, 2011
Page Four

If you should have any questions or need additional information, please call me at this office at (951) 296-6900.

Sincerely,

RANCHO CALIFORNIA WATER DISTRICT



Andrew L. Webster, P.E.
Chief Engineer

cc: Warren Back, Engineering Planning Manager
Denise Landstedt, Water Resources Planner

11\AW:lm020\FEG





B. RESPONSES TO COMMENTS FROM ANDREW L. WEBSTER, P.E., CHIEF ENGINEER, RANCHO CALIFORNIA WATER DISTRICT, DATED MARCH 16, 2011.

- B1. The Commentator has suggested the inclusion of all RCWD-owned property to be illustrated as Civic and Institutional Land Use on Exhibit 3-5, General Plan 2035 Land Use Policy Map of the Draft General Plan 2035. The City has no concerns with the proposed suggestion; however, it will be important that RCWD and the City work together to correctly identify and designate the RCWD-owned property. Therefore, revisions to Exhibit 3-5 will be made in the Final General Plan 2035 and Final EIR.
- B2. Refer to the Chapter 5, Circulation Element, pages 5-10 thru 5-11 of the Draft General Plan 2035. The future roadway network generally conforms to the previously adopted Circulation Element (2006). The extension of Hayes from Cherry Street to Elm Street was shown on the 2006 Circulation Element map. With the proposed General Plan 2035, the City has identified additional or new changes to the roadway network that have been incorporated into the travel demand model. Other changes in the model were made in order to reflect how the roadways generally function. Changes include Elm Street between Hayes Avenue and Washington Avenue; and Hayes Avenue between south City boundary and Elm Avenue, modeled as Secondary roadways. The location of Hayes Road on Exhibit 5-10 in the Draft General Plan 2035 is an approximate location as an exact alignment has not yet been determined. The City will need to prepare alignment studies that will be available for review by RCWD and the public.
- B3. The Commentator has suggested revising wording regarding the wastewater discussion within Chapter 6, Infrastructure Element, page 6-2 of the Draft General Plan 2035 as the wording is outdated. RCWD operates only one water reclamation plant within the City. In the past RCWD operated two plants; however, one has been partially demolished and removed from service. Text on page 6-2 of the Draft General Plan 2035 will be revised as follows in the Final General Plan 2035:

WASTEWATER

Wastewater collection for the City and Sphere of Influence areas is provided by the same four water districts that provide potable water: WMWD, EMWD, RCWD, and EVMWD. Only RCWD and EMWD provide wastewater treatment; RCWD operates ~~two~~ one water reclamation plants within the City of Murrieta. Wastewater flows from the other districts discharge into RCWD and EMWD interceptors for treatment.



- B4. The Commentator has suggested revising wording regarding the recycled water discussion within Chapter 6, Infrastructure Element, page 6-3 of the Draft General Plan 2035. Similar to EMWD, RCWD has a mandatory recycled water use ordinance requiring customers to use recycled water for appropriate permitted uses and is not limited to golf course and major park areas. Text on page 6-3 of the Draft General Plan 2035 will be revised as follows in the Final General Plan 2035:

RECYCLED WATER

EMWD operates a recycled water system, with costs and responsibilities shared through an agreement with RCWD and EVMWD. RCWD and EMWD ~~has~~ have a mandatory recycled water use ordinance requiring customers to use recycled water for appropriate permitted uses, ~~when it is available~~ and is not limited to golf course and major park areas. ~~RCWD also operates a recycled water system and seeks to provide tertiary treated wastewater to golf courses and major park areas.~~

- B5. The Commentator has suggested revising wording regarding the Upper Santa Margarita Integrated Regional Water Management Plan discussion within Chapter 8, Conservation Element, page 8-3 of the Draft General Plan 2035. Text on page 8-3 of the Draft General Plan 2035 will be revised as follows in the Final General Plan 2035:

UPPER SANTA MARGARITA INTEGRATED REGIONAL WATER MANAGEMENT PLAN

The intent of the IRWMP is to enable greater watershed-wide coordination and management of water resources within the Santa Margarita Watershed as a whole, as well as adjoining watershed and regional planning and funding efforts. Through the IRWMP, stakeholders collaborate across jurisdictional boundaries to implement water resource management projects to address the issues and differing perspectives of all the entities involved through mutually beneficial solutions. These stakeholders include regional water agencies; flood control districts; water districts; counties; cities; land and nature conservancies; universities; Indian tribes; Camp Pendleton Marine Corps Base; and other federal, state, and local agencies.

- B6. The Commentator has suggested revising wording regarding the California Water Plan discussion within Section 5.15, Water Supply, page 5.15-2 of the Draft EIR. Text on page 5.15-2 of the Draft EIR will be revised as follows in the Final EIR:

STATE

California Water Plan

The Plan was last updated in ~~2005~~ 2009. The Department of Water Resources is ~~expected to approve a subsequent update in 2010~~ currently working on the 2013 California Water Plan Update.



- B7. The Commentator has suggested the inclusion of language within Section 5.15, Water Supply, page 5.15-4 of the Draft EIR, to make it clear that monitoring of chemicals by water agencies is only required in the water supply. Text on page 5.15-4 of the Draft EIR will be revised as follows in the Final EIR:

California Title 22 Drinking Water Standards

California Title 22 Drinking Water Standards (Title 22) incorporates the Federal requirements of the Safe Drinking Water Act, and compliance with *Title 22* is required by all water service providers. Therefore, the monitoring of all regulated chemicals, as well as a number of unregulated chemicals, in the drinking water supply, as required by *Title 22*, is conducted by water agencies in the upper watershed.

- B8. Refer to Response B5. The Commentator has suggested revising wording regarding the Upper Santa Margarita Integrated Regional Water Management Plan discussion within Section 5.15, Water Supply, page 5.15-5 of the Draft EIR. Text on page 5.15-5 of the Draft EIR will be revised as follows in the Final EIR:

UPPER SANTA MARGARITA INTEGRATED REGIONAL WATER MANAGEMENT PLAN

The intent of the IRWMP is to pave the way for greater watershed-wide coordination and management of water resources within the Santa Margarita Watershed as a whole, as well as adjoining watershed and regional planning and funding efforts. Through the IRWMP, regional water agencies, flood control districts, water districts, counties, cities, land and nature conservancies, universities, Indian tribes, Camp Pendleton Marine Corps Base, federal, state, local agencies, and other stakeholder groups collaborate across jurisdictional boundaries to implement water resource management projects to address the issues and differing perspectives of all the entities involved through mutually beneficial solutions. The IRWMP also provides an opportunity to provide information on the present and future needs of the watershed for the California Water Plan.

- B9. The Commentator has suggested the inclusion of RCWD’s UWMP and RCWD’s IRP within Section 5.15, Water Supply, pages 5.15-5 thru 5.15-6. Text on pages 5.15-5 thru 5.15-6 of the Draft EIR will be revised as follows in the Final EIR:

Rancho California Water District

URBAN WATER MANAGEMENT PLAN

RCWD provides retail water for urban and agricultural uses to the City of Temecula, portions of the City of Murrieta, and unincorporated Riverside County lands in the surrounding area. RCWD comprises approximately 100,000 acres (approximately 156



square miles) in the southwestern portion of Riverside County, California. The RCWD UWMP complies with the Urban Water Management Planning Act. The Plan provides an assessment of water sources and supply, reliability of supplies, water use efficiency measures, and water demand and supply comparison. In addition, recent legislation, the Water Conservation Bill of 2009, requires urban water suppliers to report in their UWMPs base daily per capita water use (baseline), urban water use targets for the year 2020, and interim water use targets for the year 2015. This information will be included in RCWD's 2010 UWMP Update, which is anticipated to be adopted by July 1, 2011.

REGIONAL INTEGRATED RESOURCES PLAN

RCWD prepared a Regional Integrated Resources Plan (IRP) to develop a long-range water supply plan to reliably meet the needs of the District through 2050. The IRP addresses issues of imported water supply availability, system capacity constraints, rising imported water costs, and water quality. The IRP evaluates and examines a set of water supply objectives against different water supply alternatives such as increased water conservation, additional groundwater storage and reuse, conversion of agriculture from imported water to untreated water or advanced-treated recycled water, groundwater recharge using advanced-treated recycled water, and water transfers. The evaluation resulted in a preferred plan to meet the objectives and resulted in the following benefits: 1) increased groundwater production; 2) increased use of recycled water; 3) reducing peak imported water demand; and 4) water supply cost efficiency through multiple measures.

- B10. The Commentator has suggested revising the discussion regarding RCWD's current service area with 2010 data within Section 5.15, Water Supply, pages 5.15-13 as the quantities are outdated. Text on pages 5.15-13 of the Draft EIR will be revised as follows in the Final EIR:

As recently as 2010, RCWD's current service area represents 99,000 acres, and has 878 miles of water mains, ~~35~~ 37 storage reservoirs, one surface reservoir (Vail Lake), ~~53~~ 48 groundwater wells, and 133,200 people are served through ~~36,759~~ 42,988 service connections.⁵

⁵ The environmental baseline for the EIR is 2009 as stated in Section 3.0, Project Description. However, the Rancho California Water District provided an update to the 2009 data presented in the Draft EIR with 2010 data that has been included in the Final EIR.



B11. The Commentator suggested revising *Table 5.15-2, Rancho California Water District Planned Water Supplies Acre-Feet/Year* within *Section 5.15, Water Supply*, page 5.15-13 as the numbers are currently under development for the 2010 UWMP Update but early information shows revised numbers. Text on page 5.15-13 of the Draft EIR will be revised as follows in the Final EIR:

**Table 5.15-2
Rancho California Water District Planned Water Supplies Acre-Feet/Year⁶**

Water Supply Sources	2010	2015	2020	2025	2030
Imported Water (MWD)					
Treated	39,310 37,214	32,410 45,527	20,010 50,723	44,100 52,131	20,700 52,577
Untreated ¹	15,500 16,500	28,500 16,500	38,500 16,500	38,500 16,500	38,500 16,500
Local Groundwater Pumping	38,000 25,000	38,000 26,000	56,000 26,000	56,000 26,000	56,000 26,000
Recycled Water	7,890 4,593	9,090 4,972	9,890 3,854	24,300 3,854	25,200 3,854
Total	100,700 83,307	108,000 92,999	124,400 97,077	132,900 98,485	140,400 98,931

Source: RCWD Regional Integrated Resources Plan (CDM, 2005) projection for average annual water demand in the 2010 UWMP Update.
 1. Used for groundwater recharge, surface water discharge to the Santa Margarita River flows to Corgo, and eastern service area agriculture (after conversion of system).

The updated figures from *Table 5.15-2, Rancho California Water District Planned Water Supplies Acre-Feet/Year* would revise the conclusions within *Section 5.15, Water Supply* page 5.15-19 of the Draft EIR. Text on page 5.15-19 of the Draft EIR will be revised as follows in the Final EIR:

The 2005 UWMPs prepared for RCWD, EVMWD, WMWD, and EMWD indicate there are sufficient water supplies based on normal, dry, and multiple dry years and water shortage contingency plans to protect existing and future regional water needs through 2030. According to the UWMPs for each water district, the total planned water supply through 2030 for the RCWD, EVMWD, WMWD, and EMWD is ~~140,400~~ 98,931 AF/Y, 77,919 AF/Y, 241,649 AF/Y, and 245,200 AF/Y, respectively for a combined water supply of ~~705,168~~ 663,699 AF/Y; refer to *Table 5.15-2, Table 5.15-3, Table 5.15-4, and Table 5.15-5*. The City currently consumes approximately 39,179 AF/Y⁸ of water resources to meet all constituent existing demands; refer to *Table 5.15-1*. It is anticipated that water demand ~~would gradually increase~~ associated with implementation of the proposed General Plan 2035 would increase by ~~to~~ approximately 13,946.036 gpd or 15,632 AF/Y⁹ in the year 2035; refer to *Table 5.15-6, Forecast Year 2035 Water Demand*. The proposed General Plan 2035 would require only ~~0.0222~~ 2.36 percent of the ~~anticipated 2030~~ water supply from these four districts.



The updated figures from *Table 5.15-2, Rancho California Water District Planned Water Supplies Acre-Feet/Year* would revise the conclusions within *Section 5.15, Water Supply* page 5.15-21 of the Draft EIR. Text on page 5.15-21 of the Draft EIR will be revised as follows in the Final EIR:

Future development would be reviewed by the City on a project-by-project basis to ensure adequate water supplies are available to accommodate future projects. The proposed General Plan 2035 Conservation Element includes goals and policies to ensure that a reliable water supply can be provided within the City's service area, while remaining sensitive to the climate. The proposed General Plan 2035 also includes goals and policies that promote water conservation through the use of reclaimed water and water conservation design and technology. Goal CSV-1 promotes conservation, protection, and management of water resources to meet long-term community needs, including surface waters, groundwater, imported water supplies, storm water, and waste water. Goal CSV-2 promotes compliance with requirements from the State and appropriate agencies regarding comprehensive water conservation measures to ensure sufficient water supplies for human consumption, sanitation, and fire protection. Residents and businesses in Murrieta will also need to play a role in using water resources efficiently, and this will be encouraged through education and incentives from the City and water agencies. With adherence to the proposed General Plan 2035 goals and policies and the City of Murrieta *Municipal Code Water Efficient Landscape Ordinance*, compliance with the UWMPs and Master Plans of all four water districts, coordination between the City and water districts and that ~~fact~~ Murrieta would only use ~~0.0222~~ 2.36 percent of the anticipated water from these four water districts, water supply and infrastructure impacts associated with the proposed General Plan 2035 would be reduced to a less than significant level.

The updated figures from *Table 5.15-2, Rancho California Water District Planned Water Supplies Acre-Feet/Year* would revise the conclusions within *Section 5.15, Water Supply* page 5.15-27 of the Draft EIR. Text on page 5.15-27 of the Draft EIR will be revised as follows in the Final EIR:

Future development projects in Murrieta and the Sphere of Influence would be evaluated by the City, Riverside County, and applicable water district on a project-by-project basis to determine impacts to water supplies and infrastructure. The continued assessment of individual projects for impacts to the water supply system would assure projects would only be approved if adequate water supplies exist at the time of their implementation. New development would be required to pay its share of the costs of infrastructure improvements necessary to accommodate the project. Water districts will need to ensure their water reclamation facilities and pipeline infrastructure are planned and installed according to their UWMP projections. Additionally, coordination between the City and water districts will be essential as further development is planned. Furthermore, with adherence to the proposed General Plan 2035 goals and policies and the City of Murrieta *Municipal Code Water Efficient Landscape Ordinance*, compliance



with the UWMPs and Master Plans of all four water districts, coordination between the City and water districts and that fact Murrieta would only use ~~0.0222~~ 2.36 percent of the anticipated water from these four water districts, impacts regarding water supply, distribution, and infrastructure would be further reduced to less than significant levels. Therefore, implementation of the proposed General Plan 2035 would not result in cumulatively considerable water supply and infrastructure impacts.

B12. Refer to Response B11. No further response is necessary.

COMMENT LETTER C

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



CITY OF MURRIETA

March 17, 2011

MAR 21 2011

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Mr. Greg Smith, Planner

CITY OF MURRIETA

1 Town Square (24601 Jefferson Avenue)
Murrieta, CA 90622

Re: SCH#2010111084; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the: "Murrieta General Plan Project;" located in the City of Murrieta; Riverside County, California

Dear Mr. Smith:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources. The NAHC wishes to comment on the above-referenced proposed Project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted in; **Native American cultural resources were identified within the Sphere of Influence of the City of Murrieta.** The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254.10. The absence of evidence of archaeological items does not indicate that they do not exist at the subsurface and/or when groundbreaking activity occurs.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to

C-1

C-2

C-3

obtain their recommendations concerning the proposed project. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy a Native American cultural resources.

Furthermore we recommend, also, that you contact the California Historic Resources Information System (CHRIS) for pertinent archaeological data within or near the APE, at (916) 445-7000 for the nearest Information Center in order to learn what archaeological fixtures may have been recorded in the APE.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibility threatened by proposed project activity.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,
Dave Singleton, Program Analyst

Cc: Stateclearinghouse

Attachment: Native American Contact List

C-3

C-4

C-5

C-6

Native American Contact List
Riverside County
March 17, 2011

Los Coyotes Band of Mission Indians
Francine Kupsch, Spokesperson
P.O. Box 189 Cahuilla
Warner , CA 92086
loscoyotes@earthlink.net
(760) 782-0711
(760) 782-2701 - FAX

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Pala Band of Mission Indians
Tribal Historic Preservation Office
35008 PalaTemecula Rd, PMB Luiseno
Pala , CA 92059 Cupeno
sgaughen@palatribe.com
(760) 891-3500
(760) 742-1411 Fax

Santa Rosa Band of Mission Indians
Mayme Estrada, Chairwoman
P.O. Box 609 Cahuilla
Hemet , CA 92546
srbcioffice@yahoo.com
(951) 658-5311
(951) 658-6733 Fax

Pauma & Yuima Reservation
Randall Majel, Chairperson
P.O. Box 369 Luiseno
Pauma Valley CA 92061
paumareservation@aol.com
(760) 742-1289
(760) 742-3422 Fax

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 201-1866 - cell
mcontreras@morongo-nsn.
gov
(951) 922-0105 Fax

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resource Center
P.O. Box 1477 Luiseno
Temecula , CA 92593
(951) 770-8100
pmacarro@pechanga-nsn.
gov
(951) 506-9491 Fax

Pauma Valley Band of Luiseño Indians
Bennae Calac, Tribal Council Member
P.O. Box 369 Luiseno
Pauma Valley CA 92061
bennaecalac@aol.com
(760) 617-2872
(760) 742-3422 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010111084; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Murrieta General Plan; City of Murrieta; Riverside County, California.

**Native American Contact List
Riverside County
March 17, 2011**

San Luis Rey Band of Mission Indians
Carmen Mojado, Co-Chair
1889 Sunset Drive Luiseno
Vista, CA 92081
(760) 724-2172 - FAX
cmojado@slrmissionindians.
org
(760) 917-1736 - cell

Pechanga Band of Mission Indians
Mark Macarro, Chairperson
P.O. Box 1477 Luiseno
Temecula, CA 92593
tbrown@pechanga-nsn.gov
(951) 770-6100
(951) 695-1778 Fax

Willie J. Pink
48310 Pechanga Road Luiseno
Temecula, CA 92592
wjpink@hotmail.com
(909) 936-1216
Prefers e-mail contact

La Jolla Band of Mission Indians
ATTN: Rob Roy, Environmental Director
22000 Highway 76 Luiseno
Pauma Valley CA 92061
lajolla-sherry@aol.com and
(760) 742-3790
(760) 742-1704 Fax

Pauma & Yuima Reservation
Charles Devers, Cultural Committee
P.O. Box 369 Luiseno
Pauma Valley CA 92061
paumareservation@aol.com
(760) 742-1289
(760) 742-3422 Fax

Cahuilla Band of Indians
Luther Salgado, Sr., Chairperson
PO Box 391760 Cahuilla
Anza, CA 92539
tribalcouncil@cahuilla.net
915-763-5549

Pechanga Cultural Resources Department
Anna Hoover, Cultural Analyst
P.O. Box 2183 Luiseño
Temecula, CA 92593
ahoover@pechanga-nsn.gov
951-770-8100
(951) 694-0446 - FAX

SOBOBA BAND OF LUISENO INDIANS
Joseph Ontiveros, Cultural Resource Department
P.O. BOX 487 Luiseno
San Jacinto, CA 92581
jontiveros@soboba-msn.gov
(951) 663-5279
(951) 654-5544, ext 4137

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010111084; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Murrieta General Plan; City of Murrieta; Riverside County, California.



C. RESPONSES TO COMMENTS FROM DAVE SINGLETON, PROGRAM ANALYST, NATIVE AMERICAN HERITAGE COMMISSION, DATED MARCH 17, 2011.

C1. The comment letter acknowledges receipt of the Draft EIR. No further response is necessary.

C2. The Commentator requests that project-related impacts on historical resources and archaeological resources are assessed per *CEQA – CA Public Resources Code 21000-21177*, amendments effective 3/18/2010. As part of the preparation of the environmental analysis in the Draft EIR, the *Cultural Resources Assessment*, dated January 4, 2010, was prepared by LSA Associates, Inc. The *Cultural Resources Assessment* includes Records Search Results prepared by the Eastern Information Center (EIC) and a review of the Riverside Historic Properties Directory and the Murrieta Historical Resources Inventory Update. The findings and results of the records search and review are summarized in Section 5.9, Cultural Resources, and included in their entirety in Appendix I, Cultural Resources Existing Conditions Report. Section 5.9, Cultural Resources of the Draft EIR adequately addresses the environmental considerations cited in the comment letter.

C3. The proposed project involves an update to the General Plan, and thus tribal consultation is required pursuant to Senate Bill (SB) 18 and *Government Code* Section 65352.3. Consultation with Native American communities is also a matter of environmental justice as defined by *California Government Code* 65040.12(e). The Native American Heritage Commission was contacted to investigate whether any Native American resources are located within the vicinity of the City of Murrieta. The Native American Heritage Commission provided contact names for eight tribes:

Los Coyotes Band of Mission Indians
Francine Kupsh, Spokesperson
P.O. Box 189
Warner, CA 92086

Pala Band of Mission Indians
Tribal Historic Preservation Office
35008 Pala Temecula Road
Pala, CA 92059

Pauma & Yuima Reservation
Randall Majel, Chairperson
P.O. Box 369
Pauma Valley, CA 92061



Pechanga Band of Mission Indians
Paul Macarro, Cultural Resource Center
P.O. Box 1477
Temecula, CA 92593

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670
Anza, CA 92539

Santa Rosa Band of Mission Indians
Mayme Estrada, Chairwoman
P.O. Box 609
Hemet, CA 92546

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Program
12700 Pumarra Road
Banning, CA 92229

Pauma Valley Band of Luiseno Indians
Bennae Calac, Tribal Council Member
P.O. Box 369
Pauma Valley, CA 92061

Letters were sent to 14 tribes in August 2010 to solicit their input on protecting and/or mitigating impacts on any cultural places or sacred lands in the City, in accordance with *Government Code* Section 65352.3. The City had a consultation meeting with the Pechanga Tribe on January 5, 2011, as well as received a written response dated December 3, 2010 from the Tribe within the 90-day period during which a tribe may respond and request a consultation advising how any cultural resources and Areas of Traditional Use may be best protected. To address the comments raised by the Pechanga Tribe, specific policies were developed and included in the Conservation Element of the General Plan 2035. In addition, the City scheduled several consultation meetings with the Soboba Band of Luiseno Indian Tribe in December 2010; however, the meetings had to be cancelled due to other commitments. The City has asked the Soboba Tribe about scheduling a future consultation meeting, but none had been scheduled as of May 23, 2011.

- C4. Section 5.9, Cultural Resources, page 5.9-24 adequately describes the potential impacts and mitigation measures related to the discovery of human remains. If human remains were found, those remains would require proper treatment, in accordance with applicable laws. State of California *Public Resources Health and Safety Code* Sections 7050.5-7055 describe the general provisions for human remains. Specifically, *Health and Safety Code*



Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. In addition, the requirements and procedures set forth in *California Public Resources Code* Section 5097.98 would be implemented. If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlie adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains.

- C5. Comment acknowledged. No further response is necessary.
- C6. Comment acknowledged. No further response is necessary.

COMMENT LETTER D



Department of Toxic Substances Control



Linda S. Adams
Acting Secretary for
Environmental Protection

Leonard E. Robinson
Acting Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

March 21, 2011

Mr. Greg Smith
City of Murrieta Community Development Department
1 Town Square
Murrieta, California 92562

NOTICE OF COMPLETION & ENVIRONMENTAL IMPACT REPORT (EIR) FOR CITY OF MURRIETA GENERAL PLAN UPDATE (SCH # 2010111084)

Dear Mr. Smith:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Availability of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "The General Plan 2035 is a comprehensive update of the 1994 General Plan, which includes an update of existing elements, as well as the addition of two elements. The General Plan 2035 comprises the following State mandated and optional elements: Land Use; Economic Development; Circulation; Healthy Community; Conservation; Recreation and Open Space; Air Quality; Noise; Safety; and Housing (updated and adopted as part of a separate process).

Major components of the General Plan 2035 include:

- Update of existing conditions, with year 2009 serving as the baseline year.
- Update of General Plan development projections to the year 2035. Projections for population, employment, residential, and non-residential development have been updated for the projected horizon year.
- Additions, deletions, or modifications to the 1994 and 2006 General Plan goals, policies, and implementation.
- Update the Land Use Element with reorganized and new land use designations. This includes separating the City's currently combined Land Use and Zoning Map into two separate maps. The General Plan Land Use Policy Map will provide broad land use categories and the Zoning Map, which is being updated

D-1

CITY OF MURRIETA

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separately from the General Plan 2035, will define specific uses and development standards.

- Amendment of the remaining General Plan Elements to reflect current conditions and account for development projections to year 2035”.

D-1

Based on the review of the submitted document DTSC has the following comments:

1) The EIR should evaluate whether conditions within the project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC’s website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

D-2

2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government

D-3

- | | |
|--|-----|
| agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. | D-3 |
| 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR. | D-4 |
| 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies. | D-5 |
| 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. | D-6 |
| 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. | D-7 |
| 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local | D-8 |

Mr. Greg Smith
March 21, 2011
Page 4

Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

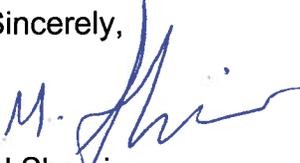
D-8

- 8) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

D-9

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA # 3142



D. RESPONSES TO COMMENTS FROM AL SHAMI, PROJECT MANAGER, DEPARTMENT OF TOXIC SUBSTANCES CONTROL, DATED MARCH 21, 2011.

- D1. The comment letter acknowledges receipt of the Draft EIR. This comment does not raise any issues with respect to the contents of the Draft General Plan 2035 or the Draft Environmental Impact Report (EIR), or any environmental issue regarding the proposed project, therefore, no further response is necessary.
- D2. Because this project entails an update to the General Plan and proposes no specific development project, the Draft EIR appropriately took a city-wide approach as opposed to site-specific project level approach to environmental analysis. Until the individual footprints of development projects are proposed, it is difficult to determine the precise nature, location, and severity of contamination that may exist within any specific “project area”. Refer to Section 5.14-7, Hazards and Hazardous Materials, pages 5.14-7 thru 5.14-13 for reported regulatory properties. RBF Consulting searched the City and its Sphere of Influence on the EnviroStor Database which resulted in one listed regulatory property and 35 hazardous materials sites located within the boundaries of the City. Refer to Table 5.14-1, DTSC & Geo Tracker Identified Regulatory Sites Within Murrieta on pages 5.14-8 thru 5.14-10 for a detailed listing of the property and refer to Exhibit 5.14-1, Regulatory Sites Within Murrieta for the location of the listed regulatory property. In accordance with Mitigation Measure HHM-3, the City will require individual development projects to confirm the presence or absence of hazardous materials pertaining to the release of hazardous materials into the soil, surface water, and/or groundwater. If necessary, the development shall undergo site characterization and remediation on a project-by-project basis, per applicable Federal, State, and/or local standards and guidelines set by the applicable regulatory agency.
- D3. Refer to Response D2. In addition, Draft EIR pages 5.14-17 through 5.14-19, 5.14-21, and 5.14-22 through 5.14-23 identify the applicable policies and mitigation measures related to hazardous materials. The nature of the contamination generally dictates which agency will assume regulatory oversight. If contamination is discovered during the site investigation and/or any subsequent grading activity, these are numerous state law provisions that require notification of regulatory agencies of this discovery. To the extent that the City become aware of any contamination, the City would notify the proper agencies, which would presumably be the mechanism to initiate a more formal investigation and potential remediation activity. The General Plan policies and mitigation measure HHM-3 provide a process for investigating and remediating hazardous materials.
- D4. To the extent that individual site investigations disclose the need for a Work Plan, the Work Plan will be prepared in accordance with State law requirements. All findings of investigations were summarized in the document. Refer to Responses D2 and D3 relating to the Draft EIRs program-level analysis.



- D5. Refer to Responses D2 and D3.
- D6. Refer to Responses D2 and D3.
- D7. Refer to Responses D2 and D3.
- D8. Refer to Responses D2 and D3.
- D9. This comment is acknowledged. No further response is necessary.

COMMENT LETTER E

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:
Germaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Evie Gerber
Darlene Miranda
Bridgett Barcello Maxwell
Aurelia Marruffo
Richard B. Searce, III

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

Monitor Supervisor:
Jim McPherson

March 22, 2011

VIA E-MAIL and USPS

Mr. Greg Smith
Associate Planner
City of Murrieta Community Development Dept
1 Town Square
Murrieta, CA 92562

Re: Pechanga Tribe Comments on the Notice of Availability/Completion of the Draft Environmental Impact Report for the City of Murrieta General Plan 2035

Dear Mr. Smith:

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 already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological 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 incorporate these comments into the record of approval for this Project as well.

The Tribe submits these comments concerning the potential impacts to cultural resources that may occur during future developments which are guided by the City's General Plan and in conjunction with the environmental review of the Project. The Tribe thanks the City for the ongoing consultation throughout the General Plan update process and requests to continue the consultation per SB18 requirements

E-1

**THE CITY OF MURRIETA MUST INCLUDE INVOLVEMENT OF AND
CONSULTATION WITH THE PECHANGA TRIBE IN ITS ENVIRONMENTAL
REVIEW PROCESS**

It has been the intent of the Federal Government¹ and the State of California² that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. In this case, it is undisputed that the project lies within the Pechanga Tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that the City of Murrieta consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the Project effects, as well as generating adequate mitigation measures.

E-2

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe has a legal and cultural interest in the proper protection of sacred places and all Luiseño cultural resources. The Tribe is concerned about both the preservation of unique and irreplaceable cultural resources, such as sacred sites, Luiseño village sites and archaeological items which would be displaced by development, 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 development and improvements within the City.

The Pechanga Tribe asserts that the entirety of the City of Murrieta is within the Tribe's aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), and extensive Luiseño artifact records. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as our extensive history on projects within the City. Because of our knowledge of this area, the Pechanga Tribe has traditionally been the City's consulting and lead-designated Tribe.

E-3

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 Murrieta area from their descriptions (Sparkman 1908; Kroeber 1925; White 1963; Harvey 1974; Oxendine 1983; Smith and Freers

¹ See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.
² See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4

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 Luiseño territory, the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions.

Luiseño history originates with the creation of all things at *'éxva Teméeku*, the present day City of Temecula, and dispersing out to all corners of creation (what is today known as Luiseño territory). It was at Temecula that the Luiseño deity *Wuyóot* lived and taught the people, and here that he became sick, finally expiring at Lake Elsinore. Many of our songs relate the tale of the people taking the dying *Wuyóot* to the many hot springs at Elsinore, where he died (DuBois 1908). He was cremated at *'éxva Teméeku*. It is the Luiseño creation account that connects Elsinore to Temecula, and thus to the Temecula people who were evicted and moved to the Pechanga Reservation, now known as the Pechanga Band of Luiseño Mission Indians (the Pechanga Tribe). This connection between Elsinore and Temecula also includes Murrieta as an important location for passage between these Cities as well as a known location for subsistence resources and a system of significant villages.

Many traditions and stories are passed from generation to generation by songs. One of the Luiseño songs recounts the travels of the people to Elsinore after a great flood (DuBois 1908). From here, they again spread out to the north, south, east and west. Three songs, called *Monívol*, are songs of the places and landmarks that were destinations of the Luiseño ancestors, which are located either in western Riverside County or northern San Diego County. They describe the exact route of the Temecula (Pechanga) people and the landmarks made by each to claim title to places in their migrations (DuBois 1908:110).

E-3

In addition, Pechanga elders state that the Temecula/Pechanga people had usage/gathering rights to an area extending from Rawson Canyon on the east, over to Lake Mathews on the northwest, down Temescal Canyon to Temecula, eastward to Aguanga, and then along the crest of the Cahuilla range back to Rawson Canyon. The Native American Heritage Commission (NAHC) Most Likely Descendent (MLD) files substantiate this habitation and migration record from oral tradition. These examples illustrate a direct correlation between the oral tradition and the physical place; proving the importance of songs and stories as a valid source of information outside of the published anthropological data.

Tóota yixélval (rock art) is also an important element in the determination of Luiseño territorial boundaries. *Tóota yixélval* can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Riverside and Northern San Diego Counties are home to red-pigmented pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man, as the San Luis Rey style. The San Luis Rey style incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs. Tribal

historians and photographs inform us that some design elements are reminiscent of Luiseño ground paintings. A few of these design elements, particularly the flower motifs, the net/chain and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

An additional type of *tóota yixélval*, identified by archaeologists also as rock art or petroglyphs, are cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground indentations, or cupules. Additionally, according to historian Constance DuBois:

When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed (1908:158).

E-3

Thus, our songs and stories, our indigenous place names, as well as academic works, demonstrate that the Luiseño people who occupied what we know today as the City of Murrieta are ancestors of the present-day Luiseño/Pechanga people, and as such, Pechanga is culturally affiliated to this geographic area.

The Tribe has over thirty-five (35) years of experience in working with various types of construction projects throughout western Riverside County and the City of Murrieta. 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 has been involved with almost all development projects throughout the City of Murrieta including the existing Golden City Specific Plan and Physicians Hospital Project; Linnel Lane; Lincoln Ranch; Copper Canyon; Greer Ranch; the Ivy Street and Guava Street Bridge Projects; the Wynfield Projects; the Murrieta Hot Springs Road Widening; Murrieta 18 and 30; Murrieta Vista High School; Murrieta Fire Station #5 and North Murrieta Business Park Projects. Moreover, Pechanga was named MLD for discovery of human remains on at least two projects within west Murrieta and has been the designated/lead Tribe exclusively within the City boundaries for many years.

E-4

The Tribe welcomes the opportunity to meet with the City to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction.

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT AND
DRAFT GENERAL PLAN 2035**

The Tribe has received and reviewed the February 2011 Draft Environmental Impact (DEIR) Report and February 2011 Draft General Plan as provided by the City of Murrieta. The Tribe has concerns with Section 5.9 Cultural Resources (p 5.9-9) of the DEIR which was based on the January 2010 archaeological assessment.³ Primarily, there is incorrect information presented regarding the Luiseño that lived in the Murrieta area that was taken from the original General Plan. This information has since been updated by current research conducted by the Tribe. Unfortunately, the Tribe was not provided the opportunity to review this portion of the DEIR prior to its release in order to revise and update this portion of the document. Our suggested changes are below (strikeouts are deletions and underlines are additions):

Paleo-Indian Period. Archaeological research and tribal oral traditions in the Murrieta-Temecula area suggests that prehistoric occupation of the valley dates back thousands of years. There are a number of long-term ~~prehistoric sites~~ village complexes and habitation sites located in Murrieta, which are valuable resources. The ~~earwings and other signs left in local rocks and boulders~~ remnants of early villages as well as the local rock art and ethnographic accounts provide an important record of Murrieta's early occupation by Native Americans.

The archaeological assessment provides a thorough description of the various chronologies of the Murrieta area. It also stresses that the term "Shoshonean" is no longer used in regards to the Luiseño as they are a Tadic speaking peoples unrelated to the existing Shoshonean desert tribes of the east.⁴ The Late period information in this section was adapted from the archaeological study (Appendix I). Additionally, the Luiseño terms have been updated to reflect the most current information the Tribe has researched.

~~**Shoshonean Period.** Luiseño and Cahuilla groups of the Southern California Shoshone Indian Tribe entered into the area sometime after 1500 and settled at various sites along streams throughout the Murrieta Temecula area. These Payomik Kowichum, as they were called before the Mission Era, were a hunting-gathering people. Two Payomik settlements are believed to have been located in Murrieta: Avaxat, referring to the cottonwoods of Murrieta Creek, was located just west of the creek near present day Ivy Street, while Toatwi was located near Los Alamos and Winchester Road.~~

Late Period. It is generally assumed that the Late Period began approximately AD 500-750, and its termination is widely accepted as AD 1769, the date of the beginning of permanent European occupation of California. The Luiseño Peoples occupied the Murrieta-Temecula area and called themselves *Payómkawichum* before the influx of European settlers and

³ Appendix 1: *Cultural Resources Assessment*, LSA Associates, Inc, January 4, 2010

⁴ *Ibid*, page 16

the Mission Period. There are also many Luiseño place names within the Murrieta area. Several village complexes were located within the City’s boundaries; one that has been definitively identified by the Tribe is *Qéngva*, which is in the southwest part of Murrieta. To the north of *Qéngva* is ‘*aváa’ax*, referring to the cottonwood trees along Murrieta Creek. To the east is “The Owls’ Nest” or *Múuta Putée’*, which is located on what residents know as the Hogbacks in the Los Alamos area. Flowing beside these prominent hills to the south is the Santa Gertrudis River or *Tóipa*, a very important water source.

Additionally, within the American Period Section (p 5.9-11), the last paragraph should be revised to read:

One exception to the community’s dominant agricultural identity was the regionally-popular Murrieta Hot Springs. Located along present Murrieta Hot Springs Road just east of I-215, the mineral-rich springs have been used by people for thousands of years. The Luiseño called the springs ~~Cherukanukna Hakiwuna~~ *Churúukunuknu Haki’wuna* and their extensive use of the springs is reflected in the numerous habitation sites and artifacts identified nearby. Non-Indian visitors in the late 19th century determined what the Luiseño already knew about the springs, that the springs had healing properties, and Murrieta Hot Springs became part of a rapidly growing network of Southern California destinations for health-seekers. Etc...

E-5

Within the Historic/Archaeological Resources Section (p 5.9-11), the Tribe requests the following modifications:

At the end of the first paragraph: “...Other indicators of former occupancy may include pottery, human skeletal remains and body adornments (i.e. shell or bone beads, jewelry). Cultural resources can also include oral traditions, ethnographic accounts, traditional songs and stories, and places important for the continuation of traditional beliefs and practices.”

PROJECT IMPACTS TO CULTURAL RESOURCES AND REQUESTED TRIBAL INVOLVEMENT AND MITIGATION

While the Tribe disputes that there are only 199 documented cultural resources within the City of Murrieta, the Tribe believes that implementation of this General Plan could impact not only known resources but subsurface and/or unknown resources as well. The City of Murrieta is located in a highly sensitive region of Luiseño territory. The Tribe concurs with the DEIR in that “[g]round-disturbing activities associated with subsequent development of land within the City could unearth previously unknown archaeological resources.”⁵ The possibility for recovering subsurface resources during future proposed ground-disturbing activities is high. The Tribe has

E-6

⁵ DEIR, February 2011. Section 5.9, p5.9-20

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.

E-6

The Tribe is highly concerned about inadvertent discoveries which are foreseeable impacts and should be appropriately mitigated for within the General Plan, its policies and all planning documents. To assist with this goal, the Tribe believes that the identification of surface resources during an archaeological survey should not be the sole determining factor in deciding whether mitigation measures for inadvertent discoveries on future projects are required. The cultural significance of the area should play a large part in determining whether specifications concerning unanticipated discoveries should be included and this information should be provided by the people whose ancestors lived in this area, namely the Pechanga Tribe. Additionally, the Tribe believes that the potential for inadvertent discoveries increases because of the known resources in the area, not just within the Project boundaries. Often this 'landscape' approach is not addressed in archaeological studies although it is a very important component when addressing cultural resources and the potential impacts caused by a proposed project. This should also be addressed in City-wide planning documents, policies and ordinances adopted by the City.

E-7

The CEQA Guidelines state that lead agencies should make provisions for inadvertent discoveries of cultural resources (CEQA Guidelines §15064.5). The Tribe believes that adequate cultural resources assessments and management must always include a component which addresses inadvertent discoveries. Every major State and Federal law dealing with cultural resources includes provisions addressing inadvertent discoveries (See e.g.: CEQA (Cal. Pub. Resources Code §21083.2(i); 14 CCR §1506a.5(f)); Section 106 (36 CFR §800.13); NAGPRA (43 CFR §10.4). Moreover, most state and federal agencies have guidelines or provisions for addressing inadvertent discoveries (See e.g.: FHWA, Section 4(f) Regulations - 771.135(g); CALTRANS, Standard Environmental Reference - 5- 10.2 and 5-10.3). Such cultural resources and artifacts are significant to the Tribe as they are reminders of their ancestors. Moreover, the Tribe is expected to protect and assure that all cultural sites of its ancestors are appropriately treated in a respectful manner. Therefore, as stated in CSV-11.5, the Tribe requests to be consulted and involved with the development of any new City policies or ordinances that impact cultural and archaeological resources as well as project specific environmental documents, conditions of approval and mitigation measures that could impact both known and unknown sensitive resources.

E-8

PROJECT MITIGATION MEASURES

The Pechanga Tribe thanks the City of Murrieta for the continued consultation on this Project and for including our recommended changes in the draft policies. At this time, the Tribe agrees with the policies for cultural resources presented in the February 2011 Draft

E-9

Environmental Impact (DEIR) Report and February 2011 Draft General Plan as provided by the City of Murrieta. As the General Plan Update moves ahead, the Pechanga Tribe requests, as the Tribe with a well-documented prehistory in the area, a long history of working with the City, as well as the Tribe with the most knowledge of the cultural importance of the City to the Luiseño people, that the City continue to consult with Pechanga on the important issues raised by this process.

E-9

The Tribe reserves the right to continue to fully participate in the environmental review process, as well as to provide further comment on the General Plan policies and cultural language. Further, the Tribe reserves the right to participate in the regulatory process and provide comment on issues pertaining to the regulatory process and Project approval.

The Pechanga Tribe looks forward to working together with the City of Murrieta in developing adequate guidance and policies for protecting the invaluable Pechanga cultural resources found in the City. Please feel free to contact me at 951-770-8100 X8104 once you have had a chance to review these comments in the event you have any questions or comments. Thank you.

E-10

Sincerely,



Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel



E. RESPONSES TO COMMENTS FROM ANNA HOOVER, CULTURAL ANALYST, PECHANGA CULTURAL RESOURCES, DATED MARCH 22, 2011.

- E1. The comment letter acknowledges receipt of the Draft EIR. The proposed project involves an update to the General Plan, and thus tribal consultation is required and is taking place pursuant to Senate Bill (SB) 18 and *Government Code* Section 65352.3. The City of Murrieta has, and will continue to consult with the Pechanga Band of Luiseno Indians (Tribe). No further response is necessary.
- E2. Refer to Response E1. No further response is necessary
- E3. The Commentator is providing background information about the Pechanga Tribe and its history in Murrieta. This comment is acknowledged. No further response is necessary.
- E4. This comment is acknowledged. This comment does not raise any issues with respect to the contents of the Draft General Plan 2035 or the Draft Environmental Impact Report (EIR), or any environmental issue regarding the proposed project, therefore, no further response is necessary.
- E5. The Commentator has suggested revising the discussion regarding the Paleo-Indian Period within Section 5.9, Cultural Resources, pages 5.9-8 thru 5.9-10 as the language is outdated. Text on pages 5.9-8 thru 5.9-10 of the Draft EIR will be revised as follows in the Final EIR:

Paleo-Indian Period. Archaeological research and tribal oral traditions in the Murrieta-Temecula area suggests that prehistoric occupation of the valley dates back thousands of years. There are a number of long-term ~~prehistoric sites~~ village complexes and habitation sites located in Murrieta, which are valuable resources. The ~~earings and other signs left in local rocks and boulders~~ remnants of early villages as well as the local rock art and ethnographic accounts provide an important record of Murrieta’s early occupation by Native Americans.

The Commentator has suggested removing the Shoshonean Period discussion within Section 5.9, Cultural Resources, page 5.9-9 and replacing with a discussion of the Late Period. Text on page 5.9-9 of the Draft EIR will be revised as follows in the Final EIR:

~~**Shoshonean Period.** Luiseno and Cahuilla groups of the Southern California Shoshone Indian Tribe entered into the area sometime after 1500 and settled at various sites along streams throughout the Murrieta-Temecula area. These Payomik Kowichum, as they were called before the Mission Era, were a hunting-gathering people. Two Payomik settlements are believed to have been located in Murrieta: Avaxat, referring to the cottonwoods of Murrieta Creek, was located just west of the creek near present-day Ivy Street, while Toatwi was located near Los Alamos and Winchester Road.~~



Late Period. It is generally assumed that the Late Period began approximately AD 500 to 750, and its termination is widely accepted as AD 1769, the date of the beginning of permanent European occupation of California. The Luiseno Peoples occupied the Murrieta-Temecula area and called themselves Payomkawichum before the influx of European settlers and the Mission Period. There are also many Luiseno place names within the Murrieta area. Several village complexes were located within the City's boundaries; one that has been definitively identified by the Tribe is Qengva, which is in the southwest part of Murrieta. To the north of Qengva is 'avaa'ax, referring to the cottonwood trees along Murrieta Creek. To the east is the "The Owls' Nest" or Muula Putee, which is located on what residents know as the Hogbacks in the Los Alamos area. Flowing beside these prominent hills to the south is the Santa Gertrudis River or Totpa, a very important water source.

The Commentator has suggested revising the discussion regarding the American Period within Section 5.9, Cultural Resources, page 5.9-11. Text on page 5.9-11 of the Draft EIR will be revised as follows in the Final EIR:

One exception to the community's dominant agricultural identity was the regionally-popular Murrieta Hot Springs. Located along present Murrieta Hot Springs Road just east of I-215, the mineral-rich springs have been used by people for thousands of years. The Luiseño called the springs ~~Cherukanukna Hakiwuna~~ Churuukunuknu Haki'wuna and their extensive use of the springs is reflected in the numerous habitation sites and artifacts identified nearby. Non-Indian visitors in the late 19th century determined what the Luiseno already know about the springs, that the springs had healing properties, and Murrieta Hot Springs became part of a rapidly growing network of Southern California destinations for health-seekers.

The Commentator has suggested revising the discussion regarding the Historic/Archaeological Resources within Section 5.9, Cultural Resources, page 5.9-11. Text on page 5.9-11 of the Draft EIR will be revised as follows in the Final EIR:

Cultural resources are represented by the material remnants of human activity in an area and can be either prehistorical (aboriginal/native American) or historical (European and Euro-American). Although not necessarily of cultural significance per *CEQA*, cultural remains are considered to be of cultural concern if they are at least 50 years old. Such resources may include midden (ashy or greasy dark soil indicating former occupation); ground stone tools and milling features; rock shelters; rock art (petroglyphs); rock features (cairns, stone walls); quarries; trails; and, ecofactual material (faunal remains, fire-affected rocks). Other indicators of former occupancy may include pottery, human skeletal remains, and body adornments (i.e. shell or bone beads, jewelry). Cultural resources can also include oral traditions, ethnographic accounts, traditional songs and stories, and places important for the continuation of traditional beliefs and practices.



- E6. The Commentator disputes that there are only 199 documents cultural resources within the City of Murrieta. The findings and results of the records search and review are summarized in Section 5.9, Cultural Resources, and included in their entirety in Appendix I, Cultural Resources Existing Conditions Report. A records search at the Eastern Information Center (EIC), located in the Department of Anthropology at the University of California, Riverside, indicated that 330 cultural resource studies have been conducted within the City and the Sphere of Influence, resulting in the identification of a total of 199 documented cultural resources. Previous studies within the City and the Sphere of Influence consist mainly of cultural resource assessments, survey reports, and archaeological test excavations. The documented resources within the City and the Sphere of Influence include more than 75 separate milling features in bedrock, 36 milling artifacts, 53 sites with lithic artifacts (flakes, points, debitage), five sites with rock art, nine possible prehistoric campsites or habitation sites, three possible prehistoric quarries, seven built resources, and 11 historic archaeological sites (trash scatters, habitation remains). Furthermore, all future development projects would be required to comply with all applicable Federal, State, and local regulations concerning the preservation of historic resources. The significance of each of these resources was not identified, and instead requires consideration on a site- or resource-specific basis. No further responses are necessary.
- E7. The City acknowledges the Tribe’s concern about inadvertent discoveries, but is unclear as to the purpose and intent of additional General Plan policies or EIR mitigation measures the Tribe is interested in including to address their concern. The General Plan goals and policies and EIR mitigation measures reflect standard study protocols conduct studies and compliance with State laws and regulations.
- E8. This comment is acknowledged. No further response is necessary.
- E9. This comment is acknowledged. No further response is necessary.
- E10. This comment is acknowledged. The City of Murrieta has, and will continue to consult/work with the Pechanga Band of Luiseno Indians (Tribe). No further response is necessary.



COMMENT LETTER F

Board of Directors

Chairman
Jeff Stone
County of Riverside

Vice Chairman
Jim Hyatt
City of Calimesa

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City of Norco

William Batey
City of Moreno Valley

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City of Wildomar

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County of Riverside

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Maryann Edwards
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Thomas Fuhrman
City of Menifee

Mike Gardner
City of Riverside

Linda Krupa
City of Hemet

Alan Long
City of Murrieta

John Machisic
City of Banning

Melissa Melendez
City of Lake Elsinore

Scott Miller
City of San Jacinto

Eugene Montanez
City of Corona

John Tavaglione
County of Riverside

Mark Yarbrough
City of Perris

Executive Staff

Charles Landry
Executive Director

March 24, 2011

Greg Smith
City of Murrieta
Community Development Department
One Town Square
24601 Jefferson Avenue
Murrieta, California 90622

RE: PUBLIC REVIEW MURRIETA GENERAL PLAN UPDATE AND PROGRAM EIR – FEBRUARY 2011

Dear Mr. Smith,

The WRC Regional Conservation Authority (RCA) appreciates the opportunity to comment on the City's Draft General Plan Update. The RCA is the joint powers authority, which the City of Murrieta is a member of, responsible for implementation of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

The Draft General Plan and DEIR accurately document the City's reliance on the MSHCP for species take on public and private development if the MSHCP's provisions are implemented as required by the Implementing Agreement (IA). If the City maintains consistency with the MSHCP on a project by project basis the MSHCP provides the mitigation for direct, indirect and cumulative impacts to biological resources under the California Environmental Quality Act.

The RCA appreciates the continued efforts that the City has made to continue to implement the MSHCP, and looks forward to receiving a copy of your response to our comments during the Final EIR process.

Sincerely,


Charles Landry
Executive Director

F-1

F-2

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org



F. RESPONSES TO COMMENTS FROM CHARLES LANDRY, EXECUTIVE DIRECTOR, REGIONAL CONSERVATION AUTHORITY, DATED MARCH 24, 2011.

- F1. The comment letter acknowledges receipt of the Draft EIR and that the Regional Conservation Authority, which the City of Murrieta is a member, is a joint powers authority responsible for implementation of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).
- F2. The comment letter notes that the Draft General Plan 2035 and Draft EIR accurately document the City's reliance on the MSHCP for species take on public and private development if the MSHCP's provisions are implemented as required by the Implementing Agreement (IA). The comment letter does not raise any issues with respect to the contents of the Draft General Plan 2035 or the Draft Environmental Impact Report (EIR), or any environmental issue regarding the proposed project, therefore, no further response is necessary.
- F3. This comment is acknowledged. In compliance with *CEQA* Section 21092.5(a), the Regional Conservation Authority will receive written responses to comments 10 days prior to certification of the Final EIR.

COMMENT LETTER G



South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: March 24, 2011
generalplan@murrieta.org

March 24, 2011

Mr. Greg Smith – Associate Planner
City of Murrieta
Community Development Department
Murrieta, CA 92562

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed General Plan 2035

The South Coast Air Quality Management District (AQMD) 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 Environmental Impact Report (final EIR) as appropriate.

G-1

The AQMD staff is concerned that the proposed project places sensitive land uses (i.e., hospital, residential and park uses) within 500 feet of the I-215 Freeway. Specifically, the AQMD staff is concerned about the potential health risk impacts from toxic air pollutants emitted by the significant volume of traffic on the I-215 Freeway. Therefore, the lead agency should revise the draft EIR to include mitigation that precludes sensitive land uses within 500 feet of the I-215 Freeway. Further, AQMD staff recommends that pursuant to Section 15370 of the California Environmental Quality Act (CEQA) Guidelines additional mitigation measures are considered to minimize the project's significant air quality impacts. Details regarding these comments are attached to this letter.

G-2

Pursuant to Public Resources Code Section 21092.5, AQMD staff requests that the lead agency provide the AQMD 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

G-3

Mr. Greg Smith
Associate Planner

2

March 24, 2011

to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

G-3

Sincerely,



Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

RVC110208-05
Control Number

Health Risk Impacts

1. Based on the project description (i.e., chapter three) in the draft EIR the proposed project includes land use changes that will place sensitive land uses (i.e., residential, park and hospital uses) within 500 feet of the I-215 Freeway. As a result, the AQMD staff is concerned about the potential health risk impacts from toxic air pollutants emitted by the significant volume of traffic on the 215 Freeway. Therefore, the lead agency should include mitigation in the final EIR that prohibits residential development within 500 feet¹ of the I-215 Freeway to minimize potential significant health risk impacts.

G-4

Mitigation Measures for Construction Air Quality Impacts

2. Given that the lead agency concluded that the proposed project will have significant air quality impacts the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15370. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.
 - Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
 - Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,
 - Reroute construction trucks away from congested streets or sensitive receptor areas,
 - Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
 - Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications,
 - Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113,
 - Construct or build with materials that do not require painting,
 - Require the use of pre-painted construction materials,
 - Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export),
 - During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:

G-5

¹ Based on the recommendations for siting new sensitive land uses on page four of the "Air Quality and Land Use Handbook: A Community Health Perspective."

- ✓ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

G-6

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:
www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

Mitigation Measures for Operational Air Quality Impacts

3. The lead agency's operational air quality analysis demonstrates significant air quality impacts from all criteria pollutant emissions including NO_x, SO_x, CO, VOC, PM₁₀ and PM_{2.5} emissions. These impacts are primarily from an increase in mobile source emissions related to a significant increase of vehicle trips associated with the

G-7

proposed project. However, the lead agency fails to adequately address this large increase in mobile source emissions. Specifically, the lead agency does not require any mitigation measures in the draft EIR and only proposes the adoption of nominal goals and policies in the General Plan 2035 document to address mobile source emissions reductions. Therefore, the lead agency should re-evaluate and reduce the project's significant air quality impacts by reviewing and incorporating transportation mitigation measures from the ICLEI-Local Governments for Sustainability protocol in the final EIR.

G-7

4. Upon review of the Climate Action Plan provided in Appendix P of the draft EIR it appears that the lead agency quantified the project's greenhouse gas (GHG) emission reductions based on the implementation of a set of future land use, energy and mobile source policies applicable to the proposed project. For example, the lead agency assumes that the land use policy LU-6 (i.e., encourage job retention and attraction) will result in an annual GHG emission reduction of 11.14% or 52,288 metric tons CO₂. However, the lead agency does not specify any performance standards to ensure that the proposed project actually achieves an annual 11.14% or 52,288 metric tons of GHG reduction annually by 2020. Therefore, the lead agency should revise the analysis in the draft EIR to ensure that enforceable measures are in place to reduce GHG emissions consistent with the reductions identified in Table 5.6-5 of the draft EIR and the aforementioned Climate Action Plan. It would seem from the description of the proposed GHG reductions in Table 5.6-5 that every new project will be required to have a net decrease in GHG emissions, but without enforceable measures this may not be achievable.

G-8



G. RESPONSES TO COMMENTS FROM MR. IAN MACMILLAN, PROGRAM SUPERVISOR, CEQA INTER-GOVERNMENTAL REVIEW, SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, DATED MARCH 24, 2011.

G1. This comment contains introductory or general information. Refer to Response G2 through G8. No further response is necessary.

G2. The Commentator is requesting mitigation to preclude residential development within 500 feet of Interstate 215 (I-215) to minimize potential health risk impacts based on guidelines from the California Air Resources Board (CARB). It should be noted that the General Plan 2035 would not modify land uses so that sensitive receptor populations would be located closer to the freeway. Also, the Loma Linda University Medical Center is not located within 500 feet of a freeway.

The analysis identifies General Plan 2035 Policy AQ-2.4, which requires following the guidance within CARB’s Land Use and Air Quality Handbook and current environmental health research for determining safe locations for sensitive receptors. Additionally, General Plan 2035 Policy AQ-2.2 recommends avoiding locating new homes, schools, childcare and eldercare facilities, and health care facilities within 500 feet of freeways. These policies are consistent with the CARB guidelines and future development projects would be required to be consistent with the recommended guidance. If future development projects are found to be inconsistent, mitigation would be required to reduce impacts to a less than significant level.

G3. The Commentator requests that written responses are provided to all comments prior to the adoption of the Final EIR. The City of Murrieta is fully complying with the requirements of the *California Environmental Quality Act (CEQA)* Section 21092.5, and will be preparing written responses to environmental comments provided to the City during the 45-day public review period. In compliance with *CEQA*, all public agencies will be provided written responses to their comments 10-days prior to certification of the Final EIR. In addition, both the Planning Commission and City Council will have the “Comments and Responses” section of the Final EIR for their review and consideration prior to taking any action on the Final EIR.

G4. This comment reiterates the comments regarding health risk above. Refer to Response G2.

G5. The Commentator is requesting construction mitigation to be added into the Final EIR. The air quality analysis is included in Section 5.5 of the Draft EIR, which is a programmatic document that analyzes proposed land use changes and anticipated growth within the City. As such, the construction analysis does not review a specific development project. Future development projects would require individual CEQA



review where specific impacts would be determined and necessary mitigation would be identified.

The construction mitigation measures that are provided in this comment include compliance with SCAQMD Rules and Regulations (e.g., Rule 1113 and Rule 403) and other relevant guidance. The Draft EIR includes General Plan Policies AQ-3.1 and AQ-3.2, which require compliance with current SCAQMD rules, regulations, and thresholds, and implementation of all SCAQMD best management practices. General Plan 2035 Policy AQ-3.3 requires Best Available Control Measures for projects that exceed SCAQMD thresholds. Additionally, General Plan 2035 Policy AQ-3.4 requires a construction management plan that includes Best Available Control Measures and other control measures for projects that exceed SCAQMD thresholds. It should be noted that a majority of the goals and policies within the General Plan were drawn from the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* (May 6, 2005), prepared by the SCAQMD. Future development projects would be required to comply with all applicable SCAQMD rules and regulations.

- G6. These mitigation measures indicate the timing that certain EPA and CARB Certified emissions standards are required for off-road construction equipment. These standards apply to future development projects in the City and become more stringent in the future. General Plan 2035 Policy AQ-3.3 requires all construction equipment to comply with CARB's vehicle standards. The applicability of these measures for individual development projects would be determined as part of the project-specific CEQA review.

The last mitigation measure recommends participation in the SCAQMD Surplus Off-Road Opt-In for NO_x (SOON) program. The SOON program provides funding assistance to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NO_x emissions from in-use off-road diesel vehicles. As described above, the Draft EIR identifies General Plan 2035 Goals and Policies that require compliance with SCAQMD rules and recommendations as well as the implementation of Best Available Control Measures, which would include participation in the SOON program.

- G7. The Draft EIR provides an emissions inventory for criteria pollutants within the City for area and mobile source categories during General Plan 2035 potential buildout conditions. The emissions inventory does not include emissions from individual development projects. It should be noted that the SCAQMD does not have criteria pollutant thresholds for General Plans or programmatic level analyses and that the criteria pollutant thresholds do not apply to cumulative development or multiple projects.

The Draft EIR identifies several General Plan 2035 Goals and Policies that would reduce operational emissions. For example, the proposed General Plan 2035 establishes the City's mobility goals by providing improved local and regional transit services as well as a connected, balanced, and integrated transportation system of bicycle and pedestrian



networks. Such alternatives to automotive transportation can be greatly utilized to reduce mobile source emissions. The Draft EIR includes General Plan 2035 Goal AQ-4 and Policies AQ-4.1 through AQ-4.4, which would reduce vehicle miles traveled (VMT) and associated mobile source emissions through job creation and the improvement of the jobs/housing balance within the City, as well as the encouragement of a mix of housing types located near job opportunities. Policy AQ-5.1 encourages employers to implement transportation demand management (TDM) measures (i.e., transit subsidies, bicycle facilities, telecommuting, etc.).

Future site-specific development proposals would be evaluated for potential air emissions once development details have been determined and are available. Future development projects would be required to be consistent with the Goals and Policies in the General Plan. If future development projects are found to be inconsistent, mitigation would be required to reduce impacts to a less than significant level.

- G8. The emissions reductions from Policy LU-6 that are calculated in the Climate Action Plan (CAP) are based on a proposed land use change in the General Plan 2035. The City is an ICLEI member and the CAP was prepared in accordance with guidance and consultation from ICLEI. General Plan 2035 Goal AQ-4 and Policy LU-6 reinforce the City's objective to provide a balance of jobs and housing that serve the needs of the community. The environmental review for future development projects would include a consistency analysis with the General Plan 2035 Goals and Policies. Projects that are found not to be consistent with the General Plan 2035 Goals and Policies would require mitigation. Additionally, per *CEQA Guidelines* Section 15064.4, future projects would be required to comply with the policies of the CAP and reduce greenhouse gas (GHG) emissions in order to achieve the City's reduction goal. Future development would be required to identify compliance with the CAP and the reduction goal. Mitigation would be required for future projects that are not compliant with the CAP.



CITY OF MENIFEE

COMMENT LETTER H

Planning Department

Carmen Cave · Community Development Director

March 24, 2011

Wallace W. Edgerton
Mayor

Fred Twyman
Vice Mayor

John V. Denver
Councilmember

Darcy Kuenzi
Councilmember

Thomas Fuhrman
Councilmember

Greg Smith
City of Murrieta
One Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

RE: Public Review of Draft Environmental Impact Report for the Murrieta General Plan 2035

Dear Mr. Smith:

Thank you for providing the City of Menifee the opportunity to review the Draft Environmental Impact Report (DEIR) for the City of Murrieta's General Plan 2035. Review of the Environmental Impact Report indicates that there will be significant traffic impacts to intersections within the City of Menifee. The City is particularly concerned with the impacts to the intersection of Scott Road and Menifee Road, current traffic assumptions for existing levels of service at the Scott Road Interchange, the exclusion of an analysis of impacts to the intersection of Scott Road and Antelope Road..

H-1

The Planning Department is also concerned with impacts in the change of land uses adjacent to J-Bar Ranch within the North Murrieta Business Corridor Focus Area. It is recommended that a policy be provided to the Land Use Element under the North Murrieta Business Corridor Focus Area regarding buffering or sensitivity to the existing rural residential enclave.

H-2

We request that a meeting be scheduled with your staff and Menifee's staff to discuss the traffic impacts and possible policy addition. The City of Menifee reserves the right to comment further on these and other portions of the EIR.

Staff looks forward to the opportunity to work with the City of Murrieta to address these concerns and to fully comment on the proposed project. Please forward any subsequent environmental documents or public hearing notices regarding the project to my attention at 29714 Haun Road, Menifee CA 92586. I can be contacted at (951) 672-6777 or lgordon@cityofmenifee.us for meeting scheduling or any questions or comments.

H-3

Sincerely,

City of Menifee Planning Department

Lisa Gordon, Senior Planner



CITY OF MENIFEE

Planning Department

Carmen Cave · Community Development Director

Wallace W. Edgerton
Mayor

Fred Twyman
Vice Mayor

John V. Denver
Councilmember

Darcy Kuenzi
Councilmember

Thomas Fuhrman
Councilmember

March 9, 2011

Greg Smith
City of Murrieta
One Town Square
24601 Jefferson Avenue
Murrieta, CA 90622

RE: City of Menifee Planning Department Comments on General Plan Amendment 2009-2841

Dear Mr. Smith:

The City of Menifee Planning Department has received the notice for the March 9, 2011 public hearing before the Planning Commission on General Plan Amendment 2009-2841 (General Plan 2035). At this time the City of Menifee is in the process of reviewing the Draft EIR that was prepared for the project and which is currently in the public review stage (45 day public review from February 8, 2011 to March 24, 2011).

The City of Menifee may have comments on the project, but will provide those comments after the City has completed our review of the Draft Environmental Impact Report that was prepared for the project. The City of Menifee reserves the right to comment further on the project and Environmental Impact Report.

Thank you again for the sending the public hearing notice. Please forward any subsequent environmental documents or public hearing notices regarding the project to my attention at this office.

Sincerely,

City of Menifee Planning Department

Lisa Gordon, Senior Planner

CITY OF MURRIETA

MAR 10 2011

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H. RESPONSES TO COMMENTS FROM LISA GORDON, SENIOR PLANNER, CITY OF MENIFEE, DATED MARCH 24, 2011.

- H1. The comment letter acknowledges receipt of the Draft EIR. The Commentator expressed concern the following: 1) the intersection of Scott Road and Menifee Road, 2) current traffic assumptions for existing levels of service at the Scott Road Interchange, and 3) the exclusion of an analysis of impacts to the intersection of Scott Road and Antelope Road. Each of these concerns is discussed below.

Scott Road/Menifee Road Intersection Impacts

The Draft EIR does analyze the Scott Road/Menifee Road intersection. As shown on Table 5.4-8 on page 5.4-31 of the Draft EIR, the existing level of service in both the AM and PM is B. As shown on Table 5.4-11, the General Plan 2035 level of service is E in the AM, and F in the PM. Enhanced intersections geometrics are recommended for the intersection; however even with the recommendations, the level of service is E in both the AM and PM. This was concluded to be a significant unavoidable impact.

Traffic Assumptions for Existing Levels of Service on Scott Road

Circulation Element Modeling Methodology

For the Murrieta General Plan 2035 and Draft EIR, the traffic analysis assessed existing and future conditions within the City boundaries. Traffic volumes used in the Murrieta General Plan update traffic study were developed through the use of a travel demand model, which is specific to the City of Murrieta, and consistent with the Riverside County Traffic Analysis Model (RivTAM), and the Southern California Association of Governments (SCAG) travel demand model. RivTAM is a regional transportation model for Riverside County that utilizes Riverside County Projections and Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP) demographic growth projections. The general plans of local jurisdictions serve as input to the growth forecast work and the adopted RTP. Use of RivTAM for modeling a city's general plan update is an acceptable method, as it accounts for land uses depicted in local cities' general plans and regional growth forecasts.

The development of the Murrieta focused travel demand model is based on the Year 2008 Riverside Traffic Analysis Model (RivTAM) in TransCAD platform. The purpose for the development of this focused and detailed model is for use in General Plan traffic forecasting. The Murrieta focused model covers all of the six counties in the SCAG region. New zone structure with 925 zones was designed to detail the Murrieta area and to aggregate a set of zones outside of the area. The model roadway network within the City and sphere area was expanded to include roadways classified as Collector and above, as shown in the City of Murrieta General Plan Circulation Element.



The structure of the Murrieta Model is consistent with the RivTAM model to ensure the compatibility between the two models. Building on RivTAM also minimizes the time and effort needed to maintain and update Murrieta as new elements of the RivTAM model are put into the model job stream. Specifically, the model consists of traditional four-step modeling process including trip generation, trip distribution, mode split, and traffic assignment. Two model scenarios were included in the Murrieta Model, namely the base year 2009 and the forecast year 2035. Given the updated zone structure, corresponding modifications regarding the input data tables and matrices in the four steps were conducted for both of the model scenarios. The validation for base year 2009 was followed to ensure the results match with the both RivTAM model and traffic counts.

The validated model was then used to forecast future volumes for the different scenarios. Peak hour turning model volumes were developed for study intersections using NCHRP methodology.

RivTAM Model Update (2008)

The RivTAM model update was completed in 2008. Data was compiled by Riverside County, and included data collected in mid-2007 for the 2008 base year and projections for the 2035 SED (Socioeconomic Data). The RivTAM model did not include three recent project approvals by the City of Menifee: Commerce Pointe, Menifee Shopping Center, and Junction at Menifee Valley. EIRs were certified for all three projects in December 2008, July 2010, and November 2010, respectively. It is anticipated that the development anticipated for these three projects will be incorporated into the RivTam model when the City of Menifee prepares its first General Plan.

The City of Murrieta issued the Notice of Preparation (NOP) of a Draft EIR on November 19, 2010 with a 30-day public review period ending on December 21, 2010. In a letter dated December 20, 2010, the City of Menifee provided the following comments on the NOP:

“The Planning Department is concerned with potential impacts to regional transportation corridors within the project vicinity, specifically possible impacts to the interchanges along Interstate 215. The DEIR should identify mitigation measures for impacts to regional transportation corridors.”

Information regarding the three aforementioned Menifee projects was not provided to the City of Murrieta in the Menifee NOP comment letter or as a follow up to the NOP comment letter to incorporate into the Murrieta General Plan Update traffic model for traffic analysis zones outside the City’s corporate boundary and sphere of influence area. If the information was not in the RivTam model or provided by the City of Menifee, the City of Murrieta would not have knowledge of specific development projects outside its corporate boundary to include in a county-wide model.



Existing Intersection Count Data

As noted above, EIRs were certified for the three Menifee projects. As part of the traffic impact analyses for these projects, existing intersection counts along Scott Road were taken in the time periods as listed below:

- Commerce Pointe – August 2006
- Menifee Shopping Center – December 2008
- Junction at Menifee Valley – December 2008

As part of the Murrieta General Plan Circulation Element update, existing intersection counts along Scott Road were conducted in October 2010.

Iteris who conducted the traffic modeling for the Circulation Element update, reviewed the intersection count data at I-215 (northbound and southbound) at Scott Road for the three Menifee projects and the count data collected for Murrieta in October 2010 (refer to AM and PM Peak Hour tables below). They concluded that the volumes were comparable for the 2008 and 2010 time periods; however, the delay and/or levels of service in 2010 were less than those observed in 2008. This reflects counts taken at different points in time, as well as a variety of factors, including but not limited to, installation of improvements that would improve the level of service, reduced traffic levels due to recent economic conditions, or different assumptions in the models, such as cycle lengths or signal timing plans.

AM Peak Hour	NB			SB			EB			WB			Intersection		
	L	T	R	L	T	R	L	T	R	L	T	R	Total	LOS	Delay
I-215 SB at Scott															
Murrieta GP (10/13/10) Signal	0	0	0	258	4	88	0	535	320	447	501	0	2153	C	23.2
Commerce Pointe (8/10/06) AWS	0	0	0	238	0	71	0	361	335	333	294	0	1632	C	21.2
Junction (12/9/08) Signal (Recirculated document used Menifee SC counts)	0	0	0	209	3	102	0	494	336	469	572	0	2185	C	31.6
Menifee Shopping Center (12/9/08) Signal	0	0	0	209	3	102	0	494	336	469	572	0	2185	C	31.6
I-215 NB at Scott															
Murrieta GP (10/13/10) Signal	145	12	349	0	0	0	108	603	0	0	792	380	2389	B	18.0
Commerce Pointe (8/10/06) AWS	73	1	229	0	0	0	109	468	0	0	601	94	1575	F	78.7
Junction (12/9/08) Signal (Recirculated document used Menifee SC counts)	129	0	335	0	0	0	142	561	0	0	912	282	2361	C	20.9
Menifee Shopping Center (12/9/08) Signal	129	0	335	0	0	0	142	561	0	0	912	282	2361	C	20.9

PM Peak Hour	NB			SB			EB			WB			Intersection		
	L	T	R	L	T	R	L	T	R	L	T	R	Total	LOS	Delay
I-215 SB at Scott															
Murrieta GP (10/13/10) Signal	0	0	0	334	4	114	0	580	165	465	603		2265	C	25.6
Commerce Pointe (8/10/06) AWS	0	0	0	196	0	183	0	377	250	259	436	0	1701	D	25.9
Junction (12/9/08) Signal (Recirculated document used Menifee SC counts)	0	0	0	431	5	149	0	536	229	399	618	0	2367	E	68.9
Menifee Shopping Center (12/9/08) Signal	0	0	0	431	5	149	0	536	229	399	618	0	2367	E	68.9
I-215 NB at Scott															
Murrieta GP (10/13/10) Signal	182	6	468	0	0	0	112	780	0	0	913	364	2825	C	23.4
Commerce Pointe (8/10/06) AWS	210	4	278	0	0	0	153	431	0	0	430	149	1655	F	53.0
Junction (12/9/08) Signal (Recirculated document used Menifee SC counts)	219	1	470	0	0	0	119	848	0	0	798	298	2753	E	57.6
Menifee Shopping Center (12/9/08) Signal	219	1	470	0	0	0	119	848	0	0	798	298	2753	E	57.6



Scott Road/Antelope Road Intersection Impacts

Scott Road/I-215 Interchange

Community Facilities District No. 05-8 of the County of Riverside was formed to construct the ultimate improvements to the Scott Road/I-215 Interchange and widen Scott Road from I-215 to SR-79 to 6 lanes. The improvements include a major upgrade to this intersection to expand the bridge crossing, add loops ramps, and size the overcrossing to handle anticipated traffic growth in Menifee and the other areas that use the Scott Road Corridor. The Scott Road/I-215 Interchange Improvement Project falls within the boundaries of the City of Menifee. Riverside County and the City of Menifee are working cooperatively on the environmental and design phases of the project.

Scott Road/Antelope Road Intersection

The Scott Road/Antelope Road Intersection was not studied in the existing General Plan, and the City did not elect to add an analysis of the intersection in the Draft General Plan 2035 or Draft EIR for the following reasons: 1) design work had been completed for the Scott Road/I-215 Interchange (approximately April 2010), and 2) environmental review, including a traffic study, was recently completed, thus, it was not necessary to reanalyze those future conditions. However, the future roadway conditions for the Scott Road/I-215 Interchange, including the Scott Road/ Antelope Road intersection were included in the General Plan 2035 Circulation Element model or the Draft EIR.

- H2. The Commentator also recommends a policy to be provided to the Land Use Element under the North Murrieta Business Corridor Focus Area regarding buffering or sensitivity to the existing rural residential enclave.

The Draft General Plan 2035 Land Use Element includes the following policy related to buffering:

LU-3.2 Protect residential areas from the effects of potentially incompatible uses. Where new commercial or industrial development is allowed adjacent to residentially zoned districts, establish and/or maintain standards for circulation, noise, setbacks, buffer areas, landscaping and architecture, which ensure compatibility between the uses.

A reference to Policy LU-3.2 will be added to the goals and policies for the North Murrieta Business Corridor in the Final General Plan 2035.

- H3. This comment is acknowledged. The City of Murrieta will continue to work collaboratively with the City of Menifee to address issues of common concern.



On April 21, 2011, the Cities of Murrieta and Menifee met to discuss the issues raised in the March 24, 2011 comment letter on the Draft EIR. One follow-up item was for the City of Menifee to send the City of Murrieta copies of three recent EIRs (Junction at Menifee Valley, Commerce Point, and Menifee Shopping Center) to share information about these three projects and the traffic impact analyses, and for the City of Murrieta to send the City of Menifee a copy of the EIR for the Loma Linda University Medical Center EIR. Copies of the documents have been transmitted to both cities. In addition, both cities agreed to continue to work cooperatively with one another and to share land use and traffic data to be used in the transportation modeling for each city's general plan documents.

COMMENT LETTER I

CITY OF MURRIETA

MAR 28 2011

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PLANNING DEPT.

VIA FEDERAL EXPRESS

March 24, 2011

Mr. Greg Smith
City of Murrieta
1 Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

Re: Comments to the Draft Environmental Impact Report for the General Plan Update 2035 of the City of Murrieta; Sch. No. 2010111084

Dear Mr. Smith:

On behalf of Antelope Meadowlark 56, LLC ("AM56"), we appreciate this opportunity to submit comments on the Draft Environmental Impact Report, Sch. No. 2010111084 ("DEIR") prepared by RBF Consulting regarding the City of Murrieta General Plan Update 2035 ("GPU"). SunCal is expressing its opposition to the findings and conclusions stated in the DEIR specifically to the North Murrieta Business Corridor ("NMBC").

I-1

I-2

The fundamental flaw in the document stems from the proposition of a generally single type of land use in the NMBC and the significant unavoidable traffic impacts emanating from this land use designation. In fact, numerous Goals and Policies are contrived to support the land use by establishing economic benefits ahead of the environment, disregarding planning alternatives to alleviate significant adverse consequences, and requiring a statement of overriding public benefit. Moreover, despite prior expressions by property owners to cooperate in planning the NMBC area, Goals and Policies are inconsistent and are incompatible with CEQA's requirement to devise alternatives that avoid or mitigate impacts.

I-3

I-4

Referring to pages 3-47 & 48, the application of a "City Wide" approach to air quality, healthy community and transportation oriented design is out of scale with the general principles of planning and the focused nature of the study areas stated in Goal LU-13, page 3-63 and policy LU-4.3 page 3.57.

I-5

Other, but not all, examples of these inconsistent and rationalized findings can be found in Goal CIR-1 and Policy 1.3, pages 5.4-83. The goal cannot be achieved due to the concentration of the single land use. Traffic circulation at intersections and along segments can be mitigated through land use variations that affect peak travel demand. The traffic study indicates that Antelope, Baxter

I-6

and Meadowlark will be 4 lanes with 7 lanes required for turning movements at the respective intersections. VOC and LOS result in unavoidable significant impacts yet no analysis are provided of the size of roads required to support this land use or land use alternatives to avoid the impact.

I-6

And the policies to achieve Goal AQ-5 pages 10.7 do not relieve congestion in the NMBC. The circulation study concludes that an unavoidable significant traffic impact occurs in all major roads leading into the core of the NMBC study area including Baxter, Antelope, Meadowlark, Keller, and Clinton Keith even with traffic enhancements. Improving upon the existing air quality is a stated focus for the City of Murrieta as the basin is in nonattainment under both State and Federal standards for which SB 375 targets GHG from traffic. Congestion will result in negative air quality impacts such a GHG and the mobile point emitters in this vicinity.

I-7

Goal CIR-6, 7 & 8 pages 5.4-87-91 encourages alternative travel modes to reduce vehicle miles traveled and enhanced pedestrian transit. However, the alternative modes are predominantly vehicular usage with increases in travel lanes, no specific location for mass transit and depend upon future employee/employer behavior. Considering the 816 acre concentration of land use and the negative impacts of a predominantly single characteristic land use, nowhere is a discussion of pedestrian distances, critical mass to support transit, or residential uses that ascribe to TOD or pedestrian walking distances capable of mitigating or avoiding the significant impacts of traffic included.

I-8

Further, Chapter 7, Healthy Community Element notes that Murrieta's development pattern is described as *low density and automobile oriented ...with large sections devoted to single land uses*, as an unappealing and unhealthy approach yet, this is precisely the pattern in the GPU for the NMBC. The Healthy Community approach on a city wide scale of 26 square miles is a dubious application that does little to analyze the meaningful impacts to residents or visitors of the proposed land use in the NMBC. And here again, the Goals and Policies of Chapter 7.5 page 7-10-11 ignore the physical environment created by the proposed land use, opting to rely upon human behavior rather than land use planning. The Healthy Community designation in which air quality does not meet federal guidelines should encourage pedestrian circulation in close proximity to employment.

I-9

The DEIR does not evaluate alternatives within the NMBC that comply with the Goals and Objectives stated in the DEIR. Making a statement of overriding benefit for traffic impacts to justify land use will result in a low quality environment. This leads to other fundamental flaws, namely, the document fails to provide any long term solutions to avoid them.

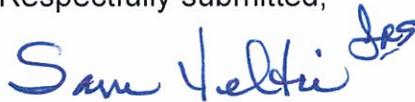
I-10

Accordingly, Antelope Meadowlark 56 strongly urges careful consideration of its comments on the Draft EIR and that the City further address these comments. It is our position that failure to do so will render the Final EIR deficient.

I-11

We look forward to any opportunity to meet and discuss these concerns with you and your staff. Please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in blue ink that reads "Sam Veltri" with a stylized flourish at the end.

Sam Veltri
Vice President, Forward Planning
949-241-8436
sv@argentmanagementllc.com



I. RESPONSES TO COMMENTS FROM SAM VELTRI, VICE PRESIDENT, FORWARD PLANNING, ANTELOPE MEADOWLARK, LLC, DATED MARCH 24, 2011.

- I1. The Commentator states their appreciation to review the Draft EIR. This comment is acknowledged. No further response is necessary.
- I2. The Commentator expresses their opposition to findings and conclusions in the Draft EIR related to the North Murrieta Business Corridor. Given that no specifics are provided in the statement, the statement is acknowledged. Refer to Responses I3 through I11.
- I3. The Commentator offers opinion regarding a fatal flaw in the Draft EIR stemming from the proposal of a single land use for the North Murrieta Business Corridor and that significant unavoidable traffic impacts result from that single land use. However, the Commentator's premise that the Draft EIR proposes a single land use for the North Murrieta Business Corridor is incorrect. The Draft EIR analyzes the proposed project, which is an update to the City's General Plan. Section 3.5, Project Characteristics, of the Draft EIR details the components of the proposed project, including Contents of the General Plan 2035, Climate Action Plan, Land Use Plan, Land Use Summary, General Plan 2035 Focus Areas, General Plan Buildout, Land Use Designations, Infrastructure Improvements, and General Plan 2035 Goals and Policies.

The North Murrieta Business Corridor has been identified as one of five areas of land use change in the General Plan 2035. In addition, two additional focus areas have been identified for policy change. All seven focus areas are described in Draft EIR Section 3.5.7. As shown on Draft EIR Exhibit 3-3, General Plan 2035 Focus Areas, three land uses are proposed for the North Murrieta Business Corridor: Commercial, Professional and Office, and Parks and Open Space.

The determination of potential areas of land use change and the economic development focus were contemplated by the City Council in 2008 and 2009 prior to commencing the General Plan Update. In October 2008, the City Council put in place Murrieta's first Comprehensive Economic Development Strategy, which established economic development as the City Council's number one priority. The strategy is intended to diversify the City's economic base through three key purposes: 1) to serve as a roadmap for public and private actions to stimulate economic development, 2) encourage growth and diversification of the local economy, and 3) to promote the creation of higher pay jobs, income, and wealth in the community. Later in 2008 (December 2008), the City Council, based upon information from its Land Use Sub-Committee, determined that as land for office and research and development opportunities becomes saturated in the greater San Diego area, the City of Murrieta will provide the land for the next wave of development expansion. The City Council identified one intent of the future general plan update was to place Murrieta in a positive position, so that when economic conditions



improve, the City will be prepared to embrace that development expansion. In addition, the City Council, based upon recommendations from its Land Use Sub-Committee, identified that the primary focus of land use considerations in the future General Plan Update be those areas that have the greatest potential to accept the next wave of economic expansion, including 1) Antelope Corridor (primarily east side of I-215 to Meadowlark Lane, and from Scott Road to Clinton Keith Road); 2) South Murrieta Business Corridor (generally from I-15 east to Jefferson Avenue and from Murrieta Hot Springs to the southerly City limits); 3) Murrieta Hot Springs North (generally between I-15 and I-215, between Murrieta Hot Springs and Los Alamos Roads).

It is also worth noting the General Plan 2035 would greatly improve the City’s job to housing ratio. Under existing conditions, the City’s jobs/housing ratio is approximately 0.60, indicating the City is currently housing rich and job poor with insufficient employment opportunities for its residents. The General Plan 2035 would increase the City’s existing employment by approximately 555 percent (110,275 new jobs). With implementation of the General Plan 2035, the City’s jobs/housing ratio would be approximately 2.9, indicating the City would be able to provide adequate employment opportunities for its residents, potentially allowing them to live as well as work within the City. As such, the General Plan 2035 would provide more employment opportunities for its residents, than are currently provided.

The Commentator offers opinion that “numerous goals and policies are contrived to support the land use by establishing economic benefits ahead of the environment, disregarding planning alternatives to alleviate significant adverse consequences, and requiring a statement of overriding public benefit.” The goals and policies in the General Plan 2035 reflect the City Council’s number one priority of Economic Development, vision for the General Plan 2035, community priorities, and compliance with existing plans and regulations. As noted above, the Draft EIR analyzes the proposed project, which is the General Plan 2035. In addition, the Draft EIR analyzes a range of reasonable and feasible alternatives (refer to Response I4). Refer to Response I10 regarding the requirements related to Statement of Overriding Considerations.

- I4. It is unclear what the Commentator means by “despite prior expressions by property owners to cooperate in planning the NMBC area.” Land use meetings were held specifically for the North Murrieta Business Corridor on March 23, 2010 and June 2, 2010 to solicit input on the vision and land use alternatives for this focus area. These meetings were open to not only property owners and businesses within the focus area, but also open to all residents and property owners in the City. In addition, two joint City Council and Planning Commission workshops were held on June 23, 2010 and July 6, 2010 to review land use alternatives for the five focus areas with land use change and to have the City Council and Planning Commission to select a recommended land scenario for each of the five areas. The joint City Council and Planning Commission workshops were publicly noticed and open to all residents and property owners. Representatives from Antelope Meadowlark, LLC had the opportunity to participate in all of the meetings



and workshops and provide their input to planning the North Murrieta Business Corridor area.

The California Environmental Quality Act (CEQA) requires that EIRs describe a reasonable range of feasible alternatives to the proposed project that could feasibly attain most of the project objectives and that avoid or substantially lessen any of the significant environmental impacts of the proposed project (*CEQA Guidelines* Sections 15126(d) and 15126.6(a)). Section 6.0, Alternatives, of the Draft EIR analyzed three alternatives to the proposed project in compliance with *CEQA* and the *CEQA Guidelines*: No Project/Existing General Plan Alternative, Scenario A Alternative, and Scenario B Alternative. In addition, Section 6.0 identifies an environmentally superior alternative to the proposed project.

The goals and policies are an integral part of the General Plan 2035 (proposed project). They are not inconsistent or incompatible with *CEQA*'s requirement for alternatives. While the Commentator has linked the two in the comment, they are two separate topics: one being the General Plan and the second being the EIR that analyzes the General Plan.

- I5. The Commentator is referring to text in the Land Use Element presented in Section 3.4, Setting the Vision: Key Concepts and Vision for General Plan, including the subheading on page 3-46 titled "Citywide Balance of Land Uses," with subheadings of "Land Use and Transportation" and "Economic Development and Job Creation" on page 3-47, and "Mixed Use" and "Transit and Transit-Oriented Development" on page 3-48. These subheadings (topical areas) are intended to be supportive of one another, but one does not take precedent over any other. The text on page 3-46 refers to a balance of land uses and ensuring there is an equitable distribution of land use throughout the City, but does not specifically reference a "city wide" approach to air quality, healthy community, and transportation oriented design. There are separate elements for both Air Quality (General Plan 2035 Chapter 10) and Healthy Community (General Plan 2035 Chapter 7), and the application of the goals and policies for these two elements would be applied city-wide, as appropriate.

The Commentator also references Goal LU-13 and Policy LU-4.3, which are restated below:

Goal LU-13 A focused development and economic development strategy that emphasizes specialized land use policies within identified Focus Areas.

Policy LU-4.3 Locate multiple-family housing adjacent to jobs, retail, schools, open space, public transportation, and transportation corridors. (This policy is related to Goal LU-4 for residential development)



Each of the seven focus areas has goals and policies specific to that area:

- North Murrieta Business Corridor: Goal LU-14 and associated policies
- Clinton Keith/Mitchell: Goal LU-15 and associated policies
- Golden Triangle North (Central Murrieta): Goal LU-16 and associated policies
- South Murrieta Business Corridor: Goal LU-17 and associated policies
- Multiple Use 3 (MU-3): Goal LU-18 and associated policies
- Los Alamos Hills: Goals LU-19 through LU-23 and associated policies
- Historic Murrieta Specific Plan: Goal LU-20 and associated policies

Goal LU-13 provides the framework for the individual goals and policies for each of the seven focus areas. Policy LU-4.3 is supportive of focus areas where multiple-family residential uses are proposed, including Clinton Keith/Mitchell, Golden Triangle North (Central Murrieta) and Multiple Use 3 (MU-3).

16. The Commentator is referencing Circulation Element Goal CIR-1 and Policy CIR-1.3 cited on page 5.4-83 of the Draft EIR. The existing and future circulation system has been analyzed and included in both the Circulation Element and the Draft EIR; the future circulation system reflects the recommended land use scenario. The Draft EIR has identified significant unavoidable traffic impacts for 16 intersections and to roadway segments shown on *Exhibit 5.4-14, General Plan 2035 Daily Volume-to-Capacity Ratios*. The Commentator is incorrect that there is no analysis provided of the size of the roads required to support the land uses. *Exhibit 5.4-17, General Plan 2035 Circulation Map*, identifies the future circulation system and the roadway classifications throughout the City.
17. The Commentator is correct in noting the “improving upon the existing air quality is a stated focus for the City of Murrieta as the basin is in nonattainment under both State and Federal standards.” The goals and policies in a number of elements, including but limited to Land Use, Circulation, and Air Quality, do focus on improving air quality in the City. As part of the General Plan 2035, a Climate Action Plan was prepared and concluded that the General Plan 2035 would result in a 15.21 percent greenhouse gas emissions reduction over Business As Usual (BAU). The emission reduction target is 15 percent over 2009 conditions. Thus, the General Plan 2035 has exceeded the reduction target and complied with both AB 32 and SB 375.
18. The Commentator is correct in noting that the General Plan 2035 does not identify specific locations for mass transit. While the City has been involved in discussions regarding both high speed rail and Metrolink, it is too speculative at this time to map stations and routes. The General Plan 2035 is supportive of alternative modes (refer to Circulation Element Goal CIR-6). The General Plan 2035 could be amended when that information is known.



With respect to the traffic impacts, it was also too speculative to run the traffic model for the Circulation Element and Draft EIR to account for either high speed rail or Metrolink. The Draft EIR has provided environmental analysis based upon the available information at the time the document was prepared. The Draft EIR is not required to conduct speculative environmental analysis for unknown future alternative transportation systems.

- I9. It is the Commentator's opinion that "the goals and policies of Chapter 7.5 page 7-10-11 ignore the physical environment created by the proposed land use, opting to rely upon human behavior rather than land use planning." As noted in Response I4, the land use alternatives process for the General Plan 2035 was described and outlined multiple opportunities for residents, businesses, and property owners to participate. The impacts of the General Plan 2035 on the environment are thoroughly reviewed in Sections 5.1 through 5.22 in the Draft EIR, which is a program EIR. The Draft EIR reviewed all *CEQA* Checklist topics and questions.

The Healthy Community Element is an optional element that the City has elected to include in the General Plan 2035. It is important to note the all elements in a General Plan have equal status and that the goals and policies of one element are not superior to the goals and policies of another element. The Healthy Community Element includes goals and policies related to Citywide Health, Environmental Health, Public Spaces for Physical Activity and Social Cohesion, Healthy Economy, and Health Goods and Services. However, other health-related goals and policies are contained in the Land Use Element, Circulation Element, Conservation Element, Recreation & Open Space Element, and Air Quality Element. Circulation Element Goal CIR-6 and the associated policies address alternative travel modes and facilities and their availability to service residents and employees/employers. In addition, Air Quality Element Goal AQ-5 and associated policies address improved air quality through an efficient circulation system and reduced vehicle miles traveled.

- I10. The Commentator is incorrect regarding the alternatives reviewed in the Draft EIR. Refer to Response I3.

After considering the Final EIR in conjunction with making findings, the Lead Agency (City of Murrieta) must not approve the project if the project will have a significant effect on the environment after imposition of feasible mitigation measures, unless (emphasis added) the Lead Agency finds that the benefits of a proposed project outweigh the unavoidable adverse environmental effects (*CEQA Guidelines* Sections 15092 and 15096(h)). However, when approving a project with unavoidable significant environmental effects, the Lead Agency is required by *CEQA* to prepare a Statement of Overriding Considerations. The Statement of Overriding Considerations is a written statement explaining why the agency is willing to accept the significant effects (*Public Resource Code* Section 21081, *CEQA Guidelines* Section 15093), and requires the Lead Agency to balance the benefits of a proposed project against the unavoidable environmental risks in determining whether to approve a project. The Statement of



Overriding Considerations sets forth the specific overriding social, economic, legal, technical, or other beneficial project aspects supporting the Lead Agency’s decision.

- I11. The City of Murrieta is fully complying with the requirements of the *California Environmental Quality Act (CEQA)* Section 21092.5, and will be preparing written responses to environmental comments provided to the City during the 45-day public review period. In compliance with *CEQA*, all public agencies will be provided written responses to their comments 10-days prior to certification of the Final EIR. In addition, both the Planning Commission and City Council will have the “Comments and Responses” section of the Final EIR for their review and consideration prior to taking any action on the Final EIR.

COMMENT LETTER J

Johnson & Sedlack

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March 24, 2011

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VIA US MAIL AND EMAIL

Re: Draft EIR for Murrieta General Plan 2035

Dear Mr. Smith:

The following comments are submitted on behalf of local residents regarding the Draft Environmental Impact Report (DEIR) for the proposed General Plan Update 2035.

General Comments:

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

J-1

Unfortunately, in this case, the Draft EIR is often conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions.

J-2

CEQA also requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project all feasible mitigation must be adopted. In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. Moreover, all mitigation measures required in the EIR must

J-3

be fully enforceable and certain to occur. This General Plan EIR fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable mitigation measures.

J-3

Air Quality

The DEIR concludes that construction and operational air quality impacts are significant and that no mitigation measures are available beyond the goals and policies identified in the proposed General Plan 2035. The following are feasible mitigation measures which must be adopted before a Statement of Overriding Considerations can be adopted.

For construction air quality impacts, the following measures should be made requirements of implementing projects, where applicable, under the General Plan:

A. Dust

1. Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.
2. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (eg. Install wheel shakers, wheel washers, and limit site access.)
3. All roadways, driveways, sidewalks, etc., should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
4. Pave all construction roads.
5. Pave all construction access roads at least 100 feet on to the site from the main road.
6. The maximum vehicle speed on unpaved roads shall be 15 mph.
7. Limit fugitive dust sources to 20 percent opacity.
8. Require a dust control plan for earthmoving operations.
9. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
10. All streets shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.
11. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.
12. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
13. Extend grading period sufficiently to reduce air quality impacts below a level of significance.
14. The simultaneous disturbance of the site shall be limited to five acres per day.

J-4

15. Adequate watering techniques shall be employed to mitigate the impact of construction-related dust particulates. Portions of the site that are undergoing surface earth moving operations shall be watered such that a crust will be formed on the ground surface, and then watered again at the end of each day. Site watering shall be performed as necessary to adequately mitigate blowing dust.
16. Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.
17. Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.
18. Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
19. Any site access points within 30 minutes of any visible dirt deposition on any public roadway shall be swept or washed.
20. Excavating and grading operations shall be suspended during first stage ozone episodes or when winds exceed 25 mph. A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.

B. Equipment Emissions/ Air Quality Impacts from Construction

21. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.
22. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees.
23. Require high pressure injectors on diesel construction equipment.
24. Restrict truck operation to "clean" trucks, such as a 2007 or newer model year or 2010 compliant vehicles.
25. All diesel powered construction equipment in use shall require control equipment that meets, at a minimum Tier III emission requirements. In the event Tier III equipment is not available, diesel powered construction equipment in use shall require emissions control equipment with minimum of Tier II diesel standards.
26. Require the use of CARB certified particulate traps that meet level 3 requirements on all construction equipment.
27. Utilize only CARB certified equipment for construction activities.
28. Require all contractors to turn off all construction equipment and delivery vehicles when not in use and/or idling in excess of 3 minutes.
29. Restrict engine size of construction equipment to the minimum practical size.

30. Use electric construction equipment where technically feasible.
31. Substitute gasoline-powered for diesel-powered construction equipment.
32. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.
33. Use methanol-fueled pile drivers.
34. Install catalytic converters on gasoline-powered equipment.
35. Use electricity from power poles rather than temporary diesel or gasoline power generators.
36. Require the use of Alternative Diesel Fuels on diesel equipment used. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
37. Electrical powered equipment shall be utilized in-lieu of gasoline-powered engines where technically feasible.
38. All forklifts shall be electric or natural gas powered.
39. Any construction equipment using direct internal combustion engines shall use a diesel fuel with a maximum of 0.05 percent sulfur and a four-degree retard.
40. Suspend use of all construction equipment operations during second stage smog alerts.

C. Traffic and Air Quality from Traffic Emissions

41. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
42. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
43. Reroute construction trucks away from congested streets and sensitive receptor areas.
44. Configure construction parking to minimize traffic interference.
45. Prior to the issuance of a grading and building permit, require applicants to submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.
46. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.
47. Provide shuttle service to food service establishments/commercial areas for the construction crews.
48. Provide shuttle service to transit stations/multimodal centers for the construction crews.

For operational air quality impacts, the following are feasible mitigation measures and should be made requirements of implementing projects, where applicable, under the General Plan:

1. The operator of the primary facilities shall become a SmartWay Partner.
2. Projects shall meet SmartWay 1.25 ratings.
3. Project shall use only freight companies that meet SmartWay 1.25 ratings.
4. (ALTERNATIVELY from 2, 3 above) The operator of the primary facilities shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.
5. The operator of primary facilities shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the City's Planning Department semi-annually.
6. All fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.
7. All spaces utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration units shall be prohibited from accessing the site. All leasing documents shall include these requirements and provide that violation of those provisions will constitute a material breach of the lease that will result in the termination of the lease. Because of the fact that these terms of the lease are designed to benefit the public, the public shall be considered to be a third party beneficiary with standing to enforce the requirements of the lease.
8. Install catalytic converters on gasoline-powered equipment.
9. Where diesel powered vehicles are necessary, require the use of alternative diesel fuels. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
10. Electrical powered equipment should be utilized in-lieu of gasoline-powered engines where technically feasible.
11. Utilize electrical equipment for landscape maintenance.
12. All forklifts shall be electric or natural gas powered.
13. Utilize electric yard trucks.

14. Prohibit idling of trucks for periods exceeding three minutes.
15. Provide electrical vehicle (“EV”) and compressed natural gas (“CNG”) vehicles in vehicle fleets.
16. Charge reduced or no parking fee for EVs and CNG vehicles.
17. Install EV charging facilities for a minimum of 10% of all parking spaces.
18. Install a CNG fueling facility.
19. Provide preferential parking locations for EVs and CNG vehicles.
20. Implement parking fee for single-occupancy vehicle commuters.
21. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.
22. Plant at least 50 percent low-ozone forming potential (Low-OFP) trees and shrubs, preferably native, drought-resistant species, to meet city/county landscaping requirements.
23. Plant Low-OFP, native, drought-resistant, tree and shrub species, 20% in excess of that already required by city or county ordinance. Consider roadside, sidewalk, and driveway shading.
24. Orient 75 percent or more of homes and buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the building during the summer and allow sunlight to strike the building during the winter months.
25. Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard black asphalt paving by 10% or more.
26. Electrical outlets shall be installed on the exterior walls of all residential and commercial buildings (and perhaps parking lots) to promote the use of electric landscape maintenance equipment.
27. Prohibit gas powered landscape maintenance equipment within residential, commercial, and mixed-use developments. Require landscape maintenance companies to use battery powered or electric equipment or contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use or any combination of these two themes.
28. Provide a complimentary cordless electric lawnmower to each residential buyer.
29. Implement parking cash-out program for non-driving employees.
30. Require each user to establish a carpool/vanpool program.
31. Create a car sharing program within planned communities.
32. Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.
33. Provide preferential parking for carpool/vanpool vehicles.
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.
35. Provide secure, weather-protected bicycle parking for employees.

36. Provide direct, safe, attractive pedestrian access from projects to transit stops and adjacent development.
37. Provide direct safe, direct bicycle access to adjacent bicycle routes.
38. Provide showers and lockers for employees bicycling or walking to work.
39. Provide short-term bicycle parking for retail customers and other non-commuter trips.
40. Connect bicycle lanes/paths to city-wide network.
41. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.
42. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.
43. Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees or residents.
44. Provide shuttle service to food service establishments/commercial areas.
45. Provide shuttle service to transit stations/multimodal centers.
46. Provide on-site child care or contribute to off-site child care within walking distance.
47. Implement a compressed workweek schedule.
48. Implement home-based telecommunicating program, alternate work schedules, and satellite work centers.
49. All buildings shall be constructed to LEED standards.
50. Buildings shall exceed Title 24 requirements by 20%.
51. Design buildings for passive heating and cooling and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.
52. Construct photovoltaic solar or alternative renewable energy sources sufficient to provide 100% of all electrical usage for entire projects.
53. Install an ozone destruction catalyst on all air conditioning systems.
54. Construct renewable energy sources sufficient to offset the equivalent of 100% of all greenhouse gas emissions from mobile sources (internal combustion engines) for entire projects.
55. Purchase only green/ renewable power from the electric company.
56. Install solar water heating systems to generate all hot water requirements.

J-4

Furthermore, the mitigation measures that are adopted for operational air quality impacts are uncertain and unenforceable. For instance, Policy AQ-5.1 requires only that projects “encourage employers to implement transportation demand management measures.”

J-5

Agriculture

DEIR Exhibits 3-3 and 5.11-1 indicate that development in the North Murrieta Business Corridor Focus Area will occur in lands designated as Farmland of Local Importance. The DEIR claims that “most of this land is not believed to be in agricultural production,” however, there is no substantial evidence in the DEIR to support this claim. Thus, the conclusion of the DEIR that agricultural impacts are less than significant is not supported by substantial evidence and

J-6

mitigation is required. At a minimum, the City must perform the appropriate analysis to determine whether these lands are still viable farmland before concluding they are no longer viable.

Mitigation for the loss of agricultural lands can include protecting productive agricultural land subject to conversion through the purchase or transfer of its development rights; purchasing conservation easements on existing agricultural lands to ensure the land is never converted to urban uses; and donating funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements or off-site conservation easements. These measures should be adopted as mitigation measures under the General Plan.

J-6

Biological Resources

The conclusion of the DEIR that the General Plan Update will have a less-than-significant impact on biological resources is not supported. The General Plan Update will have a significant impact on biological resources on an individual and cumulative basis including due to conflicts with the Western Riverside County MSHCP. In particular, the proposed land use changes and development in the North Murrieta Business Corridor Focus Area have potential impacts due to conflict with the MSHCP and the loss of conservation areas including Core Areas and Proposed Linkages.

The DEIR states that the North Murrieta Business Corridor Focus Area is currently comprised of vacant or rural residential properties. The General Plan proposes to dramatically change the land use designations of this area to allow for intense commercial and medical development to include an additional 1,672,843 square feet of commercial uses and 7,666,185 square feet of office and research uses. The development of this area will have a significant impact both directly and cumulatively on the Antelope Valley Proposed Core 2 and Sedco Hills–Paloma Valley Proposed Constrained Linkage 16 among other conservation areas. This must be considered a significant impact of the project. Moreover, the statement that individual projects will be reviewed for MSHCP compliance ignores the purpose of a cumulative impact analysis.

J-7

Furthermore, there does not appear to be any discussion in the DEIR of impacts to species not covered by the MSHCP.

Land Use

Conflict with the Riverside County Airport Land Use Commission Compatibility Plan

The DEIR concludes that conflict with the Riverside County Airport Land Use Commission Compatibility Plan (Compatibility Plan) is a significant and unmitigable impact of the proposed General Plan Update.

J-8

It is stated that portions of the City where development will occur under the General Plan are located within the various designated airport land use zones under the Compatibility Plan. The DEIR concludes that the proposed General Plan will result in significant impacts due to conflicts with the Compatibility Plan. More specifically, because the General Plan proposes the

development of residential and other uses at higher densities than allowed under the Plan within designated airport zones, the DEIR finds the project presents a significant land use impact and that there is no mitigation available to lessen the significant impact.

Contrary to the conclusion of the DEIR, feasible mitigation exists to lessen land use impacts due to the project's inconsistency with the Compatibility Plan. First, the General Plan does not consider or adopt the mitigation measures identified in the French Valley Airport Land Use Compatibility Plan Initial Study and Mitigated Negative Declaration (MND), namely the measures identified at DEIR Page 5.1-9. Compliance with these measures would presumably bring the General Plan into conformance with the density criteria set forth under the Compatibility Plan and would mitigate the land use impacts of the project, in addition to addressing the potentially significant noise and hazard impacts associated with the development of residential and other uses in airport zones.

Although the DEIR does not specifically state what densities are allowed in the B1 and B2 zones under the adopted Compatibility Plan, and does not clearly state what densities would be applicable to the areas of the City affected by the density restrictions, the DEIR states that the proposed densities are inconsistent with the Compatibility Plan. Thus, mitigation measures must be adopted which limit the allowable densities, consistent with the density criteria specified in the Compatibility Plan.

Furthermore, no policy justification can be provided for allowing houses and other uses within airport hazard zones at densities greater than what is recommended by the ALUC. It is also unclear why the land use designations within the hazard zones cannot be modified or otherwise be brought into compliance with the density and other restrictions of the ALUC Plan under the new General Plan.

Conflict with the Western Riverside County MSHCP

The conclusion that the project will have a less than significant impact with mitigation with regard to consistency with the MSHCP is not supported by substantial evidence when it is known that development will occur under the General Plan in areas proposed for conservation under the MSHCP and in existing Conserved Lands including PQP Conserved Lands and Pre-existing Conservation Agreements.

The proposal to allow significant development within areas designated under the MSHCP for conservation must be considered a significant direct and cumulative impact of the project, regardless of whether individual projects will be reviewed for their consistency with the MSHCP.

Hazards

The General Plan continues to propose development in airport zones at greater densities than recommended by the ALUC thereby creating a public safety hazard. This must be considered a significant impact of the project and appropriate mitigation adopted.

J-8

J-9

J-10

Moreover, the conclusion of the DEIR that there are potentially significant land use impacts due to conflicts with the ALUC Compatibility Plan cannot be reconciled with the conclusion of the DEIR that hazard impacts are less than significant due to the development of housing and other uses in airport hazard zones. Given the General Plan's inconsistency with the ALUC Plan, the DEIR must find that there are potentially significant hazard impacts and appropriate mitigation adopted.

J-10

Noise

Construction Noise

The conclusions with respect to construction noise are not based on substantial evidence. First, the DEIR fails to provide any information with respect to the noise levels produced by the construction equipment or the transport of workers and equipment to construction sites. With respect to the operation of equipment, any single piece of construction equipment is known to generate noise levels of 70 to 90 dBA. Second, it is not shown on the basis of substantial evidence that adopted mitigation is adequate to lessen significant impacts. The DEIR claims that through the implementation of Goal N-4 and Policies N-4.1 through N.4.6 that construction noise impacts will be reduced to below significance thresholds. For example, the DEIR claims that limiting the hours of construction activity in residential areas to reduce intrusive noise in the early morning and evening hours will lessen construction noise impacts. Compliance with an ordinance limiting the hours of construction does not ensure that construction noise will be less than significant during daytime hours when construction is permitted. Overall, there is no assurance that individual projects will be able to achieve compliance with the City's noise standards.

J-11

Operational Project Noise

The conclusions with respect to operational traffic noise are not based on substantial evidence and are contradicted by the evidence. A comparison of Table 5.7-5 and Table 5.7-9 show that a number of roadway segments will experience significant increases in traffic noise with the project, many greater than a 3 dBA increase. Many of these segments are in residential areas. This must be considered a significant impact of the General Plan Update. The DEIR claims that adherence to Goal N-3 "would minimize noise from mobile sources." Goal N-3 includes policies such as N-3.1 which is to "consider noise mitigation measures in the design of all future streets and highways" and N-3.3 to "encourage the construction of noise barriers" and N.-3.5 to "consider requiring traffic plans for construction projects." None of these measures are mandatory requirements of future implementing projects and none are certain to ensure that traffic noise levels particularly in residential areas will be below thresholds of significance. Traffic noise will be significant without the implementation of the mitigation measures. Since none of the generalized policies are mandatory requirements for future projects, the finding cannot be made that traffic noise will be less than significant with mitigation incorporated.

J-12

Water Supply

For water supply, the conclusions of the DEIR are not based on substantial evidence to the extent that there was no water supply assessment prepared for the General Plan Update as required by CEQA Guidelines § 15155. The conclusions of the DEIR are also not based on substantial evidence to the extent the discussion of water supply assumes that there will adequate water supply for the proposed project by reference to the 2005 Urban Water Management Plan for each of the four water service providers but fails to disclose whether those UWMPs accounted for the increased development facilitated by the General Plan Update. (See, *Vineyard Area Citizens For Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434.) The DEIR finds that with implementation of the General Plan that water demand would increase from 39,179AF/Y to 15,632 AF/Y, however, there is no substantial evidence to support the claim that the water districts will be able to meet the increased demand, including evidence that the various 2005 UWMP's have accounted for the increased development and population increases expected with implementation of the General Plan Update. Similarly, there is no substantial evidence to support the conclusion that there will no cumulative water supply impacts because there is no evidence to show that the project, when combined with other projects in the area, will not cause a significant increase in demand for water. The claim that water supply will be evaluated on a "project-by-project" basis defeats the purpose of a cumulative impact analysis and constitutes an improper deferral of analysis of water supply impacts.

J-13

Traffic

The DEIR concludes that under the new land use designations created by the General Plan Update numerous roadway segments and 16 intersections will operate at unacceptable levels of service even with mitigation measures. It is unfortunate that the City is paving the way for new development (e.g., in the North Murrieta Business Corridor) when it is known that traffic impacts in these areas will exceed thresholds of significance. The City cannot make the policy determination that the purported benefits of the project outweigh these significant new traffic impacts. Furthermore, as a policy, the City should not approve a blueprint for future development that would allow individual implementing projects to avoid traffic mitigation by reference to the General Plan document which finds impacts to be significant and unavoidable.

J-14

Finally, as with the air quality mitigation measures, many of the traffic mitigation measures are not mandatory requirements and therefore are unenforceable within the meaning of CEQA.

GHGs

The City adopts an emission reduction goal as the threshold of significance for Greenhouse Gas Emissions. However, none of the policies aimed at lessening GHGs are requirements of future implementing projects thus there can be no assurance that the City will be able to achieve its emission reduction goals. Additionally, none of the measures are aimed at the air quality emissions generated by commercial and industrial projects.

J-15

Alternatives

CEQA requires that a lead agency evaluate a reasonable range of project alternatives which are designed to meet basic project objectives and lessen or avoid the significant impacts of the project. Here the City has evaluated two alternatives to the proposed General Plan Update besides the “No Project” alternative. These alternatives, however, fail to satisfy the mandate that they be designed to lessen or avoid the significant impacts of the project. Alternative Scenario A involves the development of more residential and less nonresidential uses within the Focus Areas. According to the DEIR, this alternative would result in “similar” environmental impacts including in the areas of land use, air quality, traffic, and noise when compared to the proposed project and greater impacts in the areas of population, housing and employment, public services and utilities, and recreation. Alternative Scenario B also involves the development of more residential and less nonresidential uses within the Focus Areas. According to the DEIR, it would also result in “similar” and “greater” impacts as under the proposed project. Thus, neither alternative selected for analysis meets the requirement that they be designed to lessen the significant impacts of the project.

Furthermore, even though it is clear that Scenario A is not a true alternative to the proposed project the DEIR concludes that it is the environmentally superior alternative because it allows for “greater non-residential development in support of the City’s economic development goals and would meet project objectives.” The lead agency is required to select an environmentally superior alternative *to the proposed project* besides the “no project” alternative. As discussed above, it is obvious that neither Scenario A nor Scenario B is environmentally superior to the proposed project; in fact, they are environmentally inferior in that they present the possibility for even greater environmental harm than the proposed project. As a result, the adoption of the proposed project is inevitable – a result that CEQA prohibits under these circumstances. By failing to identify an environmentally superior alternative to the proposed project, the DEIR violates the requirements of CEQA. Moreover, the DEIR implies that Scenario A was selected as the environmentally superior alternative because it is superior to Alternative Scenario B; CEQA, however, requires that a lead agency select an environmentally superior alternative *to the proposed project*. While Scenario A may “allow for greater non-residential development in support of the City’s economic development goals” (*i.e.*, when compared to Scenario B), the question is whether Scenario A is environmentally superior to the proposed project which it clearly is not. Also, given that Scenario A and Scenario B both result in “similar” impacts when compared to the proposed project and both result in “greater” impacts in the same impact areas, Scenario A cannot be considered the environmentally superior to Scenario B. Finally, the selection of the environmentally superior alternative must be based on environmental reasons, not economic or other similar justifications. Thus, in this instance, the conclusion of the DEIR that Scenario A helps the City to achieve its economic goals is not a finding that the alternative is *environmentally superior*.

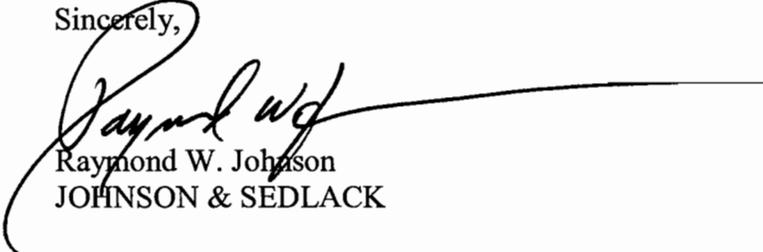
The City must consider true alternatives to the proposed project that are designed to meet basic project objectives and lessen or avoid the significant impacts of the project. Since both alternatives selected for analysis besides the no-project alternative involve greater residential and less nonresidential uses in the Focus Areas, appropriate alternatives would involve less commercial and other similar uses in the Focus Areas; that is, the City should consider a variety

of alternatives which scale back the commercial and similar uses currently contemplated in the Focus Areas. A reduced commercial alternative(s) would still meet basic objectives and could be at least designed to lessen the significant traffic, air quality, and noise impacts of the project.

J-16

Thank you for your consideration of these comments.

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK



J. RESPONSES TO COMMENTS FROM RAYMOND W. JOHNSON, JOHNSON & SEDLACK, DATED MARCH 24, 2011.

J1. The Commentator provides a description of the *California Environmental Quality Act (CEQA)* process as one of disclosure and transparency. This comment is acknowledged. No further response is necessary.

J2. The Commentator is offering opinion regarding the “Draft EIR is often conclusory and does not provide the analysis or examination required by CEQA.” This statement is incorrect. The Draft EIR was prepared as a Program EIR in compliance with *CEQA Guidelines* Section 15168. The following text is restated from Section 2.3.2, Program Environmental Impact Report and Technical Appendices, of the Draft EIR.

The Murrieta General Plan 2035 Program EIR is intended to serve as a Program EIR or “first tier EIR.” *CEQA Guidelines* Section 15168 states that a Program EIR can be prepared in connection with the “*issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program.*” The Program EIR has been prepared for the General Plan 2035.

CEQA Guidelines Section 15168 (a) states that a Program EIR is appropriate for evaluating “. . . a series of actions that can be characterized as one large project and are related either: (1) Geographically; (2) As logical parts in the chain of contemplated actions; (3) In connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.”

According to *CEQA Guidelines* Section 15168 (b), the advantages of a Program EIR include the following: 1) provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action; 2) ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis; 3) avoid duplicative reconsideration of basic policy considerations; 4) allow the Lead Agency to consider broad policy alternatives with program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and 5) allow reduction in paperwork.

Subsequent development projects proposed within the City must be reviewed in the context of this Program EIR to determine if additional environmental documentation is required. If the subsequent project would have environmental effects not addressed in the Program EIR, additional environmental review will be required. Where no new effects and no new mitigation measures are



involved, the subsequent project can be approved without additional environmental documentation. Where an EIR is required for a subsequent project, the EIR should implement the applicable mitigation measures developed in the Program EIR, and focus its analysis on site-specific issues not previously addressed.

The impacts of the proposed General Plan 2035 on the environment are thoroughly reviewed in Sections 5.1 through 5.22 in the Draft EIR, which reviewed all CEQA Checklist topics and questions. The Draft EIR provides the appropriate level of analysis in a Program EIR to inform the public and the decision makers of the environmental impacts associated with the General Plan 2035 (proposed project).

- J3. The Commentator is not specific about which mitigation measures are vague, uncertain, and unenforceable, nor is the statement true. The mitigation measures identified in the Draft EIR are applicable to all future development projects. In addition, as part of the Final EIR, a Mitigation Monitoring and Reporting Program will be prepared, and will further detail compliance timing and responsibilities.
- J4. The comment provides various construction and operational air quality mitigation measures and requests the incorporation of these into the Final EIR. The Draft EIR is a programmatic document that analyzes proposed land use changes and anticipated growth within the City. The air quality analysis does not review a specific development project. Future development projects would require individual CEQA review where specific impacts would be determined and necessary mitigation, such as those suggested by the Commentator, would be identified if necessary.

The comment includes an extensive list of construction emissions mitigation measures, many of which coincide with SCAQMD rules and regulations. For example, the dust control measures are addressed in SCAQMD Rule 403, which is a mandatory component for large earthmoving operations (i.e., Paragraph (f)(1) of Rule 403). Rule 403 requires implementation of control measures to prevent, reduce, or mitigate fugitive dust emissions and includes a performance standard that prohibits visible emissions from crossing any property line. Under Rule 403, large operations (projects greater than 50 acres and/or more than 5,000 cubic yards of daily earth-movement) are required to notify the SCAQMD of the project location and implement Table 2, and, if necessary Table 3, control measures and maintain recordkeeping. SCAQMD Rule 403 provides Best Available Control Measures (BACM) for high wind conditions in Table 1. These measures include requirements for stabilizing disturbed surfaces where dust may not exceed 20 percent opacity. The measures within Rule 403 also include requirements for watering, trackout controls, temporary coverings, and chemical stabilizers. It should be noted that each of the dust control measures cited by the Commentator are already components of Tables 1 through 3 of Rule 403.



Future development projects would be required to comply with all applicable SCAQMD rules and regulations. Additionally, the construction air quality analysis within the Murrieta General Plan DEIR includes Policies AQ-3.1 and AQ-3.2, which require compliance with current SCAQMD rules, regulations, and thresholds, and implementation of all SCAQMD best management practices. General Plan Policy AQ-3.3 requires Best Available Control Measures for projects that exceed SCAQMD thresholds. Policy AQ-3.4 requires a construction management plan that includes Best Available Control Measures and other control measures for projects that exceed SCAQMD thresholds. Specific impacts from individual construction projects and the applicability of mitigation measures would be determined as part of the project-specific CEQA review.

Additional mitigation measures are provided in the comment to reduce operational emissions including traffic emissions. The General Plan 2035 establishes the City's mobility goals by providing improved local and regional transit services as well as a connected, balanced, and integrated transportation system of bicycle and pedestrian networks. Such alternatives to automotive transportation can be greatly utilized to reduce mobile source emissions. For example, the Draft EIR includes General Plan Goal AQ-4 and Policies AQ-4.1 through AQ-4.4, which would reduce vehicle miles traveled (VMT) and associated mobile source emissions through job creation and the improvement of the jobs/housing balance within the City, as well as the encouragement of a mix of housing types located near job opportunities. Climate Action Strategy 1, Goal CIR-6 and associated Measure CIR-6.12, would increase public education of public transit options through public workshops. Climate Action Strategy 2, Goals LU-7 and LU-8 and Measures LU-7.4, LU-7.8, LU-8.1, LU-8.2, and LU-8.4 through LU-8.8, would promote transit-oriented development within the City. Specifically, multi-modal transit opportunities should be located near higher density residential, mixed-use, and employment development to increase transit ridership and reduce vehicle miles traveled (VMT). Pedestrian-friendly measures are addressed by Climate Action Strategy 2, Goals LU-9 and LU-10, Measures LU-9.1 through LU-9.8, and LU-10.1 through LU-10.9. Mixed-use development, infill development, shortened blocks, and pedestrian-oriented design would encourage pedestrian modes of travel as opposed to vehicular travel. These Strategies and Goals represent a change in the development pattern in order to reduce dependence on automobile use. Furthermore, Climate Action Strategy 3 targets transportation and mobility and identifies opportunities to improve mobility such as walking, bicycling, and transit use, and to decrease the need to drive.

The General Plan 2035 includes several Focus Areas where high density residential, mixed-use, business, and commercial centers would be located. For example, the North Murrieta Business Corridor would focus a mix of commercial and office and research park development around the Loma Linda University Medical Center as well as other support uses. The Clinton Keith/Mitchell Focus Area would provide a variety of uses within an area that is primarily residential uses. The South Murrieta Business Corridor would create a major employment center near proposed transit centers including



Metrolink and high speed rail stations. The Focus Areas improve the mix of uses within each area and within the City to create a jobs/housing balance, provide support uses to reduce travel distances, and focus development near planned mass transit facilities..

- J5. The comment states that the policies identified for operational air quality impacts are uncertain and unenforceable. However, the Draft EIR is a programmatic document that analyzes proposed land use changes and anticipated growth within the City. The air quality analysis does not review a specific development project. The General Plan 2035 contemplates development potential in various Focus Areas throughout the City. The proposed land uses as well as the General Plan 2035 goals and policies encourage locating employment centers, providing a mix of uses, and organizing these areas in proximity to existing and planned local and regional transit facilities. Future development projects would require individual CEQA review where specific impacts would be determined and necessary mitigation beyond the General Plan 2035 Goals and Policies would be identified if necessary, along with the requirement to identify mechanisms for timing and enforcement per CEQA.
- J6. The Commentator has correctly referenced Exhibit 5.11-1 and that future development within the North Murrieta Business Corridor would occur on lands designated in 2008 as Farmland of Local Importance.

Draft EIR Section 5.11.4, Project Impacts and Mitigation Measures, provides an analysis of impacts related to agricultural resources. To clarify the statement regarding Locally Important Farmland, the following modification on page 5.17-10 of the Draft EIR will be made in the Final EIR.

The 2008 Important Farmland map shows Locally Important Farmland throughout the City. However, as stated above, most of this land is not ~~believed to be~~ in agricultural production based upon City staff review of parcel records and field inspection, and therefore may not be eligible for inclusion on the Important Farmland maps expected to be released in 2011.

The purpose of an EIR is to determine if there are environmental impacts associated with a proposed project and the significance level of those impacts. For this Draft EIR, the impacts associated with implementation of the proposed project (General Plan 2035) were analyzed and significance levels determined. The Draft EIR is not required to determine the viability of potential agricultural lands. Those determinations are made by the California Department of Conservation and Riverside County. The Draft EIR has accurately reported the types of farmland within the City, based upon the best available information at the time the EIR was prepared.



The Commentator has offered suggestions for mitigation related to agricultural land. It is not necessary to include mitigation, as the impacts related to agricultural resources have all been determined to be less than significant.

- J7. The conclusions in the Draft EIR regarding biological resources are supported by the data and analysis in Section 5.10, which are based upon the *Western Riverside County Multiple Species Habitat Conservation Plan*, adopted June 17, 2003, and the *Western Riverside County Multiple Species Habitat Conservation Plan Final Environmental Impact Report/Environmental Impact Statement*, adopted June 17, 2003. Both documents have been incorporated by reference in accordance with *CEQA Guidelines* Section 15148, and described in Draft EIR Section 2.7, Incorporation By Reference. Section 2.7, which identifies the conclusions of the Final Environmental Impact Report/Environmental Impact Statement. The following text is restated from Draft EIR pages 2-16 and 2-17.

The impact conclusions for the Proposed Action/Proposed MSHCP from the EIR/EIS (Table ES-8) are provided below. All impacts were concluded to be less than significant, except for the following three significant and unavoidable impacts:

- 1) Sensitive Upland (chapparal, coastal sage scrub, desert scrub, grasslands, Riversidean alluvial fan sage scrub)*
- 2) Non-Covered Species*
- 3) Existing population and housing projections are substantially exceeded*

The following text is restated from Draft EIR pages 2-18 and 2-19 and summarizes the actions taken by the City of Murrieta related to the *Western Riverside County Multiple Species Habitat Conservation Plan* and the *Western Riverside County Multiple Species Habitat Conservation Plan Final Environmental Impact Report/Environmental Impact Statement*.

On September 16, 2003, the City of Murrieta City Council adopted Resolution No. 03-124, which is a resolution of the City Council of the City of Murrieta making responsible agency findings pursuant to the California Environmental Quality Act for the Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan and approving the Western Riverside County Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan and Implementing Agreement, adopting the environmental findings pursuant to the California Environmental Quality Act, and adopting a Statement of Overriding Considerations. With Resolution No. 03-124, the City Council resolved:



A. *The Final EIR/EIS prepared for the MSHCP has been received by the City Council and incorporated herein by this reference.*

B. *The City Council hereby finds and determines that the Final EIR/EIS has been completed in compliance with CEQA and the State CEQA Guidelines and, as the decision-making body for the City of Murrieta, the City Council has reviewed and considered the information contained in the Final EIR/EIS and related documents in the record and all of the environmental effects of the MSHCP.*

C. *The City Council concurs with the environmental findings in County Resolution No. 2003-299 and adopts these findings, attached hereto as Exhibit B and incorporated herein by this reference. The City Council also finds that there are no additional feasible mitigation measures or alternatives within its powers that would substantially lessen or avoid any significant effects that the MSHCP would have on the environment.*

D. *The City Council concurs with the statement of overriding considerations in County Resolution No. 2003-299 and adopts the statement, and finding that the benefits of the MSHCP outweigh the adverse environmental impacts not reduced to below a level of significance.*

E. *The City Council hereby approves the MSHCP and authorizes the Mayor to execute the Implementing Agreement.*

F. *The City Council hereby authorizes and directs that a Notice of Determination shall be filed with the Clerk of the County of Riverside within five (5) working days of approval of the Project.*

Section 2.8, CEQA Document Tiering, provides a description of how *Western Riverside County Multiple Species Habitat Conservation Plan* and the *Western Riverside County Multiple Species Habitat Conservation Plan Final Environmental Impact Report/Environmental Impact Statement*, were utilized in the Draft EIR.

The following text is restated from Draft EIR page 2-20.

In the case of this proposed project (General Plan 2035), a Final EIR/EIS was certified for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) in June 2003. The Final EIR/EIS analyzed the impacts associated with adopting the MSHCP, including the issuance of “Take” permits for certain species pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act and Section 2800 et seq. of the California Fish and Game Code. The MSHCP was previously described in Section 2.7, Incorporation by Reference, as were the five CEQA/NEPA (National Environmental Policy Act) topical areas reviewed in the Final EIR/EIS.



The Western Riverside County Multiple Species Habitat Conservation Plan Final EIR/EIS is considered a first-tier EIR. The EIR for this proposed project (General Plan 2035) is considered a second-tier EIR for the topic of biological resources. The analysis in this EIR has: 1) incorporated by reference the Western Riverside County Multiple Species Habitat Conservation Plan Final EIR/EIS and 2) will tier the analysis in this EIR to focus on impacts within the City of Murrieta not previously analyzed in the Final EIR/EIS.

The analysis is Draft EIR Section 5.10, Biological Resources, tiers of the data, analysis and conclusions in the Western Riverside County Multiple Species Habitat Conservation Plan Final EIR/EIS, and specifically addresses potential impacts associated with implementation of the Draft General Plan 2035, which is a policy document. No specific development projects are proposed with the Draft General Plan 2035.

Draft EIR pages 5.10-51 through 5.10-54 address consistency impacts with the Western Riverside County Multiple Species Habitat Conservation Plan. The analysis does identify land use Focus Areas that could have future development within the Proposed Linkages and Cores identified in the MSHCP, including the North Murrieta Business Corridor. The analysis correctly identifies that the City of Murrieta is a local Permittee under the MSHCP, and that future development would undergo environmental and design review on a project-by-project basis to confirm consistency with the City's MSHCP Implementation Policy and the MSHCP Specific Conservation Guidelines and Area Plan Conservation Criteria, as provided in the MSHCP and the City's adoption of same. In addition, future development's compliance with the HANS process would ensure consistency with the MSHCP. The analysis appropriately concludes that the less than significant impacts would occur and that the Draft General Plan 2035 does not conflict with the provisions of the Western Riverside County MSHCP.

Cumulative impacts are not ignored in the Draft EIR, but are discussed on Draft EIR pages 5.10-54 through 5.10-56. As noted on page Draft EIR page 5.1-54, "Cumulative biological impacts are analyzed in terms of consistency with the Western Riverside County Multiple Species Habitat Conservation Plan." Draft EIR page 5.10-56 states "*All future development within Western Riverside County would undergo environmental and design review on a project-by-project basis, in order to evaluate potential impacts to biological resources and ensure consistency with the Western Riverside County MSHCP. Future development with potential to impact biological resources would also be required to comply with the established Federal and State regulatory framework.*" This statement is appropriate for a Program EIR and for the purpose of analyzing cumulative impacts consistency with the *Western Riverside County MSHCP*.

As noted above, no specific development projects are proposed with the Draft General Plan 2035. In addition, the Draft EIR has been prepared as a Program EIR in compliance with *CEQA Guidelines* Section 15168. Subsequent development projects proposed within the City must be reviewed in the context of the Program EIR to determine if



additional environmental documentation is required. If the subsequent project would have environmental effects not addressed in the Program EIR, additional environmental review will be required. Where no new effects and no new mitigation measures are involved, the subsequent project can be approved without additional environmental documentation. Where an EIR is required for a subsequent project, the EIR should implement the applicable mitigation measures developed in the Program EIR, and focus its analysis on site-specific issues not previously addressed.

The Commentator's statement that the Draft EIR does not address species not listed by the MSHCP is incorrect. As noted in Section 5.10.2, Environmental Setting, page 5.10-35 of the Draft EIR, a total of 27 special status species (plants and wildlife), seven special status plant species (i.e., Federal or State Endangered or Threatened or California Species of Concern), and 20 special status wildlife species (i.e., Federal or State Endangered or Threatened or California Species of Concern) are known or expected to occur within the City or the Sphere of Influence. As noted in Table 5.10-2 in the Draft EIR, all 54 of the special status species, both plants and wildlife, have been identified within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Thus, based upon information available at the time the Draft EIR was prepared, all identified species within the City and the Sphere of Influence are covered by the MSHCP. And therefore, the impact conclusion on the bottom of page 5.10-40 of the Draft EIR correctly states "All 54 Planning Species (Listed and Non-Listed) known or expected to occur in the City/SOI are adequately conserved under the MSHCP."

In addition, the City received a letter from the Regional Conservation Authority (RCA) regarding the Draft General Plan and EIR, and provided the following statement.

"The Draft General Plan and DEIR accurately document the City's reliance on the MSHCP for species take on public and private development if the MSHCP's provisions are implemented as required by the Implementing Agreement (IA). If the City maintains consistency with the MSHCP on a project by project basis the MSHCP provides the mitigation for direct, indirect, and cumulative impacts to biological resources under the California Environmental Quality Act."

- J8. Section 5.1.4 of the Draft EIR does conclude that the proposed project (General Plan 2035) would conflict with the Riverside County Airport Land Use Compatibility Plan, and as such impacts were concluded to be significant unavoidable (refer to Draft EIR pages 5.1-54 and 5.1-55).

The following text is restated from Draft EIR page 5.1-54, and provides the analysis for the impact conclusion.

The existing General Plan is not consistent with the Compatibility Plan, as the General Plan land use designations do not meet the density or intensity criteria specified in the Compatibility Plan, even with the implementation of mitigation



measures identified in the French Valley Airport Land Use Compatibility Plan Initial Study and Mitigated Negative Declaration. The proposed General Plan 2035 is not recommending any land use changes for the areas within the French Valley Airport Compatibility Zones. Thus, new land use compatibility impacts with the Compatibility Plan for French Valley Airport would not occur. However, existing incompatibility impacts would continue to occur as the proposed General Plan 2035 land use designations for areas within the Airport Zones would remain unchanged. Therefore, as with the existing General Plan, the proposed General Plan 2035 land use designations would not meet the density or intensity criteria specified in the Compatibility Plan, resulting in a significant and unavoidable impact.

As noted in the text from page 5.1-54 in the Draft EIR, the existing General Plan is not consistent with the Compatibility Plan and the proposed General Plan 2035 is not proposing any land use changes for areas within the French Valley Airport Compatibility Zones. It is not necessary to impose new mitigation measures, as the mitigation measures adopted as part of The French Valley Airport Land Use Compatibility Plan Initial Study and Mitigated Negative Declaration (September 2007), which are listed on Draft EIR page 5.1-9, are still applicable.

In addition, a local agency may overrule the Airport Land Use Commission's inconsistency finding. The following text is restated from Draft EIR page 5.1-10.

A local agency general plan or specific plan that includes areas covered by an adopted ALUCP must submit its general plan or specific plan (or any amendments thereto) to the ALUC for a consistency determination. If the general plan or specific plan is considered inconsistent with the ALUCP, the local agency's governing body may "overrule" the ALUC's inconsistency determination after a hearing by a two-thirds vote. In overruling the ALUC's determination, the local agency's governing body must make findings that its general plan or specific plan is consistent with the purposes of the State Aeronautics Act, as stated in California Public Utilities Code Section 21670.

The following statements are acknowledged and will be forwarded to the Planning Commission and City Council for their consideration.

“Furthermore, no policy justification can be provided for allowing houses and other uses within airport hazard zones at densities greater than what is recommended by the ALUC. It is also unclear why the land use designations within the hazard zones cannot be modified or otherwise brought into compliance with the density and other restrictions of the ALUC Plan under the new General Plan.”



On May 12, 2011, the City of Murrieta received a conditional consistency finding from the Riverside County Airport Land Use Commission with the French Valley Airport Land Use Compatibility Plan. The consistency finding was made with the addition of several policies into the Final General Plan 2035 requested by the Riverside County Airport Land Use Commission, as well as modification to the lowest residential density per acre for the Rural Residential designation. For the Final General Plan 2035, the following changes will be made: 1) Change the Rural Residential density standard from 0.4 to 1.0 dwelling units per acre to 0.1 to 1.0 dwelling units per acre; 2) Add a policy in the Land Use Element requiring land division projects in the Rural Residential and Single-Family Residential designations that are located within Compatibility Zones C and D to be submitted to the Airport Land Use Commission for consistency review; 3) Add a policy that commercial development and places of assembly within Compatibility Zones B1, C, and D be submitted to the Riverside County Airport Land Use Commission for consistency review, and 4) Add a policy that development shall accommodate open areas as determined by their respective Compatibility Zone. Compliance with these items makes the General Plan 2035 consistent with the French Valley Airport Land Use Compatibility Plan, and will modify the conclusion of a significant unavoidable impact in the Draft EIR to a less than significant impact in the Final EIR.

- J9. Refer to Response J7.
- J10. Refer to Response J8. In addition, the conclusion regarding Airport Hazards impacts in Draft EIR Section 5.14 is less than significant with compliance with General Plan 2035 Goal LU-25, policies LU-25.8 and LU-25.9, and Mitigation Measure HHM-4. The conclusion is appropriate and no additional mitigation measures are needed.
- J11. The comment states that the Draft EIR fails to provide information of the noise levels produced by the construction equipment or the transport of workers and equipment to the construction sites. As noted above, the Draft EIR provides a programmatic analysis of the proposed land use changes and anticipated growth within the City. The construction noise analysis does not review a specific development project. Construction noise may vary widely depending on the type of construction activity, the duration of activity, and specific equipment used.

The City recognizes that construction-related noise could result in localized noise impacts. However, Goal N-4 and the associated policies are provided in the General Plan 2035 and Draft EIR to reduce noise levels from construction activities to an acceptable level. These goals and policies would regulate construction activities, limit the hours, employ construction noise reduction methods, and review activities on a case by case basis to manage these impacts. With the implementation of these policies, the City has determined that construction noise would be managed to a reasonable level. Future development projects would require individual CEQA review where specific construction impacts would be determined and necessary mitigation would be identified.



- J12. The Draft EIR acknowledges that with implementation of the General Plan 2035, some residential uses would experience noise levels that would exceed the allowable Land Use Compatibility Criteria. However, Goal N-3 and the associated policies would minimize noise from mobile sources. The associated policies consider noise mitigation measures in the design of and improvements to streets, highways, and freeways as well as working with Caltrans to achieve maximum noise abatement for highway and freeway projects. Compliance with the General Plan 2035 goals and policies would reduce traffic noise exposure at sensitive land uses. Implementation of the goals and policies would be realized through the review of individual development projects by the City for project-specific impacts during any required environmental review. If project-specific significant impacts are identified, specific mitigation measures would be placed on the project as conditions of approval to ensure compliance with the appropriate Land Use Criteria Compatibility Criteria.
- J13. *CEQA Guidelines* Section 15155 requires the preparation of a water supply assessment for any “water demand project” defined in this section, as well as in *California Water Code* Section 10912. The definition of a “water demand project” relates specifically to development projects or development land use plans, as opposed to programmatic plans, such as a General Plan. Therefore, the preparation of a General Plan does not fit within the statutorily defined “water demand project.”

As noted in the Office of Planning and Research’s *General Plan Guidelines 2003*, cities are required to coordinate with water providers. Prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency must send a copy of the proposed plan or amendment to any public water system, as defined in *Health and Safety Code* Section 4010.1, with 3,000 or more service connections and that serves water to customers within the area covered by the proposal. The public water system has at least 45 days to comment on the proposed plan in accordance with *Health and Safety Code* Section 4010.1(b) and to provide the planning agency with the information set forth in *Government Code* Section 65958.1. Additionally, upon adoption or amendment of the general plan, the same referral must be made (*Government Code* Section 65357(a)). Furthermore, *Government Code* Section 65352.5 directs the water supplier to provide a copy of its most recent Urban Water Management Plan and other water supply information to the city or county upon receiving the aforementioned notice.

The City of Murrieta has complied with *Health and Safety Code* Section 4010.1 and sent the Draft General Plan 2035 and Draft EIR to the following four agencies: 1) Eastern Municipal Water District; 2) Elsinore Valley Water District, 3) Rancho California Water District, and 4) Western Municipal Water District. Urban Water Management Plans (UWMP) are required to be updated every five years. The revised growth projections for the General Plan 2035 will be forwarded to the applicable water districts to use in their 2010 UWMP update.



The 2005 Urban Water Management Plans for the four districts were the most recently adopted UWMPs, and thus served as the basis for Draft EIR Section 5.15, Water Supply. The 2005 Urban Water Management Plans provide a long-range (25-year) assessment; the horizon year is 2030. Clarifying text will be added to the Final EIR to document near-term and long-term water supplies for the four water districts, which will be detailed below. The 2005 UWMPs prepared for all four water districts (Rancho California Water District, Elsinore Valley Municipal Water District, Western Municipal Water District, and Eastern Municipal Water District) indicate there are sufficient water supplies based on normal, dry and multiple dry years and water shortage contingency plans to meet existing and future regional water needs through 2030.

The following text changes will be made to Section 5.15.2, Water Supply, in the Final EIR.

Rancho California Water District. The following paragraphs will be added following the last paragraph on page 5.15-14 of the Draft EIR under the subheading of Rancho California Water District. The text will be included in Section 5.15.2, Environmental Setting.

Near-Term and Long-Term Water Supply¹

The implementation of RCWD's Regional Integrated Resources Plan (IRP), would allow the District to meet demands over the next 45 years in a sustainable and cost-effective manner. It would also reduce the dependency on treated imported water from MWD, and help hedge against droughts and other emergencies by maximizing local groundwater.

The IRP has determined that its local supply of groundwater and recycled water is 100 percent reliable for the period extending to 2030. To minimize fluctuations in groundwater production, the IRP recommends increasing groundwater recharge with additional purchases of imported water. This increase would permit increased withdrawals of groundwater while minimizing the chance of overdraft conditions and allow for storage of excess water for use in years when natural recharge is diminished as a result of hydrologic conditions. Recycled water supplies may insignificantly fluctuate during varying hydrologic conditions as conservation increases, but these slight fluctuations would not reduce the reliability of the recycled water supply. Normal year supplies vary and would continue to increase in the future as the population base in the service area increases requiring additional groundwater withdrawals and recycled water.

¹ 2005 Update of the Urban Water Management Plan, Rancho California Water District, CDM, December 2005 (refer to EIR Appendix N1: 2005 Urban Water Management Plan).



The IRP is designed to minimize any inconsistencies in its local supply sources and provide multiple flexible sources of water. Inconsistencies that could impact groundwater production include legal, environmental, water quality, and climatic conditions. Legal issues include use of groundwater basin by other producers, rights to store water at Vail Lake for recharge outside of the current period between November 1 and April 30. Environmental issues include disposal of brine associated with construction of a microfiltration/reverse osmosis (MF/RO) recycled water facility. Water quality issues revolve around contamination of groundwater basins, potential changes to water quality standards, and the use of MF/RO water for agricultural use.

RCWD’s imported water supply is purchased through EMWD and WMWD, but is obtained directly from MWD’s facilities. The agency demand projections for these two wholesalers are combined to arrive at one demand on MWD. Table 8-5 of the *2005 Update of the Urban Water Management Plan, Rancho California Water District* (refer to *Appendix N1, 2005 Urban Water Management Plan*), illustrates MWD’s existing and planned sources of water for the period 2010-2030. In summary, through 2030, the total MWD current and planned source of water is 3,459,500 AFY.

MWD has determined in the Rancho California Water District UWMP (RCWD UWMP) that its resource mix is 100 percent reliable for non-discounted non-interruptible demands using previous dry periods for the forecast period 2005-2030. Even though MWD can reliably meet RCWD’s demands, the capacity constraint issue associated with the turnouts would potentially cause future peak day water shortages after 2025. Implementation of RCWD’s IRP would eliminate the capacity constraints and resolve any peak day water shortages.

Overall, during single-dry and multiple-dry years RCWD’s combined local and imported resource mix is 100 percent reliable for non-agricultural customers with implementation of RCWD’s IRP. The IRP delineated supply sources are flexible and designed to supplement each other if one source is reduced.

Elsinore Valley Municipal Water District. The following paragraphs will be added following the last paragraph on page 5.15-15 of the Draft EIR under the subheading of Elsinore Valley Municipal Water District. The text will be included in Section 5.15.2, Environmental Setting.

Near-Term and Long-Term Water Supply²

The projected normal water year supply includes local groundwater and surface water as well as imported MWDSC water sources. *Table 5.15-3* above summarizes the projected normal water year supply until 2030. According to the *Urban Water*

² *Urban Water Management Plan Final Report, Elsinore Valley Municipal Water District, MWH, December 2005 (refer to EIR Appendix M1: 2005 Urban Water Management Plan).*



Management Plan, Elsinore Valley Municipal District (refer to Appendix M1, 2005 Urban Water Management Plan), current and anticipated future supplies are sufficient to meet the projected normal year water demand through 2030.

EVMWD has predicted that sufficient supply also exists to meet the current and anticipated future demands for both single dry year and multiple dry year requirements through 2030. Dry years may prompt additional water conservation measures to ensure sufficient supply is maintained. After 2020, additional water from the MWDSC, not including the supply already planned for through the Auld Valley Pipeline (AVP) and Temescal Valley Pipeline (TVP), would be imported to supply increasing maximum day demand (MDD).

Western Municipal Water District. The following paragraphs will be added following Table 5.15.-4 of the Draft EIR under the subheading of Western Municipal Water District. The text will be included in Section 5.15.2, Environmental Setting.

Near-Term and Long-Term Water Supply³

The projected normal water year supply includes both potable water from the SWP for various uses and the untreated non-potable water from the CRA for agricultural and landscape irrigation. Wholesale water sales also comprise a portion of the supply Western receives from MWD. As mentioned above and according to the *Urban Water Management Plan, Western Municipal District* (refer to Appendix O1, 2005 Urban Water Management Plan), MWD has projected that sufficient supplies exist to meet the demands for their agencies through 2030

Also mentioned above, MWD has predicted that sufficient supply also exists to meet demands for both single dry year and multiple dry requirements through 2030. As required, droughts may prompt additional water conservation measures to ensure sufficient supply is maintained. However, normal demands are used to provide conservative estimations of demand. MWD has projected that sufficient supplies exist to meet demands during dry years for their agencies. Therefore, supplies would equal demands since MWD would deliver the needed quantities of water while placing supplies not required on a yearly basis into storage for use in emergency conditions or droughts. The Riverside/Corona Feeder project would provide infrastructure to allow WMWD to purchase SWP water from MWD, store it in the San Bernardino Basin Area, and extract as needed.

Eastern Municipal Water District. The following paragraphs will be added following Table 5.15.-5 of the Draft EIR under the subheading of Eastern Municipal Water District. The text will be included in Section 5.15.2, Environmental Setting.

³ *Urban Water Management Plan, Western Municipal Water District, 2005* (refer to *EIR Appendix O1: 2005 Urban Water Management Plan*).



Near-Term and Long-Term Water Supply⁴

According to the *Urban Water Management Plan, Eastern Municipal District* (refer to *Appendix L1: 2005 Urban Water Management Plan*), EMWD has the supply needed to meet the demand of its customers through 2030. The conclusion is based on the assurances of MWD that it would be able to supply member agency demands, the reliability of local groundwater supplies achieved through groundwater management plans and the development of recycled water resources.

In addition to meeting the demand for a normal dry year, the law requires that water suppliers meet the need of its customers during a single dry year. For EMWD, meeting the minimal increase in demand due to a dry winter is accomplished through increasing the imports from MWD and utilizing groundwater production. MWD assures its member agencies that their needs would be met even during dry years. The groundwater management plans assure that water recharged into the basins in wet years would be available in dry years.

During multiple dry years, resource planning by EMWD and MWD insures that consumer demands for water would be met. Since local resources are stable during a multiple dry year event and MWD resources are affected by weather fluctuations, the 1990-1992 hydrology conditions were considered. These were the dry years considered by MWD in planning for the worst case multiple dry year scenarios. With the assurance of MWD and the reliability of EMWD’s groundwater and recycled water, EMWD is confident of its ability to meet demand through 2030.

The growth associated with the proposed General Plan 2035 was compared against the most recently adopted UMWPs (2005), and the Draft EIR concluded that Murrieta would use only 2.36 percent of the 2030 water supply from the four water districts. The 2005 UWMPs prepared for RCWD, EVMWD, WMWD, and EMWD indicate there are sufficient water supplies based on normal, dry and multiple dry years and water shortage contingency plans to meet existing and future regional water needs, including the proposed General Plan 2035, through 2030.

The following text changes will be added to page 5.15-9 of the Draft EIR, preceding *Table 5.15-6*, in the Final EIR. The text will be included in Section 5.15.4, Project Impacts and Mitigation Measures.

⁴ *Urban Water Management Plan, Eastern Municipal Water District, 2005 (refer to Appendix L1: 2005 Urban Water Management Plan).*



Water Supply

Implementation of the proposed General Plan 2035 would result in additional development, resulting in an increase in the City's population and businesses, and thus, an overall increase in total water demand.

~~As stated,~~ The City relies on water connection services provided by four water districts: RCWD, EVMWD, WMWD, and EMWD. The UWMPs for all four water districts provide a long-range (25-year) assessment of water supply for each service area, which includes the City of Murrieta. An UWMP serves as a source document for cities and counties as they prepare their General Plans. Each water district has its own 2030 service area population projection derived from housing projections, SCAG projections, and persons per household data. The studies assess water supply to forecast year 2030 taking into consideration groundwater, imported, recycled and surface water supplies, as well as wastewater. In addition to water supply, the UWMPs address efficient use of water, demand management measures, implementation strategies and schedules, and other relevant information and programs.

The 2005 UWMPs prepared for RCWD, EVMWD, WMWD, and EMWD indicate there are sufficient water supplies based on normal, dry and multiple dry years and water shortage contingency plans to meet existing and future regional water needs through 2030. According to the UWMPs for each water district, the total planned water supply through 2030 for the RCWD, EVMWD, WMWD, and EMWD is ~~140,400~~ 98,931 AF/Y, 77,919 AF/Y, 241,649 AF/Y, and 245,200 AF/Y, respectively for a combined water supply of ~~705,158~~ 663,699 AF/Y; refer to Table 5.15-2, Table 5.15-3, Table 5.15-4, and Table 5.15-5. The City currently consumes approximately 39,179 AF/Y⁵ of water resources to meet all constituent existing demands; refer to Table 5.15-1. It is anticipated that water demand ~~would gradually increase associated~~ with implementation of the proposed General Plan 2035 would increase by approximately 13,946.036 gpd or 15,632 AF/Y⁶ in the year 2035; refer to Table 5.15-6, Forecast Year 2035 Water Demand. The proposed General Plan 2035 growth would require only ~~0.02222~~ 2.36 percent of the 2030 anticipated water supply from these four water districts. Table 5.15-6 averaged the RCWD Water Supply Generation Factor with the EVMWD Water Supply Generation Factor to calculate the entire City's existing water demand as these were the only available Water District Generation Factors. WMWD and EMWD were contacted but no Water District Generation Factors were made available. The WMWD and EMWD UWMPs were reviewed but didn't include Water District Generation Factors.

⁵ Rancho and Elsinore Water District generation factors (averaged the generation factors to calculate the entire City's existing water demand).

⁶ Rancho and Elsinore Water District generation factors (averaged the generation factors to calculate the entire City's forecast year 2035 water demand).



The following text changes will be added to page 5.15-9 of the Draft EIR, following Table 5.15-6, in the Final EIR. The text will be included in Section 5.15.4, Project Impacts and Mitigation Measures.

The 2005 UWMPs have a 25-year planning horizon to 2030, which includes the 2030 growth projections for the existing Murrieta General Plan (1994, amended 2006). The existing General Plan projects a total of 40,845 dwelling units and 49,073,504 square feet of non-residential uses. These uses generate a water demand of 54,355.52 AF/Y, which represents 8.19 percent of the total anticipated supply of the four water districts in 2030. As a point of comparison, the proposed General Plan 2035 includes 44,484 dwelling units and 50,189,652 square feet of non-residential uses. These uses generate a water demand of 59,009.68 AF/Y, which represents 8.89 percent of the total anticipated supply of the four water districts in 2030. The incremental increase of the proposed General Plan 2035 represents a 0.70 percent increase over what is currently accounted in the 2005 UWMPs.

Based upon the 2005 UWMPs, the four water districts would have adequate water supplies based on normal, dry and multiple dry years and water shortage contingency plans to meet the future regional water needs, including the growth anticipated with the proposed General Plan 2035, through 2030. It is too speculative to determine 2035 water supplies at this time.⁷ The water suppliers are planning to meet increased demand and reduce dependence on imported water. Their plans include water storage and groundwater recharge, treatment of wastewater to supply recycled water, and treatment of other non-potable water sources to increase potable water supply. RCWD plans to create additional wells and construct a facility to reduce the salinity of recycled water for agricultural use. EVMWD plans to increase its supplies of imported water and construction additional wells. WMWD plans include developing additional storage and pipeline infrastructure, and seeking diversions from the Santa Ana River. EMWD is seeking to increase water supplies through investment in facilities that treat wastewater, groundwater, and raw water from the State Water Project.

It is also worth noting that the Rancho California Water District provided a comment letter on the Draft EIR and raised no issues related to the impact conclusions.

Refer to Response J2 regarding the purpose and future use of Program EIRs. It is appropriate the individual water demands of future development would be studied to determine their consistency with the findings in the General Plan 2035 EIR.

⁷ This EIR is based upon the 2005 UWMPs, which were the most recently adopted UWMPs at the time the EIR was prepared. As of February 2011, the four water districts began the process of updating their 2005 UWMPs to 2010. The 2010 UWMPs will have a horizon year of 2035, but were not completed prior to release of the Draft EIR. The City of Murrieta will provide all four water districts with the Draft General Plan 2035 growth projections for inclusion in the 2010 UWMPs, as required by the California Government and Water Codes.



- J14. The Draft EIR has identified significant unavoidable traffic impacts for 16 intersections and to roadway segments shown on Exhibit 5.4-14, General Plan 2035 Daily Volume-to-Capacity Ratios.

The Commentator offers opinion that “The City cannot make the policy decision that the purported benefits of the project outweigh these significant new traffic impacts.” As part of the consideration of the Final EIR, the City Council will review and chose whether to adopt or not a Statement of Facts and Findings and a Statement of Overriding Considerations. The requirements for the Statement of Overriding Considerations are articulated in the following paragraph.

After considering the Final EIR in conjunction with making findings, the Lead Agency (City of Murrieta) must not approve the project if the project will have a significant effect on the environment after imposition of feasible mitigation measures, unless (emphasis added) the Lead Agency finds that the benefits of a proposed project outweigh the unavoidable adverse environmental effects (*CEQA Guidelines* Sections 15092 and 15096(h)). However, when approving a project with unavoidable significant environmental effects, the Lead Agency is required by CEQA to prepare a Statement of Overriding Considerations. The Statement of Overriding Considerations is a written statement explaining why the agency is willing to accept the significant effects (*Public Resource Code* Section 21081, *CEQA Guidelines* Section 15093), and requires the Lead Agency to balance the benefits of a proposed project against the unavoidable environmental risks in determining whether to approve a project. The Statement of Overriding Considerations sets forth the specific overriding social, economic, legal, technical, or other beneficial project aspects supporting the Lead Agency’s decision.

The Draft EIR identified no mitigation measures for traffic. With respect to the enforceability of air quality mitigation measures, refer to Response J3.

- J15. *CEQA Guidelines* Section 15064.4 requires future projects to comply with the policies of the Climate Action Plan (CAP) to reduce greenhouse gas (GHG) emissions. As a result, future projects would be required to reduce GHG emissions in order to achieve the City’s reduction goal and comply with the CAP. Mitigation would be required for future projects that are not compliant with GHG reduction strategies identified in the CAP.
- J16. Clarification text will be added to Draft EIR Section 3.2 following the last page paragraph on page 3-1, as shown below.

Economic Development Foundation for General Plan Update

Prior to commencing the comprehensive update to the City’s General Plan, the City Council undertook a number of steps that lead to Council’s determination that economic development is the City’s number one priority and how that priority would serve as the foundation for the General Plan Update.



February 2008

The City Council authorized a sub-committee of the Council, comprised of two Council members, to evaluate a land use strategy benefiting the City’s economic future. The Land Use Sub-Committee’s directive was to meet with staff (City Manager, Planning Director, and Economic Development Director) to discuss the City’s long-term economic opportunities, to determine if land uses and development standards should be amended to meet the City’s economic objectives for the generation of revenue and the promotion of jobs.

October 2008

The City Council put in place Murrieta’s first Comprehensive Economic Development Strategy (refer to Appendix U), which established economic development as the City Council’s number one priority. The strategy is intended to diversify the City’s economic base through three key purposes: 1) to serve as a roadmap for public and private actions to stimulate economic development, 2) encourage growth and diversification of the local economy, and 3) to promote the creation of higher pay jobs, income, and wealth in the community. The Strategy articulates a 20-year vision that includes both short-term and long-term actions, along with the following vision statements:

- Murrieta to become diversified retail, corporate, and business hub for the region, offering high quality development, safe environment, and outstanding quality of life.
- Murrieta will become home to technologically advanced firms, higher educational facilities, wide variety of national and upscale retail, sit-down restaurants, quality hotels and new specialty auto dealerships, and a revitalized Historic Downtown.

December 2008

A City Council workshop was conducted presenting the recommendations of the Land Use Sub-Committee and directed staff to return to the City Council with a work program and budget. The Land Use Sub-Committee determined that as land for office and research and development opportunities becomes saturated in the greater San Diego area, the City of Murrieta will provide the land for the next wave of development expansion. One intent of the general plan update is to place Murrieta in a positive position, so that when economic conditions improve, the City will be prepared to embrace that development expansion. The Land Use Sub-Committee was very sensitive to the desire to have a comprehensive update to the City’s General Plan in place for the 2010/11 market. The City’s first General Plan was adopted in 1994 and presented a low-intensity suburban vision that is not necessarily consistent with the economic strategy currently contemplated.

The Sub-Committee recommended the primary focus of land use considerations in the General Plan Update be those areas that have the greatest potential to accept the next



wave of economic expansion, including 1) Antelope Corridor (primarily east side of I-215 to Meadowlark Lane, and from Scott Road to Clinton Keith Road); 2) South Murrieta Business Corridor (generally from I-15 east to Jefferson Avenue and from Murrieta Hot Springs to the southerly City limits); 3) Murrieta Hot Springs North (generally between I-15 and I-215, between Murrieta Hot Springs and Los Alamos Roads).

April 2009

Staff gave a presentation to the City Council regarding the potential work program for comprehensive update to the General Plan, Zoning, and Development Code. The presentation identified three key questions related to Murrieta's Long-Term Vision: 1) Is it good for the City?, 2) Does it produce jobs?, and 3) Does it generate revenue?

June 2009

The City issued a Request for Proposal (RFP) for the Comprehensive General Plan Update, Redevelopment Area Land Use Analysis and Environmental Impact Report to prospective consultants. Section II of the RFP reiterates the City's focus on economic development for the general plan update.

The Murrieta City Council has designated Economic Development as its Number One Priority. The City has recently established its first Comprehensive Economic Development Strategy, which spells out the City's 20 year vision for Murrieta as a diversified business hub for Southwest Riverside County and neighboring North San Diego County. The Strategy seeks to encourage private sector investment in the creation of higher paying jobs, income, and wealth in Murrieta through economic diversification. Murrieta is seeking a full range of quality new development, including retail centers, which are anchored by department stores, national and lifestyle retailers, corporate/technology parks, hotels, and upscale restaurants. Murrieta is promoting itself, on a long term basis, as the home of technologically-advanced firms and higher educational facilities, including healthcare, medical facilities and services, software companies, engineering companies, medical device companies, biotechnology firms, defense contractors, research and development operations, green-tech, and light manufacturing. During the current economic downturn, the City is focused on creating the foundation for its future economic prosperity through public investments in its infrastructure and by adopting General Plan policies and Development Code regulations which promote the development of shovel ready sites.

In conclusion, the City Council established a Comprehensive Economic Development Strategy in October 2008, making economic development of Murrieta the number one priority for the City. The Strategy served as one of the key factors to initiate the comprehensive General Plan Update.



Clarification text will be added under the heading “Determination of Alternatives To Be Reviewed” on Draft EIR page 6-6 in the Final EIR to further detail the City Council’s number one priority of Economic Development, and how that priority influenced the selection of land use scenarios for the General Plan 2035.

Determination of Alternatives to Be Analyzed

Key factors used to determine the range of feasible alternatives to the proposed General Plan 2035 include the objectives established for the EIR process, the City Council’s number one priority of Economic Development, and ~~along with~~ the community values and vision for the General Plan 2035.

The basic objectives of the proposed General Plan 2035 and General Plan EIR are set forth specifically and in detail in Section 3.3, Statement of Objectives. Section 3.2, Background, provides the framework for the economic development foundation for the General Plan 2035, and is summarized in the following sentences. The City Council established a Comprehensive Economic Development Strategy in October 2008, making economic development of Murrieta the number one priority for the City. The Strategy served as one of the key factors to initiate a comprehensive General Plan Update. The update process involved a number of steps, including but not limited to, visioning and community involvement that led to the establishment of ten community priorities; a complete revision to all the elements, and the addition of new elements. The community priorities are reflected throughout the General Plan 2035, and have been previously stated in this Section. The land use alternatives for the General Plan Update were developed based upon the City Council’s number one priority along with the City’s goal to revitalize and make Murrieta a regional hub of economic activity. Both of these served as key driving factors for the update and ultimately to the City Council and Planning Commission selection of a Recommend Land Use Scenario and two additional alternatives (Scenario A and Scenario B). The land use changes identified in the Land Use Element that make way for this revitalization and economic activity are the cornerstones of General Plan 2035.

~~Community priorities have been previously stated in this section.~~ With these factors in mind, the following alternatives have been identified for detailed analysis in this section:

- No Project/Existing General Plan
- Scenario A
- Scenario B



The Recommended Land Use Scenario and Scenarios A and B were fully vetted by the City Council, Planning Commission, and community through land use meetings held in March through July 2010. A community workshop was held on March 27, 2010. In addition, land use meetings within the five areas designated for land use change were held in 2010, as listed below:

- North Murrieta Business Corridor – March 23 and June 2
- Clinton Keith/Mitchell – March 25 and June 8
- Multiple Use (MU-3) Area – April 22 and June 7
- Golden Triangle North – May 3 and June 10
- South Murrieta Business Corridor – March 29

The land use meetings were held to solicit input on the vision and land use alternatives for each focus area. These meetings were open to not only property owners and businesses within the focus area, but also open to all residents and property owners in the City.

In addition, two joint City Council and Planning Commission workshops were held on June 23, 2010 and July 6, 2010 to review land use alternatives for the five focus areas with land use change and to have the City Council and Planning Commission to select a recommended land scenario for each of the five areas. The joint City Council and Planning Commission workshops were publicly noticed and open to all residents and property owners.

Section 6.0, Alternatives, of the Draft EIR analyzed three alternatives to the proposed project in compliance with *CEQA* and the *CEQA Guidelines*: No Project/Existing General Plan Alternative, Scenario A Alternative, and Scenario B Alternative. Scenario A and Scenario B represent alternative land use scenarios developed during the Land Use Alternatives part of the update process. Thus, these are reasonable and feasible alternatives to the proposed project and are reflective of the City Council's number one priority of Economic Development and the City's goal to revitalize and make Murrieta a regional hub of economic activity. Both of these served as key driving factors for the update and ultimately to the City Council and Planning Commission selection of a Recommend Land Use Scenario and two additional alternatives (Scenario A and Scenario B).

The Draft EIR does identify Scenario A as the environmentally superior alternative to the proposed project and clearly articulates the reasons for the selection as environmentally superior. The Commentator offers his opinion regarding the selection of Scenario A as the environmentally superior alternative; however, the City does not concur with this opinion.



Future development under any alternative scenario reviewed in Section 6.0 (No Project/Existing General Plan Alternative, Scenario A Alternative, and Scenario B Alternative) would occur on vacant or underutilized land, both within the identified Focus Areas and throughout the City. It is this potential growth over existing conditions that results in the exceedance of the significance threshold criteria and the identification of significant unavoidable impacts for traffic, air quality, noise, and parks and recreation. As shown in Section 6.0, the traffic, air quality, and noise impacts are generally similar for the three alternatives reviewed as compared to the proposed project for this reason.

The Commentator opines that an alternative that reduces the commercial or other similar uses contemplated in the Focus Areas would lessen the significant traffic, air quality, and noise impacts of the project. The existing General Plan does just that and reflects different residential and non-residential land use alternative (less buildout potential) when compared to the proposed project, Scenario A Alternative, and Scenario B Alternative, particularly for the identified Focus Areas. However as the analysis in Section 6.0 shows, significant unavoidable traffic, air quality, and noise impacts would occur even if the existing General Plan remains in place and development proceeds according to that plan. It is the amount of vacant and underutilized land throughout the City and the potential future growth under the existing General Plan or any other land use alternative scenario that would generate the significant unavoidable impacts for traffic, air quality, and noise. Therefore, an alternative with reduced commercial and/or other similar uses would not eliminate significant unavoidable traffic, air quality, or noise impacts, and as such a review of the suggested alternative will not be added to the Final EIR.

COMMENT LETTER K



JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



March 25, 2011

Greg Smith
City of Murrieta
24601 Jefferson Ave
Murrieta, CA 90622

Subject: Murrieta General Plan Update
SCH#: 2010111084

Dear Greg Smith:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 24, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

CITY OF MURRIETA

MAR 30 2011

RECEIVED
PLANNING DEPT.

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010111084
Project Title Murrieta General Plan Update
Lead Agency Murrieta, City of

Type EIR Draft EIR
Description Comprehensive General Plan Update. Anticipated growth over existing conditions: +10,734 dwelling units and +36,210,757 square feet of non-residential uses (Commercial, Professional and Office/Office and Research Park, Business Park, Industrial, and Civic/Institutional). Land use changes are anticipated in five Focus Areas: North Murrieta Business Corridor, Clinton Keith/Mitchell, Golden Triangle North (Central Murrieta), South Murrieta Business Corridor, and Multiple Use 3 (MU-3).

Lead Agency Contact

Name Greg Smith
Agency City of Murrieta
Phone 951-461-6414 **Fax**
email
Address 24601 Jefferson Ave
City Murrieta **State** CA **Zip** 90622

Project Location

County Riverside
City Murrieta
Region
Lat / Long
Cross Streets
Parcel No.
Township

Range **Section** **Base**

Proximity to:

Highways Hwy 15, 215, 79
Airports Yes
Railways
Waterways Yes
Schools Yes
Land Use Multiple General Plan and Zoning Designations

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Department of Housing and Community Development; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 02/08/2011 **Start of Review** 02/08/2011 **End of Review** 03/24/2011



K. RESPONSES TO COMMENTS FROM SCOTT MORGAN, DIRECTOR, STATE OF CALIFORNIA, GOVERNOR’S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT, DATED MARCH 25, 2011.

- K1. The comment acknowledges the closing of the public review period on March 24, 2011 and forwards comments received by the State Clearinghouse during that time. The comment notes that the City has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. This comment is acknowledged, and no revisions to the Draft EIR are necessary.

One State agency provided comments to the State Clearinghouse on the Draft EIR: Native American Heritage Commission. Refer to Comment Letter C and associated responses.

COMMENT LETTER L

MaryAnn Shushan Miller

35510 Los Alamos Rd. * Murrieta, CA 92563 * (951) 505-7428 * maryannshushan@yahoo.com

=====

City of Murrieta
Greg Smith, Associate Planner

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March 8, 2011

The Citizens for Quality Life in Murrieta- CQLM, is a grassroots, local community group.

L-1

We support CQLM in their efforts as an advocate for General Plan Goals and Policies for the Los Alamos Hills Specific Plan to be included in this General Plan. Time is of the essence.

L-2

The staff and one councilman have agreed that the Los Alamos Hills shall have their Specific Plan. The General Plan, as written says otherwise.

L-3

The Goals and policies submitted by CQLM have been diluted and or omitted. The General Plan in its Environmental Impact Report (EIR) has policies in direct conflict with the Los Alamos Hills Specific Plan goals.

- 1) The city has not accepted and included in this Murrieta General Plan the boundary for the Los Alamos Hills Specific Plan area. Without this boundary, all of the EIR elements cannot be adequately studied and reviewed to allow tiering from this General Plan EIR when and if the Los Alamos Hills Specific Plan is adopted. Why is this important, the cost. If the EIR has not adequately addressed the impacts for the Los Alamos Hills Community, within these boundaries, then a new EIR will be required at hundreds of thousands of dollars. A significant impact and deterrent.
- 2) The Los Alamos Hills residents understand that to be a viable and sustainable Specific Area a mixed use zoning overlay must be included in most of the properties east of Warm Springs Creek designated for development. This zoning will allow some residential and some commercial development which will generate the revenue stream necessary to install and maintain, water, and sewer lines from the Sports Park to Winchester Road. This infrastructure improvement is crucial for public safety and for sustainability. Our ground water supply is being diminished by the normal ground water replacement being diverted as we are surrounded by high density development and EMWD digs new wells to meet this demand

L-4

L-5

- 3) The City signed a resolution 9/2004 agreeing to implement MSHCP (Multi-species Habitat Conservation Plan). This plan alludes to protecting endangered habitat, the reality is this plan is an experiment to "take" privately owned properties and introduce species into the area. We are all familiar with the Calvary Law suit with pre-condemnation and inverse condemnation issues. The plan is attempting to connect a "corridor" for these species to traverse through Murrieta and connect to other of the 15 member cities. The burden for the cost of this plan is being paid, in total, by the financial ruin of Los Alamos Hills's residents and the systematic destruction of this beautiful, historical, rural area. Los Alamos Hills could be a treasure for many families to enjoy.
- 4) Councilman Long is working on including goals and policies, in this General Plan to protect private property rights, and the city from inverse condemnation law suits. The proposed policies when implemented will provide relief for all city property owners under the blanket of MSHCP defacto zoning overlay. In the Hans process (Habitat Assessment and Negotiation process) willing sellers of portions of their land throughout the city would be able to file a joint HANS application aimed at connecting the "corridor" at the "low range" of the habitat range requirement for the city at 1,580 acres. The private property owners would be allowed to use the balance of their property and develop as allowed in their- zoning.

L-6

L-7

Citizens for Quality Life in Murrieta- CQLM is requesting and I support:

- Establish the Los Alamos Hills Specific Plan Boundary in this General Plan before adoption as submitted 12/29/2010 with the General Plan Goals and Policies for the Los Alamos Hills Specific Plan.
- We request the Planning commissioners to submit a proposal/demand to the City Council , that the Los Alamos Hills Specific Plan area boundary be designated as submitted by CQLM on behalf of the residents. This boundary would include the business park area and Regents Center proposed development, east of Warm Springs Creek in Los Alamos Hills Specific Plan area as a "mixed use" zoning.
- Establish a Capital Account to hold infrastructure funding collected, to replace funds previously collected from Los Alamos Hills residents and used elsewhere in the city, and collect future development impact fees from within the Los Alamos Hills Specific Plan area to help fund future infrastructure , roads, water, and sewer, so vital for the neglected core of Los Alamos area.
- The Los Alamos Hills residents by a 2/3 vote will adopt a self- assessment utilizing the 1913 act or similar funding mechanism for partially built, existing communities.
- All EIR conflicting policies should be removed or revised to allow the proposed development in Los Alamos Hills.
See LU-1.6 "...future development that reduce infrastructure need.."
and LU-1.7 "insure necessary capital improvements in place PRIOR to new development or completed concurrently".

L-8

L-9

Thank you for your help. We appreciate all you do.

Mary C. Shurhan Miller



**L. RESPONSES TO COMMENTS FROM MARYANN SHUSHAN MILLER,
DATED MARCH 8, 2011.**

- L1. The Commentator states her support for Citizens for Quality Life in Murrieta (CQLM) and their efforts related to the Los Alamos Hills Specific Plan and inclusion of the specific plan into the General Plan.
- L2. The Commentator makes a statement that City Staff and one councilman have agreed that the Los Alamos Hills shall have a Specific Plan, and that the General Plan as written says otherwise.

The General Plan 2035 is supportive of a Specific Plan for the Los Alamos Hills, and has identified the Los Alamos Hills as a focus area for policy change (no land use changes), and includes five goals (Land Use Element Goal LU-19 through LU-23) specific to this area, which are restated below:

GOAL LU-19 Preparation of a Specific Plan for the Los Alamos Hills area.

GOAL LU-20 West of Warm Springs Creek, preserve the historic rural character of the Los Alamos Hills area by maintaining its unique environment rural style with low-density development and small rural roads while preserving natural features.

GOAL LU-21 Appropriate land use transitions between rural land uses west of Warm Springs Creek and more intense land uses east of Warm Springs Creek.

GOAL LU-22 Natural and visual resources are valued resources to maintain the rural character of the Los Alamos Hills.

GOAL LU-23 A circulation system that provides adequate access for all property owners in the Los Alamos Hills area.

As shown above, Goal LU-19 calls for the preparation of a Specific Plan for the Los Alamos Hills area.

It is important to note that specific plans are a tool for implementing a general plan by establishing a link between implementing policies of a general plan and the individual development proposals within a defined area. Often times, specific plans establish new or unique zoning and development standards for defined areas.

Specific plans present the land use and design regulations that guide development, and/or incorporate land use and zoning regulations, infrastructure plans, and development approval processes for the development. They are organized into a concise set of



development policies and include land use regulations, a capitol improvement program, or financing program within a single document.

- L3. CQLM did submit draft goals and policies to City staff for inclusion in the General Plan 2035. However, some of the goals and policies submitted by CQLM have not been included in the General Plan 2035 due to: 1) recommendation of specific land use changes, 2) conflicts with other goals and policies in the General Plan 2035, 3) duplicative goals and policies with ones in the General Plan 2035, or 4) not appropriate to include due to legal implications for the City.

The Commentator has stated that the Environmental Impact Report (EIR) has policies in conflict with the Los Alamos Hills Specific Plan. That is the opinion of the Commentator. The Draft EIR references and is consistent with the goals and policies in the General Plan 2035.

- L4. With respect to the proposed boundary for the Los Alamos Hills Specific Plan, a formal application has not yet been submitted to the City. Thus, the General Plan 2035 does not include a definitive boundary, but instead identifies the area for a future specific plan, as shown on Exhibit 3-1, Specific Plan Areas. Only those areas with adopted Specific Plans have been shown on Exhibit 3-1. Upon adoption of a Specific Plan for Los Alamos Hills, Exhibit 3-1 would be updated.

The acceptance of a boundary for the Los Alamos Hills Area is one that will be presented to the Planning Commission and City Council for their consideration.

While the Draft General Plan 2035 and Draft EIR assume no land use changes for the Los Alamos Hills area, additional development potential (both residential and non-residential) has been included and modeled for traffic, air quality, and noise. The impacts associated with that development potential have been analyzed in the EIR. Future environmental review for the Los Alamos Hills Specific Plan will be able to utilize and tier off the General Plan 2035 EIR.

- L5. The future Los Alamos Hills Specific Plan would detail the type of land uses and zoning requested within the area, along with needed infrastructure to support the land uses. The future Los Alamos Hills Specific Plan would be considered for adoption by the Planning Commission and City Council.
- L6. The comment does not raise any issue with respect to the contents of the Draft EIR, or any environmental issue regarding the proposed project. However, this comment is acknowledged and will be forwarded to the decision-makers for their consideration. Because the Commentator does not specifically comment on the Draft EIR or raise any other CEQA issue, no further response is necessary.



- L7. The comment does not raise any issue with respect to the contents of the Draft EIR, or any environmental issue regarding the proposed project. However, this comment is acknowledged and will be forwarded to the decision-makers for their consideration. Because the Commentator does not specifically comment on the Draft EIR or raise any other CEQA issue, no further response is necessary.
- L8. The comment does not raise any issue with respect to the contents of the Draft EIR, or any environmental issue regarding the proposed project. However, this comment is acknowledged and will be forwarded to the decision-makers for their consideration. Because the Commentator does not specifically comment on the Draft EIR or raise any other CEQA issue, no further response is necessary.
- L9. As noted in Response L4, the Draft EIR does not include conflicting policies with those in the General Plan 2035. The two policies cited in the comment, LU-1.6 and LU-1.7, set appropriate policy direction for all development in the City, including future development within the Los Alamos Hills area. These two policies do not conflict with the goals and policies established for the Los Alamos Hills area in the General Plan 2035.

COMMENT LETTER M

CITIZENS FOR QUALITY LIFE IN MURRIETA – CQLM

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March 9, 2011

Mr. Greg Smith, Associate Planner
City of Murrieta 1 Town Square
24601 Jefferson Avenue
Murrieta, California 92562

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Dear Mr. Smith,

The Citizens for Quality Life in Murrieta (CQLM) has conducted their initial review of the City of Murrieta Draft General Plan and associated Draft Environmental Impact Report (EIR) and identified the main inconsistencies with the goals of the CQLM. We appreciate the time staff has taken to discuss the Los Alamos Hills area and look forward to finalizing our vision within the General Plan and EIR. In our review, we came across several items of concern to CQLM. The critical areas in which we would like to discuss further with staff are the following:

M-1

- The general plan does not identify mixed use analysis (60 % commercial and 40% residential) in the EIR for the transition area East of Warm Springs Creek with the 40% residential in the range of 5 to 10 dwelling units per acre. To be consistent with the General Plan the identified 5-10 dwelling units per acre must be analyzed utilizing a 60% commercial to 40% residential ratio over the land areas we have identified as mixed land use. The proposed General Plan has a mixed land use category for application to this area.-Please utilize the FAR for EIR analysis you have used on other mixed use properties located in the city analyzed in the EIR and use the appropriate residential designation used on analysis of other residential areas with the 5-10 DU per acre range-. This land use and analysis is requested for the preferred land use in the General Plan and EIR. In the alternative, our proposed policies and land uses must be used in the required CEQA EIR Alternatives Analysis.

M-2

The density projections in the General Plan for the Los Alamos Hills area are not consistent with projections of the future Los Alamos Hills Specific Plan submitted by CQLM in December, 2010. The General Plan identifies a future projection of 828 dwelling units for the Los Alamos Hills area where 1,200 (see calculation below) dwelling units were discussed with staff. There is no boundary to attach to your dwelling unit calculation Please identify the boundary used in your calculation. We believe staff calculated the density for one of the transition area properties within the Los Alamos Hills at 5 dwelling units per acre. This particular property was discussed with city staff for an anticipated 5 to 10 dwelling units. Please use the base density of 10 dwelling units when calculating the anticipated density so that the EIR accurately addresses the maximum case Los Alamos Hills impacts. We have attached a land use and boundary map (Attachment B) showing the

M-3

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Co-Chairman Mike O'Donnell
Secretary Gayle Vergara

Recording Treasurer Shawn Horwitz
Reporting Treasurer MaryAnn Shushan Miller
Communication Anne Lindsley
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anticipated densities for each residential property in the Los Alamos Hills Specific Plan for your reference. This was previously submitted by CQLM December 29, 2010.

- o (985 acres x 1 du /2.5 acre = 386 du) +
- o (90 acres x 1 du/acre = 90 du) +
- o (75 acres x 10 du/acre = 750 du)
- o 386 du + 90 du + 750 du = 1,226 dwelling units

M-3

Please also use the appropriate FAR for analyzing the future commercial we have identified for our area. The Commercial land use will be needed in the future to insure we have a balance of land uses in our Los Alamos Specific Plan area for appropriate revenue generation fo publicr infrastructure development.

M-4

It is unclear whether a subsequent General Plan Amendment would be required to implement the Los Alamos Hills Specific Plan. Please clarify that a Specific Plan will be initiated without a need for a General Plan Amendment and EIR. This is why it is appropriate for you to analyze our submitted land use plan and goals and policies. Unless the City correctly analyzes these as submitted, a subsequent General Plan amendment and EIR may be required. Please comment on this assumption.

M-5

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Page 2

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The Specific Plan boundaries in the General Plan are inconsistent with the boundaries desired by CQLM. The General Plan only states that “the property owners will determine the boundaries of the Specific Plan in the future”. The CQLM organization and its predecessor have developed a Specific Plan draft and specific boundaries. Please respect this work carried out over the past ten (10) years that represents our boundaries submitted to you in December 2010 but omitted in the draft GP. We do not need any more future conceptual groups or boundaries. Please use the boundaries we have submitted to the City for the GP analysis.

M-5

- It was agreed upon with city staff that CQLM may use a “Tiered” approach for the Specific Plan off of the General Plan EIR. If the correct boundaries are not identified in the General Plan, we believe that the EIR will not accurately assess impacts for the Los Alamos Hills area.

M-6

- The MSHCP boundaries are substantially different and larger than what was anticipated for future MSHCP conservation in our discussions with staff and Council for the area west of Warm Springs Creek. A portion of property in the transition area anticipated for commercial and residential development is also identified as proposed “Core” areas and linkages for conservation as well as a substantial amount of area within the 1 du/2.5 acre areas. This area is needed for future infrastructure improvement funds which will not be available if this area is placed in open space conservation. Please see Attachment D for your reference.

M-7

- The general plan does not identify mixed use analysis in the EIR for the transition area East of Warm Springs Creek in the 5 to 10 dwelling units per acre.. To be consistent with the General Plan the identified 5-10 dwelling units per acre must be analyzed utilizing a 60% commercial to 40% residential ratio over the identified mixed land use area..Utilize the FAR factors and dwelling unit factors you have used on other mixed use properties located in the city in the EIR to be consistent with the rest of the EIR analysis.

M-8

- One acre minimum lots as well as 5 to 10 dwelling units per acre areas are not specifically identified in the General Plan. Please include this language, as discussed with city staff, within the General Plan and EIR to accurately assess future growth and anticipated impacts in the EIR and to allow for the Specific Plan to be consistent with the General Plan and EIR.

We have also specifically reviewed all the General Plan goals and policies against those requested and submitted by CQLM in December, 2010 and identified four categories in our review: **consistent, generally consistent and omitted**. Subsequent to the consistency review of the goals and policies, we have identified areas of comment or concern within the individual General Plan Elements and EIR sections as they relate to CQLM.

M-9

The attached table (Attachment A) describes each Goal and Policy agreed to with CQLM and what was actually incorporated in the General Plan update.

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Page 3

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GENERAL PLAN – REVIEW SUMMARY BY ELEMENT

Chapter 1 – Introduction

Los Alamos Hills is not identified as a Specific Plan in this chapter. Please identify the SP area in this chapter.

Chapter 2 – Vision

No comments.

M-10

Chapter 3 – Land Use Element (ALSO REFER TO GOALS & POLICY TABLE)

M-11

Page 3-17: Los Alamos Hills is called out as a “Focus Area”; however, Exhibit 3-4 *General Plan 2035 Focus Areas* does not include the area as a focus area. Graphic representation is just as important and should be revised to avoid ambiguity in the future.

M-12

Page 3-18: Table 3-15 *2035 General Plan Focus Areas* – Los Alamos acreage in the table is shown as “TBD”. We believe that we do in fact have the Los Alamos Specific Plan acreage and boundaries and it is demonstrated in Attachment B and C for your reference.

M-13

Page 3-20: **Los Alamos Hills Location** language is consistent with the CQLM identified Specific Plan boundaries; however, Exhibit 3-1 *Specific Plan Areas* Los Alamos is identified as a “Future Specific Plan” area and the boundaries are **not** accurate. Please see the attached exhibit (Attachment C) to show CQLM desired boundaries.

M-14

Page 3-20: **Los Alamos Hills Background** describes that “future land use transitions east of Warm Springs Creek may be considered”. This language is too vague; please revise “may be considered” to “will be considered and is consistent with the Goals of Los Alamos Hills.”

M-15

Page 3-46: “There is an interest by some of the property owners within the Los Alamos Hills area to develop a Specific Plan that would maintain the rural core of the Los Alamos community west of Warm Springs Creek, while providing certain needed public services.” Please modify language to state that “There is an interest by MOST property owners...” and that property owners **will develop and submit** a Specific Plan for City processing that...”

M-16

Page 3-46: Accurate language – “The existing open space, future development pattern, and circulation system established for the area is intended to maintain and preserve the majority of area as a picturesque area, whose topography and setting contribute to the rural agricultural enclave.

M-17

Page 3-46: “Additional development anticipated under the General Plan 2035 includes an additional 157,453 square feet of commercial uses.” This is inconsistent with what is shown on Page 3-50 in Table 3-17 *Focus Area Land Use Projections* where it states **828 residential dwelling units AND 157,453 square feet of commercial uses**. The text and table need to be consistent when describing land use projections. Specifically, the text only states 157,453 square feet of commercial while the table states both the commercial square footage AND residential dwelling units. The Los Alamos Hills Specific Plan draft generated by City staff in 2008, with significant input for local residents and public officials, indicated the commercial portion would be included within the Specific Plan. Inclusion of this area needs to be clearly identified within the General Plan. The commercial square footage is very specific and it appears that

M-18

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it may be the commercial piece at the north eastern most portions. Clarification required. Projected dwelling unit count is inconsistent with what is anticipated for the Los Alamos Hills Specific Plan and what was discussed with Cynthia Kinser in an email dated November 19, 2010. In general, when calculating projections for General Plan purposes, we believe the conservative number should be used (also known as base density in the EIR). For example, the area known as the transition area is within the 5 to 10 du/acre @ 75 acres = 750 units at 10 du/acre as opposed to 5 du/acre = 390. We were also assured by staff and RBF on numerous occasions that the conservative assumption would be the density used to analyze traffic, land use impacts etc. Language on a transition area that includes 5 to 10 dwelling units per acre should be incorporated in the General Plan for Los Alamos Hills. There is no mention of this throughout the General Plan.	M-18
Page 3-46: Language needs to be inserted to state that a Specific Plan is required to implement the Los Alamos Hills area and not a General Plan Amendment and Specific Plan.	M-19
Chapter 4 – Economic Development Element No comments.	M-20
Chapter 5 – Circulation Element No comments.	M-21
Chapter 6 – Infrastructure Element Exhibit 6-1: Shows Liberty Rd still connecting to Winchester. All exhibits throughout the General Plan should reflect the most current Circulation Map Exhibit 5-10 which eliminates this connection.	M-22
Chapter 8 – Conservation Element The MSHCP boundary in the General Plan on Exhibit 8-3 go beyond what the Regional Conservation Agency (RCA) anticipated for their Conceptual Reserve for conservation in the Los Alamos Hills area and conflicts with the Los Alamos Hills Specific Plan goals. All areas of Los Alamos are anticipated for growth; however several of these growth areas are shown as a Core Area in the MSHCP, including a portion of the transition area as well as a substantial portion of the 1 du/2.5 acre areas. Unless adjusted, this designation may affect future development. This is inaccurate and needs to be modified to only show the areas previously shown by the RCA and include the 40% MSHCP conservation limits for Los Alamos based on our previously submitted boundary.	M-23
Chapter 9 – Recreation & Open Space No comments.	M-24
Chapter 10 – Air Quality No comments.	M-25
Chapter 11 – Noise No comments.	M-26

Chairman	Max Miller	Recording Treasurer	Shawn Horwitz
Co-Chairman	Mike O'Donnell	Reporting Treasurer	MaryAnn Shushan Miller
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Chapter 12 – Safety

No comments.

M-27

ENVIRONMENTAL IMPACT REPORT – REVIEW SUMMARY BY SECTION

The theme remains consistent with our review of the draft General Plan in that we believe Los Alamos Hills is not adequately represented in some areas. Most importantly, the Los Alamos Hills Specific Plan is supposed to be able to “Tier” off of the General Plan Environmental Impact Report and we believe the city’s assumptions for Los Alamos are too vague to do so. It is important that the city use the accurate density in order for the EIR review to be comparable to the Los Alamos Hills Specific Plan. The following is a summary by Section.

M-28

Section 5.1 – Land Use

Page 5.1-28: The EIR states that the Master Plan Overlay (MPO) may not be used within the Los Alamos District.

- o This may be an issue because it is this overlay that allows for clustering of units to efficiently utilize portions of a site that are best suited for development. This overlay is typically used for land that includes special terrain such as steep hillsides etc. and should not be restricted from the Los Alamos area.

M-29

Page 5.1-30: Base Land Use Density is described as follows: The base land use density refers to the maximum number of units per acre permitted under the corresponding zoning district. The base density for the Rural Residential category is 1 unit per acre. The base densities for the Single-Family Residential and Multiple-Family Residential categories are 10 units per acre and 30 units per acre, respectively.

M-30

- o This concept of base density should be used when making projections. For example, the transition area within the Los Alamos Hills Specific Plan has a range of 5-10 dwelling units per acre. Accordingly, the base density should be the 10 dwelling units per acre. You will remember that in the General Plan, the projected dwelling unit count for Los Alamos Hills was called out as 828 units. This is because the city used the 5 dwelling units per acre on the “transition property” rather than the base density of 10 dwelling units per acre. This needs to be corrected and ensure “Tiering” for the Specific Plan.

Page 5.1-32 & Page 5.1-62: The EIR states that though Los Alamos Hills is a Focus Area within the General Plan, it was not targeted for land use changes. The Los Alamos Hills area is identified as a “policy change” area rather than a “land use change” area. As long as it is clear that the Specific Plan will allow for greater density this would not be an issue; however, both the General Plan and EIR do not discuss increased density for Los Alamos Hills very clearly or analyze the higher density number.

M-31

Page 5.1-57: The EIR specifies that Specific Plans are used as implementation tools for the General Plan and establish more specific regulations and policies influencing development. This is the type of comment we were looking for in the General Plan but did not see. We believe this comment verifies that a General Plan Amendment is not required to implement the Specific Plan. It is fundamental that staff clearly identify that a General Plan Amendment is not required to implement the Los Alamos Hills Specific Plan in both the General Plan and EIR. We still; however, need the accurate density represented in the report for EIR analysis purposes. It is not clear that it does at this point.

M-32

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Section 5.2 – Population, Employment, and Housing

Page 5.2-7: states that the area to the west of Warm Springs Creek is primarily rural residential but does not speak to the area to the east. Increased density language for the transition area needs to be incorporated and used in EIR analysis.

M-33

Section 5.3 – Aesthetics

No comments.

M-34

Section 5.4 Traffic and Circulation

The Los Alamos Hills Specific Plan should be able to Tier off of the General Plan Environmental Impact Report. All sections need to assume the highest base density anticipated and as discussed with staff for the Specific Plan. It is clear that because the city assumes no land use change that the city's analysis for the EIR did not include the anticipated density. This needs to be incorporated in the city's analysis. It is not possible to tell from the EIR or technical reports if the higher density has been analyzed. Please provide clarification.

M-35

Section 5.5 Air Quality

No comments.

M-36

Section 5.6 Green House Gas

No comments.

M-37

Section 5.7 – Noise

Page 5.7-44: "Although some growth is anticipated within the Historic Murrieta Specific Plan and Los Alamos Hills Focus Areas, no land use changes are included in proposed General Plan 2035." Does this mean the Los Alamos Hills requires a General Plan amendment to process the Specific Plan? This comment is inconsistent with conversations with staff that indicated the Los Alamos Hills Specific plan can Tier off the General Plan Environmental Impact Report and that the General Plan would allow for and analyze the environmental impacts of the Los Alamos Hills increased development. All sections need to assume the density desired and discussed with staff for the Specific Plan.

M-38

Section 5.8 Geology and Seismic

No comments.

M-39

Section 5.9 Cultural

No comments.

M-40

Section 5.10 Biological

M-41

Chairman Max Miller
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Page 5.10-7: Conceptual Reserve Design – the transition areas are identified as proposed Core Areas; this was also mentioned in our General Plan comments. Please remove all the properties anticipated for development in the existing partially developed Core area and the transition areas from the conservation plan. The boundaries were expanded beyond what was originally reserved for conservation from the RCA.

M-42

Section 5.11 Agricultural

No comments.

Section 5.12 Mineral

No comments.

Section 5.13 Hydrology, Drainage & Water Quality

No comments.

Section 5.14 Hazards and Hazardous Materials

No comments.

Section 5.15 Water Supply

No comments.

Section 5.16 Wastewater

No comments.

Section 5.17 Fire Protection

No comments.

Section 5.18 Police Protection

No comments.

Section 5.19 School Facilities

No comments.

Section 5.20 Parks and Recreational Facilities

No comments.

Section 5.21 Solid Waste

No comments.

Section 5.22 Electricity and Natural Gas

No comments.

M-43

Diana

Chairman Max Miller
Co-Chairman Mike O'Donnell
Secretary Gayle Vergara

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Section 6.0 Alternatives

Minor comment: Page 6-3 there is an incorrect reference regarding the Focus Area Exhibit 3-3 when it should be 3-4.

M-44

Also, this section states that Los Alamos Hills is shown on this Focus Area Exhibit; however, it is not mapped on the exhibit. Please revise map to show Los Alamos Hills as a Focus Area.

M-45

Section 7.0 Other CEQA Considerations

No comments.

Section 8.0 Effect Found Not to Be Significant

No comments.

Section 9.0 Significant Environmental Effects Which Cannot be Avoided If The Proposed Action is Implemented

No comments.

Section 10.0 References.

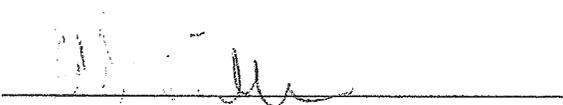
No comments.

M-46

In summary, we appreciate staff's considerations for the Los Alamos Hills Specific Plan area. We do believe; however, that there are significant issues that still need to be addressed within both the General Plan and Environmental Impact Report. We look forward to resolving these issues with you and your staff. We reserve the right to provide additional comments throughout the General Plan and CEQA process.

M-47

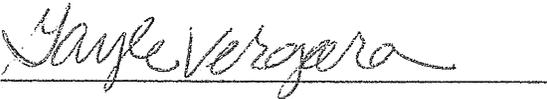
Sincerely,
Citizens for Quality Life in Murrieta-CQLM



Max Miller, Chairman



Mike O'Donnell, Co-Chairman



Gayle Vergara, Secretary



MaryAnn Shushan Miller, Rep. Trea.

Chairman Max Miller
Co-Chairman Mike O'Donnell
Secretary Gayle Vergara

Recording Treasurer Shawn Horwitz
Reporting Treasurer MaryAnn Shushan Miller
Communication Anne Lindsley
Historian Joyce Dodd

CQLM GOAL 1 – Adoption of Specific Plan.	MURRIETA GENERAL PLAN Preparation of a Specific Plan for the Los Alamos Hills area.	NOTES
<p>Creation and adoption of a Specific Plan for the Los Alamos Hills area will provide clear guidance to decision makers and the community for a) the preservation of the rural core of the area, b) enhancement of infrastructure, natural resources, and public safety for the entire planning area, and c) compatible development of a transitional land use area east of Warm Springs Creek that will buffer the rural residential core on the west from the more intense and non-compatible uses within the eastern boundaries of the Los Alamos Hills Specific Plan area.</p> <p>Special funding and tax mechanisms such as the use of a Development Agreement with the eastern area individual landowners and developers in these transitional business park, commercial, and residential land use areas can be one financing vehicle to accomplish the objectives of the Los Alamos Hills infrastructure funding programs for the core area. Other funding mechanisms such as a 1973 Act Assessment District and Community Facility District shall also be studied and investigated. These transitional land areas should not receive final zoning and entitlements until a Los Alamos Hills area wide infrastructure study is prepared and these transitional area property owners and developers agree to formally participate in funding these required infrastructure studies, and subsequently funding a significant portion of the needed infrastructure costs as a tradeoff for the increased property values added by the future increased urban zoning in these transitional residential, commercial, and business park land use areas inside the rural Los Alamos Hills Specific Plan area.</p>	<p>Goal LU-19 Preparation of a Specific Plan for the Los Alamos Hills area.</p> <p>LU-19.1 Bring together the property owners in the Los Alamos Hills area to determine the land area to be included in a future Specific Plan.</p> <p>LU-19.2 Bring together the property owners to develop a consensus-based Specific Plan.</p> <p>LU-19.3 Encourage the Los Alamos Hills community groups, such as the Citizens for Quality of Life in Murrieta (CQLM), and property owners to work together with infrastructure providers and the City to identify infrastructure needs and costs, as well as financing options and timing for roads, road improvements, and water and sewer infrastructure, throughout the future Los Alamos Hills Specific Plan area.</p>	<p>Generally Consistent - Not as specific on the language but kept it general to allow for the community to address infrastructure needs and financing. These are shown throughout the General Plan in Land Use, Circulation and Infrastructure Elements and appreciated.</p> <p>LU-19.3 Add the language: " Encourage the Los Alamos Hills community groups, such as the Citizens for Quality Life in Murrieta (CQLM), existing property owners and transitional property owners to work together with the infrastructure providers and the city to complete an area wide infrastructure study to identify infrastructure needs and costs, as well as financing options and timing for roads, road improvements, and water and sewer infrastructure, throughout the future Los Alamos Hills Specific Plan area. Transitional property owners shall not receive final zoning and entitlements until the area wide infrastructure study is complete and formal agreement is reached for subsequent funding of needed infrastructure costs inside the rural Los Alamos Hills Specific Plan area.</p>
<p>Goal 2 Rural Character West of Warm Springs Creek, preserve the historic rural character of the Los Alamos Hills area by maintaining its unique rural style environment with low-density residential development and small rural roads while preserving natural features where possible and practicable.</p> <p>Policy 2.01: Maintain the existing 2.5 acre minimum residential parcel size as the principal means of maintaining the desired rural character of the Los Alamos Hills area, west of Warm Springs Creek; (see attached exhibit).</p> <p>Policy 2.02: Through adoption of the Specific Plan, establish and enforce supplemental development standards for all new construction to ensure high quality rural development in the</p>	<p>Goal LU-20 West of Warm Springs Creek, preserve the historic rural character of the Los Alamos Hills area by maintaining its unique environment rural style with low-density development and small rural roads while preserving natural features.</p> <p>Goal LU-20: West of Warm Springs Creek, preserve the historic rural character of the Los Alamos Hills area by maintaining its unique environment rural style with low-density development and small rural roads while preserving natural features.</p> <p>LU 20.1 Maintain the existing 2.5-acre minimum residential parcel size west of Warm Springs Creek.</p> <p>LU-20.2 Establish development standards for all new construction to ensure high quality rural development in the area west of Warm Springs Creek.</p>	<p>Add the language: ".....natural features where possible and practicable."</p> <p>Consistent - Maintains consistency with CQLM policies.</p> <p>I Add the language: " Through adoption of the Los Alamos Hills Specific Plan, establish and enforce development...."</p>

<p>Specific Plan area, for development west of Warm Springs Creek.</p>	<p>LU-20.3 Establish unifying visual elements, such as split rail fencing, mature native trees, and well-spaced homes as a means of distinguishing the Los Alamos Hills community as a rural historic enclave within Murrieta's surrounding increased density development. For higher density residential business park, and commercial development east of Warm Springs Creek, establish standards that continue and reinforce the visual rural elements of the Los Alamos Hills core areas to the west.</p>	<p>Generally Consistent but omitted language is an important issue. Gray area omitted from General Plan. Maintains consistency with CQLM policies. However, no reference to higher density or business park areas east of Warm Springs Creek.</p>
<p>Policy 2.03: Existing land uses in the Los Alamos Hills area will be allowed to remain without undue hardship and impact by the new Los Alamos Hills Specific Plan Zoning regulations, including the replacement of or addition to existing manufactured housing with new manufactured housing product.</p>	<p>LU-20.6 Allow the keeping of personal livestock for both commercial and non-commercial purposes pursuant to the standards in the City's Development Code, and as may be modified through a Specific Plan.</p>	<p>Omitted from General Plan. CQLM concern.</p>
<p>Policy 2.04: Allow the keeping of personal livestock for both commercial and non-commercial purposes pursuant to the standards in the Development Code and as may be modified through the Specific Plan.</p>	<p>LU-20.7 Allow commercial farms, tree crops and other agricultural uses on lots of at least 2.5 acres in size consistent with Los Alamos' long history as an agricultural community.</p>	<p>Consistent - Language is consistent with CQLM requests.</p>
<p>Policy 2.05: Require the construction of compatible, well designed conventional homes, west of Warm Springs Creek.</p>	<p>LU-20.4 Encourage the construction of homes and accessory structures, west of Warm Springs Creek that is compatible with surrounding residential uses and the rural character of the Los Alamos Hills area.</p>	<p>Consistent - Generally the same language.</p>
<p>Policy 2.06: Require the design of homes and accessory structures, in keeping with the rural character of the Los Alamos Hills area.</p>	<p>LU-20.4 Encourage the construction of homes and accessory structures, west of Warm Springs Creek that is compatible with surrounding residential uses and the rural character of the Los Alamos Hills area.</p>	<p>Consistent - Modified language but still consistent.</p>
<p>Policy 2.07: Disallow urban features such as small lots, conventional sidewalks, and conventional street lights, west of Warm Springs Creek.</p>	<p>LU-20.9 Discourage features such as small lots, conventional sidewalks, or conventional street lights, west of Warm Springs Creek.</p>	<p>Consistent - Language is consistent with CQLM requests.</p>
<p>Policy 2.10: Require the minimal use of outdoor lighting to maintain the nighttime dark sky in this rural Los Alamos Hills area.</p>	<p>LU-20.10 Encourage the minimal use of outdoor lighting to maintain the nighttime dark sky in the rural Los Alamos Hills area.</p>	<p>Consistent - Language is consistent with CQLM requests.</p>
<p>Policy 2.11: Develop Specific Plan land use regulations, for the area west of Warm Springs Creek, which allow the grouping of building sites on larger properties that contain steep terrain or other site constraints to achieve development parity or equity with flat areas in the same area while adhering to a maximum density of one (1) dwelling unit (and secondary structures) per each 2.5 acres of lot area.</p>	<p>LU-20.5 Consider Specific Plan land use regulations for the area west of Warm Springs Creek that allow the grouping of building sites on larger properties with steep terrain or other site constraints, while adhering to a maximum density of one dwelling unit per each 2.5 acres of lot area.</p>	<p>Generally Consistent - Gray language omitted. Maintains consistency with CQLM policies.</p>
<p>Policy 2.12: Allow for the placement of non-attached secondary dwelling units and or barn/storage facilities on large lots with terraced and variable terrain. Implement Specific Plan</p>	<p></p>	<p>Omitted - Language not found in the General Plan. CQLM concern. Include as a policy. Very important for development parity or equity with flatter lots in the same</p>

<p>conservation agencies. Develop programs and standards that discourage and minimize any additional taking of private land for MSHCP conservation related purposes.</p>		
<p><u>Policy 4.03:</u> Visual resources within the district, such as rock outcroppings and scenic views of the local hills and valleys, should be conserved to the greatest degree practicable.</p>	<p>LU-22.1 Encourage the preservation of natural and visual resources within Los Alamos Hills, such as rock outcroppings and scenic views of the local hills and valleys, to the greatest degree practicable.</p>	<p>Consistent - Language was modified but still consistent with the CQLM Goals and Policies.</p>
<p><u>Policy 4.04:</u> Require that new construction and landscape design be conducted in a manner that uses grading techniques to mimic the natural terrain.</p>	<p>LU-22.2 Encourage new construction and landscape design that utilizes grading techniques to mimic the natural terrain.</p>	<p>Consistent - Language was modified but still consistent with the CQLM Goals and Policies.</p>
<p><u>Policy 4.05:</u> The Specific Plan should develop a mechanism so that, over time, non-native trees shall be replaced or supplemented with native tree species as a condition of new development or when other opportunities arise.</p>		<p>Omitted - Not included in the General Plan is not of concern to CQLM.</p>
<p><u>Policy 4.06:</u> Require that new development minimizes impacts to existing water courses, mature trees, and natural features as much as possible. In those cases that these areas/features are impacted, the final design should provide adequate mitigation, either on-site or in nearby areas.</p>	<p>LU-22.3 Encourage development that minimizes impacts to existing water courses, mature trees, and natural features as much as possible. In those cases that these areas/features are impacted, the final design should provide adequate mitigation on-site and/or in nearby areas.</p>	<p>Consistent - Language was modified but still consistent with the CQLM Goals and Policies.</p>
<p><u>Policy 4.07:</u> Require healthy and structurally sound, existing groves of eucalyptus and other mature non-native trees located west of Warm Springs Creek to be considered a visual asset to the area, and should be conserved and maintained to the maximum degree practicable.</p>	<p>LU-22.4 Encourage healthy and structurally sound, existing groves of eucalyptus and other mature non-native trees located west of Warm Springs Creek to be considered a visual asset to the area, and should be conserved and maintained to the maximum degree practicable.</p>	<p>Consistent - Language was modified but still consistent with the CQLM Goals and Policies.</p>
<p><u>Policy 4.08:</u> Require new developments to replace or supplement with native tree species as opportunities arise.</p>	<p>LU-22.5 Encourage new development to replace or supplement with native tree species as opportunities arise.</p>	<p>Consistent - Language was modified but still consistent with the CQLM Goals and Policies.</p>
<p><u>Policy 4.09:</u> Require the development of an extensive trail system within the MSHCP and other open space that connects to a trails system within or adjacent to the existing and future street system, including linkage through the transitional density buffer zone residential areas east of Warm Springs Creek to the open space corridor along Adobe Creek.</p>	<p>LU-22.6 Encourage the development of an trail system within the Multiple Species Habitat Conservation Plan (MSHCP) and other open space areas that connects to a trails system within or adjacent to the existing and future street systems, including linkage through areas east of Warm Springs Creek (such as but not limited to a transitional buffer area) to the open space corridor along Adobe Creek. Trails adjacent to streets should allow for multiple users and provide buffers between vehicles and trail users.</p>	<p>Consistent - Language was modified but still consistent with the CQLM Goals and Policies.</p>
<p>GOAL 5 - Circulation. The Los Alamos Hills community has a variety of street classifications within and abutting its boundary. The City as a whole needs the larger streets such as Clinton Keith and Winchester Roads for general circulation while the Los Alamos Hills community is dependent upon small rural streets for internal and/or community circulation. Further, some of the streets within the Hogback portion of Los Alamos Hills are private dirt roads which the community desires to improve to a</p>		<p>Omitted - Important Issue Not included in the General Plan but is of concern to CQLM. Include as GOAL 5, in its entirety. Important for a new rural road standard.</p>

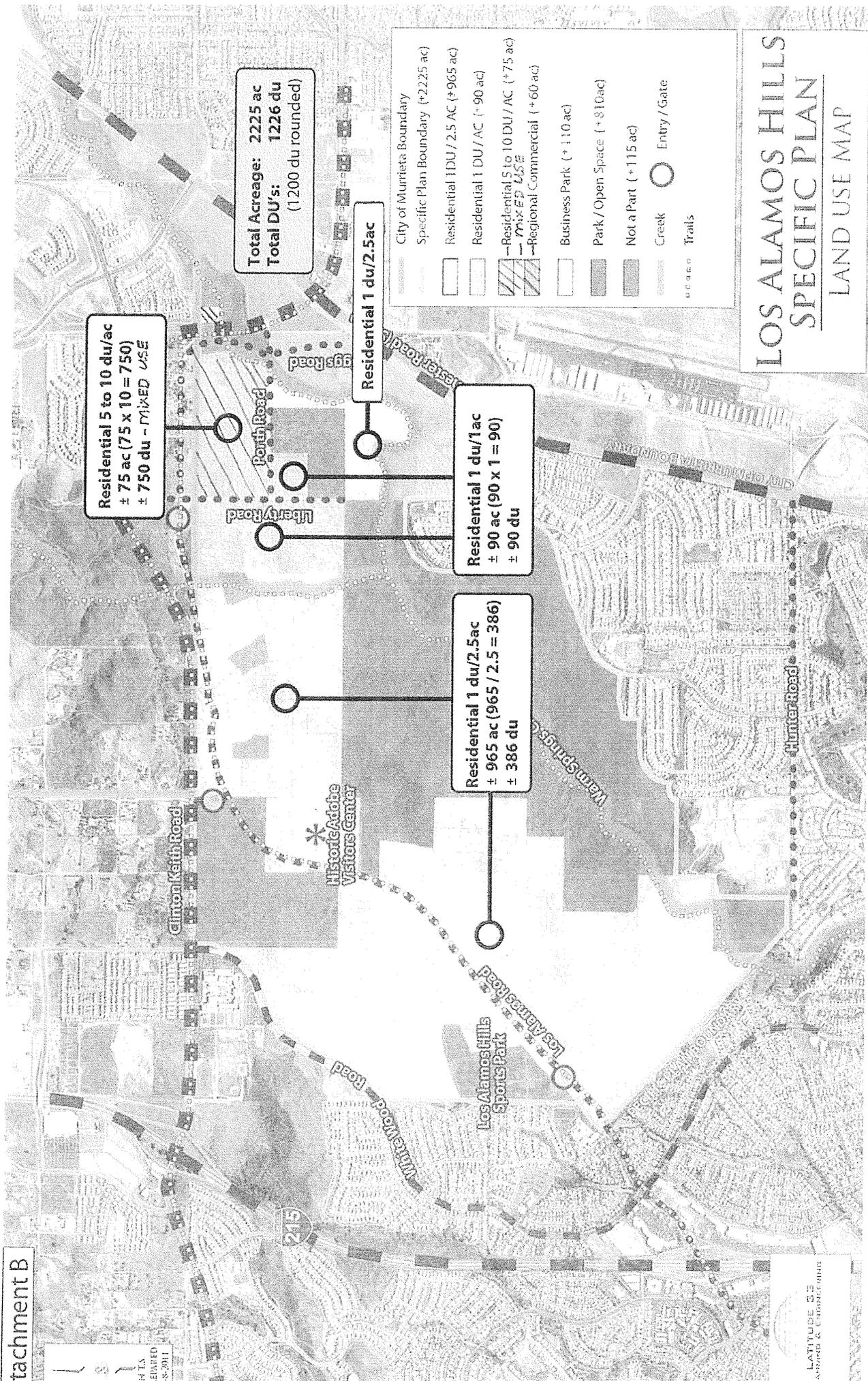
<p>support land uses.</p> <p>Policy 3.05: Encourage the City and the Los Alamos Hills community groups such as the Citizens for Quality of Life in Murieta (CQLM), and property owners to work together with the City and other Special Districts to develop financing options, and timing schedules for funding roads, road improvements, and water and sewer infrastructure, and maintenance throughout the Specific Plan area.</p>	<p>LU-19.3 Encourage the Los Alamos Hills community groups, such as the Citizens for Quality of Life in Murieta (CQLM), and property owners to work together with infrastructure providers and the City to identify infrastructure needs and costs, as well as financing options and timing for roads, road improvements, and water and sewer infrastructure, throughout the future Los Alamos Hills Specific Plan area.</p>	<p>Generally Consistent</p>
<p>Policy 3.06: Allow for and utilize funding tools available to both the City and landowners/developers including a Community Facilities District (CFD), 1943 Act, Development Agreements, Eastern Municipal Water District standby water fees and reimbursements, and CEQA mitigating fees from adjacent water shed basins. Other projects outside Los Alamos Hills that divert the natural flow of ground water from the Los Alamos Hills areas must help contribute to the overall infrastructure improvements for the Los Alamos Hills core Specific Plan area because of ground water and consequential private well degradation.</p>	<p>Omitted – Important issue. No language specific to Los Alamos Hills included in the General Plan but is of concern to CQLM. Include entire policy 3.06 and add the language: "... private well degradation causing a significant impact."</p>	<p>Omitted – Important issue. CQLM concern. Include entire policy 4.01 as written.</p>
<p>GOAL 4 – Natural Resources. The Los Alamos Hills area has provided an inordinate amount of MSHCP and other open space compared to the rest of the Murieta community. The Los Alamos Hills area shall provide no further MSHCP open space recognizing that the City has the authority under the MSHCP to adjust both the amount and location of the MSHCP open space under the terms of the MSHCP utilizing the low end of the MSHCP directed conservation acreage scale or range. The City recognizes that the United States Fish and Wildlife Service MSHCP mapping predicts over 80% of the Los Alamos Hills Specific Plan area will be targeted for permanent open space and this amount is unacceptable to the City. Utilizing the existing 40% open space and focusing on the low end of the MSHCP conservation range, and the future rural development of the Los Alamos area, maintain and preserve the Los Alamos Hills Specific Plan area as a picturesque area whose topography and setting contribute to the sense of being in a rural, agricultural enclave.</p>	<p>Omitted - Not included in the General Plan but is of concern to CQLM. Include entire GOAL 4 – Natural Resources, as written.</p>	<p>Omitted – Important issue. CQLM concern. Include entire policy 4.02</p>
<p>Policy 4.01: Develop specific City policies that identify the City's authority under the MSHCP to empower the City to adjust the quantity and location of further MSHCP open space within the Los Alamos Hills Specific Plan area without the requirement for Criteria Refinement or Plan Amendments.</p>	<p>Omitted – Important issue. CQLM concern. Include entire policy 4.01 as written.</p>	<p>Omitted – Important issue. CQLM concern. Include entire policy 4.02</p>
<p>Policy 4.02: Develop implementation of programs that allow property owners who utilize City land use regulations to receive fair market compensation value for any private open space that the private land owner wishes to sell to the City or other</p>	<p>Omitted – Important issue. CQLM concern. Include entire policy 4.02</p>	<p>Omitted – Important issue. CQLM concern. Include entire policy 4.02</p>

<p>taxable assessed value of private property. Los Alamos Hills Specific Plan area is threatened by encroaching adjacent non compatible land uses and their significant, consequential impacts on water, traffic, sewer, and maintenance, on its west, east, south and northern boundaries. These imposed burdens and impacts on the rural lifestyle and infrastructure financing include relatively sparse density, private, and public rural road deterioration, and threatened private water service, which pose special challenges for fire safety and paramedic safety. The General Plan Implementation through the zoning approved Los Alamos Hills Specific Plan should focus on providing for and enhancing the level of service, maintenance, and financing to address local safety issues.</p> <p><u>Policy 6.01:</u> Design and size the local/community streets to new Los Alamos Hills rural standards to serve the Los Alamos Hills Specific Plan area, ensure all properties have access to the street system, and ensure adequate emergency response times and efficiency.</p>	<p>energy.</p> <p>Page 6-9: INF-1.21 Encourage the use of specific plans, development agreements, or mechanisms that specify the nature, timing, cost, and financing mechanisms to be used to fund water, wastewater, and/or storm drainage improvements and services.</p>	<p>Include GOAL 6 – Safety in its entirety with the added language: “...land uses and their significant...”</p>
<p><u>Policy 6.02:</u> Encourage circulation, road standards, signalization and other traffic calming measures that enhance the safety of the community.</p>	<p>Page 12-21: Development in the eastern part of the City will create additional demand for a sixth fire station to serve this area, where response times are longer than the target time. Providing fire protection for high-rise office buildings will require investment in new equipment as well as staffing for four-person engine companies. In both cases, new development will need to pay its fair share of the costs associated with fire protection.</p> <p>SAF-1.4 Ensure that public safety infrastructure and staff resources keep pace with new development planned or proposed in Murrieta and the Sphere of Influence.</p> <p>SAF-1.5 Promote coordination among City departments to provide for safety in new development and/or annexation areas.</p> <p>SAF-1.6 Investigate and pursue additional funding mechanisms.</p> <p>SAF-5.4 Ensure that outlying areas in the City can be served by fire communication systems as new development occurs.</p> <p>SAF-9.6 Ensure that new development can be served by police communication systems and provide for the construction of radio towers (repeater sites) in outlying areas.</p> <p>LU-23.2 Explore the use of traffic calming measures, as appropriate.</p>	<p>Generally Consistent - Not fully addressed in the General Plan in regards to rural street standards.</p> <p>Emergency response times are generally addressed and not specific to Los Alamos</p>
<p><u>Policy 6.03:</u> Work with the City and the appropriate Water Districts to see that a public water main and related fire hydrants be installed along Los Alamos Road.</p>		<p>Consistent - Language was modified but still consistent with the CQLM Goals and Policies. The Policy within the General Plan is general and not specific to Los Alamos Hills.</p> <p>Omitted - Not specifically included in the General Plan but is of concern to CQLM.</p>

<p>new rural dedicated street standard. Policy 5.01: Acknowledge the need for higher volume/wider City streets, such as Clinton Keith Road and Winchester Road, to serve the needs of the whole City, as well as, the needs of the Los Alamos Hills Specific Plan area. Policy 5.02: Develop signalized intersections at Clinton Keith and Liberty Roads, as part of final engineering for Clinton Keith Road. Policy 5.03: Install stop signs and other traffic calming measures along Los Alamos Road, especially at Ruth Ellen Way, Celia Road, east and west Crawford Canyon Rd., Liberty Lane intersections with Los Alamos Road, and others as may be appropriate. Policy 5.04: Require the deletion of the Liberty Road crossing of Warm Springs Creek and Menifee Road between Los Alamos Road and Clinton Keith. As outlined in the Natural Resources Goals, minimize impacts and preserve the natural features in Los Alamos Hills and Warm Springs Creek. Policy 5.05: Provide a Porth Road crossing of Warm Springs Creek, near Winchester Road, that is limited in size such that it accommodates the anticipated traffic. Policy 5.06: Establish a new rural road standard that allows the community to improve the existing dirt roads, and where appropriate, expand the system to ensure consistency throughout the Hogback portion of the Los Alamos Hills community. Policy 5.07: Create rural trails both adjacent to existing streets and within the MSHCP open space areas. Trails adjacent to streets will allow for multiple users and provide buffers between vehicles and trail users. Trails in the open space must be designed and constructed to limit impacts to the natural features and vegetation communities.</p>	<p>LU-23.1 Support the development of a circulation plan and road standards for the existing and proposed road system within the Los Alamos Hills area that reflects the land uses and development intensity within a Specific Plan. Page 5-6: Table 5-1 <i>Study Intersections</i> shows Liberty Rd. & Clinton Keith intersection as "Future Signalized". LU-23.2 Explore the use of traffic calming measures, as appropriate. Page 5-11: "Remove connection of Liberty Rd to Winchester Rd."</p>	<p>Consistent - Language was modified but still consistent with the CQLM Goals and Policies. Consistent - Language was modified but still consistent with the CQLM Goals and Policies. Consistent - Language was modified not consistent with the CQLM Goals and Policies. Include policy 5.03, in its entirety. Generally Consistent - Though the deletion is mentioned within the text and shown on Circulation Exhibits; some other exhibits have not made this change (Exhibit 6-1). Omitted - Concern. No mention of Porth Road within the Circulation Element. Please clarify. Omitted - Not included in the General Plan but is of concern to CQLM.CIR- 1.5 is inconsistent with policy 5.06. Los Alamos Hills community requires a NEW RURAL ROAD Standard. Consistent - Language was modified but still consistent with the CQLM Goals and Policies.</p>
<p>LU-22.6 Encourage the development of an trail system within the Multiple Species Habitat Conservation Plan (MSHCP) and other open space areas that connects to a trails system within or adjacent to the existing and future street systems, including linkage through areas east of Warm Springs Creek (such as but not limited to a transitional buffer area) to the open space corridor along Adobe Creek. Trails adjacent to streets should allow for multiple users and provide buffers between vehicles and trail users. Page 5-3: Lack of a Connected Bicycle/Trail System. Community members identified the need for a city-wide system of bicycle lanes, as well as recreational trails (including equestrian trails) that connect parks and open space, and key destinations within the City (such as the Historic Downtown), allowing access to amenities without the need to drive. Also see page 5-26 and 27. Page 6-7: GOAL INF-1 New development and redevelopment is coordinated with the provision of adequate infrastructure for water, sewer, storm water, and</p>	<p>LU-23.1 Support the development of a circulation plan and road standards for the existing and proposed road system within the Los Alamos Hills area that reflects the land uses and development intensity within a Specific Plan. Page 5-6: Table 5-1 <i>Study Intersections</i> shows Liberty Rd. & Clinton Keith intersection as "Future Signalized". LU-23.2 Explore the use of traffic calming measures, as appropriate. Page 5-11: "Remove connection of Liberty Rd to Winchester Rd."</p>	<p>Consistent - Language was modified but still consistent with the CQLM Goals and Policies. Consistent - Language was modified but still consistent with the CQLM Goals and Policies. Consistent - Language was modified not consistent with the CQLM Goals and Policies. Include policy 5.03, in its entirety. Generally Consistent - Though the deletion is mentioned within the text and shown on Circulation Exhibits; some other exhibits have not made this change (Exhibit 6-1). Omitted - Concern. No mention of Porth Road within the Circulation Element. Please clarify. Omitted - Not included in the General Plan but is of concern to CQLM.CIR- 1.5 is inconsistent with policy 5.06. Los Alamos Hills community requires a NEW RURAL ROAD Standard. Consistent - Language was modified but still consistent with the CQLM Goals and Policies.</p>
<p>GOAL 6 - Safety. The Los Alamos Hills Specific Plan areas' infrastructure funding base is diminished and threatened by MSHCP restricted entitlement and development by reducing</p>	<p>LU-23.1 Support the development of a circulation plan and road standards for the existing and proposed road system within the Los Alamos Hills area that reflects the land uses and development intensity within a Specific Plan. Page 5-6: Table 5-1 <i>Study Intersections</i> shows Liberty Rd. & Clinton Keith intersection as "Future Signalized". LU-23.2 Explore the use of traffic calming measures, as appropriate. Page 5-11: "Remove connection of Liberty Rd to Winchester Rd."</p>	<p>Consistent - Language was modified but still consistent with the CQLM Goals and Policies. Consistent - Language was modified but still consistent with the CQLM Goals and Policies. Consistent - Language was modified not consistent with the CQLM Goals and Policies. Include policy 5.03, in its entirety. Generally Consistent - Though the deletion is mentioned within the text and shown on Circulation Exhibits; some other exhibits have not made this change (Exhibit 6-1). Omitted - Concern. No mention of Porth Road within the Circulation Element. Please clarify. Omitted - Not included in the General Plan but is of concern to CQLM.CIR- 1.5 is inconsistent with policy 5.06. Los Alamos Hills community requires a NEW RURAL ROAD Standard. Consistent - Language was modified but still consistent with the CQLM Goals and Policies.</p>

Attachment A

<p>Housing Element – Affordable Housing Sites # 5 and #6 are referenced as being located in the Los Alamos Hills Specific Plan area.</p>		<p>Eliminate proposed Affordable Housing sites #5 and #6, as such 30-50 DU/AC high density development is completely inconsistent with the current and planned development for the area. Subsequent to the January 2011 Housing Element Workshop, Council Members and City Staff assured CCLM representatives that these high density affordable housing sites had been removed from the Los Alamos Hills Specific Plan Area.</p> <p>Remove the Draft Housing Element referenced in Draft General Plan still shows Sites #5 and #6 in the Los Alamos Hills boundary. Please remove this reference.</p>
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Residential 5 to 10 du/ac
 ± 75 ac (75 x 10 = 750)
 ± 750 du - MIXED USE

Total Acreage: 2225 ac
Total DU's: 1226 du
 (1200 du rounded)

Residential 1 du/2.5ac

Residential 1 du/1ac
 ± 90 ac (90 x 1 = 90)
 ± 90 du

Residential 1 du/2.5ac
 ± 965 ac (965 / 2.5 = 386)
 ± 386 du

	City of Murrieta Boundary (+2225 ac)
	Residential 1 DU / 2.5 AC (+965 ac)
	Residential 1 DU / AC (+ 90 ac)
	Residential 5 to 10 DU / AC (+75 ac)
	MIXED USE
	Regional Commercial (+ 60 ac)
	Business Park (+ 110 ac)
	Park / Open Space (+ 810ac)
	Not a Part (+ 115 ac)
	Creek
	Entry / Gate
	Trails

LOS ALAMOS HILLS SPECIFIC PLAN LAND USE MAP



LEGEND

Specific Plans

- A Copper Canyon
- B The Vineyard
- C Plaza de Murrrieta
- D Historic Murrrieta
- E Greer Ranch
- F Murrrieta Oaks
- G SP 276
- R Murrrieta Highlands
- I Golden City
- J Murrrieta Springs
- K Creekside Village
- L SP 310

Specific Plan Boundary

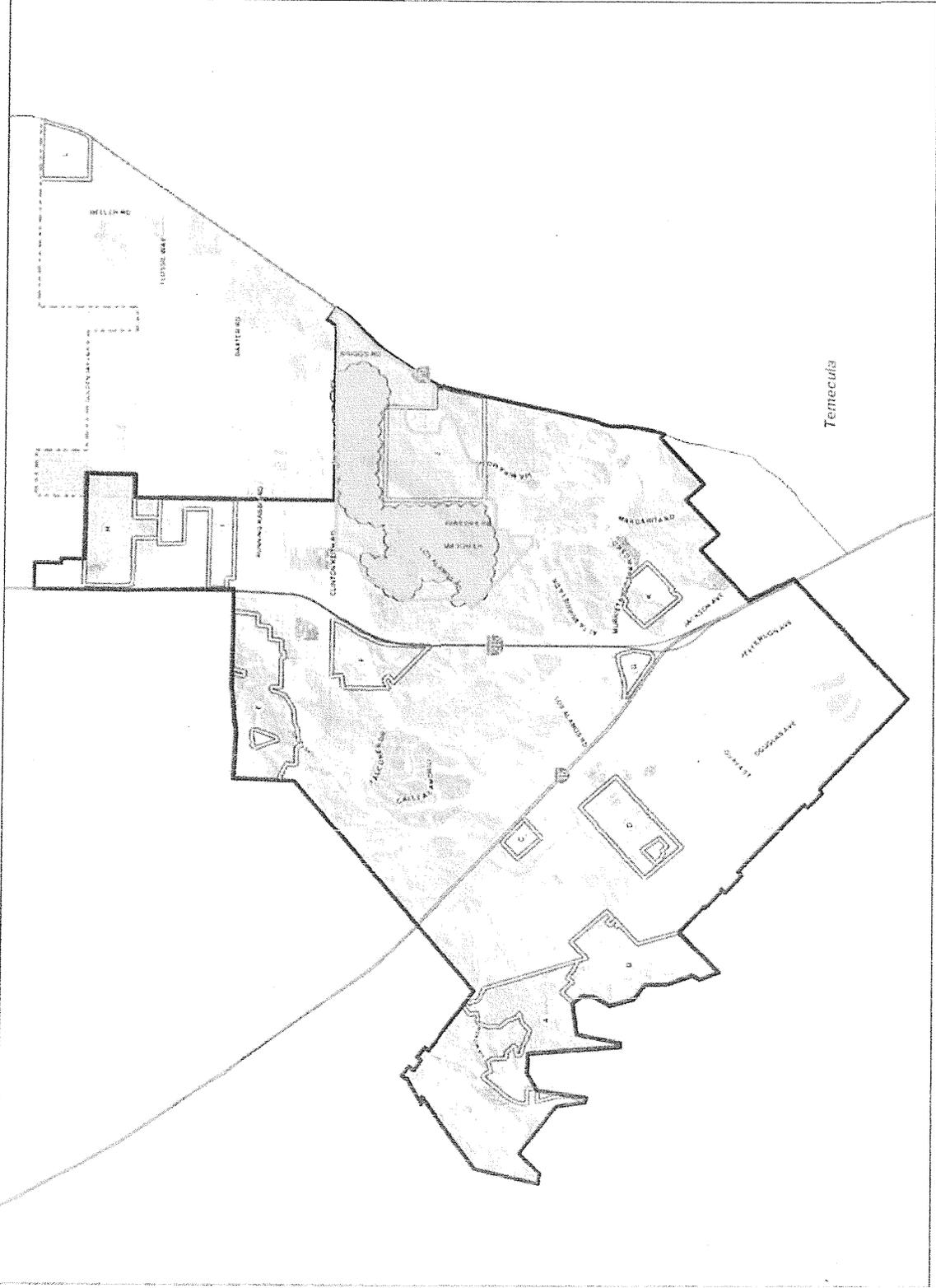
Parcels

Future Specific Plan

Los Alamos Hills Specific Plan Boundary

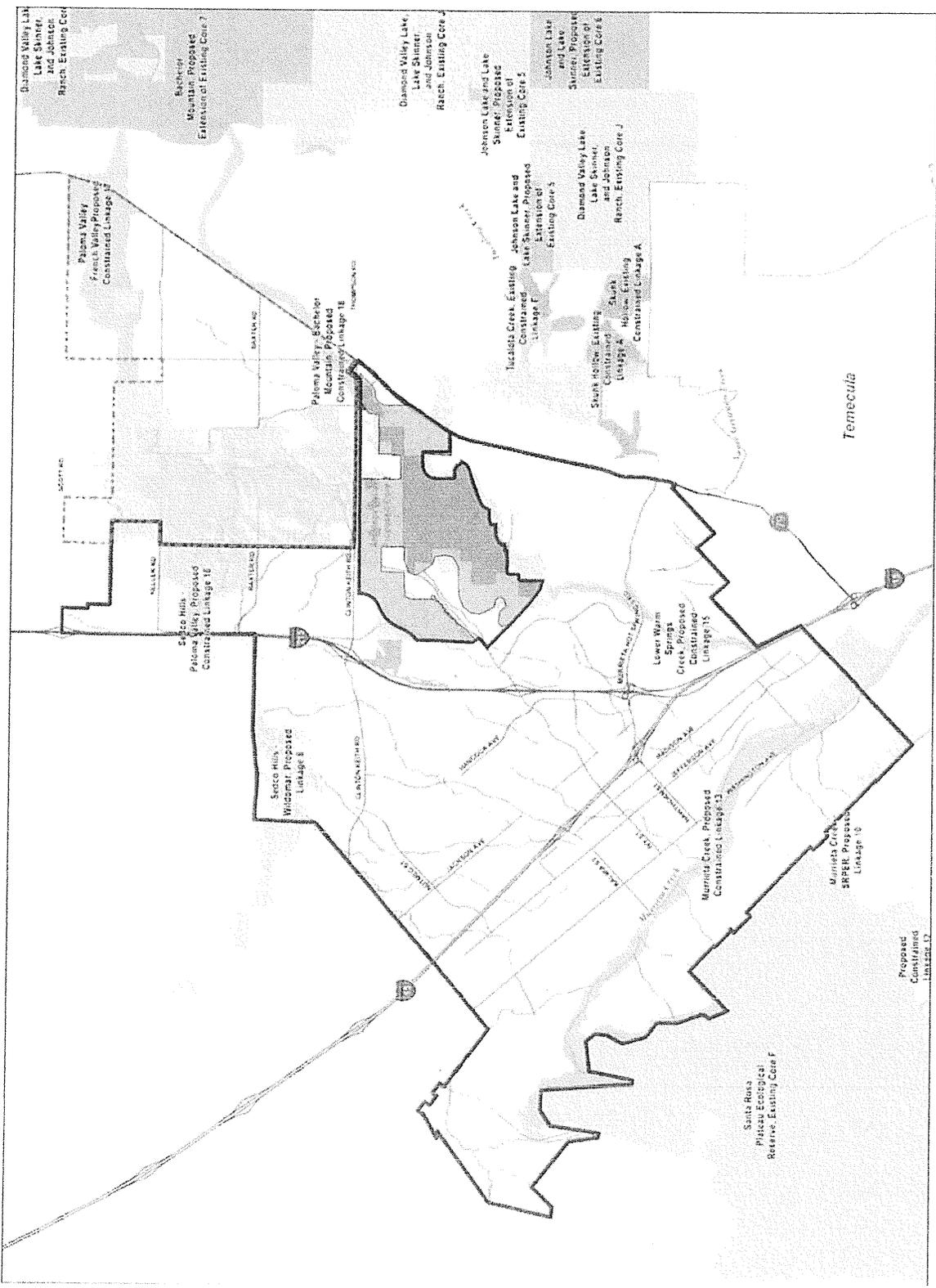



Source: City of Murrrieta.



Attachment C

Specific Plan Areas
Exhibit 3-1



- LEGEND**
- Sphere of Influence
 - City Boundary
 - Conserved Lands**
 - PCIP Conserved Lands (2003)
 - Pre-existing Conservation Agreements (2003)
 - Proposed Linkages and Cores**
 - Constrained Linkage
 - Linkage
 - Core
 - Extensions of Existing Core



Source: County of Riverside, 2003 & 2005, and City of Murrmeta, 2009.

Attachment D

MSHCP Existing and Proposed Conservation Land

Exhibit 8-3



M. RESPONSES TO COMMENTS FROM CITIZENS FOR QUALITY LIFE IN MURRIETA (CQLM), MAX MILLER, CHAIRMAN; MIKE O'DONNELL, CO-CHAIRMAN; GAYLE VERGARA, SECRETARY; MARYANN SHUSHAN MILLER, REPORTING TREASURER; DATED MARCH 9, 2011.

M1. The Commentator is stating that the CQLM has reviewed the Draft General Plan 2035 and Draft Environmental Impact Report (Draft EIR), and that CQLM appreciates City staff's time to meet with CQLM regarding their vision for a Los Alamos Hills Specific Plan.

M2. The General Plan 2035 is supportive of a Specific Plan for the Los Alamos Hills, and has identified the Los Alamos Hills as a focus area for policy change. However, no land use changes are proposed for the Los Alamos Hills area in the General Plan 2035.

The Commentator states a request for different types of land uses, including mixed use (60 percent commercial and 40 percent residential in the area east of Warm Springs Creek). This request is different than what currently exist in the area, and as noted above no land use changes were proposed in the General Plan 2035 for this area. This request is one that will be presented to the Planning Commission and City Council for their consideration.

While the Draft General Plan 2035 and Draft EIR assume no land use changes for the Los Alamos Hills area, additional development potential (both residential and non-residential) has been included and modeled for traffic, air quality, and noise. The impacts associated with that development potential have been analyzed throughout the EIR. Future environmental review for the Los Alamos Hills Specific Plan will be able to utilize and tier off the General Plan 2035 EIR.

Even though no land use changes are shown on the General Plan 2035 Land Use Policy Map (Draft EIR *Exhibit 3-2*), the Draft EIR does include future development potential (both residential and non-residential) for the Los Alamos Hills area. *Table 3-3, Focus Area Land Use Projections*, on page 3-28 of the Draft EIR provides land use projections for five focus areas where land use changes are proposed (North Murrieta Business Corridor, Clinton Keith/Mitchell, Golden Triangle North (Central Murrieta), South Murrieta, and Multiple Use 3 [MU-3]) and the two focus areas where policy changes are proposed (Historic Murrieta Specific Plan and Los Alamos Hills). *Table 3-3* identifies additional growth over existing conditions, and as such has projected an additional 828 dwelling units and 157,453 square feet of commercial uses for the Los Alamos Hills area.

The densities analyzed in the Draft EIR are consistent with the densities projections provided by CQLM to the City in October 2010. A different proposed land use plan and densities were provided to the City in December 2010. Modeling and analysis for the Draft EIR had commenced prior to December 2010, thus it was not possible to



incorporate any changes proposed by CQLM at that time. However, it is important to note the December 2010 proposal by CQLM proposed 1,226 dwelling units and no non-residential square footage. These numbers are slightly less than the October 2010 proposal, which will be described below.

Development Potential Analyzed in Draft EIR, and Traffic, Air Quality & Noise Models (Numbers from Draft EIR Table 3-3)

Existing DU	Proposed DU (Growth Over Existing)	Proposed SF (Growth Over Existing)	Total
463	828	157,453	1,291 DU 157,453 SF

CQLM Development Potential Requested for Specific Plan (October 26, 2010)

Residential (1 du/2.5 ac)	Residential (1 du/1 ac)	Residential (5-10 du/ac)	Non-Residential (Commercial, Business Park)	Total
357	77	797	None identified	1,231 DU 0 SF

The two tables above provide a comparison of the development potential analyzed in the Draft EIR and that proposed by CQLM. The first table shows the development potential analyzed in the Draft EIR. It notes existing development (463 dwelling units), growth over existing conditions (828 dwelling units and 157,453 square feet of non-residential uses), and the buildout total (1,291 dwelling units and 157,453 square feet of non-residential uses).

The second table shows the development requested for the Specific Plan area in October 2010, and only shows ultimate buildout without any recognition of existing uses in the area, residential or non-residential. CQLM proposes a total 1,231 dwelling units and no non-residential square footage.

A comparison of these tables clearly shows that the requested development potential has been accounted for in the Draft EIR, and is actually exceeded by 60 dwelling units and over 150,000 square feet of non-residential uses, than that requested by CQLM. This



development potential has been analyzed in the Draft EIR, including the traffic, air quality, and noise models.

Section 6.0, Alternatives to the Proposed Project, in the Draft EIR outlines the General Plan 2035 process and the determination of alternatives to be analyzed in the Draft EIR. The Draft General Plan 2035 EIR has included a range of reasonable and feasible alternatives to the proposed project (General Plan 2035) that meet the objectives established for the proposed project. Given that the Los Alamos Hills was identified as a focus area for policy change only, different land use scenarios were not developed for this area through the land use alternatives scenario process, and thus none were available for review in the EIR alternatives analysis.

The *California Environmental Quality Act (CEQA)* does not require speculative analysis or alternatives. Refer to Response M4.

M3. Refer to Response M2.

M4. The specific processes required for the Los Alamos Hills Specific Plan would be determined at the time an application is filed with the City.

As noted in Response M2, no land use changes were proposed for the Los Alamos Hills area in the General Plan 2035. In addition, no application has been filed with the City for a specific plan. Thus, the Commentator is requesting review of a plan that requires speculation of future impacts, whereas the scope of an EIR is to review impacts of the proposed project and cumulative projects. *Lake County Energy Council v. County of Lake* (1977) 70 Cal.App.3d 851, 854-855 (“[W]here future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences.”) The proposed project and cumulative projects are defined in Section 3.0 and Section 4.0, respectively of the Draft EIR.

Although comments raised by the Commentator in the comment letter are too speculative for analysis in this Draft EIR, they will be forwarded to the Planning Commission and City Council for their consideration.

M5. With respect to the proposed boundary for the Los Alamos Hills Specific Plan, a formal application has not yet been submitted to the City. Thus, the General Plan 2035 does not include a definitive boundary, but instead identifies the area for a future specific plan, as shown on Exhibit 3-1, Specific Plan Areas. Only those areas with adopted Specific Plans have been shown on Exhibit 3-1. Upon adoption of a Specific Plan for Los Alamos Hills, Exhibit 3-1 would be updated.



The determination and acceptance of a boundary for the Los Alamos Hills Area is one that will be presented to the Planning Commission and City Council for their consideration.

M6. While the Draft General Plan 2035 and Draft EIR assume no land use changes for the Los Alamos Hills area, additional development potential (both residential and non-residential) has been included and modeled for traffic, air quality, and noise. The impacts associated with that development potential have been analyzed in the Draft EIR. Future environmental review for the Los Alamos Hills Specific Plan will be able to utilize and tier off the General Plan 2035 EIR.

M7. Attachment D references Exhibit 8-3 from the Conservation Element of the General Plan 2035. Exhibit 8-3 is from the MSCHP and has not been modified. It is included as a reference map only. With respect to MSHCP boundaries, the City is not proposing any changes.

The remainder of the comment is specific to CQLM's proposed land use changes, which will be forwarded to the Planning Commission and City Council for their consideration.

M8. Refer to Response M2.

M9. CQLM did submit draft goals and policies to City staff for inclusion in the General Plan 2035. However, some of the goals and policies submitted by CQLM have not been included in the General Plan 2035 due to: 1) recommendation of specific land use changes, 2) conflicts with other goals and policies in the General Plan 2035, 3) duplicative goals and policies with ones in the General Plan 2035, or 4) not appropriate to include due to legal implications for the City.

M10. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.

M11. Refer to Response M9.

M12. Exhibit 3-4, General Plan 2035 Focus Areas, shows only those identified for land use change. The two focus areas for policy change (Historic Murrieta Specific Plan and Los Alamos Hills) are not show. A footnote will be added to the exhibit in the Final EIR to note as such.

M13. Refer to Response M5. In addition, with no formal application and defined boundaries, it is not possible to determine acreages. Thus, it is appropriate for Table 3-15 in the Draft EIR to identify the acreage as TBD (To Be Determined).



M14. Refer to Response M5.

M15. The background language on page 3-20 of the General Plan 2035 Land Use Element is correct as written.

M16. The language on page 3-46 of the General Plan 2035 will be modified as follows in the Final General Plan 2035.

There is an interest by ~~some of the~~ property owners within the Los Alamos Hills area to develop a Specific Plan. The property owners intend to develop and submit a Specific Plan for City processing that would maintain the rural core of the Los Alamos community west of Warm Springs Creek, while providing certain needed local services.

M17. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.

M18. The text on page 3-46 of the Draft General Plan 2035 will be revised as follows in the Final General Plan 2035:

Additional development anticipated under the General Plan 2035 includes 828 new residential units and an additional 157,453 square feet of commercial uses.

M19. As noted in Response M4, the specific processes required for the Los Alamos Hills Specific Plan would be determined at the time an application is filed with the City. Thus, it is not appropriate to revise the language as requested by the Commentator.

M20. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.

M21. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.

M22. Comment acknowledged. Any necessary modifications to exhibits will be included in the Final General Plan 2035 and Final EIR.

M23. Refer to Response M7.

M24. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.



- M25. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.
- M26. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.
- M27. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.
- M28. Refer to Response M2.
- M29. The text on page 5.1-28 of the Draft EIR is citing existing General Plan designations. The General Plan 2035 proposes modifications to the land use designations, which are described in detail on pages 5.1-30 through 5.1-32 of the Draft EIR. The General Plan 2035 does not include the Master Plan Overlay designation.
- M30. The base densities cited on page 5.1-30 of the Draft EIR are correct as cited. With respect to densities for the Los Alamos Hills area, no land use changes are proposed in the General Plan 2035. Refer to Response M2, which details the development potential analyzed for the Los Alamos Hills area in the Draft EIR, along with ability for future CEQA documents for the Los Alamos Hills area to tier off the General Plan 2035 EIR.
- M31. The General Plan 2035 and Draft EIR clearly state that the Los Alamos Hills area has been identified as a focus area for “policy change” (no land use changes); however, additional development potential has been identified for this focus area. Response M2 identifies the development potential analyzed in the Draft EIR, and modeled for traffic, air quality, and noise. The development potential in the Draft EIR is higher than that proposed by CQLM in October 2010.
- M32. Refer to Response M4.
- M33. The text on page 5.2-7 of the Draft EIR provides a general characterization of existing land uses. Given that the text is referring only to existing land uses, and that the General Plan 2035 does not propose any land use changes for the Los Alamos Hills area (policy changes only), it is not necessary to modify the text on page 5.2-7 of the Draft EIR.
- M34. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.



- M35. The Commentator is incorrect that the Draft EIR did not include development potential for the Los Alamos Hills area. Refer to Response M2.
- M36. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.
- M37. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.
- M38. Refer to Responses M2 and M4.
- M39. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.
- M40. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.
- M41. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.
- M42. Refer to Response M7.
- M43. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.
- M44. Exhibit 3-3, General Plan 2035 Focus Areas, is the correct exhibit reference on page 6-3. No modification is necessary.
- M45. Refer to Response M12.
- M46. The comment does not raise any issue with respect to the contents of the Draft General Plan 2035, Draft EIR, or any environmental issue regarding the proposed project. No further response is necessary.
- M47. Refer to Responses M1 through M46.

COMMENT LETTER N

Citizens for Quality Life in Murrieta-CQLM

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Greg Smith Associate Planner
City Council
Planning Commission
City of Murrieta 1 Town Square
24601 Jefferson Avenue
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CITY OF MURRIETA

MAR 15 2011

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March 15, 2011

During this public comment period and the legally required response to comments for the Murrieta General Plan 2035 and EIR documents there are several items of concern which must be analyzed. We request that these items be thoroughly addressed and not just dismissed. CEQA requires a thorough evaluation of responsible public comments. Failure to respond in a thorough and professional manner may leave the City subject to further review by the courts.

N-1

The City is proposing adoption in the General Plan new Goals and Policies for the Western Riverside Multi-species Habitat Conservation Plan (MSHCP). With the adoption of the MSHCP and the City responsibly adding implementation Goals in its General Plan 2035, the city is putting Murrieta citizens' taxpayer dollars at risk if these Goals and Policies are not crafted to benefit the taxpayer land owners as opposed to the government interests. We hope the Council will bring forth Goals for the MSHCP that are better than those currently published.

N-2

- 1) the current MSHCP needs careful General Plan Goal setting by the City of Murrieta as a Permittee in order to not cause serious constitutional infractions to Murrieta landowners, including violations of:
 - a) The Fifth Amendment
 - b) Equal protection
 - c) Substantive due process and
 - d) Procedural due process (including the Brown Act violations)

N-3

"Federal and State environmental laws generally prohibit the "taking" of any species listed as threatened or endangered. As a result, property which contains any listed species is usually undevelopable.

N-4

The County imposed MSHCP effectively divided property owners in Murrieta and its Sphere of Influence into two categories: the winners who will be allowed to realize the economic potential of their land by developing it, on the one hand and at least 150,000 acres of losers, on the other hand, whose investments in their now undevelopable properties are lost.

N-5

The MSHCP was adopted on June 17, 2003 pursuant to Resolution NO. 2003-299. It focuses on the conservation of 146 species (including many neither threatened nor endangered) and their associated

N-6

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habitats in western Riverside County. It purports to constitute both a Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP).

N-6

The distinctions in the MSHCP between land purportedly suitable for development and land needed for conservation are not based, in many cases, on any valid scientific methodology or criteria. This has been shown time and again in various studies throughout the County. The distinctions of land preservation for biology purposes are oftentimes arbitrary and made for political – not environmental – reasons. In short the science is bad, and so too are policy makers that follow poor science.

N-7

When the city adopted this MSHCP, without proper General Plan Goals and Policies restricting the use of the MSHCP, they have improperly ceded control of their non-delegable duties to regulate land development within their jurisdiction to the County of Riverside through the RCA. The City has given the “County government” through the RCA the authority over City development that would have no impact on any threatened or endangered species and thus is beyond intent of the MSHCP to be based on qualified science. For the City to continue to exercise this County MSHCP power unchecked with City home rule realities violates the many Constitutional provisions the Council has sworn to uphold and the sworn allegiance to the Council to the electorate in Murrieta.

The MSHCP was to be voluntary, incentive-based, non-regulatory and ultimately compensatory to landowners, using biologically based criteria, offering regulatory streamlining and full financial reimbursement to the landowner without coercion by government. The MSHCP, in fact, has become involuntary, regulatory, using geographically based criteria, and imposed a complicated regulatory process for development approvals overseen by a massive new Regional Conservation Authority with overlapping authority over local jurisdictions. The City can counter this process legally with responsible new Goals and Policies administered at the local level.

N-8

The City administration of the MSHCP under RCA guidance has already gotten the Council into serious legal trouble when proper and responsible Goals and Policies would have deterred litigation.

Among some of the shortcomings of the County MSHCP, it does not provide substantial biological evidence to support the putative corridors alleged to be in areas such as Los Alamos Hills and other areas noted in the MSHCP located in Murrieta because it fails to:

- 1) Describe and evaluate the properties affected. The MSHCP never identifies the precise boundaries of the project area, or the sub-areas within the project area.
- 2) Use up-to-date and current information. The Environmental Management Study Habitat Conservation Plan is based on outdated and inaccurate scientific data, the RCA must update this not the landowner;
- 3) The MSHCP creates an onerous bureaucracy that makes the entitlement process more complex and lengthy and currently misunderstood and misapplied by City staff;
- 4) Includes an inadequate analysis of all economic impacts on future revenues based on the taking of valuable land off the governmental tax rolls;

Citizens for Quality Life in Murrieta-CQLM

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- 5) Adequately addresses and evaluates growth-inducing impacts of the MSHCP on areas outside the scope of the plan.

The MSHCP requires a lengthy review process through the HANS. Often times the way the City staff administers or mismanages the MSHCP, causing perhaps hundreds of thousands of misused dollars;(i.e. requiring CEQA studies for the Habitat Assessment and Negotiation Strategy (HANS) and new biology when none are required), the mandatory processes established in the Habitat Plan will exceed the deadlines set by the Subdivision Map Act, and Murrieta will be forced to circumvent the law in order to avoid triggering the mandatory processing deadlines of the Map Act.

N-8

The Board of Supervisors approval of the MSHCP was arbitrary, capricious, entirely lacking in evidentiary support, and failed to conform to the procedures required by law, or otherwise constitutes a prejudicial abuse of their discretion and jurisdiction. Many large property owners were allowed out of the MSHCP because their lawsuits against the County would have doomed the MSHCP process. The County of Riverside threat to withhold Measure A funds from the City unless the city agreed to the MSHCP plan is beyond its authority and used bully tactics the Council should have stood up to. Now is the time for the Council to act and establish new policy to control the MSHCP.

These past Council shortcomings must not be duplicated in the City Draft General Plan document.

N-9

In addition to the MSHCP shortcomings noted, above , there is another significant related impact and concern which should be analyzed in the General Plan EIR. The main criterion in CEQA is for public agencies to protect the environment and provide notice and information on negative impacts on the environment, built and un-built. The Murrieta 2035 EIR conspicuously neglects to analyze the future positive impact by the adoption of the General Plan Goals and Policies for the Los Alamos Hills Specific Plan submitted by CQLM. The Los Alamos Hills Specific Plan includes policies addressing infrastructure improvements. The infrastructure (water and roads) should provide a significant positive impact in the "keyhole" areas whose wells are being currently compromised by new development and the lack of sub regional water plans. These "keyhole" areas are not currently supported by any of the water districts and are nestled in the middle of high density residential areas surrounding their boundary. These positive impacts should be analyzed along with the negative impacts of sub regional agency water neglect. The city has not properly addressed all of the above concerns as its fiduciary responsibility to its citizens.

N-10

Please respond to all of these concerns.

Establish City Goals and Policies in the Murrieta General Plan 2035 addressing the city's moral and legal obligation to protect Murrieta citizens.


Max Miller, Chairman
Miller- Chairman
Mike O'Donnell- Co-Chairman
Gayle Vergara- Secretary


Mike O'Donnell, Co-chairman
Shawn Horwitz-
MaryAnn Shushan Miller-

Recording Treasurer
Reporting Treasurer



N. RESPONSES TO COMMENTS FROM CITIZENS FOR QUALITY LIFE IN MURRIETA (CQLM), MAX MILLER, CHAIRMAN; MIKE O'DONNELL, CO-CHAIRMAN; GAYLE VERGARA, SECRETARY; SHAWN HORWITZ, RECORDING TREASURER; MARYANN SHUSHAN MILLER, REPORTING TREASURER; DATED MARCH 15, 2011.

- N1. The City of Murrieta is fully complying with the requirements of the *California Environmental Quality Act (CEQA)*, and will be preparing written responses to environmental comments provided to the City during the 45-day public review period. In compliance with *CEQA*, all public agencies will be provided written responses to their comments 10-days prior to certification of the Final EIR.
- N2. The General Plan 2035 includes goals and policies to ensure that the City remains compliant with the Western Riverside Multi-Species Habitat Conservation Plan (MSHCP) and the Implementing Agreement. The General Plan 2035 does not propose any changes to how the MSHCP is implemented in the City.
- N3. This comment will be forwarded to the Planning Commission and City Council for their consideration. The comment does not raise any issue with respect to the contents of the Draft EIR, or any environmental issue regarding the proposed project. Because the Commentator does not specifically comment on the Draft EIR or raise any other CEQA issue, no further response is necessary.
- N4. The Commentators are offering personal opinion regarding the prohibition of threatened or endangered species “taking” on private property making the property undevelopable.
- N5. The Commentators are offering personal opinion regarding the Western Riverside Multi-Species Habitat Conservation Plan (MSHCP) and its potential economic impacts on property owners.
- N6. The comment identifies the MSHCP adoption date (and resolution number), and that it is intended to serve as both a Habitat Conservation Plan and Natural Community Conservation Plan.
- N7. The Commentators are offering personal opinion that bad science was used to prepare the MHSCP.
- N8. This comment will be forwarded to the Planning Commission and City Council for their consideration. The comment does not raise any issue with respect to the contents of the Draft EIR, or any environmental issue regarding the proposed project. Because the Commentator does not specifically comment on the Draft EIR or raise any other CEQA issue, no further response is necessary.



- N9. This comment will be forwarded to the Planning Commission and City Council for their consideration. The comment does not raise any issue with respect to the contents of the Draft EIR, or any environmental issue regarding the proposed project. Because the Commentator does not specifically comment on the Draft EIR or raise any other CEQA issue, no further response is necessary.
- N10. The objectives of *CEQA* are:
- To disclose to decision-makers and the public the significant environmental effects of proposed activities
 - To identify ways to avoid or reduce environmental damage
 - To prevent environmental damage by requiring implementation of feasible mitigation measures or alternatives
 - To disclose to the public reasons for agency approval of projects with significant environmental effects
 - To foster interagency coordination in the review of projects
 - To enhance public participation in the planning process

The Draft EIR meets the objectives set forth in *CEQA*, and discloses potential impacts associated with the proposed project (General Plan 2035).

The General Plan 2035 is supportive of a Specific Plan for the Los Alamos Hills, and has identified the Los Alamos Hills as a focus area for policy change. However, no land use changes are proposed for the Los Alamos Hills area in the General Plan 2035.

Even though no land use changes are shown on the General Plan 2035 Land Use Policy Map (Draft EIR *Exhibit 3-2*), the Draft EIR does include future development potential (both residential and non-residential) for the Los Alamos Hills area. *Table 3-3, Focus Area Land Use Projections*, on page 3-28 of the Draft EIR provides land use projections for five focus areas where land use changes are proposed (North Murrieta Business Corridor, Clinton Keith/Mitchell, Golden Triangle North (Central Murrieta), South Murrieta, and Multiple Use 3 [MU-3]) and the two focus areas where policy changes are proposed (Historic Murrieta Specific Plan and Los Alamos Hills). *Table 3-3* identifies additional growth over existing conditions, and as such has projected an additional 828 dwelling units and 157,453 square feet of commercial uses for the Los Alamos Hills area.

EIRs are to document both negative and positive impacts associated with proposed projects. Given that no application has been filed with the City and no Specific Plan has been completed for the Los Alamos Hills area, there is no land use plan and no infrastructure plan developed at this time to use in the Draft EIR. The Draft EIR has provided environmental analysis based upon the available information at the time the document was prepared. The Draft EIR is not required to conduct speculative environmental analysis for unknown land uses or infrastructure.



While the Draft General Plan 2035 and Draft EIR assume no land use changes for the Los Alamos Hills area, additional development potential (both residential and non-residential) has been included and modeled for traffic, air quality, and noise. The impacts associated with that development potential have been analyzed throughout the EIR, and have disclosed impacts related to the Los Alamos Hills as applicable. Future environmental review for the Los Alamos Hills Specific Plan will be able to utilize and tier off the General Plan 2035 EIR.

COMMENT LETTER O

Citizens for Quality Life in Murrieta

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(951) 505-7428 www.CQLM.net

March 23, 2011

CITY OF MURRIETA

City of Murrieta
✓ Greg Smith
1 Town Square
24601 Jefferson Ave.
Murrieta, CA 92562

MAR 23 2011
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Mr. Smith:

The Citizens for Quality Life in Murrieta are formerly requesting that the draft EIR include a study of the benefit to the City of Murrieta, the proposed Los Alamos Hills Community infrastructure will add. The Alamos Hills Specific Plan area intends to fund, by use of a funding mechanism, the needed infrastructure improvements for safety, health and aesthetics.

O-1

In order for this study to be accurate, the boundaries must be mapped and included in the General Plan. The total number of present and future parcels and commercial/business park use, 1 DU per 2 ½ acre parcels including the transition area of mixed use for higher density, 1DU to the acre and 10 DU to the acre must be calculated. The Los Alamos Hills Historic Boundary includes the conservation area of the Murrieta Springs SP on the south and the commercial/ business park area fronting on Winchester Rd on the East. The staff should recommend to the council, that these boundaries be adopted.

O-2

Once these boundaries have been mapped and included in the General Plan Draft, a computation can be made of the future density and the pro-rata shared cost for the infrastructure improvements.

O-3

The estimated Cost analysis must be prepared, using an approved rural road standard, and cost data for all other infrastructure needs i.e. water and wastewater; electricity, Gas, Cable TV & High-Speed Data, storm drainage and solid waste. Also, included should be all funding mechanisms available for the infrastructure improvements. This cost study should be available for use in the Los Alamos Hills Specific Plan Document when it is completed and required in the EIR document .

O-4

These significant owner paid improvements resulting in property tax revenue and aesthetic value for these improvements and assets ,will add value to the City of Murrieta and should be analyzed. The City revenue created by these significant assets should not be lost by more MSHCP conservation from the Los Alamos Hills Specific Plan area. This analysis should be in the EIR prior to the GP adoption.

Max

Cc: City Council, Planning Commissioners, and City Staff

Max Miller- Chairman
Mike O'Donnell- Co-Chairman
Gayle Vergara- Secretary.

Shawn Horwitz-
MaryAnn Miller-

Recording Treasurer
Reporting Treasurer



O. RESPONSES TO COMMENTS FROM CITIZENS FOR QUALITY LIFE IN MURRIETA (CQLM), MAX MILLER, CHAIRMAN; MIKE O'DONNELL, CO-CHAIRMAN; GAYLE VERGARA, SECRETARY; SHAWN HORWITZ, RECORDING TREASURER; MARYANN SHUSHAN MILLER, REPORTING TREASURER; DATED MARCH 23, 2011.

O1. Environmental Impact Reports (EIRs) are to document both negative and positive environmental effects associated with proposed projects. Given that no application has been filed with the City and no Specific Plan has been completed for the Los Alamos Hills area, there is no land use plan and no infrastructure plan developed at this time to use in the Draft EIR. The Draft EIR has provided environmental analysis based upon the available information at the time the document was prepared. The Draft EIR is not required to conduct speculative environmental analysis for unknown land uses or infrastructure, as stipulated in *CEQA Guidelines* Section 15145.

While the Draft General Plan 2035 and Draft EIR assume no land use changes for the Los Alamos Hills area, additional development potential (both residential and non-residential) has been included and modeled for traffic, air quality, and noise. The impacts associated with that development potential have been analyzed throughout the EIR, and have disclosed impacts related to the Los Alamos Hills as applicable. Future environmental review for the Los Alamos Hills Specific Plan will be able to utilize and tier off the General Plan 2035 EIR.

O2. As noted in Response O1, the General Plan 2035 does not propose land use changes for the Los Alamos Hills area. The Draft EIR has accurately analyzed impacts for the Los Alamos Hills area based upon the policy changes proposed in the General Plan 2035 and the assumptions for future development potential within the Los Alamos Hills area as described in Section 3.0, Project Description, of the Draft EIR.

With respect to the proposed boundary for the Los Alamos Hills Specific Plan, a formal application has not yet been submitted to the City. Thus, the General Plan 2035 does not include a definitive boundary, but instead identifies the area for a future specific plan, as shown on Exhibit 3-1, Specific Plan Areas. Only those areas with adopted Specific Plans have been shown on Exhibit 3-1. Upon adoption of a Specific Plan for Los Alamos Hills, Exhibit 3-1 would be updated.

The acceptance of a boundary for the Los Alamos Hills Area is one that will be presented to the Planning Commission and City Council for their consideration.

O3. Refer to Responses O1 and O2. It is too speculative at this time to determine the infrastructure improvement costs within the future Los Alamos Hills Specific Plan area given that no land use changes are proposed within the General Plan 2035. In addition, it



is the City's policy that development pays its fair share of infrastructure costs. Those costs will be determined at the time the Specific Plan is prepared.

- O4. *CEQA Guidelines* Section 15358(b) requires that effects analyzed in CEQA documents must be related to a physical change in the environment. Economic effects are not considered environmental effects under *CEQA*. The Commentator has requested a cost analysis be prepared for future infrastructure needs associated with a future Specific Plan for the Los Alamos Hills area. The type of analysis requested by the Commentator is not required for CEQA documents. In addition, as noted in Response O3, the infrastructure costs will be determined at the time the Specific Plan is prepared.

COMMENT LETTER P

City of Murrieta, California
City Council
Planning Commission
City Manager and Staff
1 Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

Good Evening,

I am Michael O'Donnell, a citizen of Murrieta and Co-Chairman of the Citizens for Quality Life in Murrieta. Two weeks ago, Larry Markham spoke to this Commission with regards to the "Regency" development not wishing to be a part of the Los Alamos Hills Specific Plan. I spoke to Larry after the meeting. He explained that the developers do not want to go through any more changes to their approved project, especially its design, and he thought the Specific Plan may cause this to happen. Once I ensured him that inclusion of their project in the boundary of the LAHSP would not require any changes to their project, he said they would support being part of the Los Alamos Hills Specific Plan.

P-1

During the General Plan update, I have heard on many occasions from city staff in public meetings that the General Plan project is "on time." I have heard this so often that it makes it seem as if their primary focus and goal for this project is to be "on time." Instead, their focus must be to do the job right the first time so that we don't have to go back and correct mistakes later that could have been solved now. To do not slow down and do it right the first time, would be a terrible waste of resources, resources we simply do not have to waste. It is amazing how after all the time, effort and money that has been put into the Specific Plan by staff, citizens and council, the Los Alamos Hills area is still referred to as a "FOCUS" area in the General Plan. This must be corrected and the Specific Plan must be completed NOW, before its adoption by Council.

P-2

Sincerely,



Michael O'Donnell – CQLM Co-Chairman
36560 Los Alamos Road
Murrieta, CA 92563



P. RESPONSES TO COMMENTS FROM MICHAEL O'DONNELL, CQLM CO-CHAIRMAN, LETTER PRESENTED TO PLANNING COMMISSION ON MARCH 23, 2011.

- P1. The Commentator offers a statement regarding a conversation with Larry Markham regarding the Regency development project and potential inclusion in the future Los Alamos Hills Specific Plan area. This comment is acknowledged and will be provided to the Planning Commission and City Council for their consideration.
- P2. The Commentator has stated that the Los Alamos Hills Specific Plan “must be completed NOW” before the General Plan 2035 is adopted by the City Council. No application has been filed with the City and no Specific Plan has been completed for the Los Alamos Hills area. However, the General Plan 2035 is supportive of a Specific Plan for the Los Alamos Hills, and has identified the Los Alamos Hills as a focus area for policy change (no land use changes), and includes five goals (Land Use Element Goal LU-19 through LU-23) specific to this area. Goal LU-19 calls for the preparation of a Specific Plan for the Los Alamos Hills area.

COMMENT LETTER Q

City of Murrieta, California
City Council
Planning Commission
City Manager and Staff
1 Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

Good evening. I am a 28 year resident of Los Alamos Hills and a member of Citizens for Quality Life in Murrieta.

For us, this mission didn't begin 18 months ago. I'm sure you're familiar with the axiom "gorilla in the room". Gentlemen, we are the gorilla in the City of Murrieta and we're not going away.

In the draft General Plan our area is addressed as a **FOCUS AREA!** With no defined boundary.

Prior to beginning this revision of the General Plan, our group was asked for "goals and policies" for our area. We submitted them with a general understanding that they would be addressed in the General Plan. Our specific goals and policies are not included.

We need a finalized Specific Plan. Our area is the only area in the City without one. What we're asking for is to have our goals and policies included in the General Plan to provide the framework for our completed Specific Plan. There is a draft Specific Plan that was shelved by City staff. The shelved plan represents hundreds of hours of work from the community participants, giving up their "spare" time, and paid city staff. We are providing community labor, research, and voice to finish this plan. Los Alamos Hills wants to pay for and provide a valuable asset to the city, **INFRASTRUCTURE**, for fire safety, and property maintenance. We only need the staff to dig in, and facilitate this effort. We don't want a "handout" but a "hand up".

Q-1

Q-2

Q-3

Q-4

Our area needs a defined boundary, addressing specific goals of zoning, sewer, water, fire safety and the MSHCP. Throughout the entire process we've been stonewalled and misled. We have addressed every excuse such as lack of funding and no staff time by doing as much research and document preparation among members and property owners. I repeat -- LOS ALAMOS HILLS IS A "FOCUS AREA" not a specific area included in the General Plan.

Q-5

City staff believes they are at a point of completing this "assigned project"; however, the General Plan and EIR are incomplete documents.

Q-6

Finally, we are asking that all areas of the City be specifically included in the draft General Plan and EIR, and for staff to complete it correctly.

Q-7

Thank you for your time.

Mary Anne Lindsley
28369 Somerview Drive
Murrieta, CA 92563
951-677-2658
Citizen for Quality Life in Murrieta, Member



Q. RESPONSES TO COMMENTS FROM MARY ANNE LINDSLEY, MEMBER, CITIZENS FOR QUALITY LIFE IN MURRIETA, LETTER PRESENTED TO PLANNING COMMISSION ON MARCH 23, 2011.

Q1. The comment is acknowledged and will be provided to the Planning Commission and City Council for their consideration.

Q2. The General Plan 2035 identifies a total of seven focus areas; five of these areas include proposed land use changes while two areas include policy changes. The five focus areas where land use changes are proposed (North Murrieta Business Corridor, Clinton Keith/Mitchell, Golden Triangle North (Central Murrieta), South Murrieta, and Multiple Use 3 [MU-3]) and the two focus areas where policy changes are proposed (Historic Murrieta Specific Plan and Los Alamos Hills). Only the five focus areas proposed for land use changes have defined boundaries as shown on Exhibit 3-4, General Plan 2035 Focus Areas, in the General Plan 2035 Land Use Element.

Q3. CQLM did submit draft goals and policies to City staff for inclusion in the General Plan 2035. However, some of the goals and policies submitted by CQLM have not been included in the General Plan 2035 due to: 1) recommendation of specific land use changes, 2) conflicts with other goals and policies in the General Plan 2035, 3) duplicative goals and policies with ones in the General Plan 2035, or 4) not appropriate to include due to legal implications for the City. The remaining goals and policies are reflected in Goals LU-19 through LU-23 and their associated policies in the General Plan 2035 Land Use Element.

Q4. The General Plan 2035 is supportive of a Specific Plan for the Los Alamos Hills, and has identified the Los Alamos Hills as a focus area for policy change (no land use changes), and includes five goals (Land Use Element Goal LU-19 through LU-23) and related policies specific to this area. Goal LU-19 calls for the preparation of a Specific Plan for the Los Alamos Hills area. To date, no application has been filed with the City and no Specific Plan has been completed for the Los Alamos Hills area.

The comments regarding the need for a final Specific Plan and the need for staff to dig in and facilitate this effort are acknowledged and will be provided to the Planning Commission and City Council for their consideration.

Q5. With respect to the proposed boundary for the Los Alamos Hills Specific Plan, a formal application has not yet been submitted to the City. Thus, the General Plan 2035 does not include a definitive boundary, but instead identifies the area for a future specific plan, as shown on Exhibit 3-1, Specific Plan Areas. Only those areas with adopted Specific Plans have been shown on Exhibit 3-1. Upon adoption of a Specific Plan for Los Alamos Hills, Exhibit 3-1 would be updated.



The acceptance of a boundary for the Los Alamos Hills Area is one that will be presented to the Planning Commission and City Council for their consideration.

- Q6. The Commentator offers no specifics as to how the General Plan and EIR documents are incomplete.
- Q7. The Commentator's request "that all areas of the City be specifically included in the draft General Plan and EIR" is unclear.

COMMENT LETTER R

City of Murrieta, California
City Council
Planning Commission
City Manager and Staff
1 Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

March 23, 2011

Dear City of Murrieta Council, Manager, Staff and Commissioners,

Our family moved to the beautiful area of Murrieta in 1989 before the City even incorporated. We were attracted to the beauty of the area, and the "country" feel of the town. In the last 22 years, we have experienced first hand the growth in development and population of our City. Our first daughter has married and moved on, and we still have 3 children at home including a 5 year old. We plan to stay in Murrieta for many years to come.

R-1

As the City is preparing the General Plan, we feel the need to share our comments and concerns as we have been here from the start, and have a vested interest in our City. We have been residents of the Los Alamos Hills area since 2006 and our recent focus has been within our own rural enclave. We do feel however, that the concerns we have with the current MSHCP policies, have a far reaching impact for our entire city, not just Los Alamos Hills. The City Staff seems to be pushing through the General Plan, while we believe that the City Council, Commissioners and Staff are still not fully educated regarding the MSHCP issues.

R-2

We attended a workshop that was held on January 25, 2011 and listened to Council Members ask specific questions regarding MSHCP and the Los Alamos Hills area. Each of these questions are critical to the future of Los Alamos Hills, and for these questions to NOT be answered before a General Plan is accepted, is a slap in the face to the residents of this area.

R-3

Citizens for Quality Life in Murrieta in particular has spear-headed the drive and funding to address the MSHCP issues, and to pick up the pieces of the Specific Plan the City put on the shelf years ago. We ask you now, as the leaders of our beautiful City, to pause long enough to seek the answers to our MSHCP questions, and address these issues accordingly in the General Plan before it is presented as final.

R-4

I have attached a list of the questions I recorded from the workshop in January. As it would be fruitless to draft a plan while questions are still unanswered, we ask that City Staff to publicly answer these questions before the General Plan is pushed through.

R-5

Sincerely,

Raul Vergara
Gayle Vergara

Raul Vergara
Gayle Vergara - CQLM Secretary
29675 Etienne Circle
Murrieta, CA 92563

January 25, 2011

**CQLM notes from MSHCP Workshop with City of Murrieta & RCA
Questions raised from participants and attendees:**

Maryann Miller requested 10/30/06 guide be given to CQLM from Mr. Landry of the RCA

Jim Kelley requested feedback on Goals & Policies for LAH submitted by CQLM for General Plan

McAllister @ Mr. Markum - Was life better before or after MSHCP?

McAllister @ Mr. Thomas - How much \$\$ from Measure A do we stand to lose, if we opt out of MSHCP?

Lane @ Landry - Does RCA have \$\$ to acquire land?

Lane @ Lanier - How much \$\$ have LAH residents paid for development fees?

Lane @ Lanier - How much \$\$ have been spent in LAH for infrastructure?

Lane @ Landry - Can the city opt out? What are the legal ramifications?

Lane @ Landry - If RCA does not have \$\$ to purchase, how does process work, how long does it take to be final?

Gibbs @ Landry - How long is time period for above question?

Gibbs @ Lanier - How much land is in Los Alamos Hills?

Gibbs @ Lanier - How much land in LAH is MSHCP (RCA) conservation land?

Gibbs @ Lanier - How much more land in LAH is wanted by MSHCP (RCA) for conservation?

Gibbs @ Lanier - How does Winchester 700 figure into this?

Gibbs @ Lanier - Once an offer of \$\$ is made, how does tax burden work for property owner?

Gibbs @ Lanier - Who pays for biological study of land?

McAllister @ Lanier - How/Why is TUMF funding effected?

McAllister @ Lanier - What is "standard" dedication of land of all projects?

Gibbs - Need to review history from 2003, what did city expect would happen? (Ask Seyarto)



R. RESPONSES TO COMMENTS RAUL VERGARA AND GAYLE VERGARA, SECRETARY, CQLM, LETTER PRESENTED TO PLANNING COMMISSION ON MARCH 23, 2011.

- R1. Comment acknowledged. No further response is necessary.
- R2. The General Plan 2035 includes goals and policies to ensure that the City remains compliant with the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and the Implementing Agreement. The General Plan 2035 does not propose any changes to how the MSHCP is implemented in the City.
- R3. Comment acknowledged. No further response is necessary.
- R4. Refer to Response R2.
- R5. The Commentator attended a workshop on January 25, 2011 between representatives from CQLM, the City of Murrieta, and the Regional Conservation Authority (RCA), and has provided a summary of notes from that meeting.

The Western Riverside Multiple Species Habitat Conservation Plan (MSCHP) is discussed in both the General Plan 2035 and Draft EIR. The General Plan 2035 Conservation Element includes Goal CSV-8 and Policies CSV-8.1 through CSV-8.6 that address biological resources and the MSHCP. In addition, Draft EIR Section 2.7 incorporates by reference both the Western Riverside Multiple Species Habitat Conservation Plan and the Western Riverside Multiple Species Habitat Conservation Plan Final Environmental Impact Report/Environmental Impact Statement. Draft EIR Section 5.10 provides a summary of the Western Riverside Multiple Species Habitat Conservation Plan, the MSHCP Implementation Structure, and the Property Owner Initiated Habitat Evaluation and Acquisition Negotiation Strategy (HANS), as well as reviews potential impacts to biological resources associated with implementation of the General Plan 2035, as well as the General Plan 2035's consistency with the MSHCP.

COMMENT LETTER S

Citizens for Quality Life in Murrieta

CITY OF MURRIETA

35510 Los Alamos Rd. Murrieta, CA 92563
(951) 505-7428 www.CQLM.net

MAR 24 2011
RECEIVED
PLANNING DEPT.

March 23, 2011

REVISED 3-24-2011

City of Murrieta

✓ Greg Smith
1 Town Square
24601 Jefferson Ave.
Murrieta, CA 92562

Mr. Smith:

The Citizens for Quality Life in Murrieta are formerly requesting that the draft EIR include an economic and public safety study of the benefit to the City of Murrieta from the proposed Los Alamos Hills Specific Plan (LAHSP) area. The LAHSP plan would implement the funding the needed infrastructure improvements for Public safety and health.

S-1

In order for this study to be accurate, the boundaries must be mapped and included in the General Plan. The total number of present and future parcels of commercial/business park use, 1 DU per 2 ½ acre parcels including the transition area of mixed use for higher density, 1 DU to the acre and 10 DU to the acre must be calculated. The Los Alamos Hills Historic Boundary includes the conservation area of the Murrieta Springs SP or Winchester 700 on the south and the commercial/ business park area fronting on Winchester Rd on the East. The staff should recommend to the council, that these boundaries be adopted for revenue enhancement and conservation balance.

S-2

1) The EIR should include an economic study of the amount of tax revenue base and revenue lost by the current and future, proposed MSHCP land acquisitions in the Los Alamos Hills Specific Plan Area. The number of parcels lost to development and taxation should be analyzed.

2) The EIR should include a cost analysis of the proposed LAHSP infrastructure to be funded through the LAHSP. This value will accrue to the city.

3) The EIR should include an economic study of the tax revenue generated by the LAHSP at full build out with the proposed infrastructure assurances and conservation having already been met to satisfy the MSHCP in the LAHSP area.

4) The LAHSP costs from low density du demand for public services versus high density du demand for public services and the related tax revenue surplus.

S-3

The LAHSP goal for a self-paid infrastructure and satisfied MSHCP requirement will provide assurance and thus stimulus for owners in the LAHSP to improve and develop their properties. The result will be an elegant rural enclave, preserved historical area, and added public safety, a tribute to the city. This one time opportunity is too great to let pass.

S-4

Max
Max Miller- Chairman
Mike O'Donnell- Co-Chairman
Gayle Vergara- Secretary.

Shawn Horwitz- Recording Treasurer
MaryAnn Miller- Reporting Treasurer



S. RESPONSES TO COMMENTS FROM CITIZENS FOR QUALITY LIFE IN MURRIETA (CQLM), MAX MILLER, CHAIRMAN; MIKE O'DONNELL, CO-CHAIRMAN; GAYLE VERGARA, SECRETARY; SHAWN HORWITZ, RECORDING TREASURER; MARYANN SHUSHAN MILLER, REPORTING TREASURER; DATED MARCH 23, 2011, REVISED MARCH 23, 2011

S1. Environmental Impact Reports (EIRs) are to document both negative and positive environmental effects associated with proposed projects. Given that no application has been filed with the City and no Specific Plan has been completed for the Los Alamos Hills area, there is no land use plan and no infrastructure plan developed at this time to use in the Draft EIR. The Draft EIR has provided environmental analysis based upon the available information at the time the document was prepared. The Draft EIR is not required to conduct speculative environmental analysis for unknown land uses or infrastructure, as stipulated in *CEQA Guidelines* Section 15145.

While the Draft General Plan 2035 and Draft EIR assume no land use changes for the Los Alamos Hills area, additional development potential (both residential and non-residential) has been included and modeled for traffic, air quality, and noise. The impacts associated with that development potential have been analyzed throughout the EIR, and have disclosed impacts related to the Los Alamos Hills as applicable. Future environmental review for the Los Alamos Hills Specific Plan will be able to utilize and tier off the General Plan 2035 EIR.

S2. As noted in Response S1, the General Plan 2035 does not propose land use changes for the Los Alamos Hills area. The Draft EIR has accurately analyzed impacts for the Los Alamos Hills area based upon the policy changes proposed in the General Plan 2035 and the assumptions for future development potential within the Los Alamos Hills area as described in Section 3.0, Project Description, of the Draft EIR.

With respect to the proposed boundary for the Los Alamos Hills Specific Plan, a formal application has not yet been submitted to the City. Thus, the General Plan 2035 does not include a definitive boundary, but instead identifies the area for a future specific plan, as shown on Exhibit 3-1, Specific Plan Areas. Only those areas with adopted Specific Plans have been shown on Exhibit 3-1. Upon adoption of a Specific Plan for Los Alamos Hills, Exhibit 3-1 would be updated.

The acceptance of a boundary for the Los Alamos Hills Area is one that will be presented to the Planning Commission and City Council for their consideration.

S3. *CEQA Guidelines* Section 15358(b) requires that effects analyzed in CEQA documents must be related to a physical change in the environment. Economic effects are not considered environmental effects under *CEQA*. The Commentator has requested a cost analysis be prepared for future infrastructure needs associated with a future Specific Plan



for the Los Alamos Hills area. The type of analysis requested by the Commentator is not required for CEQA documents.

Refer to Responses S1 and S2. It is too speculative at this time to determine the infrastructure improvement costs within the future Los Alamos Hills Specific Plan area given that no land use changes are proposed within the General Plan 2035. In addition, it is the City's policy that development pays its fair share of infrastructure costs. Those costs will be determined at the time the Specific Plan is prepared.

- S4. These comments are acknowledged and will be provided to the Planning Commission and City Council for their consideration.



12.5 WRITTEN COMMENT LETTERS AND RESPONSES FOR LETTERS RECEIVED AFTER CLOSE OF EIR PUBLIC REVIEW OR AT PUBLIC HEARINGS

Comment Letters

A total of 3 written agency comment letters were received following the close of the EIR public review period or submitted during the Planning Commission Hearings.

- T. City of Menifee, letter dated May 9, 2011, received by City via mail dated May 11, 2011 and letter June 8, 2011, received by City via email June 8, 2011.
- U. Pechanga Cultural Resources, letter dated June 8, 2011 dated, received by City via email June 8, 2011.

CITY OF MENIFEE

Planning Department

Carmen Cave · Community Development Director



Wallace W. Edgerton
Mayor

Fred Twyman
Vice Mayor

John V. Denver
Councilmember

Darcy Kuenzi
Councilmember

Thomas Fuhrman
Councilmember

May 9, 2011

Greg Smith
City of Murrieta
One Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

CITY OF MURRIETA

MAY 11 2011

RECEIVED
PLANNING DEPT.

RE: Meeting Follow Up on Draft Environmental Impact Report for the Murrieta General Plan 2035

Dear Mr. Smith:

City of Murrieta Planning Staff met with City of Menifee Planning Staff on April 21, 2011. At that meeting we discussed the traffic study and impacts at Menifee Road and Scott Road and Antelope Road and Scott Road and there were a couple of outstanding issues on these two items. We are now responding to those outstanding items.

T-1

The City of Murrieta had asked the City of Menifee whether or not we would support a dual left turn lane Scott Road (eastbound) to Menifee Road (northbound) as this may help to alleviate some traffic impacts at this intersection. Menifee Engineering staff has reviewed the planned improvements for the intersection of Scott Road and Menifee Road and has concluded that we would support the dual left turn lanes. The City Engineering staff has determined that we may be able to accommodate and should plan for dual left turns at all four legs of the intersection.

T-2

The other issue of concern that the City of Menifee had was the exclusion of an analysis of traffic impacts to the intersection of Antelope Road and Scott Road. The City of Menifee's Traffic Engineer reviewed the EIRs prepared for the Loma Linda Hospital project to determine if the analysis in those documents would provide information on the existing levels of service and projected levels of service for the intersection of Antelope Road and Scott Road. The intersection analysis for Antelope Road and Scott Road for Project/Hospital Completion (Year 2013), including existing, project, growth and cumulative projects, indicated that the level of service for this intersection even with improvements would be D for both the a.m. and p.m. peak hours. This is of concern because the traffic analysis did not take into account the "Shops at Scott" (PP22946 – 87,700 sq. ft. commercial shopping center submitted to County of Riverside July 2007) or "The Junction" (PP22279 – 526,000 sq. ft. shopping center submitted to County of Riverside November 2006). With the inclusion of these two projects, the level of service for this intersection may be lower than what is indicated in the hospital traffic study. The City of Menifee

T-3

believes the traffic study should be revised to provide an analysis of the intersection of Scott Road and Antelope Road.

Sincerely,

City of Menifee Planning Department



Lisa Gordon, Senior Planner



CITY OF MENIFEE

Planning Department

Carmen Cave · Community Development Director

Wallace W. Edgerton
Mayor

Fred Twyman
Vice Mayor

John V. Denver
Councilmember

Darcy Kuenzi
Councilmember

Thomas Fuhrman
Councilmember

June 8, 2011

Greg Smith
City of Murrieta
One Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

RE: City of Murrieta General Plan Amendment No. 2009-2841 (General Plan 2035) and Final Environmental Impact Report

Dear Mr. Smith:

The City of Menifee Planning and Engineering Departments have reviewed the response to comments prepared in the Final EIR for the Murrieta General Plan and have the following comments on the Murrieta General Plan and FEIR.

T-4

The City of Murrieta Planning Staff met with City of Menifee Planning Staff on April 21, 2011. At that meeting we discussed the traffic study and impacts at Menifee Road and Scott Road, and Antelope Road and Scott Road. There were a couple of outstanding issues on these two locations. A letter was sent to City of Murrieta Planning Staff on May 9, 2011 responding to those outstanding items. The City of Menifee also requested a subsequent meeting to discuss the comments in the May 9, 2011 correspondence. While this meeting has not yet occurred, we look forward to your cooperation moving forward.

T-5

Issue #1: The City of Murrieta had asked the City of Menifee whether or not we would support a dual left turn lane Scott Road (eastbound) to Menifee Road (northbound) as this may help to alleviate some traffic impacts at this intersection. Menifee Engineering staff has reviewed the planned improvements for the intersection of Scott Road and Menifee Road and has concluded that we would support the dual left turn lanes. The City Engineering staff has determined that we may be able to accommodate and should plan for dual left turns at all four legs of the intersection. The response to comments from the FEIR, Page 12-53, does not reflect our discussion and indicate that the City of Murrieta would be providing the dual left turn lanes which could reduce traffic impacts.

T-6

Issue #2: The City of Menifee had expressed concern about the exclusion of an analysis of traffic impacts to the intersection of Antelope Road and Scott Road. The City of Menifee's Traffic Engineer reviewed the EIRs prepared for the Loma Linda Hospital project to determine if the analysis in those documents would provide information on the existing levels of service and projected levels of service for the

T-7

intersection of Antelope Road and Scott Road. The intersection analysis for Antelope Road and Scott Road for Project/Hospital Completion (Year 2013), which included existing, project, growth and cumulative projects, indicated that the level of service for this intersection, even with improvements, would be D for both the a.m. and p.m. peak hours. This is of concern because the traffic analysis did not take into account the "Shops at Scott" (PP22946 – 87,700 sq. ft. commercial shopping center submitted to County of Riverside July 2007) or "The Junction" (PP22279 – 526,000 sq. ft. shopping center submitted to County of Riverside November 2006). With the inclusion of these two projects, the level of service for this intersection may be lower than what is indicated in the hospital traffic study. The City of Menifee believes the traffic study for the General Plan should be revised to provide an analysis of the intersection of Scott Road and Antelope Road.

T-7

The City of Menifee would also like to request that a policy be added to the North Murrieta Business Corridor Focus Area requiring all development projects within the Focus Area prepare a fair share funding analysis for the Scott Road and Interstate 215 Interchange.

T-8

Please forward any subsequent environmental documents or public hearing notices regarding the project to my attention at 29714 Haun Road, Menifee CA 92586. I can be contacted at (951) 672-6777 or lgordon@cityofmenifee.us for meeting scheduling or any questions or comments.

T-9

Sincerely,

City of Menifee Planning Department



Lisa Gordon, Senior Planner



T. RESPONSES TO COMMENTS FROM LISA GORDON, SENIOR PLANNER, CITY OF MENIFEE, DATED MAY 9, 2011 AND JUNE 8, 2011.

T1. The Commentator notes a meeting between the City of Menifee and the City of Murrieta on April 21, 2011 and that the City of Menifee is following up on items discussed at that meeting.

T2. At the April 21, 2011 meeting, the enhanced lane configuration for the Scott Road/Menifee Road intersection was discussed. The discussion reviewed Exhibit 5-9a (Draft General Plan 2035)/Exhibit 5-4-16a (Draft EIR) and the level of service (LOS) conclusions for the year 2035 shown in the corresponding tables, Table 5-7 (Draft General Plan 2035) and Table 5.4-12 (Draft EIR). The tables indicate that with the enhanced lane configurations that both the AM and PM peak hour level of service is E. The Draft EIR concluded this to be a significant unavoidable impact at this intersection, which the City of Menifee noted they do not favor. The discussion at the meeting was to explore additional improvements to further reduce the impact significance level, including the option of dual left-turn lanes on both the eastbound and westbound intersection approaches (on Scott Road); the Draft General Plan 2035 Circulation Element is proposing a single left-turn lane on the eastbound and westbound approaches. The Commentator notes that Menifee Engineering staff has reviewed and is supportive of this option.

Therefore, Exhibit 5-9a (Draft General Plan 2035) and Exhibit 5-4-16a (Draft EIR) along with the corresponding tables, Table 5-7 (Draft General Plan 2035) and Table 5.4-12 (Draft EIR) will be revised in the Final General Plan 2035 and Final EIR to reflect the option of dual left-turn lanes on the eastbound and westbound approaches to the Scott Road/Menifee Road intersection.

T3. The Commentator is restating a comment made by the City of Menifee in their comment letter dated March 24, 2011 on the Draft EIR that the City of Murrieta should analyze the impacts at the intersection of Scott Road and Antelope Road. Refer to Response H1. As noted in Response H1, this intersection was not one reviewed in the existing General Plan and the City did not elect to add an analysis of the intersection in the Draft General Plan 2035 or Draft EIR for the following reasons: 1) design work had been completed for the Scott Road/I-215 Interchange (approximately April 2010), and 2) environmental review, including a traffic study, was recently completed, thus, it was not necessary to reanalyze those future conditions. However, the future roadway conditions for the Scott Road/I-215 Interchange, including the Scott Road/ Antelope Road intersection were included in the General Plan 2035 Circulation Element model or the Draft EIR. In addition, three of the four corners of the intersection are within the City of Menifee boundaries (northwest, northeast, and southwest corners). The City of Murrieta does not concur with the City of Menifee's suggestion to analyze the Scott Road/Antelope Road intersection for the reasons identified above.



The Commentator goes on to note that the City of Menifee’s Traffic Engineer reviewed the EIR prepared for the Loma Linda University Medical Center Murrieta project, specifically focusing on the existing and projected levels of service on the Scott Road/Antelope Road intersection. The Loma Linda University Medical Center Murrieta project has been accounted for in both the existing and 2035 scenarios for the Draft General Plan 2035 Circulation Element and Draft EIR.

It is important to note that the Supplemental EIR for the Loma Linda University Medical Center Murrieta project was certified by the City of Murrieta on September 9, 2008. The Supplemental EIR included four traffic mitigation measures that reduce project- and cumulative-related impacts to a less than significant level. The mitigation measures address on-site, area-wide (including improvements to Scott Road/Antelope Road intersection), safety and operational improvements, and roadway construction impacts.

As noted in Supplemental EIR Appendix 2, Traffic Impact Study page 2-3, the existing AM and PM peak hour traffic volumes for the study area intersections were based upon manual AM and PM peak hour counts compiled in April and August 2006, and January, March, and September 2007. The Scott Road/Antelope Road intersection was a study intersection in the Traffic Impact Study.

The cumulative projects reviewed in the Traffic Impact Study include those identified by Riverside County, the City of Murrieta, and the traffic consultant at the time the study was prepared (existing and cumulative conditions data was collected in 2006 and 2007). The list of cumulative projects is shown on Table 3-4 and illustrated on Exhibit 3-6 in the Traffic Impact Study. Two projects, previously in Riverside County and now in the City of Menifee, Menifee Shopping Center and Commerce Pointe, are accounted for in the study. The existing counts data and cumulative project list data was collected before the City of Menifee became an official City on October 1, 2008. Therefore, the two projects noted in the comment, the Shops at Scott and the Junction at Menifee Valley, had not been identified by Riverside County as cumulative projects at the time that Traffic Impact Study was prepared. It is not necessary to include these two projects in the traffic impact study for the Loma Linda University Medical Center Murrieta project given that the Supplement EIR was certified in September 2008. In addition, the hospital and medical office building have been constructed along with the necessary on-site and off-site improvements required as part of the Supplement EIR mitigation measures or conditions of approval.

As noted in Response H1, the Draft General Plan 2035 Circulation Element and Draft EIR is based upon the RivTAM model update, which was completed in 2008. Data was compiled by Riverside County, and included data collected in mid-2007 for the 2008 base year and projections for the 2035 SED (Socioeconomic Data). The RivTAM model did not include three recent project approvals by the City of Menifee: Commerce Pointe, Menifee Shopping Center, and Junction at Menifee Valley. EIRs were certified for all three projects in December 2008, July 2010, and November 2010, respectively. The



model also did not account for the Shops at Scott project. It is anticipated that the development anticipated for these four projects will be incorporated into the RivTam model when the City of Menifee prepares its first General Plan.

Information regarding the four aforementioned Menifee projects was not provided to the City of Murrieta in the Menifee NOP comment letter or as a follow up to the NOP comment letter to incorporate into the Murrieta General Plan Update traffic model for traffic analysis zones outside the City's corporate boundary and sphere of influence area. If the information was not in the RivTam model or provided by the City of Menifee, the City of Murrieta would not have knowledge of specific development projects outside its corporate boundary to include in a county-wide model.

- T4. The Commentator states the City of Menifee reviewed the draft Comments and Responses in the Draft Final EIR on the City's website. The Draft Final EIR was made available for the Murrieta Planning Commission hearing on June 8, 2011. Final Comments and Responses will be mailed out to all commenting agencies prior to certification of the Final EIR by the City Council in compliance with *CEQA* Section 21092.5, including to the City of Menifee.
- T5. The Commentator notes a meeting on April 21, 2011 with the City of Murrieta and the City of Menifee and a May 9, 2011 letter from the City of Menifee to the City of Murrieta (refer to Responses T1 through T3). In addition, the Commentator notes that the City of Menifee has requested a subsequent meeting to follow up on some items and to date that meeting has not been scheduled, but the City of Menifee looks forward to working cooperatively with the City of Murrieta. The City of Murrieta concurs with that sentiment, and also looks forward to about working collaboratively with the City of Menifee.
- T6. With respect to the improvements proposed at the Scott Road/Menifee Road intersection in the Draft General Plan 2035 and Draft EIR, there is not a specific comment from the City of Menifee in its letter dated March 24, 2011 that warrants a written response. This topic was discussed at the April 21, 2011 meeting with the City of Murrieta and the City of Menifee. As noted previously in Response T2, the Commentator notes that Menifee Engineering staff has reviewed and is supportive of the option for dual left-turn lanes on the eastbound and westbound intersection approaches.
- T7. Refer to Responses H1 and T3.
- T8. This comment is acknowledged. However, the City of Murrieta will not be adding a policy to the General Plan 2035 Circulation Element regarding fair share funding for the Scott Road/Interchange 215 for all development projects within the North Murrieta Business Corridor Focus Area for the reasons noted below.



As noted in Response H1, Community Facilities District No. 05-8 of the County of Riverside was formed to construct the ultimate improvements to the Scott Road/I-215 Interchange and widen Scott Road from I-215 to SR-79 to 6 lanes. The improvements include a major upgrade to this intersection to expand the bridge crossing, add loops ramps, and size the overcrossing to handle anticipated traffic growth in Menifee and the other areas that use the Scott Road Corridor. The Scott Road/I-215 Interchange Improvement Project falls within the boundaries of the City of Menifee. Riverside County and the City of Menifee are working cooperatively on the environmental and design phases of the project. The City of Murrieta is not part of Community Facilities District No. 05-8.

However, the City of Murrieta is a party to a Memorandum of Understanding (MOU) with the County of Riverside regarding funding the Scott Road/I-215 interchange improvement projects, which was entered into on August 15, 2006 (a copy of the MOU is attached to this response). Item F of the Agreement specifies that the City of Murrieta's total contribution is \$505,000, which is the City's full obligation for the project, with the payment requirements stipulated in Items A through C. Item G of the Agreement further specifies that contributions from the City of Murrieta "will not be required for any future ultimate interchange improvements as those improvements will be fully funded by a developer Community Facilities District."

T9. This comment is acknowledged. No further response is necessary.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF
MURRIETA AND THE COUNTY OF RIVERSIDE FUNDING THE SCOTT
ROAD/I-215 INTERCHANGE IMPROVEMENT PROJECTS**

This MEMORANDUM OF UNDERSTANDING (hereinafter referred to as the "MOU"), is made and entered into this 15th day of August, 2006, by and between the COUNTY OF RIVERSIDE (herein "County") and the CITY OF MURRIETA (herein "City").

RECITALS

1. County intends to construct the Scott Road/I-215 Interchange Improvement Project, (the "Project") installing signals and performing ramp widening as an interim improvement to the future interchange at a total of construction cost of \$2,272,680.
2. City has agreed to contribute twenty-five percent (25%) of the funding for that portion of the Project within the corporate boundaries of the City.
3. Of the total construction cost, approximately \$250,000 pertains to the signal improvements at Haun and Scott Road, which is within the jurisdiction of the County. The remaining construction cost in which the City will participate is \$2,022,680.00.
4. City has collected funds for the interchange improvements from the imposition of development impact fees; although said collections are currently insufficient to completely fund the City's portion.
5. The Parties wish to enter into this Memorandum of Understanding memorializing the City's agreement to participate in the funding of the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the terms, covenants, conditions, and agreements set forth herein below, the County and the City agree as follows:

- A. The City agrees to pay to County twenty-five percent (25%) of the funding of the project, excluding design and inspection/contract management costs, in the total amount of \$505,000.
- B. City agrees to forward to the County \$100,000.00 (one hundred thousand dollars) within thirty (30) days of the date of the execution of this Agreement.

- C. County agrees to invoice City and City agrees to pay \$50,000.00 (fifty thousand dollars) on a quarter-yearly basis, first payment to be made on October 1, 2006.
- D. City will construct the interim intersection improvements of Scott Road and Antelope Road at no cost to the County.
- E. City's sole participation in the Project shall be limited to the contribution funds.
- F. City's contribution funds in the total amount of \$505,000 is the City's full obligation for the project.
- G. Contributions from the City will not be required for any future ultimate interchange improvements as those improvements will be fully funded by a developer Community Facilities District.
- H. County is lead agency on the project and shall prepare and obtain all environmental assessments, approvals and permits as required to proceed.
- I. It shall be the intention of both the County and the City to complete the above projects as expeditiously as possible.
- J. Each party hereto represents and warrants that it has full power to enter into this Agreement, and that the individual executing this Agreement on its behalf is fully empowered to bind it and fully authorized to enter this Agreement.
- K. Each party represents and warrants that it is not assigned, encumbered or in any matter transferred all or any portions of the claims, causes or actions or other matters released by it herein.
- L. Each party hereto acknowledges and agrees that the warranties and representations made by each party in this paragraph are each and essential a material term of this Agreement, without which the consideration herein would have been given by any of them.

IN WITNESS WHEREOF, the parties have executed and entered into this Agreement as of the date herein above set forth.

COUNTY OF RIVERSIDE

CITY OF MURRIETA

Bob Buster

Chairperson, Riverside County
Board of Supervisors
Bob Buster

Rob Dyer

Mayor, City of Murrieta

ATTEST: -----

Nancy Romero,
Clerk of the Board

ATTEST:

Deborah
Deputy

A. Kay Vinson
City Clerk

APPROVED AS TO FORM:

Joe S. Rank, County Counsel

John H. ...
City Attorney

FORM APPROVED COUNTY COUNSEL

SEP 20 2006
BY JK

COMMENT LETTER U



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:
Germaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Evie Gerber
Darlene Miranda
Bridgett Barcello Maxwell
Aurelia Marruffo
Richard B. Scearce, III

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

Monitor Supervisor:
Jim McPherson

June 8, 2011

VIA E-Mail and USPS

Mr. Greg Smith
City of Murrieta
Planning Department
1 Town Square, 24601 Jefferson Ave
Murrieta, CA 92562

Re: Pechanga Tribe Comments on the City of Murrieta General Plan Update Environmental Impact Report Mitigation Monitoring and Reporting Program

Dear Mr. Smith:

This comment letter is submitted by the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government, regarding the above referenced Project.

U-1

Thank you for inviting the Pechanga Tribe to actively consult and participate in the Murrieta General Plan Update. We have previously submitted comments to the City in response to consultation requests and the Draft Environmental Impact Report Notice of Availability (see letters in the Project file dated 12-30-10; 1-20-11; 3-22-11). The Tribe thanks the City for incorporating our requested changes into the EIR. While the Tribe was not sent a formal Response to Comments on the NOA for the DEIR, we have reviewed them online, along with the FEIR and the Tribe has one outstanding concern regarding the Mitigation Monitoring and Reporting Program (MMRP) pertaining to Cultural Resources.

U-2

The FIER exhibits two Conditions relating to Cultural – defined as Archaeological, Historical and Paleontological, Resources. The Tribe is concerned that the conditions are not specific enough for each discipline, do not enforce the first goal of CEQA – preservation and protection in place, only address the last portion of the development project, and assume that all resources will be excavated; as such, the Tribe is concerned that this lack of specificity may cause potential conflict and confusion in guidance of future development projects. The Tribe understands that each project that is processed through the Planning Department, or other applicable Department such as Public Works, will be reviewed for CEQA involvement and that each project will receive specific conditions of approval and mitigation measures that pertain solely to that project however, the Tribe believes that the EIR does not provide adequate

U-3

guidance for the review of these future projects. To that extent, we request that the following Condition be added and the existing condition be amended as follows (strikeouts are deletions and underlines are additions):

CR-1: All future development projects shall be required to conduct a cultural resources study (archaeological, historical and/or paleontological) on a project-specific basis as determined by the City reviewer. The studies shall be carried out by Riverside County qualified consultants. Archaeological consultants shall consult with the appropriate Native American Tribe¹ prior to performance of field surveys. If cultural resources are encountered during the survey, the City shall require that the resources are evaluated for their eligibility for listing on the National Register, California Register and any City registers, in consultation with the appropriate Tribe. The qualified specialist, in consultation with the appropriate Tribe (based upon the nature of the find), shall determine whether additional excavations are warranted in which such activities shall be conducted per CEQA Guidelines. Any identified resources shall be avoided if feasible. Ground-disturbing activity in areas that have been determined to be culturally sensitive will be monitored by the appropriate Riverside County qualified specialist and the appropriate professional Native American Tribal representative.

CR-1~~CR-2~~: In the event that cultural resources (archaeological, historical, paleontological) are unearthed inadvertently during excavation and grading activities of any future development project, the contractor shall cease all earth-disturbing activities within a 100-meter radius of the area of discovery and shall retain a the appropriately qualified specialist, i.e. Riverside County qualified archaeologist, historian, architect, paleontologist, etc as well as the appropriate professional Native American Tribal monitor to evaluate the significance of the finding and appropriate course of action, which shall include preservation in place and avoidance as required by CEQA when feasible. If avoidance is not feasible, Ssalvage operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed. After the find has been appropriately mitigated, work in the area may resume.

~~CR-2~~ CR-3: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to State Health and Safety Code Section 7050.5, no further disturbances shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If

U-3

¹ *It is anticipated that the Pechanga Tribe will be the "appropriate" Tribe due to their prior and extensive coordination with the City and due to its demonstrated cultural affiliation and prior designation of Most Likely Descendant within the City boundaries.

the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendant of the deceased Native American, who shall serve as consultant on how to proceed with the remains.

U-3

The Pechanga Tribe looks forward to continuing our pleasant working relationship with the City of Murrieta and to continue in protecting the invaluable Pechanga cultural resources found in the City boundaries. Please contact me at 951-770-8104 once you have had a chance to review these comments so that we might address the issues concerning the mitigation language. Thank you.

U-4

Sincerely,



Anna M. Hoover
Cultural Analyst

cc: Pechanga Office of the General Counsel



U. RESPONSES TO COMMENTS FROM ANNA HOOVER, CULTURAL ANALYST, PECHANGA CULTURAL RESOURCES, DATED JUNE 8, 2011.

- U1. The Commentator notes that the Pechanga Band of Luiseño Indians (the “Tribe”) has submitted a comment letter regarding the proposed General Plan 2035 and Draft EIR as the federally recognized Indian tribe.
- U2. The Commentator thanks the City of Murrieta for actively consulting with the Tribe during the Murrieta General Plan Update and EIR process. The Commentator notes that the Tribe has previously submitted three letters during the process and that the City has incorporated the Tribe’s comments in the Plan and EIR. The Commentator also states that the Tribe reviewed the Draft Final EIR, which includes the Mitigation Monitoring and Reporting Program and the Comments and Responses, on the City’s website prior to the Planning Commission Hearing on June 8, 2011. Included in the Draft Final EIR as the draft response to the Pechanga letter dated March 22, 2011, which was received by the City during the Draft EIR 45-day public review period (Refer to Comment Letter E and Responses). The Commentator indicates the Tribe has a concern regarding the cultural resources mitigation measures cited in the Mitigation Monitoring and Reporting Program (refer to Response U3).
- U3. The City acknowledges the Tribe’s comment regarding the inclusion of additional guidance in the EIR regarding future review of development projects and cultural resources on the project sites.

The Tribe has recommended a new Mitigation Measure CR-1 and renumbering the existing Mitigation Measures CR-1 and CR-2 to CR-2 and CR-3, respectively. The City acknowledges the spirit and intent expressed by the Tribe in their proposed Mitigation Measure CR-1. Subsequent to receipt of this comment letter, the City of Murrieta met with the Tribe on June 30, 2011. That meeting included a discussion regarding the intent and language for the proposed Mitigation Measure CR-1. Draft language was reviewed and agreed upon by the City and the Tribe, as shown below, and will be included in the Final EIR.

The mitigation measures related to Cultural Resources will be revised as follows in Final EIR Section 1.0, Section 5.9, and Section 11.0.

CR-1	Future development projects shall continue to be evaluated for cultural resources by the City of Murrieta through review by the Eastern Information Center (EIC) and notification of and consultation with the local tribes for new entitlement projects. The projects shall be evaluated for compliance with the California Environmental Quality Act (CEQA) and where feasible, avoidance of cultural resources. If, following review by the EIC and/or tribal consultation, it is determined that there is a
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	<p><u>potential for impacts to cultural resources, further cultural resources analysis by a qualified professional(s), as defined in Mitigation Measure CR-2, may be required by the City.</u></p>
<p>CR-#2</p>	<p>In the event that cultural resources (archaeological, historical, paleontological) resources are <u>inadvertently</u> unearthed during excavation and grading activities of any future development project, the contractor shall immediately cease all earth-disturbing activities within a 100-meter<u>foot</u> radius of the area of discovery and shall retain a qualified archaeologist to evaluate the significance of the finding and appropriate course of action. <u>If not already retained due to conditions present pursuant to Mitigation Measure CR-1, the project proponent shall retain a qualified professional (i.e., archaeologist, historian, architect, paleontologist, Native American Tribal monitor), subject to approval by the City of Murrieta to evaluate the significance of the find and appropriate course of action (refer to Mitigation Measures CR-1 and CR-3).</u> <u>If avoidance of the resources is not feasible, salvage</u> operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed. After the find has been appropriately <u>avoided or</u> mitigated, work in the area may resume.</p>
<p>CR-#3</p>	<p>In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to State Health and Safety Code Section 7050.5, no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendant of the deceased Native American, who shall serve as consultant on how to proceed with the remains.</p>

U4. This comment is acknowledged. No further response is necessary.