



WINCHESTER COMMUNITY PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO.: 2019049114

AUGUST 2024

SUBMITTED TO
**RIVERSIDE COUNTY
PLANNING DEPARTMENT**
4080 Lemon Street, 12th Floor
Riverside, CA 92501

PREPARED BY
MICHAEL BAKER INTERNATIONAL

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COUNTY OF RIVERSIDE

WINCHESTER COMMUNITY PLAN PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2019049114



County of Riverside
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
Contact: Paul Swancott, Contract Planner
Pswancott@rivco.org

August 2024



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1.0 INTRODUCTION

In accordance with California Environmental Quality Act Guidelines (CEQA Guidelines) Section 15088, the County of Riverside, as the lead agency, has evaluated the comments received on the Winchester Community Plan Project Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2019049114).

The Draft EIR for the proposed Winchester Community Plan Project (“project”) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft EIR was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR established by the State CEQA Guidelines commenced on July 5, 2022 and concluded on August 19, 2022. It is noted that the County of Riverside extended the Draft EIR public review period from August 19, 2022 to September 23, 2022.

The Final EIR consists of the following components:

- Section 1.0 – Introduction
- Section 2.0 – Draft EIR Public Review Summary
- Section 3.0 – Response to Draft EIR Comments
- Section 4.0 – Draft EIR Text Revisions

Due to its length, the text of the Draft EIR is not included with this document; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Draft EIR identified in this document constitutes “significant new information” pursuant to State CEQA Guidelines Section 15088.5. As a result, a recirculation of the Draft EIR is not required.



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2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

The Draft EIR for the proposed project was circulated to affected public agencies and interested parties for a 45-day review period from July 5, 2022, through August 19, 2022. It is noted that the County of Riverside extended the Draft EIR public review period from August 19, 2022 to September 23, 2022. The County undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of the Draft EIR was published on the County's website (<https://planning.rctlma.org/winchester-communityplan>);
- Notification of the availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the project;
- The Draft EIR was posted to the State Clearinghouse CEQANet Web Portal on July 5, 2022, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that commented on the Draft EIR); and
- Copies of the Draft EIR were made available on the County's website (<https://planning.rctlma.org/winchester-communityplan>), and at the Riverside County Planning Department (4080 Lemon Street, 12th Floor, Riverside, CA 92501). In addition, a USB containing the Draft EIR was provided to the French Valley Library (31526 Skyview Road, Winchester, CA 92596).



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3.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with State CEQA Guidelines Section 15088, this document includes written responses to comments raising significant environmental issues received by the County of Riverside on the Draft EIR.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Comments received on the Draft EIR are listed below.

COMMENT LETTER NO.	PERSON, FIRM, OR AGENCY	LETTER DATED
1	Kathee Smith, Resident	July 7, 2022
2	Juanita Fernandez, Resident	July 7, 2022
3	Michael Morris, Planning and Rules Manager, South Coast Air Quality Management District	July 26, 2022
4	Trip Hord	August 1, 2022
5	Carl Rheingans, Resident	August 8, 2022
6	Michele A. Staples, Jackson Tidus	August 11, 2022
7	Kim Wortman, President, Winchester-Homeland Town Association	August 11, 2022
8	Dan Boyd, Vice President – Entitlements, D.R. Horton	August 12, 2022
9	Casey Mungo, Resident	August 12, 2022
10	Nate, Resident	August 13, 2022
11	Larry Markham, Markham DS	August 15, 2022
12	Demian Boettcher, Principal Civil Engineer, Eastern Municipal Water District	August 16, 2022
13	Steven Keung, Resident	August 16, 2022
14	Mark Hayden, Vice President, CADO Indigo, LLC & CADO Tangerine, LLC	August 16, 2022
15	Samuel C. Alhadeff, Lewis Brisbois Bisgaard & Smith, LLP	August 17, 2022
16	Paul Onufer, Manager, JPMB Investments, LLC	August 17, 2022
17	Joel Morse, T&B Planning, Inc.	August 17, 2022
18	David Chantarangsu, Development Services Director, City of Murrieta	August 19, 2022
19	Michele A. Staples, Jackson Tidus	September 19, 2022
20	Paul W. Pitingaro, Lansing Companies	September 19, 2022
21	Cheryl Kitzerow & Nicolas Fidler, City of Menifee	September 20, 2022
22	Luke Watson, Deputy City Manager, City of Temecula	September 23, 2022

3.0 Responses to Draft EIR Comments



COMMENT LETTER NO.	PERSON, FIRM, OR AGENCY	LETTER DATED
23	David Chantarangsu, Development Services Department Director, City of Murrieta	September 23, 2022
24	Grant and Marsha Becklund, Residents	September 23, 2022
25	Joel Morse, T&B Planning, Inc.	September 26, 2022

To: Baeza, Manuel <MBaeza@Rivco.org>

Cc: Richard Smith <rlsmith7176@live.com>

Subject: NOTICE - Winchester Community Plan

CAUTION: This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hello Manuel,

Received your notice and of course I find it a bit overwhelming.

In a nutshell, can you tell me how this matter will affect my property at 34440 Marvin Hull Road 92595?

Where in the Draft EIR, on your website, can I find information pertaining to this address?

Thank you.

Kathee Smith
(949) 291-6807

Confidentiality Disclaimer

This email is confidential and intended solely for the use of the individual(s) to whom it is addressed. The information contained in this message may be privileged and confidential and protected from disclosure.

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[County of Riverside California](#)



Response No. 1

Kathee Smith, Resident

July 7, 2022

- 1-1 The commentor asks for clarification on the notices they received in regard to the Draft EIR. They ask for a summary of how their property would be affected by the project, and ask for resources where they can find information. County Staff has responded to the inquiry and directed the commentor to Draft EIR Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*, as well as the Map My County online GIS for current and proposed land use changes. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted.

From: billing louiesnursery.com <billing@louiesnursery.com>
Sent: Thursday, July 7, 2022 10:38 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: General plan amendment no.1207

2-1

Good Morning,
My name is Juanita Fernandez and I received a notice of availability and completion of the draft environmental impact report for the Winchester community plan (General Plan amendment no. 1207). Is this just a notification or am I being asked to complete or comply to something specific as I couldn't decipher from the notice. Thank you in advance.

2225 St. Lawrence
Riverside ca 92504
[Brandy Hills](#)

[Office Manager](#)


LOUIE'S NURSERY
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16310 Porter Ave.
Riverside, CA 92504
T: (951) 780-7841 ext. 4
F: (951) 780-5110
www.louiesnursery.com



Response No. 2

Juanita Fernandez, Resident

July 7, 2022

- 2-1 The commentor asks for clarification on the notices they received in regard to the Draft EIR. They ask if they are required to take any action. County Staff has responded to the inquiry and informed that commentor that the notice is only to inform them as a property owner of the proposed changes associated with the project. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

July 26, 2022

mbaeza@rivco.org

Manuel Baeza, Principal Planner
County of Riverside, Planning Department
4080 Lemon Street, 12th Floor
Riverside, California 92501

Draft Environmental Impact Report for the Winchester Community Plan (GPA No. 1207) (Proposed Project)

3-1

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

3-2

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁶ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁷.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁸ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁹, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy¹⁰.

Health Risk Reduction Strategies

Many strategies are available to reduce exposures, including, but are not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁷ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁸ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁹ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

¹⁰ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

study that South Coast AQMD conducted to investigate filters¹¹, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary and include costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy consumption that the Lead Agency should evaluate in the Draft EIR. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. These filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, replacement has the potential to result in emissions from the transportation of used filters at disposal sites and generate solid waste that the Lead Agency should evaluate in the Draft EIR. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

3-5 South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at mmorris@aqmd.gov.

Sincerely,

Michael Morris

Michael Morris

Planning and Rules Manager, CEQA IGR

Planning, Rule Development & Area Sources

MM

RVC220712-01

Control Number

¹¹ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.



Response No. 3

Michael Morris, Planning and Rules Manager, South Coast Air Quality Management District

July 26, 2022

3-1 This comment includes introductory language for the comment letter and includes requests for a copy of the Draft EIR and relevant supporting documents to be sent for review by the South Coast Air Quality Management District (SCAQMD). The comment is acknowledged. On July 5th, 2022, a Notice of Availability that included a link to Draft EIR and supporting documents were mailed to SCAQMD, in the care of Lijin Sun at 21865 East Copley Drive, Diamond Bar, CA 91765-4182. In addition, County staff provided electronic versions of all emission calculation spreadsheets and air quality modeling input and output files to SCAQMD on August 3, 2022. Responses to specific comments are provided below.

3-2 This comment includes recommendations made by SCAQMD to the Lead Agency for analysis of air quality and greenhouse gas impacts. The first recommendation is for the Lead Agency to use SCAQMD's *CEQA Air Quality Handbook* and website as guidance. This would include using the CalEEMod land use emission software to estimate the project's pollutant emissions, then comparing to SCAQMD's regional and localized significance thresholds. The Draft EIR makes multiple references to the SCAQMD *CEQA Air Quality Handbook*, including on Draft EIR page 4.3-20, where the SCAQMD Thresholds of Significance are tabulated. On Draft EIR page 4.3-26, it is stated that "the types and amounts of future development were entered into CalEEMod pursuant to the project characteristics described in Section 3.0." Draft EIR Table 4.3-6, *Estimated Unmitigated Operation Emissions*, shows the comparison of projected emissions to the thresholds of significance determined by SCAQMD.

Additionally, the commentor recommends that the Lead Agency identify any potential adverse air quality impacts that could occur from all phases of the project, such as construction impacts and operational impacts.

The Draft EIR addresses expected construction emissions in Impact AQ-2, on Draft EIR page 4.3-24. It describes the various sources of construction emissions, such as fugitive dust, exhaust, grading/hauling, and asbestos. Information regarding specific developments, construction phase timing, earthwork volumes, and the locations of receptors would be needed to quantify construction-related impacts. All future development would be subject to the County's development review process and would be required to demonstrate consistency with County General Plan policies and Riverside County regulations. Depending on how development proceeds, construction-related emissions associated with future development facilitated by the project could exceed SCAQMD thresholds of significance. However, Mitigation Measure AQ-1 would require all future development projects subject to CEQA to prepare air quality analyses in accordance with SCAQMD guidance. As a result, projects may be required to implement additional mitigation measures in order to reduce air pollutant emissions.

The Draft EIR addresses operational impacts on page 4.3-26, stating that most of the operational emissions from future development facilitated by the project would be mobile source emissions due to vehicle trips to, from, and within the project area and local region. Stationary source emissions would result from gas consumption for space and water heating, landscape maintenance equipment operations, and use of consumer products. As stated above, CalEEMod was used to determine anticipated pollutant emissions for the project. Draft



EIR Table 4.3-6, *Estimated Unmitigated Operation Emissions*, shows potential emissions from the proposed project exceeding SCAQMD thresholds. However, development would be subject to compliance with General Plan policies which promote the reduction of mobile source and stationary source emissions, as well as CEQA review and SCAQMD compliance.

- 3-3 The commentor describes the State CEQA Guidelines Section 21002 requirement that all feasible mitigation measures must be implemented in the case where the project results in significant impacts. The Draft EIR has appropriately addressed air quality impacts as required by CEQA. The project's impacts regarding air quality are discussed in Draft EIR Section 4.3, *Air Quality*. The Draft EIR concluded that the project would result in a significant and unavoidable impact and a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard during construction. However, future projects developed in the project area would be required to implement mitigation measures to reduce air quality impacts to the extent feasible. Mitigation Measures AQ-1 through AQ-9, included in Draft EIR Section 4.3, *Air Quality*, are applicable to the project:

AQ-1 To identify potential long-term operational-related air quality impacts from projects subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects), project-specific construction and operational air emissions impacts shall be determined in compliance with the latest version of the SCAQMD CEQA Guidelines. The results of the air emissions analyses shall be included in the development project's CEQA documentation. If such analyses identify potentially significant air quality impacts, the County shall require the incorporation of appropriate mitigation to reduce such impacts as required by CEQA and General Plan Policy AQ 4.7.

AQ-2 The County of Riverside shall require applicants of future developments within the project area to implement the following applicable Rule 403 measures (or the latest applicable measures if amended by SCAQMD):

- Apply nontoxic chemical soil stabilizers according to manufacturer specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered, or should maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).
- Pave construction access roads at least 100 feet onto the site from main road.
- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.



AQ-3 The County of Riverside shall require applicants of future developments within the project area to implement the following additional SCAQMD CEQA Air Quality Handbook dust measures (or the latest applicable measures if amended by SCAQMD):

- Revegetate disturbed areas as quickly as possible.
- All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.
- All streets shall be swept once a day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).

AQ-4 The County of Riverside shall require applicants of future developments within the project area to implement the following mitigation measures for construction equipment and vehicles exhaust emissions:

- The construction contractor shall select the construction equipment used onsite based on low emission factors and high energy efficiency.
 - The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer specifications.
 - The construction contractor shall utilize electric- or diesel-powered equipment, in lieu of gasoline-powered engines, where feasible.
 - The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.
 - During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.
 - The construction contractor shall time the construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
 - The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
 - Dust generated by the development activities shall be retained on-site and kept to a minimum by following the dust control measures listed below.
- a. During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.



- b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the late morning, after work is completed for the day and whenever wind exceeds 15 miles per hour.
- c. Immediately after clearing, grading, earthmoving, or excavation is completed, the entire area of disturbed soil shall be treated until the area is paved or otherwise developed so that dust generation will not occur.
- d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e. Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.

AQ-5 The County of Riverside shall verify that the construction contractor of any development occurring within the project area waters all disturbed areas and stockpiles at least three times per day or applies soil stabilizers as necessary to prevent visible dust plumes from these areas. Stockpiles not in use may be covered with a tarp to eliminate the need for watering or other stabilizers.

AQ-6 Prior to construction, the County of Riverside shall verify that individual development specifications require all construction equipment have EPA-rated engines of Tier 3 or better. The equipment design specifications data sheets shall be submitted to the County for verification, and shall be kept onsite by the project contractor during construction activities.

AQ-7 As soon as electric utilities are available at construction sites, the construction site shall be supplied with electricity from the local utility and all equipment that can be electrically operated shall use the electric utility rather than portable generators.

AQ-8 The County of Riverside shall require minimum distances between potentially incompatible land uses, as described below, unless a project-specific evaluation of human health risks defines, quantifies, and reduces the potential incremental health risks through site design or the implementation of additional reduction measures to levels below applicable standards (e.g., standards recommended or required by CARB and/or SCAQMD).

SCAQMD Jurisdiction (or the latest applicable standard if amended by SCAQMD):

- a) Proposed dry cleaners and film processing services that use perchloroethylene must be sited at least 500 feet from existing sensitive land uses including residential, schools, daycare facilities, congregate care facilities, hospitals or other places of long-term residency for people.
- b) Proposed auto body repair services shall be sited at least 500 feet from existing sensitive land uses.



- c) Proposed gasoline dispensing stations with an annual throughput of less than 3.6 million gallons shall be sited at least 50 feet from existing sensitive land uses. Proposed gasoline dispensing stations with an annual throughput at or above 3.6 million gallons shall be sited at least 300 feet from existing sensitive land uses.
- d) Other proposed sources of TACs including furniture manufacturing and repair services that use methylene chloride or other solvents identified as a TAC shall be sited at least 300 feet from existing sensitive land uses.
- e) Avoid siting distribution centers that accommodate more than 100 truck trips per day (or more than 40 truck trips operating transport refrigeration units per day, or where transportation refrigeration units operate more than 300 hours per week) within 1,000 feet of existing sensitive land uses.
- f) Proposed sensitive land uses shall be sited at least 500 feet from existing freeways, major urban roadways with 100,000 vehicles per day or more and major rural roadways with 50,000 vehicles per day or more.
- g) Proposed sensitive land uses shall be sited at least 500 feet from existing dry cleaners and film processing services that use perchloroethylene.
- h) Proposed sensitive land uses shall be sited at least 500 feet from existing auto body repair services.
- i) Proposed sensitive land uses shall be sited at least 50 feet from existing gasoline dispensing stations with an annual throughput of less than 3.6 million gallons and 300 feet from existing gasoline dispensing stations with an annual throughput at or above 3.6 million gallons.
- j) Proposed sensitive land uses shall be sited at least 300 feet from existing land uses that use methylene chloride or other solvents identified as a TAC.
- k) Proposed sensitive land uses shall be sited at least 1,000 feet from existing distribution centers that accommodate more than 100 trucks per day, accommodate more than 40 trucks per day with transportation refrigeration units, or where transportation refrigeration units operate more than 300 hours per week.

3-4 The commentator lists the variety of strategies that are available to reduce health risk exposures. They also describe limitations of filtration systems and offer suggestions for evaluating these limitations in the Draft EIR. As described throughout the Draft EIR, the Winchester Community Plan does not identify specific development projects. As such, any additional analysis related to air quality emissions would be speculative in nature, and would be more appropriately and accurately assessed on a project-by-project basis. According to State CEQA Guidelines Section 15146(b), an EIR prepared for a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might



follow. In addition, future development would be required to comply with building codes and energy standards, as well as all listed mitigation measures, which are established to reduce air pollutant emissions.

- 3-5 This comment provides concluding remarks, offering the availability of SCAQMD staff to assist with air quality, greenhouse gas, and health risk assessments. This comment is acknowledged and does not raise an environmental issue. As such, no further response is necessary.

From: Trip Hord <ambrosehord@gmail.com>
Sent: Monday, August 1, 2022 11:33 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: Public Review Draft EIR - Winchester Community Plan

Manuel:

- 4-1 [Please accept the following comments on the DEIR for the Winchester Community Plan.
These comments are primarily oriented to the Highway 79 Density Policy changes that are recommended.
- 4-2 [Executive Summary: PDF Page 36/612
Mitigation Measures - TRA 2 (Vehicle Miles Travelled)
Comment: The TRA-1 Mitigation Measure references "any new development" will be required to pay the VMT Fee. Please confirm that this VMT Fee does not apply to new Commercial or Industrial development within the PA.
- 4-3 [Section 4.17 - VMT Mitigation (PDF Page 465/612)
TRA-1 Mitigation Measure.
Comment: Please clarify whether the VMT Fee (TRA-1 MM) applies to existing residential entitlements. The Draft TRA-1 language does not specify or qualify whether approved residential projects can proceed to building permit issuance.

Trip Hord
(909) 553-5792



Response No. 4

Trip Hord

August 1, 2022

- 4-1 This comment provides a general introduction. Responses to specific comments are provided below.

The commentor asks for clarification of Mitigation Measure TRA-1 and whether the measure will apply to new commercial or industrial development. Draft EIR Mitigation Measure TRA-1 states:

Prior to commencement of *residential development* within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Traveled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for *any residential development* in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core). (*Emphasis added*)

- 4-2 Based on the programmatic nature of the Winchester Community Plan and since future site-specific development projects are considered speculative, Mitigation Measure TRA-1 was crafted to reduce the anticipated VMT impact associated with residential uses. Mitigation Measure TRA-1 is consistent with the County's policy to mitigate the cumulative and indirect traffic impacts of development through the payment of impact mitigation fees [...] to the extent that these programs provide funding for the improvement of facilities impacted by development (General Plan Circulation Element Policy C-2.5). However, despite implementation of Mitigation Measure TRA-1, the project would result in a significant unavoidable impact concerning the Winchester Policy Area and Highway 79 Policy Area's residential land uses in aggregate exceeding the threshold under all plus project scenarios and the Highway 79 PA's Employment-Based VMT land uses (excluding retail) exceeding the threshold under both scenarios.

The Draft EIR states that non-residential (employment and retail) uses are explicitly excluded from the fee since the project's SB 743 Analysis determined that impacts associated with these uses would be less than significant; refer to Draft EIR page 4.17-22. Mitigation Measure TRA-1 would not apply to new commercial or industrial development in this regard.

While Mitigation Measure TRA-1 is intended to reduce the anticipated VMT impact associated with the Winchester Community Plan, it is noted that the Draft Nexus Study was made available for public review on September 8, 2022 on the County website to support and justify



the VMT Mitigation Fee, and a Final version of the Nexus Study is in process and will be made available for review. As outlined in the Draft Nexus Study, the Mitigation Fee is applicable to all new single-family residential development for each unit/parcel that is entitled/approved after the adoption/effective date of the Ordinance. The fee applies to all new residential development within the Winchester Policy Area. The fee does not apply to the identified Downtown Core/Town Center area or commercial/industrial entitlement/uses. This fee also applies to new single-family residential entitlements within existing adopted/approved Specific Plans. Therefore, provided the processing requirements are met pursuant to the Mitigation Fee Act and the Board approves the nexus study and requisite fee, the fee will become a new impact fee for any future residential projects that require an entitlement. As this will be a new fee, it will apply to any new residential entitlement same as any development impact fee, regardless of the prior CEQA that was already completed.

- 4-3 The commentor asks for clarification on whether the Draft VMT Mitigation Fee Ordinance/Nexus Study described in Mitigation Measure TRA-1 of the Draft EIR would apply to existing residential entitlements. Refer to Response 4-2 above.

Carl Rheingans
P. O. Box 99
Winchester, CA 92596
August 8, 2022

County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Regarding: Winchester Community Plan (GPA No. 1207)
State Clearinghouse No. 2019049114
Principal Planner: Manuel Baeza

Dear Mr. Baeza,

5-1 Our family owns parcel 465-060-004 in Winchester which is located south of Stetson Avenue, east of Winchester Road, West of Richmond Road and north of Stowe Road. The Parcel contains approximately 14 acres of commercial zoning and 42 acres of medium density residential zoning on the 56 acres.

5-2 Considering the current housing shortage and affordability issues we now face, we would like to request an increased density for the residential portion of the property. We want to be on record requesting single family housing with a density of 8 to 10 housing units per acre for the approximately 42 acres zoned medium residential.

Thank you for your consideration in this matter.

Sincerely,



Carl Rheingans



Response No. 5

Carl Rheingans, Resident

August 8, 2022

- 5-1 This comment provides a general introduction. Responses to specific comments are provided below.
- 5-2 The commentor expresses concern over the current housing shortage and affordability, and requests that the County increase housing density on a portion of the parcel they own. This request will be provided to decision makers during project deliberations. The comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

August 11, 2022

Direct Dial: 949.851.7409
Email: mstaples@jacksontidus.law
Reply to: Irvine Office
File No: 4063-28900

VIA ELECTRONIC MAIL (mbaeza@rivco.org)

Manuel Baeza
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: Winchester Community Plan

Dear Mr. Baeza:

6-1

Our firm represents the Domenigoni-Barton Properties entities, owners of approved Specific Plan No. 310 providing land use, circulation, conservation and infrastructure guidance for development of a mixed use community including up to 4,186 residential units on approximately 1,734.5 acres of land in the Winchester area. For the reasons discussed below, ***we request an extension of the comment period for the Draft Environmental Impact report for the Winchester Community Plan (General Plan Amendment No. 1207) from August 19, 2022 to 30 days after the Nexus Study is made available for public review.***

6-2

The Winchester community has been working with Riverside County for many years on GPA No. 1207 and the land use changes depicted on Exhibit 3-11 in the Draft EIR. Although there are only a few areas requesting changes in land use designations, the County is proposing programs as part of GPA No. 1207 that have not been vetted with the Winchester community and, if approved, would affect the entire Highway 79 Policy Area. For example, the County proposes Mitigation Measure TRA-1 that appears to impose an open-ended moratorium on all development throughout the policy area pending completion of a nexus study and adoption of a future ordinance creating a VMT Mitigation Fee. Additional time is required for the affected public, including the Domenigoni-Barton Properties entities, to understand and comment on the scope and intent of the County's new proposals and their adverse land use impacts and other potential environmental impacts.

Delaying development indefinitely and imposing a VMT Mitigation Fee on approved projects such as SP 310 with a certified environmental impact report violates both state housing laws and the California Environmental Quality Act ("CEQA"). The state housing laws address the current housing crisis by encouraging residential development of projects that are

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consistent with approved land use and zoning such as SP 310. Also, CEQA prohibits the County from requiring additional environmental analysis unless there are substantial changes or substantial new information. (Pub. Res. Code § 21166.) Any proposed new VMT Mitigation Fee would be irrelevant to SP 310 and should not delay development of the specific plan because, when SP 310 was approved, Level of Service was the applicable threshold, not VMT. The use of the new VMT analysis as a threshold for evaluating traffic impacts does not affect the assessment of SP 310's environmental impacts or mitigation measures in SP 310's certified EIR. (See, for example, *Concerned Dublin Citizens v. City of Dublin* (2013) 214 cal.App.4th 1301 ["However, the adoption of guidelines for analyzing and evaluating the significance of data does not constitute new information if the underlying information was otherwise known or should have been known at the time the EIR was certified"].)

We ask the County to extend the comment period until 30 days after the Nexus Study is available for public review to avoid the proposed moratorium on development and provide the affected public information about whether the County intends to impose the proposed approved VMT Mitigation Fee on already-approved projects with certified EIRs.

Thank you for considering this request.

Sincerely,



Michele A. Staples

Cc: Ms. Charissa Leach, TLMA Director (cleach@rivco.org)
Mr. John Hildebrand, Planning Director (JHildebr@rivco.org)



Response No. 6

Michele A. Staples, Jackson Tidus, A Law Corporation

August 11, 2022

6-1 This comment serves as an introduction. The commentor is representing the owners of the Domenigoni-Barton Specific Plan 310 (“Specific Plan 310”) for which Environmental Impact Report No. 421 (“EIR 421”) was certified by the County. They request that the County extend the public review period of the project’s Draft EIR to 30 days after publication of the Nexus Study that the document refers to. It is noted that the County of Riverside extended the Draft EIR public review period from August 19, 2022 to September 23, 2022 and the Draft Nexus Study was made available for public review on September 8, 2022 on the County website. A final version of the Nexus Study is currently in process. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis under CEQA. Therefore, no further response is warranted.

6-2 The commentor expresses concern regarding the VMT Mitigation Fee and states that the County is proposing programs as part of GPA No. 1207 that have not been vetted with the Winchester community and, if approved, would affect the entire Highway 79 Policy Area. The commentor is also concerned that a building moratorium would occur with project approval and opines that the EIR process should be halted until the Nexus Study is made available. Refer to Response 4-2 for a discussion regarding the Nexus Study. Concerning outreach to the Winchester community, several planning studies and actions have taken place in recent years that have facilitated the proposed project, including the Winchester Land Use Study, the Riverside County 2013-2021 and 2021-2029 Housing Elements (of the General Plan), Caltrans’ Record of Decision regarding the preferred route of the Highway 79 realignment project, described in Draft EIR Section 3.2, *Background and History*, and periodic public meetings to inform the community about the status of the project and to receive public input.

In September 2012, with funding provided by the County’s Economic Development Agency, the conceptual Winchester Land Use Study was completed by Tierra Verde Planning. This study identified preferred land use planning options for the community based on extensive public outreach and public input.

On December 6, 2016, the Board of Supervisors adopted GPA No. 1122 and Change of Zone (CZ) No. 7902, thereby adopting the County’s 2013-2021 “5th Cycle” Housing Element, and as part of that project, amended the Harvest Valley/Winchester Area Plan to establish General Plan Land Use Designations for nine MUA (Mixed-Use Area) and one HHDR (Highest Density Residential) neighborhood areas located in and immediately adjacent to the historic core of Winchester. In addition, these MUA and HHDR neighborhood areas were also rezoned to the County’s new MU (Mixed-Use) and R-7 (Highest Density Residential) Zones, respectively. Together, these neighborhood areas provide the basis for the future development of a more intense, mixed-use, and vibrant and walkable core for Winchester. The County’s 2021-2029 6th Cycle Housing Element Update (adopted June 25, 2024) also includes the amended General Plan Land Use Designations for these neighborhood areas.



On December 16, 2016, the California Department of Transportation (Caltrans) concluded several years of studies and environmental reviews as it signed its Record of Decision establishing Highway 79 Realignment Project Alternative “1br” as its preferred alternative for the highway realignment project, as it moves forward. Project Alternative “1br” would realign and widen Highway 79 throughout the project area to a limited-access, four-lane expressway. This project would provide improved circulation and traffic capacity to accommodate growth in Winchester and surrounding communities.

In addition, the Riverside County Planning Department conducted periodic presentations and workshops related to the project at Winchester-Homeland Municipal Advisory Council (WHMAC) meetings. An initial presentation was held on February 9, 2017, public workshops occurred on May 11, 2017, September 14, 2017, February 8, 2018, and October 11, 2018, and a project update presentation was held on April 14, 2022, June 13, 2024, and August 8, 2024. Last, an update on the project was given to the County Planning Commission on June 5, 2024. The presentation slides and meeting notes are provided for public access on the County’s website for the project and Planning Commission website.

As a result, the County affirms that the project has been adequately vetted with the Winchester community. No delays to the EIR process are necessary nor required in this regard.

Winchester-Homeland Town Association

P.O. Box 122, Winchester, CA 92596
951-926-6924 Fax 951-926-4924

August 11, 2022

County of Riverside Planning Department
Attn: Manuel Baeza, Principal Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Sent via Email

Re: Comments on the Draft Environmental Impact Report for the Winchester Community Plan
(General Plan Amendment No.1207)

Dear Mr. Baeza,

I am submitting the following comments on the Draft Environmental Impact Report for the Winchester Community Plan GPA #1207 on behalf of the Winchester-Homeland Town Association (WHTA).

7-1

The WHTA is a member-based association representing the Winchester Homeland Communities. The Association was established in 1980. This Association along with the Winchester-Homeland Municipal Advisory Council allows forums for community involvement. The community has a Land Use Committee of 15 volunteers that review projects being planned within our communities. WHTA and its members have been involved and have followed this community planning process since it began and are appreciative of the Counties' efforts in assisting with our goal of growing into a model city.

After numerous hours of review, we respectfully submit the following comments:

1. Please refer to page 4.17-23 of the draft EIR. Mitigation TRA-1 states:

7-2

- TRA-1 Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core).

This mitigation measures states that “prior to commencement of residential development...the County shall undertake a nexus study and adopt an ordinance creating a VMT Mitigation Fee...” Our interpretation of this is that it is a deferred mitigation. We feel that any and all studies that are referred to in this EIR should be part of this EIR, and not put off until some unclear future. Applicants should have a clear understanding of their financial obligations pertaining to fees even before they begin the entitlement process. If a nexus / fee study is required, then it should be undertaken now, and the certification of the EIR should be delayed until the study is complete as part of this process.

In continuing, Mitigation Measure TRA-1 is unclear and unfair. By the strictest interpretations, it would imply that all residential entitlements and all building permits will be halted. This appears to be a moratorium. There are many residential entitlement projects that are in various stages of development, in some cases for years. A moratorium would be devastating to the proponents of these applicants, as well as those that they hire.

There are residential developments that have been entitled, but not yet constructed. Keeping these projects from proceeding would be in violation of the developer’s rights. In most cases, entitled and unbuilt residential projects, including specific plans, have already taken the 9% reduction of the midpoint density of the General Plan land use designation into account. Requiring those projects to either not be processed or to be further reduced in density is unfair.

If the intent is for this mitigation measure to apply only to those residential developments that have not begun entitlements that are also outside of any adopted specific plans or other area that already complies with the existing Highway 79 Policy Area, then it should state as such.

2. Please refer to Page 4.3-35 Mitigation Measures: AQ-8 (e and k)

Please provide clarification for the following comments in regards to these proposed measures. Mitigation Measures AQ-8e and AQ-8k are too vague and do not define what is considered a distribution center nor what is considered a truck trip for traffic analysis purposes.

Most businesses distribute from their facilities, and some have very large distribution facilities. A distribution company is by definition a distributor, but it is their business to bring product in and then send it out to the ultimate user of product.

100 truck trips – how was this determined? Is it 50 trips both in and out that equal 100? What is the definition of a truck; a pickup, a van, a UPS or Amazon truck, mid-size trucks, large trucks?

As an example, a project that consists of multiple smaller (i.e., less than 100k sf) buildings or buildings of over 100,000 sf that are leased to multiple tenants may generate more than 100 trips a day when the total project trip generation is considered and could be subject to the buffer requirements of both mitigation measures.

A 1000 ft distance is designated as required separation between “distribution centers” and existing sensitive land uses. If a proposed business park area of the plan is located adjacent to proposed residential land uses and contains existing residential homes scattered throughout, the requirement of 1,000 ft buffer from existing and proposed sensitive receptors would effectively eliminate the possibility of any distribution centers in the newly proposed business park areas of the plan.

We do believe that further discussions with the County and the Community on the appropriate types of uses and building types within the business park areas is critically important. The Mitigation Measures must allow for variety of businesses to succeed and not be so constrained that they will never locate in Winchester.

3. Density Transfer's

The draft EIR refers numerous times to density transfers. We are supportive of the use of density transfers. In most instances the use of the density transfers is used on a per site basis. We had envisioned the use of this same concept but extending it to involve transferring to other areas within the community plan. The County has allocated a large number of dwelling units in the highest density residential (HHDR) category in and surrounding the Downtown Core Area. This required minimum density is an obstacle to the commencement of development in the mixed use and HHDR areas of the Winchester Community Plan and may be inappropriate for areas immediately outside of the defined Downtown Core Area. The HHDR and mixed-use areas do not have the existing infrastructure to support the density proposed. In order to facilitate development of the Downtown Core Area, a density transfer program could be implemented that allows for transfer of density from parcel to parcel within the Downtown Core Area. In addition, this policy should allow for density to be transferred out of the mixed use and HHDR areas surrounding the Downtown Core Area to the broader Winchester Community Plan Area. We discussed this early in the community planning process with both Kimley-Horn and Jerry Joliffe. We hired a consultant with examples and information on Density Transfer Programs (DTP) and supplied that information to them. We believe this type of program along with other incentives are needed to make these areas successful.

In conclusion:

- We would respectfully request that the County not move forward with the GPA 1207 until the nexus study is completed regarding TRA-1. This will allow for proper public comment.
- Provide clarification to language and comments raised regarding items listed in the Mitigation Measures AQ-8 (e & k).
- Reconsider discussions on the potential for a community wide Density Transfer Program.

Once again, WHTA is appreciative of the County's efforts in allowing our participation in the future planning and development of our communities. If you have any questions or wish to further discuss you can reach me at (951)-926-6924.

Sincerely,



Kim Wortman, President
Winchester-Homeland Town Association

cc: Chuck Washington, 3rd Dist. Supervisor
Winchester-Homeland MAC
Robyn Brock, Deputy Chief of Staff to Supervisor Chuck Washington



Response No. 7

Kim Wortman, President, Winchester-Homeland Town Association

August 11, 2022

- 7-1 This comment provides a general introduction. The commentor is a representative of the Winchester-Homeland Town Association. Responses to specific comments are provided below.
- 7-2 The commentor refers to Mitigation Measure TRA-1, which outlines the requirement for the County to undertake a nexus study and adopt a VMT Fee for new development within the Winchester PA and Highway 79 PA. They express that the study and fee should be part of the project's EIR, and that certification of the EIR should be delayed until they are completed. The commentor also expresses disagreement with the language of TRA-1, expressing that it indicates a moratorium on development and is unclear whether this would also apply to previously entitled developments. Refer to Response 4-2.
- 7-3 The commentor states that Mitigation Measures AQ-8(e) and AQ-8(k) are too vague in regard to how "distribution center," "truck," and "truck trips" are defined for traffic analysis purposes. The commentor also requests information on how 100 truck trips was determined as a threshold in these measures. Last, the commentor expresses concern that the 1,000-foot distance required in AQ-8(k) would prevent the development of distribution centers in the proposed business park area. South Coast Air Quality Management District (SCAQMD) uses the term "distribution center" synonymously with the term "warehouse." These terms are defined in Rule 2305, *Warehouse Indirect Source Rule*, as buildings that store cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers. Trucks are heavy duty vehicles and are classified in size by Gross Vehicle Weight Rating (GVWR); for example a Class 2B Truck is a truck with a GVWR of 8,501 to 10,000 pounds. "Truck trips" are defined in Rule 2305 as the one-way trip a truck or tractor makes to or from a site with at least one warehouse to deliver or pick up goods stored at that warehouse for later distribution to other locations. A truck or tractor entering a warehouse site and then leaving that site counts as two trips. Further, the requirements identified in Mitigation Measure AQ-8 are standards recommended or required by the California Air Resources Board (CARB) and/or SCAQMD. The County of Riverside would review future site specific development proposals to determine whether these uses would occur in order to verify that projects meet applicable CARB and SCAQMD requirements/standards as site specific development occurs.
- 7-4 The commentor refers to density transfers, which were included in the Draft EIR's Regulatory Setting discussion on Land Use Element policies LU 9.4, LU 15.7, and LU 19.1. These allow development clustering and/or density transfers to preserve open space, natural resources, cultural resources, and biologically sensitive resources (see Draft EIR page 4.4-18); to help implement Rural Village Overlay Study Areas and the Multi-Species Habitat Conservation Program (see Draft EIR page 4.4-18); and to meet airport compatibility requirements (see Draft EIR page 4.9-15). The commentor is concerned that the proposed Highest Density



Residential and Mixed-Use areas wouldn't have the infrastructure to support the projected population density. The commentor expresses their support for the use of density transfers, and provides a suggestion for a density transfer program to promote development in the Downtown Core area. However, as described in Draft EIR Section 4.14, *Population and Housing*, the project would have a less than significant impact to population and housing and thus is not anticipated to significantly impact infrastructure. As stated on Draft EIR page 4.14-10, the forecast population growth associated with the project would occur incrementally through 2040, allowing for development of necessary services and infrastructure commensurate with the proposed growth. Future development projects will be subject to the regulatory framework including the application of General Plan policies LU 5.1, LU 5.2, C 1.1, and C 1.5 which will ensure that future growth does not exceed the capacity of the necessary infrastructure and circulation systems in the project area. Therefore, the project's potential impacts concerning inducing substantial unplanned population growth in the County directly or indirectly, would be less than significant, and the project would not involve significant impacts to infrastructure in this regard.

- 7-5 This comment provides concluding remarks and summarizes the comments above. The commentor provides contact info for questions or further discussion. This comment is acknowledged and does not raise any additional environmental issues. No further response is necessary.

From: Daniel Boyd <DBoyd@drhorton.com>
Sent: Friday, August 12, 2022 11:40 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Cc: Jon J Myhre <JJMyhre@drhorton.com>
Subject: GPA 1207 (NOC -DEIR) - Winchester Community Plan

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Manuel:

8-1

Thank you for the opportunity to comment on the above subject matter. Overall, the DEIR is well prepared and addresses several important topics. A concern relates to the overall VMT discussion related to a potential fee structure and timing thresholds suggested in the DEIR. First, the DEIR clearly states that at this time no VMT projects or future improvement(s) have either been identified or planned. Therefore, any specific fee or structure to levy a fee without as formal "Nexus" study seems to violate State law?

8-2

Secondly, the document narrative even seems to suggest this DEIR does not identify or purports any VMT mitigation that a fee could be included. Lastly, we strongly disagree with any notion imposing any building permit limitations until such VMT mitigation is identified.

Again, thank you for the opportunity to comment for the Administrative Record.



DAN BOYD
Vice President - Entitlements

D.R. HORTON
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o: 951.739.5444 m: 949.872.8369

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Response No. 8

Dan Boyd, Vice President - Entitlements, D.R. Horton

August 12, 2022

- 8-1 The commentor expresses their concern related to the fee programs discussed as VMT mitigation in Draft EIR Section 4.17, *Transportation*. They correctly describe that as a programmatic EIR, the future development referred to in the document is not yet planned or identified. The commentor asks whether such a fee structure could be placed without performing a nexus study. Refer to Response 4-2.
- 8-2 This comment expresses concern that the EIR does not specify future improvements for which VMT mitigation fees would be used. The commentor also expresses their disagreement with the restriction of building permit issuance until after the establishment of a VMT mitigation fee. Refer to Response 4-2.

From: Casey Mungo <casey.mungo@icloud.com>

Sent: Friday, August 12, 2022 12:33 PM

To: Baeza, Manuel <MBaeza@Rivco.org>

Subject: Comment regarding GPA 1207

9-1

At the Winchester MAC meeting last night they mentioned we could send our comments to you regarding the GPA 1207.

I just wanted to say I am very happy to see the expansion of the Industrial and Business Park zones off Simpson between Beeler and California. We definitely need more jobs in Winchester and I believe this is the right approach. It will also add significant tax revenue to the county once these areas are developed. Thanks



Response No. 9

Casey Mungo, Resident

August 12, 2022

- 9-1 The commentor states their support for the expansion of Industrial and Business Park zones off Simpson Road. This comment is noted. It does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Nifty LED <info@niftyled.com>
Sent: Saturday, August 13, 2022 8:00 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: GPA1207 - Public Comments

10-1 | I'm very glad to see that there is more commercial zoning along Simpson. More jobs in the area
| would be excellent!
| Nate
| Nifty LED



Response No. 10

Nate, Resident

August 13, 2022

- 10-1 The commentor states their support for more commercial zoning along Simpson Road. This comment is noted. It does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Markham DS

BRIDGE CHALLENGES / DEVELOP SOLUTIONS



August 15, 2022

Mr. Manuel Baeza, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: Comments on the Winchester Community Plan Public Review Draft Program Environmental Impact Report, SCH#2019049114

Dear Mr. Baeza:

The County of Riverside has published the Winchester Community Plan Draft Program Environmental Impact Report (DPEIR) to address the potential environmental impacts from implementing an amendment to the Riverside County General Plan that includes the following actions:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,153 acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
2. Amending the boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee, and Southwest Area Plans so that the expanded Winchester Policy Area falls within the limits of the Harvest Valley/Winchester Area Plan only.
3. Revising land use designations within the expanded Winchester Policy Area, including Foundation Component amendments. Approximately 227 parcels totaling 1,480 acres would require Foundation Component Amendments that include changes from the Rural and Rural Community Components to the Community Development Component. Consistency zoning revisions for approximately 921 parcels would occur in the future as a result of the revised land use designations proposed as part of the project and are analyzed as part of this EIR.
4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to revise the existing Highway 79 Policy Area language by removing the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as, but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area.....

The project proposes planning policies and direction to guide change, promote quality development, and implement the community's vision for the area....

Although the preceding policies are focused on broad programmatic goals and objectives, the purpose of my comments is to address one particular property that is one of the 227 parcels that requires a Foundation Component Amendment. We represent the owners of property located within the northern portion of the newly designated Winchester Community Plan (Plan). The property is located at the southwest corner of the intersection of Leon Road and Grand Avenue

Markham DS

BRIDGE CHALLENGES / DEVELOP SOLUTIONS



and encompasses Assessor Parcel Numbers (APNs) 461-140-033 through 36. This property is currently designated as Light Industrial and zoned R-R and it encompasses approximately 6.09 acres. This land use designation makes sense for the following three reasons: (1) The property is located adjacent to the railroad tracks, which though presently not in use, represent the primary route for extending passenger rail to the City of Hemet; (2) the property is located at an intersection that will be heavily used in the future as the Plan area is built out, i.e., resulting in both high noise levels and an unsafe level of traffic activity; and (3) the property is located across the Railroad Right of Way from the Eastern Municipal Water District (EMWD) treated effluent storage ponds. For these reasons it came as a surprise that the property has been re-designated for residential use in the proposed Plan. As outlined in the following comments, this change is illogical and inconsistent with many of the new Plan policies and the proposed change in Plan designation should be reversed and the property should retain the Light Industrial land use designation.

To assist with understanding the inconsistency of a residential designation at this location, the attached aerial photo shows the property in relation to the surrounding environment. Also, as the County is aware, the mapping scale in the DPEIR is so large scale that it is very difficult to illustrate the property land use designation and zoning. Exhibit 3-9 of the DPEIR does not clearly show the property with its existing Light Industrial designation and RR zone. As the aerial photo clearly indicates, the project site is or will be exposed to activities that are not compatible with residential land use, including future rail noise, future traffic noise, and the potential odors and vectors associated with the adjacent EMWD storage ponds.

For example, regarding future noise, Table 4.13-9 predicts that Leon Road between Simpson and Grand Avenue will have 37,670 trips per day and generate a dBA Ldn of 73.1; similarly Grand Avenue east of Leon Road will have 54,240 trips per day and generate a dBA Ldn of 74.4. This level of background sound, let alone the traffic activity at a very busy intersection, is wholly inconsistent with the residential land use designation/classification for the property. Due to the small size of the property, there is clearly insufficient space to buffer residential use at the site from the noise and let alone expose the site to the future projected traffic volumes at the intersection of Leon and Grand.

As stated in Policy LU 28.6: *Require setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting agricultural, roadway, commercial, and industrial uses.* It is clear that both due to the size and surrounding land uses (road circulation system, future railroad operations, and the adjacent EMWD storage ponds), the property is not suitable for residential use and the land use designation, classification for light industrial uses should be retained. This is further supported by Policy LU 31.2 which states: *Protect major public facilities, such as landfill and solid waste processing sites and airports, from the encroachment of incompatible uses.* The adjacent railroad tracks and the EMWD storage ponds are both major public facilities that should not be encroached on by residential uses.

The following policies identified in the Plan also support retention of the property for future industrial use:

Markham DS

BRIDGE CHALLENGES / DEVELOP SOLUTIONS



Mitigation Measure AQ-9: *In the event a potential odor source is proposed near an existing sensitive receptor, the County of Riverside shall verify that project plans maintain an adequate buffer between potential new odor sources and receptors such that emitted odors are dissipated before reaching the receptors (minimum of 500 feet depending on the odor source)*

From the Healthy Communities Element: *HC 14.1 When feasible, avoid siting homes and other sensitive receptors near known or anticipated sources of pollution.*

HC 14.2 When feasible, avoid locating new sources of air pollution near homes and other sensitive receptors.

HC 16.5 Evaluate the compatibility of unhealthy and polluting land uses being located near sensitive receptors including possible impacts on ingress, egress, and access routes. Similarly, encourage sensitive receptors, such as housing, schools, hospitals, clinics, and childcare facilities to be located away from uses that pose potential hazards to human health and safety.

There are other policies (LU 11.3, AQ 2.1, and AQ 2.2) that reference the same issue of maintaining separation from activities that could harm public health. By examining the aerial photo, it again clearly shows that the property is bounded by conflicting uses that could harm public health. Specifically, the EMWD storage ponds can be sources of water-related odors, and during maintenance when the ponds are being dried a combination of odors and fugitive dust can be generated. Second, the property is located near a major intersection that is forecast in the DPEIR to generate both air pollutant emissions and harmful levels of noise. Finally, future rail operations (rarely mentioned in this DPEIR) would occur along the southern boundary of the property. Thus, this property is bounded by on three sides by incompatible uses and re-designating the property for residential use is, based on the Plan's own policies, a significant adverse impact that is not given any discussion or attention in the DPEIR. We realize the Plan PEIR is intentionally focused on the large picture, but when such overt conflict between policies and land uses occur, it cannot be ignored.

We believe the simple solution is to simply retain the existing land use designation, Light Industrial, of this property and remove it from the list of properties the require a Foundation Component Amendment. Alternatively, we believe the County must revise the DPEIR to address the inconsistencies documented in the preceding text. The information provided above unequivocally substantiates that the Plan will result in at least the significant conflicts identified above, and most probably at many other locations. We look forward to responses to the issues that we have raised in the preceding comments.

Sincerely,

Larry Markham



Response No. 11
Larry Markham, Markham DS
August 15, 2022

- 11-1 This comment provides a general introduction. Responses to specific comments are provided below.
- 11-2 The commentor represents the owners of Assessor Parcel Numbers 461-140-033 through 036, and describes the relative location of these parcels in the Winchester Community Plan vicinity. They state that the property currently has a General Plan Land Use Designation of Light Industrial and is zoned Rural Residential, which they suggest is a logical designation due to its proximity to railroad tracks, an intersection with potential future noise impacts, and the EMWD treated effluent storage ponds. The commentor states that the project's proposed re-designation of the parcels for residential use is concerning for the same reasons. The County of Riverside agrees with the commentor's concerns and will retain the site's existing General Plan Land Use Designation of Light Industrial and Rural Residential zoning. Retaining the existing General Plan Land Use and Zoning Designations for these four parcels would not result in a more intensive use above existing conditions and thus would not result in new impacts not previously evaluated in the Draft EIR; therefore, recirculation of the Draft EIR would not be warranted. This revision has been made to Draft EIR Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*, and is reflected in Final EIR Section 4.0, Draft EIR Text Revisions.



August 16, 2022

Manuel Baeza
Principal Planner
Riverside County
4080 Lemon Street
Riverside, CA 92501

**Subject: Winchester Community Plan
General Plan Amendment No. 1207**

Dear Mr. Baeza:

Eastern Municipal Water District (EMWD) thanks you for the opportunity to review the General Plan Amendment for the Winchester Community Plan. The Winchester CP area is located in eastern Riverside County (County) and is generally bounded by Double Butte County Park and Stetson Avenue to the north, California Avenue and Diamond Valley Lake to the east, Scott Road to the south, and Briggs Road to the west. The Winchester CP area is within the water service area of the District, and spans EMWD's Perris Valley South Operational Service Area, including the 1627 Perris Valley Pressure Zone (PZ), a very small portion of 1698K Keller PZ, 1934 East Holland PZ, and the 1720 Winchester Hills PZ, as well as the San Jacinto Valley Operational Service Area, including the 1719 Fruitvale PZ and 1650 Winchester Regulated PZ. The subject area is also within EMWD's sewer service area with flows from the Winchester CP area tributary to EMWD's Perris Valley Regional Water Reclamation Facility (PVRWRF).

Under General Plan Amendment 1207, the General Plan land use map would be revised to expand the Winchester Community Plan, make changes to land use designations for some parcels in the area, make amendments to various policy area boundaries and create new design guidelines for the Winchester Policy Area.

EMWD offers the following comments:

Board of Directors

Philip E. Paule, *President* Randy A. Record, *Vice President* Jeff Armstrong Stephen J. Corona David J. Slawson

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 www.emwd.org

12-2 | Due to the significant impacts that these changes will have on EMWD's facilities, master plan updates for both the water and wastewater collection systems were initiated for the Winchester Community Plan area. The regional infrastructure required to mitigate the impacts of the proposed land use changes has been evaluated and incorporated into EMWD's long-term capital improvement program (CIP).

12-3 | At the local level, as individual projects move forward under the new land use, developers will need to coordinate with EMWD to determine the availability of water and sewer service and coordinate the construction of local infrastructure to serve their respective developments.

If you have questions or concerns, please do not hesitate to contact me at (951) 928-3777, extension 4813 or by e-mail at boettchd@emwd.org.

Sincerely,



Demian Boettcher, P.E.
Principal Civil Engineer

DB:sgc

Attachment: Copy of Public Notice

c: file



Response No. 12

Demian Boettcher, Principal Civil Engineer, Eastern Municipal Water District

August 16, 2022

12-1 This comment provides a general introduction. Responses to specific comments are provided below.

12-2 The commentor states that the changes proposed in the Winchester Community Plan would have significant impacts on Eastern Municipal Water District's (EMWD) facilities, which has led EMWD to initiate master plan updates for the area in question. However, the utilities analysis described in Draft EIR Section 4.19, *Utilities*, concludes that the proposed project would result in less than significant impacts to water and wastewater services; refer to the discussion in Impacts UTL-1 and UTL-3. Draft EIR Section 4.19, *Utilities*, concludes that, while future development associated with the project may require new or expanded utilities, these demands would occur incrementally through 2040. As stated on Draft EIR page 4.19-15, the County and EMWD "would review future development on a project-by-project basis through the County's entitlement review process and EMWD's Will-Serve process to ensure the availability of water supplies." In addition, as discussed in Draft EIR Section 4.14, *Population and Housing*, the forecast population growth associated with the project would occur incrementally through 2040, allowing for development of necessary services and infrastructure commensurate with the proposed growth. Future development projects will be subject to the regulatory framework indicated above including the application of General Plan policies LU 5.1, LU 5.2, C 1.1, and C 1.5, which would ensure that future growth does not exceed the capacity of the necessary infrastructure in the project area. Therefore, the project's potential impacts concerning inducing substantial unplanned population growth in the County directly or indirectly would be considered less than significant.

The County acknowledges that EMWD has evaluated mitigation for the impacts anticipated by the proposed land changes and has incorporated their findings into EMWD's long-term Capital Improvement Program (CIP). As buildout of the project would occur incrementally through 2040 and the Draft EIR concluded that impacts related to population growth would be less than significant, compliance with existing laws, regulations, and General Plan policies pertaining to water conservation would reduce potential effects related to water and sewer services to less than significant levels.

12-3 This comment states that developers of individual projects in the future would need to coordinate with EMWD to determine availability of water and sewer service. Refer to Response 12-2, above. The comment is noted by the County.

Swancott, Paul

From: Baeza, Manuel
Sent: Tuesday, August 16, 2022 8:03 AM
To: Swancott, Paul
Subject: FW: GPA 1207 Feedback

Paul,

A comment on Winchester.

From: Steven Keung <keungsteven@gmail.com>
Sent: Tuesday, August 16, 2022 8:02 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: GPA 1207 Feedback

CAUTION: This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

This Winchester area desperately needs new development and jobs. I'm really happy to see the new industrial and business park zones off Simpson- we really need it.

Thank you,
Steven



Response No. 13
Steven Keung, Resident
August 16, 2022

- 13-1 The commentor states their support for the expansion of Industrial and Business Park zones off Simpson Road. This comment is acknowledged. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

CADO INDIGO, LLC & CADO TANGERINE LLC
1545 Faraday Avenue
Carlsbad CA 92008

August 16, 2022

VIA ELECTRONIC MAIL (mbaeza@rivco.org)

Mr. Manual Baeza
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE WINCHESTER COMMUNITY
PLAN (GENERAL PLAN AMENDMENT NO. 1207)**

Dear Mr. Baeza,

I am writing on behalf of the ownership entities which own Tract 30808-1 and the expired Tract 30808-F, both located east of Leon Road, south of Olive Avenue and north of Salt Creek within the approved Specific Plan No. 293 and the Highway 79 Policy Area.

I have reviewed the DEIR for the Winchester Community Plan (General Plan Amendment No. 1207 and have the following comments on Mitigation TRA-1 which states:

- 14-1 TRA-1 Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core).

- 14-2 As written, TRA-1 requires the County to undertake a nexus study and adopt an ordinance creating a new VMT mitigation fee prior to the commencement of residential development within the Winchester PA. Does "commencement of residential development" refer to issuance of a grading permit? Building permits? The language is not only vague, but equates to a moratorium on residential development even for projects that have full approvals. Approved projects should not be subject to a new VMT mitigation fee since Level of Service was the required analysis at the time of CEQA approval. Any nexus study referred to in the EIR should be part of the EIR so project owners can understand the financial requirements of projects.

Ownership of the above projects request that 1) the nexus study be completed as soon as possible and be included in the EIR, 2) the future VMT fee only be assessed on projects that do not have existing approvals, and 3) approved projects may move forward with development immediately.

Thank you for considering our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Hayden', written over a horizontal line.

Mark Hayden
Vice President
Capstone Advisors

Cc: Ms. Charissa Leach, TLMA Director (cleach@rivco.org)
Mr. John Hildebrand, Planning Director (jhildebr@rivco.org)



Response No. 14

Mark Hayden, Vice President, CADO Indigo, LLC & CADO Tangerine, LLC

August 16, 2022

- 14-1 This comment provides a general introduction. The commentor represents the owners of Tract 30808-1 and the expired Tract 380808-F, which are located east of Leon Road, south of Olive Avenue, and north of Salt Creek within Specific Plan No. 293 and the Highway 79 Policy Area. Responses to specific comments are provided below.
- 14-2 The commentor refers to Mitigation Measure TRA-1, which outlines the requirement for the County to undertake a nexus study and adopt a VMT Fee for new development within the Winchester Policy Area and Highway 79 Policy Area. They ask for clarification on whether the language “commencement of residential development” refers to issuance of grading permits or building permits. As stated in the last sentence of Mitigation Measure TRA-1, the ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core). They also state that approved projects should not be subject to a new VMT mitigation fee. Refer to Response 4-2.



Samuel C. Alhadeff
3 Better World Circle, Suite 100
Temecula, California 92590
Samuel.Alhadeff@lewisbrisbois.com
Direct: 951.252.6152

August 17, 2022

VIA E-MAIL & U.S. Mail

Paul Swancott, Project Manager
County of Riverside
TLMA Planning Department
4080 Lemon Street
Riverside, CA 92501
Email: PSwancott@rivco.org

Re: Comment to County of Riverside Winchester Community Plan EIR
Sunranch Communities, LLC, owners of certain real property designated in its application as the Matthews Ranch located just outside the City of Menifee on the northside of Matthews Road to the east of Briggs Road and to the west of Double Youth Park in the unincorporated area of Winchester

Dear Mr. Swancott:

This comment letter really embraces two issues:

1. The applicant is generally in support of the proposed Winchester Community Plan.
2. There are exceptions to the general support of the Plan.

Let us address first the exceptions to the general support of the proposed Community Plan. The current zoning on the property is AP (Agriculture Poultry) and is designated in the General Plan as light industrial. The applicant/commentator believes that both of these designations to be incompatible to existing surrounding residences in terms of both odors and traffic and is going to be proposing medium-high residential zoning, as well as, a General Plan designation to be more consistent with the surrounding area. The surrounding area includes the Menifee Valley Ranch within the City of Menifee and the Winchester Hills Specific Plan and the proposed Menifee North Specific Plan all residential units. Apparently, one of the reasons this project was considered for light industrial is because of the nature of the extension of the rail facilities contiguous to the property. However, the Winchester MAC is supportive of transit oriented extension of the metro line as opposed to any commercial activity for this line. It is the desire of the Winchester Municipal Advisory Council to see an extension of the metro link service that currently ends in south Perris extended to the proposed town site of Winchester.

15-1

In addition to these particular issues, the proposed change will have a significant positive benefit to traffic overall under the Highway 79 Policy as it currently exists. Basically it would relieve and reduce traffic by at least 129 fewer daily trips than a reasonable estimate development under the existing light industrial. Finally, we all know the state is desperately in need of additional housing in the Inland Empire area.

15-2

With those comments as background then the applicant/commentor supports the Winchester Community Plan with one following exception. A concern over Mitigation Measure TRA-1. This mitigation measure would institute a Nexus study, adopt an ordinance under Vehicle Miles Traveled for a mitigation fee for the Community Plan area. This VMT mitigation fee is proposed to consist of a flat fee applied to any new development within the planning area and is designed to fund the development of a transit station and a park and ride facility in the downtown core which again supports the MAC proposal that this extension should be transit oriented. Accordingly, the concern is the unknown. Is this Nexus study complete? Will property owners be entitled to review the Nexus study and comment? How long with the Nexus study analysis take and what is the impact on an already arduous time to plan and develop residential property in California.

Another reason for this concern is the proposed ordinance and resulting mitigation fee has to be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy area except a certain residential development area within what is defined as the downtown core.

15-3

TRA-3 appears to add another layer of CEQA evaluation and discretionary permit analysis. However, with our applicant's proposal that their property be re-designated as medium-high density residential this issue may be avoided and in fact, would be helpful with regard to the proposed Mitigation Measure TRA-3.

15-4

In summary, the applicant/property owner supports the Winchester Community Plan with the observations and exceptions set forth in this letter. If there are any questions, please do not hesitate to contact the undersigned or the planning consultant for this applicant, Matthew Fagan, Matthew Fagan Consulting Services, Inc., 42011 Avenida Vista Ladera, Temecula, CA 92591, 951-265-5428. matthewfagan@roadrunner.com.

Very truly yours,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA:ch

cc: John Hildebrand
Planning Director
JHildebr@RIVCO.ORG



Response No. 15

Samuel C. Alhadeff, Lewis Brisbois Bisgaard & Smith, LLP

August 17, 2022

- 15-1 The commenter requests that the Zoning and General Plan Land Use Designation on their property be changed from Agriculture Poultry (AP) and Light Industrial to Medium-High Residential. The County will consider this comment during project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 15-2 The commenter questions whether the Nexus Study required under Mitigation Measure TRA-1 is complete and whether it will be made available for review. Refer to Response 4-2.
- 15-3 The commenter states that Mitigation Measure TRA-3 "appears to add another layer of CEQA evaluation and discretionary permit analysis." This comment is acknowledged. The comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted.
- 15-4 The commentor offers concluding remarks and contact information. The comment does not raise a specific issue regarding the adequacy of the Draft EIR or its environmental analysis, and no further response is warranted.

JPMB Investments, LLC

August 17, 2022

VIA EMAIL

Manny Baeza, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
mbaeza@rivco.org

Re: Comments on Winchester Community Plan Public Review Draft Program Environmental
Impact Report (DPEIR);
State Clearinghouse No. 2019049114

Dear Mr. Baeza:

16-1

I am the Manager of JPMB Investments, LLC (JPMB) which is currently under contract to purchase 77.7 acres of land at the northeast corner of El Centro and Scott Road (APN 466-220-029) located in the Highway 79 Area Plan portion of the proposed Winchester Community Plan project (Project). The Property is shown on the attached Exhibit A and Exhibit B. Per our purchase and sale agreement the ownership (copied on this letter) has authorized JPMB to represent them on the planning issues regarding the property. We appreciate the effort the County is taking to comprehensively review land uses in this developing area of the County and are supportive of the Winchester Community Plan.

16-2

That said, we think the Winchester Community Plan (as described in the DPEIR) (Plan) is missing an opportunity to further implement its own Plan goals and objectives, and to apply appropriate stated planning principles that focus growth near existing infrastructure in determining the allowed use for the Property under the Plan. The 77.7-acre Property is located immediately adjacent to Scott Road and, as detailed below, is only 2 miles from the Scott Road interchange with I-215. It is also in the Highway 79 Policy Area and will directly benefit from the realignment of Highway 79 to a four (4) lane expressway which will improve circulation and increase capacity in the Community Plan area. The Property is also in immediate proximity to schools, the proposed sewer lift station, and other key infrastructure and amenities, including shopping, other commercial uses, and parks that make it an obvious choice for early development with residential uses. Yet the Winchester Community Plan identifies the Property, which is not considered agricultural land of prime importance, and which is immediately adjacent to two existing medium density residential developments and other lands designated for multifamily residential development, as an agricultural land use (Rural Residential) while allowing much greater development intensity in far flung portions of the community planning area that do not enjoy (and will not for many years) the benefit of these existing and planned infrastructure improvements. Timing and sequencing of growth to align with infrastructure development is a fundamental planning principle that the

County has an opportunity to and should apply to further the stated goals in the Community Plan effort.

Specifically, this omission results in a missed opportunity to mitigate project impacts on Agriculture, Air Quality, GHG, among others to the fullest extent feasible as required under the California Environmental Quality Act (CEQA) and impedes the County from maximizing the opportunity to better meet its 6th cycle RHNA allocation. Currently, the Community Plan Project only satisfies 30% of the 2029 RHNA required total of 40,647 or 12,329 units. As described below, identifying an appropriate residential density for the Property commensurate with its location is consistent with prior County approvals (in 2016) and due to its location proximate to significant existing and planned infrastructure improvements, will expedite development of housing in the plan area in accordance with RHNA and VMT principles and requirements and take advantage of the significant expenditures of the County on roadway, utility and public services infrastructure.

I. Existing, Previously Approved and Requested Entitlements

16-3

The Property is currently designated as Rural/ Rural Residential in the Riverside County General Plan and is zoned A-1-5: 1 du/5 acres in an area designated for agricultural use. This would allow a total of 15 units. However, in 2016 the Board of Supervisors approved applications submitted by the current owner and re-entitled the property to permit residential density of 2-5 du/acre which would allow up to a total of 388 units.¹ Following a CEQA challenge, the owners withdrew their application. Yet, when the County considered the Project, it did not include the Property for a similar change in land use and zoning as part of the Winchester Community Plan as it previously considered and approved.

As discussed in more detail in this letter, we respectfully ask the County to modify the proposed Community Plan to slate this property for Community Development, Medium Density Residential (2-5 du/ac), One-Family Dwellings consistent with the prior approval on the Property. This would provide up to 388 units towards the County's RHNA goal of 16,302 units for Above Moderate income housing, adding up to an additional 373 units at the Property, which is in an area primed to handle this additional residential because of its location near existing and planned housing, existing and proposed infrastructure, and planned transportation improvements designed to lessen VMT.

II. Proximity to Existing Development and Infrastructure and Similar Housing Developments

16-4

The Property is adjacent to existing Medium Residential property as shown on Exhibit B and is surrounded by developed infrastructure. Given existing and planned residential development around the Property, including R-4 zoning, (See DPEIR Exh. 3-9, existing zoning), this is the wrong location to maintain the current low-density zoning near existing and planned infrastructure and commercial development. CalTrans' Highway 79 realignment and widening project is not the

¹ GPA00921 (Foundation GPA from RUR: RR to CD: MDR on the 77.8 acres), CZ07763 (Change Zone from A-1-5 to R-1 and EA41744 (EA for GPA00921).

only impetus for increasing residential density in the Highway 79 Policy Area. See DPEIR p. 3-8. This increase is consistent with existing and other planned infrastructure:

- Approximately 0.25 mile to proposed regional sewer lift station (south of Scott Rd., just west of Leon Rd.) which will serve a large portion of the Community Plan Project area
- approximately 0.25 mile to Liberty High School
- approximately 2.25 miles to Southshore Elementary School
- approximately 2.1 miles to Albertsons/Walgreens and other shopping/commercial
- approximately 3.6 miles to Bell Mountain Middle School
- approximately 3.8 miles to the Loma Linda University Hospital
- approximately 4.5 miles from the Riverside Menifee Lakes Fire Station No. 76
- approximately 4.75 miles from the Riverside County Fire Station No. 68.

Continued significant agricultural use of the property is unlikely, due to its small size and its location immediately adjacent to more intensive residential and commercial development. Given this level of developed and planned infrastructure, retaining the Property for agricultural uses fails to properly take advantage of the extensive County investment in developing resources intended to address its housing crisis.

III. The RHNA Goals and the Goals of the Winchester Community Plan Merit Consideration of Changing the Land Use Designation and Rezoning the Property

The DPEIR sets out a number of key goals and objectives that are consistent with changing the land use designation and rezoning the Property consistent with the County's 2016 approval for the Property. Modifying the Plan to permit the increased density at the Property would enhance the County's ability to meet these goals, including the following:

A. Achieving 6th Cycle RHNA Requirements.

The DPEIR focuses on promoting higher density housing to achieve the 6th Cycle RHNA allocation of 40,647. DPEIR pp. 1-3, 3-10, 4.14-5. The Winchester Community Plan Project is estimated to meet 30% of this goal by adding 12,329 additional units. DPEIR p. 4.14-9.

One of the express goals of the Community Plan Project is to assist the County with meeting its RHNA allocation by promoting higher density and a greater variety of housing. The Community Plan Project proposes to increase the number of residential units permitted within the Plan area by 12,329, meeting only 30% of the County's RHNA allocation. It achieves this increase by eliminating the 9% residential reduction in the Highway 79 Policy Area and converting land to residential use in other parts of the Project area but does not examine obvious opportunities to rezone to take advantage of the benefits of planned infrastructure and thereby increase the number of additional residential units needed. Given the expansion of Highway 79, strategic upzoning is feasible and would assist the County in achieving its RHNA goals.

The County has previously estimated that because it has fallen behind on housing construction, it will be challenging to meet this goal. If changed to Medium Density Residential, the Property

would permit up to 388 residential units at the Property. While the 15 dwelling units currently permitted on the Property are unlikely to be developed and would rely on septic systems, development of the Property with medium residential density (in the range of 2 to 5 units per acre) is much more feasible and could occur quickly given the level of existing and planned infrastructure development at and adjacent to the Property, helping the County to meet the RHNA goals.

To meet its RHNA goals, the Project seeks to implement higher density residential projects to achieve greater housing variety and increased density in the area. DPEIR pp. 1-3, 3-10 and DPEIR Exh. 3-9 (existing zoning Highway 79 Policy Area).

Rezoning the Property to 2-5 du/acre as the County did previously could add up to 388 dwelling units in different lot sizes would provide work force housing and assist the County in providing greater housing variety and home sizes to help meet its RHNA goals.

C. Assist the County in Minimizing GHG and Air Quality Impacts

The DPEIR states that the purpose of increasing density along the expanded Highway 79 and the added transportation projects is to minimize the Air Quality and GHG impacts of providing needed housing to the extent feasible. See, e.g., DPEIR pp. 4.3-23, 4.8-31 (prioritize land to accommodate new growth and increase connectivity in existing neighborhoods and other SoCal Connect goals), 4.8-33, 4.8-37 (Project's development patterns are designed to reduce VMT with higher density housing and local serving uses reducing the need to travel long distances, thereby reducing GHG emissions).

Although the goal of the DPEIR is to create compact development and promote multi-modal transportation including alternative modes of transportation to minimize AQ and GHG impacts, keeping the Property in a rural residential designation despite its proximity to existing housing, commercial development, infrastructure, roadways and amenities, results in higher AQ and GHG emissions and greater VMT than would inclusion of greater density for residential uses near existing commercial, infrastructure, and schools.

The DPEIR states that the purpose of increasing density along the expanded Highway 79 and the added transportation projects is to minimize the Air Quality and GHG impacts of providing needed housing to the extent feasible. Adding 388 residential units adjacent to existing Medium Residential property and existing and planned infrastructure would enhance the County's ability to meet these goals. For example, by creating more compact development and promoting multi-modal transportation including alternative modes of transportation, the Project proposes to reduce VMT and Air Quality and GHG impacts from vehicle emissions. See, e.g., DPEIR pp. 4.3-23, 4.8-31 (prioritize land to accommodate new growth and increase connectivity in existing neighborhoods and other SoCal Connect goals), 4.8-33, 4.8-37 (Project's development patterns are designed to reduce VMT with higher density housing and local serving uses reducing the need to travel long distances, thereby reducing GHG emissions). However, keeping the Parcel in agricultural use would mean maintaining use of high emissions equipment and vehicles rather than further minimizing emissions associated with residential uses located near existing commercial, infrastructure, and schools, consistent with Project goals and as required by CEQA.

Keeping the lower density designation of the Property is therefore inconsistent with CEQA requirements to mitigate impacts to the extent feasible. It is also contrary to the Project goals of land use synergy, encouraging and promoting development of residential land uses near infrastructure that can support it. In addition, maintaining 5-acre minimum lots on septic so close to existing sewer service for the Plan area is sub-optimal. In contrast, utilizing the Property for Medium Density Residential as the County originally approved is consistent with good planning principles and the goals of the Project because the Property can be most easily developed for the least investment in infrastructure. In addition, this is contrary to the stated goal to “Reduce distances between housing, workplaces, commercial uses, and other amenities and destinations”. Therefore, it is appropriate change the designation of the Property in the Plan to higher density residential and, if necessary, under the Highway 79 Plan, to consider shifting that density from another location.

The Project is designed to produce the large amount of housing required by County RHNA allocation by minimizing GHG and Air Quality impacts to the extent it can. But the DPEIR still finds that impacts on both will be significant and unable to be fully mitigated.

The approaches identified in the DPEIR to minimize GHG and Air Quality impacts include:

- denser housing near existing transportation corridors
- planning housing and development adjacent to planned sewer lift station which will serve proposed development
- reduce distances between housing, work, commercial uses, and sustainable modes of transportation.

However, the Project does not maximize these goals. First, as described above by leaving the Property with an agricultural designation, the Plan does not maximize its opportunities to meet these goals within the Plan area. Second, while the Plan proposes to account for 30% of the County’s RHNA allocation it only provides for 21% of SCAG’s projected 33% in total County population increase by 2045. See DPEIR p. 4.14-9. This leaves a large amount of housing to be developed in the County outside the Project area with concomitant increases in Air Quality and GHG emissions and impacts. Adding 373 potential additional residential units by changing the designation of the Property (which is adjacent to the existing roadway network (including Scott Road and I-215) and a planned sewer lift station) would help minimize increases in AQ and GHG emissions that would occur from developing housing further from existing transportation and infrastructure to meet the County’s RHNA allocation.

IV. The Requested Modification Would Not Affect the Project’s overall Impact on Agriculture and Would not result in Material Reduction in Farmland of Importance

Appendix G of the CEQA Guidelines considers conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Significance to non-agricultural use to be a potentially significant impact. The Highway 79 Policy Area boundary in which the 77.7-acre Property is located includes approximately 50,061 acres. DPEIR, p. 1-2. The Highway 79 Policy Area includes a total of 17,345 acres of land the County designates as Important Farmlands, or 35% of the Planning Area.

Of the 17,345 acres, 14,487.63 is Farmland of Local Importance which is not a CEQA designation of significance. DPEIR, p. 4.2-2.

The Property is identified as Farmland of Local Significance in the Highway 79 Area Plan. DPEIR, Exh. 4.2-1. It is used for Dry Wheat Farming. It comprises approximately .005% of the 14,487.63 acres of Farmland of Local Significance in the Highway 79 Area Plan, .004% of the total 17,345 acres of Farmland in the Highway 79 Area Plan, and .002% of the total 50,061 acres in the DPEIR, pp. 1-2, 4.2-2. Rezoning the 77.7-acre Property would not have a material impact on agriculture land in the Highway 79 Policy Area. The County was previously willing to rezone the Property as a stand-alone project and rezoning the Property would entail a minor modification to the proposed Highway 79 Policy Area changes. If the County nevertheless wanted to preserve 77.7 acres zoned for agriculture, it would be better served by preserving Farmland of Local Importance, Prime Farmland, or Farmland of Statewide Importance located further from existing infrastructure and shift density from another location to the Property.

V. Conclusion

In conclusion, the County should reconsider the land use designation and zoning at the Property to Community Development, Medium Density Residential (2-5 du/ac), One-Family Dwellings (which would allow for a total of 388 units), consistent with the prior approval on the Property. This will assist the County in achieving good land management and planning practices and its Project goals, will support its prior infrastructure investment and minimize the need for future expenditures by taking advantage of existing and planned infrastructure. This approach would also allow the County to comply with CEQA's mandate that the County mitigate unavoidable impacts to the extent feasible.

Thank you for your attention to this matter. We are happy to discuss our proposal with you at any time.

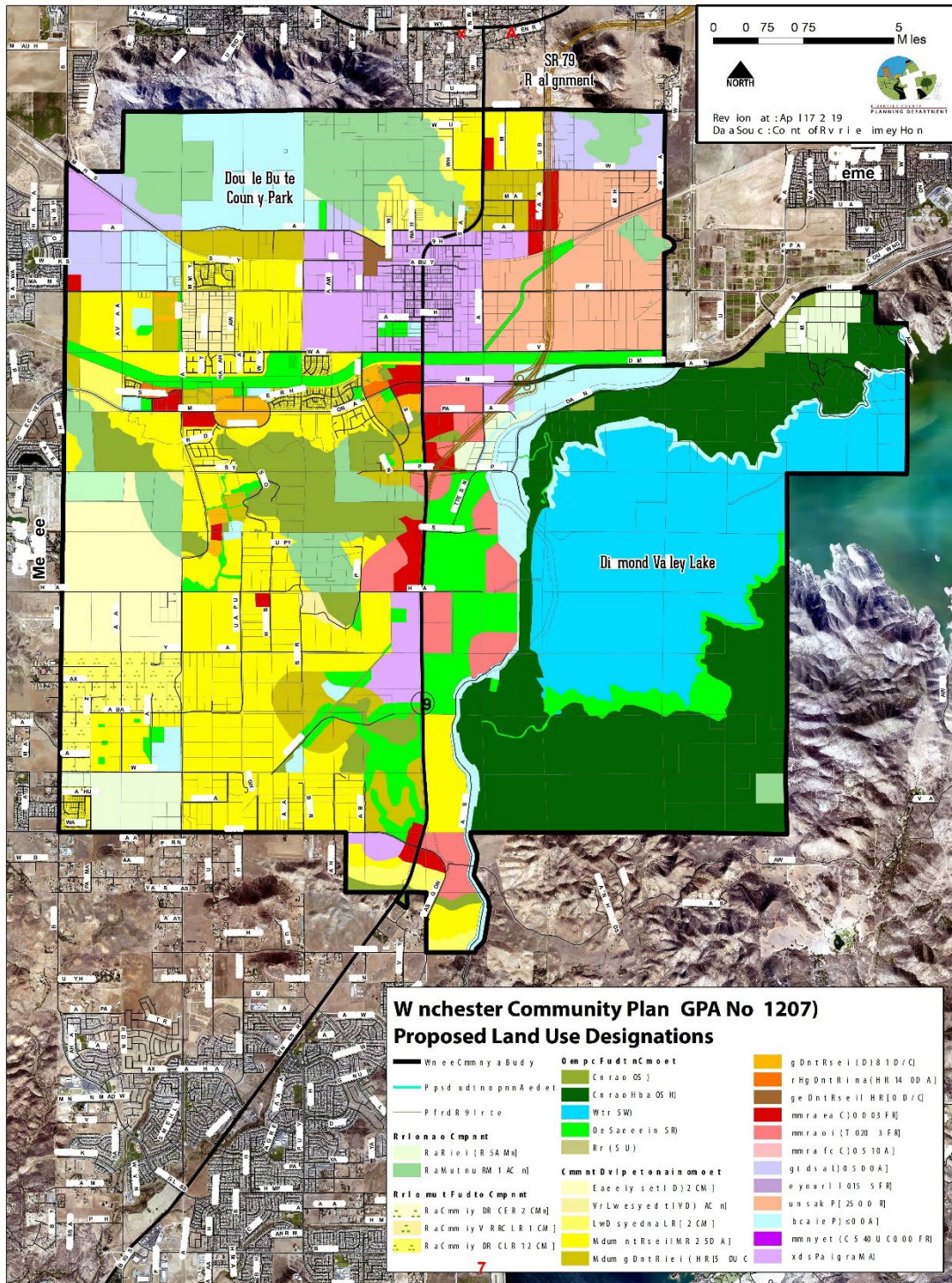
JPMB Investments, LLC
a Delaware limited liability company



By: Paul Onufer
Its: Manager

Cc: Jae E. Han, Trustee of the Jae E. Han Trust No. 1 dated October 31, 1994
Joong H. Choh
Sook P. Choh
Gene Byong Jin Oh
Kim C. H. Oh
Kyung Hwa Kay Ihm, Trustee of the Kyung Hwa Kay Ihm Trust No, 1 dated June 22, 1993
Tae H. Kim
Kwang W. Kim

Paul Onufer, Manager, JPMB Investments, LLC

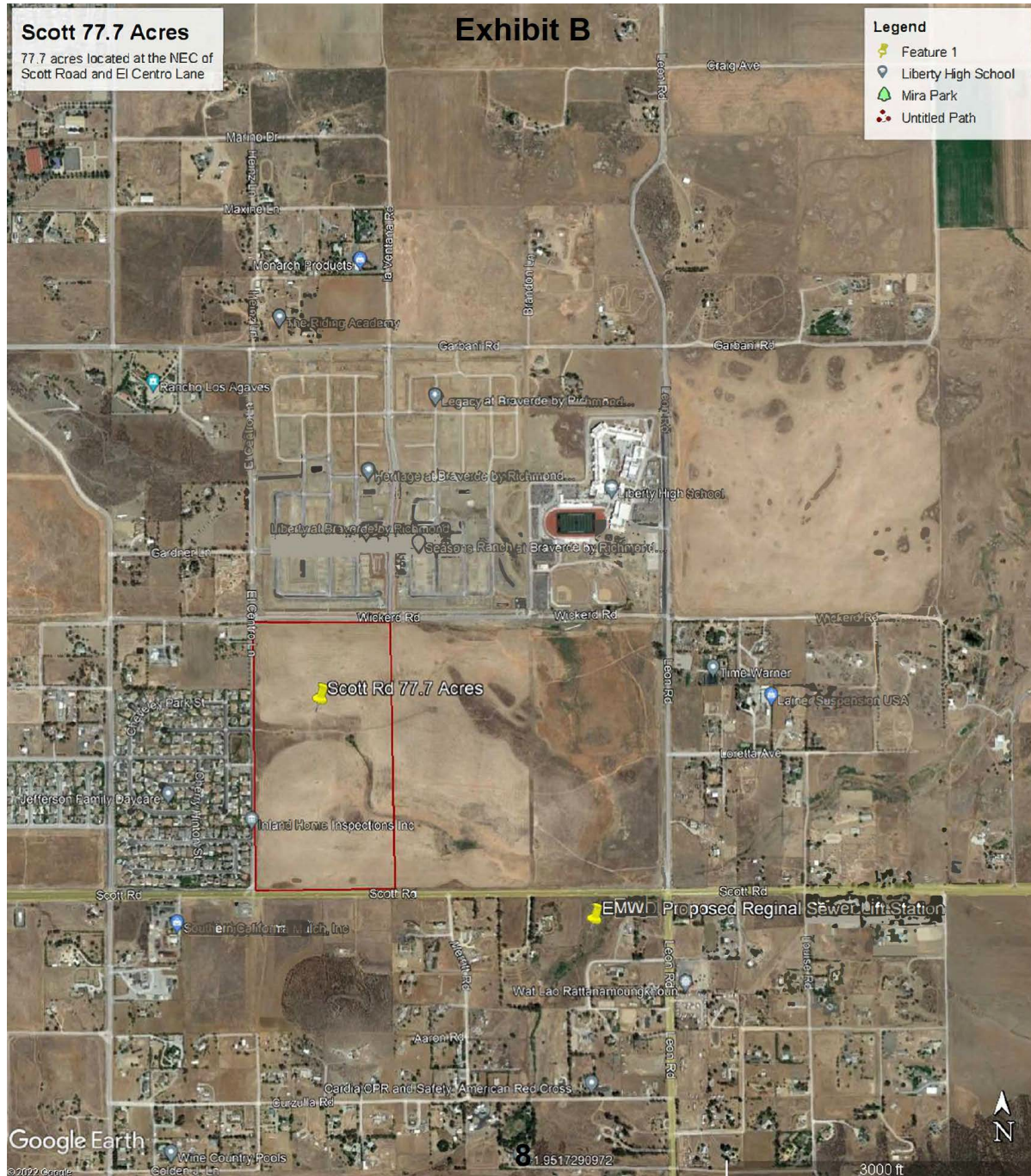




Page 8 of 8

Comment Letter 16

Paul Onufer, Manager, JPMB Investments





Response No. 16

Paul Onufer, Manager, JPMB Investments

August 17, 2022

- 16-1 This comment provides a general introduction. The commentor is the manager of JPMB Investments, LLC, which is currently under contract to purchase 77.7 acres of land at the northeast corner of El Centro and Scott Road (Assessor's Parcel Number [APN] 466-220-029) and represents the owners of said parcel. The commentor also states they are supportive of the project. Responses to specific comments are provided below.
- 16-2 The commentor describes the local vicinity of the above-mentioned subject parcel and discusses the parcel's proximity to Highway 79, schools, the proposed sewer lift station, and other key infrastructure and amenities, including shopping, other commercial uses, and parks. As such, the commentor expresses that it would be opportune for the County to reconsider the parcel's General Plan Land Use and Zoning Designations from Rural Residential to one that allows for higher density, in light of the County's goal to meet its 6th Cycle RHNA allocation. This comment is noted and will be considered during project deliberations. This comment pertains to site-specific rezoning proposed under the Winchester Community Plan but does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 16-3 The commentor states that the property is currently designated as Rural/Rural Residential in the Riverside County General Plan and is zoned A-1-5, which would allow for a total of 15 units on the property. The commentor requests that the County consider a modification to the proposed project to designate the property as Community Development, Medium Density Residential (2-5 du/ac), One-Family Dwellings, which would allow for up to 388 dwelling units. Refer to Response 16-2.
- 16-4 The commentor reiterates the subject parcel's proximity to existing and planned infrastructure and community facilities described above, and their disagreement with the subject parcel's existing low-density General Plan Land Use and Zoning Designations. Refer to Response 16-2.
- 16-5 The commentor elaborates on the subject parcel's General Plan Land Use and Zoning Designations and states that modifying the Winchester Community Plan to permit the increased density of the subject parcel would enhance the County's ability to meet stated RHNA goals and air quality/greenhouse gas impact reduction goals. Refer to Response 16-2.



- 16-6 The commentor elaborates on the subject parcel's General Plan Land Use and Zoning Designations and states that modifying the parcel's General Plan Land Use and Zoning Designations would not result in agricultural impacts due to the minimal amount of acreage of Farmlands of Local Importance that the parcel comprises. Refer to Response 16-2.
- 16-7 This comment contains conclusive remarks, summarizing the contents and statements of the letter. This comment is acknowledged and does not raise any new issues. As such, no further response is necessary.



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emailed
Lmk ok

MEMORANDUM

TO: Riverside County Planning Department
Manny Baeza/Paul Swancott

FROM: Joel Morse, T&B Planning, Inc.

DATE: August 17, 2022

RE: Comments on Winchester Community Plan, DEIR, and Winchester Design Guidelines

17-1

We appreciate the opportunity to review and comment on the Winchester Community Plan, DEIR, and Winchester Design Guidelines. Please see below for T&B Planning's formal comments on the Winchester Community Plan, Draft EIR, and Winchester Design Guidelines dated July 2022. This Comment Memo identifies specific language from the Draft EIR and the Winchester Design Guidelines, followed by our comments and questions.

1. From the Executive Summary of Draft EIR Winchester Community Plan Section 1.3 (Project Summary) on Page 1-2.

"Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Meniffee Valley Area Plan to revise the existing Highway 79 Policy Area language by removing the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area."

17-2

2. From the Executive Summary | Mitigation Measures TRA-2 (4.17 Transportation P1-26)

Mitigation Measure TRA1: "Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential develop within the Downtown Core).

T&B Comments on the DEIR:

- A. Please identify where and when the Winchester Community Plan can be reviewed in it's entirety.
- B. Please clarify what is meant by the term *"newly entitled dwelling units"* used in the Executive Summary on Section 1.3, Page 1.2.

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PLANNING • DESIGN • ENVIRONMENTAL • GRAPHICS

- a. Please clarify what is meant by the term *“entitled”* in this context.
 - i. Are approved units within an existing adopted Specific Plan considered *“entitled”*?
 - ii. Does the term apply to the *“maximum units”* adopted or to the *“target units”* adopted in an existing approved Specific Plan?
 - iii. Are units approved on a Tentative Tract Map considered *“entitled”* under this definition?
- C. Please clarify what is meant by the term *“any new development”* used in Mitigation Measure TRA-2.
 - a. Please clarify whether the phrase *“any new development”* includes commercial residential development such as hotels, motels, congregate care facilities and similar quasi-residential units.
- D. Please clarify whether the phrase *“newly entitled dwelling units”* and *“any new development”* are being used interchangeably and have the same meaning in the DEIR and the Winchester Community Plan.
- E. Please clarify whether the *“flat fee”* would apply to the *“maximum”* units shown in an existing adopted Specific Plan or to the *“target”* units in an existing adopted Specific Plan.
- F. Please clarify whether the *“flat fee”* would apply to any residential lot not approved by a Tentative Map at the time the Mitigation Fee Ordinance is adopted.
- G. Please clarify whether the *“flat fee”* would apply to any residential lot not shown on a recorded Final Map.
- H. Will the VMT Mitigation Fee be assessed only on all *“unentitled units”* or only those *“unentitled units”* over the mid-point of the General Plan Land Use Designation?
- I. What is the time frame for completion of the Nexus Study?
- J. The language appears to indicate that no building permits within the Winchester Community Plan and Highway 79 Policy Areas until the Nexus Study is completed and the Ordinance establishing the VMT Mitigation Fee is approved.
 - a. In the event that the Nexus Study is delayed or the Mitigation Ordinance is challenged in court, does the County intend to establish a moratorium on the issuance of all building permits until the issue is resolved?
 - b. Does this prohibition apply only to *“residential”* building permits?

3. WINCHESTER COMMUNITY PLANNING DESIGN GUIDELINES

The proposed Winchester Community Planning Design Guidelines are an integral component of the project and intend to provide direction for site design, architecture, streetscapes, bicycle and pedestrian facilities, signage, and lighting, etc. for the plan area. County Planners would use these criteria in review of submittals to achieve high quality development and compatibility with adjacent land uses and the overall character of the community. The Design Guidelines would apply to those areas within the Winchester Policy Area boundary.

A. Existing Specific Plans (Page 2 of Design Guidelines): “Existing Specific Plans are adopted by resolution and the associated regulation is adopted by ordinance. These Specific Plans are deemed to be consistent with County guidelines at the time of adoption. In some cases, County guidelines were incorporated into the Specific Plans by reference. The design guidelines within each specific plan apply more specifically to the uses within that document. Adoption of the Winchester Design Guidelines (WDG) will not affect adopted specific plans, nor will their associated design elements become non-conforming.”

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T&B Comments on Design Guidelines: Existing Specific Plans

1. Please clarify whether Amendments to adopted Specific Plan would be subject to the new Design Guidelines and therefore required to be updated to conform to the new Guidelines as part of the entitlement process.
2. Please clarify whether Substantial Conformance to an adopted Specific Plan would be subject to the new Design Guidelines as part of the entitlement process.
3. Please clarify the impact of the timing of the approval of these new Design Guidelines on Specific Plan projects in the entitlement pipeline?
 - a. More specifically, will Specific Plan Amendments that have been through numerous Screenchecks and for which staff has no further comments (prior to the adoption of the new Guidelines), be required to incorporate them?

B. Architectural Styles (Page 17 of Design Guidelines): "Four (4) architectural styles have been outlined for the Winchester Policy Area. Ranch, Farmhouse, Prairie, and Craftsman architectural styles establish types and levels of architectural detail which assist in achieving the design objectives."

T&B Comments on Design Guidelines: Architectural Styles

1. Will future proposed Specific Plans or other implementing projects be required to use only the four styles in order to be found to be consistent with the General Plan?
 - a. Or will there be the flexibility to allow for the use of other styles that may be determined to be consistent with the styles contained in the proposed Design Guidelines?

C. Proposed Winchester Policy Area Land Use Designation Changes (Exhibit 3-11)

The Winchester Community Plan proposes to modify 116.5 acres within the SP293 (Planning Areas 1, 2, 3, and 4) from "Commercial Retail" to "Mixed Use Area".

T&B Comments on Design Guidelines: Land Use Designation Changes

1. Please clarify how these land use modifications will affect current General Plan Amendment entitlement applications and the associated Specific Plans.
 - a. Planning Areas 1, 2 and 4 are the subject of "in process" GPA 1162, which proposes to designate these Planning Areas with a combination of Commercial Retail, Open Space-Recreation, and Highest Density Residential land uses, in support of proposed SP293-A6 project.
 - b. Please confirm that the proposed change to "Mixed Use Area" by the Winchester Community Plan would not affect the proposed land use designations of SP293-A6.



Response No. 17

Joel Morse, T&B Planning

August 17, 2022

17-1 This comment includes introductory language for the comment letter. Responses to specific comments are provided below.

17-2 The commentor requests the following additional information/clarification on text within the Draft EIR:

- Identify when/where the Winchester Community Plan can be reviewed;
- Clarify what is meant by “newly entitled dwelling units” in the Executive Summary;
- Clarify what is meant by the term “entitled”;
- Clarify what is meant by “any new development” in Mitigation Measure TRA-2;
- Clarify whether the terms “newly entitled dwelling units” and “any new development” are being used interchangeably;
- Clarify whether the “flat fee” would apply to any residential lot not approved by a Tentative Map or shown on a Final Recorded Map at the time the mitigation fee ordinance is adopted;
- Will the VMT mitigation fee be assessed on all “unentitled units” or only those “unentitled units” over the mid-point of the General Plan Land Use Designation;
- What is the timeframe for completion of the Nexus Study?
- In the event that the Nexus Study is delayed or the mitigation ordinance is challenged in court, does the County intend to establish a moratorium on building permits, and does this prohibition apply only to residential permits?

It is noted that the Draft Winchester Community Plan was made available for public review on August 15, 2024 on the County’s website.

The phrases “newly entitled dwelling units,” “entitled,” and “any new development” are considered colloquial and do not warrant additional clarification in the Draft EIR. It is noted that several Development Review Flowcharts are available on the County’s website that graphically outline the development review process. These are provided to help the public more easily understand the flow of work undertaken with different types of land use applications. Please visit <https://planning.rctlma.org/development-review-flowcharts> for these documents.

Refer to Response 4-2 for information regarding the VMT Mitigation Fee Nexus Study. All comments have been addressed; no further response is warranted.



- 17-3 The commentor requests further information/clarification on the Design Guidelines and their potential impacts to adopted Specific Plans. This comment pertains to the Design Guidelines for the Winchester Community Plan but does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) However, it is noted that the Design Guidelines were made available for available for public review on July 5, 2022 on the County's website.
- 17-4 The commentor requests that the County clarify if future proposed Specific Plans will be required to use only the four outlined architectural styles (Ranch, Farmhouse, Prairie, and Craftsman) in order to be found consistent with the General Plan. As discussed in Draft EIR Section 4.1, *Aesthetics*, development occurring as part of the proposed project would be subject to detailed planning to ensure high-quality development that it is complementary and compatible with the community character and design. The proposed Design Guidelines are an integral component of the project and intend to provide direction for site design, architecture, streetscapes, bicycle and pedestrian facilities, signage, and lighting, etc. for the plan area. The degree to which the Design Guidelines are met is subject to a finding or determination made by the County. Variations to either the design standards or guidelines may be considered by the Planning Commission or Board of Supervisors in the review of any project. Refer to Response 17-3.
- 17-5 The commentor requests that the County clarify how the proposed General Plan Land Use Designation changes will affect the current General Plan Amendment entitlement applications and associated Specific Plans, specifically in relation to the proposed SP293-A6 project. The Winchester Community Plan does not apply to previously entitled developments; however, it would apply to new single-family residential entitlements within existing adopted/approved Specific Plans. Refer to Response 4-2.



CITY OF MURRIETA

August 19, 2022

VIA E-MAIL AND U.S. MAIL

Manuel Baeza, Principal Planner
County of Riverside
4080 Lemon Street, 12th Floor
Riverside, CA 92501
E-Mail: mbaeza@rivco.org

Re: Draft Environmental Impact Report (EIR), State Clearinghouse No. 2019049114, for
General Plan Amendment 1207 (GPA 1207), Winchester Community Plan project

Dear Mr. Baeza:

18-1

On behalf of the City Council of the City of Murrieta ("City"), I would like to take this opportunity to express concerns and demand 120 additional days to submit written comments on the Environmental Impact Report ("EIR") for the proposed Winchester Community Plan project ("Project"). The Project will allow for the development of property within the County of Riverside ("County") just across the northeast boundary of the City, hence, the Projects will result in impacts to the City's residents and resources. While the City understands the need to allow the development of real property and the creation of additional housing units, the City is extremely concerned that significant and irreversible environmental impacts to the residents of Murrieta will not be adequately addressed in the EIR, as required pursuant to the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*, "CEQA") and the CEQA Guidelines (14 Cal. Code of Regulations §§ 15000 – 15387).

18-2

As a result of the City's obvious concern about the Project, in November of 2021, I sent an email to members of the Project team requesting notice of all documents relating in any way to the Project. Despite this request and despite the legal obligations of the County, as the lead agency, to send the City a notice of preparation of the EIR and notice of circulation of the EIR, the County failed to give the City notice of either the completion or circulation of the EIR. The City only inadvertently discovered

yesterday, what we believe to be the forty-fifth and final day of circulation of the draft EIR, that the EIR had been released in July.

As a threshold matter, the City takes issue with County's tactics in depriving the public of its opportunity to be involved in, and receive timely information about, the Project and the EIR. By email, City staff requested notification from the County about any updates from the County about the Project, evidenced by the repeated emails by me, the City's Director of Development Services. Despite repeated assurances from County that the City would be kept up to date on the Project, related technical studies and environmental documentation, none were provided.

The County's failure to provide the information about the proposed CEQA action deprived the City and its residents of the opportunity to be involved in a meaningful, robust, and thorough manner to analyze and comment on the Project and potential environmental impacts to the City, its residents, and its resources. As the City only discovered the County's lack of notice on the last day of the comment period, the City nevertheless desires an opportunity to provide comments and expects that County will address the City's comments, without raising any issue regarding the timeliness of these comments.

Courts have allowed late challenges to a CEQA action where a lead agency misled the public so as to prevent an interested party from timely filing a CEQA challenge. In *Citizens for a Responsible Caltrans Decision v. Department of Transportation*, (2020) 46 Cal.App.5th 103, for example, Caltrans assured the public in its draft and final environmental impact reports that it would file a notice of determination under CEQA if the decision were made to approve the highway interchange construction project. Caltrans then issued a notice of exemption from CEQA instead before the end of the public comment period, while proceeding to circulate the environmental impact report, collect comments, and respond to those comments. The court found that Caltrans knew of its position that the project was exempt from CEQA and it would approve the project and file a notice of exemption, but nevertheless made misrepresentations to the public that it would approve project only after complying with CEQA requirements. Those facts were sufficient to find that Caltrans was estopped from asserting the untimeliness of challenging the notice of exemption.

Because the City requested that the County provide the City notice of documents and meetings relating to the Project, the basis of the ruling in the *Citizens for a Responsible Caltrans Decision* case applies to the City's time to submit environmental comments on the EIR after the initial comment period has expired in light of the assurances from County staff I received that the City would receive proper CEQA notice for the Project in order to have time to submit comments on the EIR amply support this point. As such, as a showing of good faith, the County should agree to allow the City 120 days to submit comments on the EIR which comments shall be deemed timely.

Should the County fail to agree to this stipulation, the City will have no option but to consider its right to pursue further action on the Project and the EIR. To this end, we encourage County to advise Murrieta no later than August 24, 2022 if County will provide the requested extension and work with the City to arrive at a solution that is a benefit, rather than a burden, to the community, or the City Council will be forced to consider its legal options.

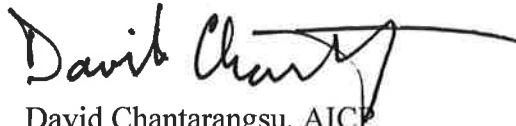
Manuel Baeza
August 19, 2022
Page 2

18-3

Lastly, the City reiterates the request that the City receive timely notification of all documents and hearings relating to the Project and the EIR. The City looks forward to County's timely response to the concerns raised herein.

Very truly yours,

CITY OF MURRIETA

A handwritten signature in black ink, appearing to read "David Chantarangsu", with a long horizontal line extending to the right.

David Chantarangsu, AICP
Development Services Director

cc: Kim Summers, City Manager (via email)
Ivan Holler, Assistant City Manager (via email)
Tiffany J. Israel, City Attorney (via email)



Response No. 18

David Chantarangsu, Development Services Director, City of Murrieta

August 19, 2022

- 18-1 The commentor requests 120 additional days to submit written comments on the Winchester Community Plan Draft EIR and states the project would impact the City of Murrieta's residents and resources based on its relative proximity to the City. The County of Riverside extended the Draft EIR's public review period by an additional 35 days to September 23, 2022 to allow for adequate review and commentary by the City of Murrieta and other public agencies and stakeholders. As described throughout the Draft EIR, future site-specific development accommodated by the Winchester Community Plan would be assessed on a case-by-case basis for environmental impacts, including potential impacts to adjacent jurisdictions where appropriate (i.e., the City of Murrieta). This comment does not raise a specific issue regarding the adequacy of the Draft EIR or its environmental analysis; see State CEQA Guidelines Section 15088(c), which states that the level of detail contained in a response may correspond with the level of detail provided in the comment. Refer to Comment Letter 23 for responses to the City of Murrieta's second letter that was received during the extended public review period.
- 18-2 The commentor claims the City of Murrieta did not receive a Notice of Preparation of the Draft EIR and notice of circulation of the Draft EIR. The County of Riverside affirms that the City of Murrieta was mailed a Notice of Preparation (NOP) of the Draft EIR on April 18, 2019, as well as Notice of Availability (NOA) of the Draft EIR on July 5, 2022 in the care of the Planning Department, at 1 Town Square, Murrieta, CA 92562. The County will continue to notify Murrieta of subsequent environmental notices/meetings regarding the proposed project and all future developments within the Winchester Community Plan with the potential to impact the City of Murrieta.
- 18-3 The commentor's final remarks request for timely notification of future documents and hearings related to the project. The City of Murrieta will be notified of all subsequent environmental notices and meetings related to the project.



September 19, 2022

Direct Dial: 949.851.7409
Email: mstaples@jacksontidus.law
Reply to: Irvine Office
File No: 4063-28900

VIA ELECTRONIC MAIL (pswancott@rivco.org; mbaeza@rivco.org)

Paul Swancott, Project Manager
Manuel Baeza, Principal Planner
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

**Re: Domenigoni-Barton Comments on Winchester Community Plan Draft
Environmental Impact Report, State Clearinghouse No. 2019049114, for
General Plan Amendment 1207 (GPA 1207), and associated Nexus Study**

Dear Messrs. Swancott and Baeza:

The following comments are submitted on behalf of the Domenigoni-Barton Properties entities (collectively, "Domenigoni-Barton"), owners of the County-approved Domenigoni-Barton Specific Plan No. 310 ("Specific Plan 310") for which Environmental Impact Report No. 421 ("EIR 421") was certified.

1. Introduction and Summary of Comments.

Specific Plan 310 provides land use, circulation, conservation and infrastructure guidance for development of a mixed use community including up to 4,186 residential units on approximately 1,734.5 acres of land in the Winchester area. For the reasons discussed below, the County of Riverside should:

- ***extend the comment period for the Draft Environmental Impact report for the Winchester Community Plan (General Plan Amendment No. 1207) ("Draft EIR") from September 23, 2022 to at least 45 days after the County makes available for public review: (1) the proposed text of the Winchester Community Plan update and corresponding revisions to the General Plan's Harvest Valley/Winchester Area Plan, Sun City/Menifee Area Plan, and Southwest Area Plan; and (2) a legally compliant Nexus Study;***
- ***include an exemption from the proposed Vehicle Miles Traveled ("VMT") Mitigation Fee, the associated freeze on development until adoption of the fee, and other mitigation measures proposed by the Draft EIR for projects consistent with County-***

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approved specific plans including the Domenigoni-Barton Specific Plan 310 and EIR 421 that have incorporated the 9% reduction policy and completed environmental review in compliance with the California Environmental Quality Act (“CEQA”, Pub. Res. Code sec. 21000, et seq.) and CEQA Guidelines (14 Cal. Code Regs. sec. 15000, et seq.). Project applicants who wish to amend their specific plans to increase their density should pay the VMT Mitigation Fee only for the portion of density increased and applicants who do not should be able to proceed with the 9% reduction under their approved Specific Plans and CEQA documents; and

- *include an overlay or policy area to enable the Domenigoni-Barton property to be developed under Specific Plan 310 and EIR 421 that were revised and approved by the County as necessary to comply with the Court Decision entered May 8, 2003 in Endangered Habitats League and City of Temecula v. County of Riverside, Riverside County Superior Court Case No. RIC369801 (“Court Decision”, attached as Exhibit I).*

The Domenigoni-Barton Specific Plan area extends along SR 79 from Keller Road on the South to Holland Road on the north. Domenigoni-Barton is the largest landowner impacted by the proposed Winchester Community Plan update. The southernmost area of the Domenigoni-Barton property is currently within the Highway 79 Policy Area but is proposed to be added to the Winchester Policy Area. (See, EIR Exhibits 3-3, 3-4.) Because the proposed Winchester Policy Area policy updates have not been made available for public review during the comment period on the Draft EIR, Domenigoni-Barton is unable to evaluate potential land use inconsistencies and other environmental impacts.

Additionally, as discussed in greater depth below, the County should exempt Specific Plan 310 from the VMT Mitigation Fee and other mitigation measures proposed by the Draft EIR because the County already approved EIR 421 and no changes are proposed to Specific Plan 310. The County would be violating CEQA by imposing additional mitigation measures when there is no substantial change proposed to the specific plan.

Also, delaying development indefinitely and imposing a VMT Mitigation Fee on an approved project such as Specific Plan 310 that has a certified EIR, as proposed in Mitigation Measure TRA-1, violates both CEQA and state housing laws. The 9% reduction was one of the revisions to Specific Plan 310 approved by the County to bring the Domenigoni-Barton project into compliance with CEQA and satisfy the Court Decision. Because of the unique litigation circumstances of Specific Plan 310, the County should include an overlay or policy area that covers properties within the Domenigoni-Barton Specific Plan 310 to enable their development under Specific Plan 310 in compliance with the Court Decision. Such a proposal is in line with the County’s existing General Plan which provides for overlays and policy areas to address local conditions. (See, for example, Harvest Valley/Winchester Area Plan, p. 19.)

Domenigoni-Barton is willing to work with the County to resolve its concerns while the Winchester Community Plan concept is pursued.

2. **The Draft EIR Does Not Comply With Basic CEQA Requirements and is Susceptible to Successful Legal Challenge.**

A. *CEQA does not allow the County to impose additional CEQA review and mitigation on projects that already have approved CEQA documents, such as Specific Plan 310.*

The Draft EIR wrongly evaluates the proposed additional 9% density as though the potential increase of 12,329 dwelling units is being added to previously approved projects including Specific Plan 310. The County then wrongly imposes mitigation measures on all future development to address the potential impacts of the increased density, including development implementing Specific Plan 310 and other approved projects with approved CEQA documents.

CEQA prohibits the County from requiring additional environmental analysis and mitigation unless there are substantial changes or substantial new information. (CEQA § 21166; CEQA Guidelines § 15162.) The County-approved Specific Plan 310 expressly limits the number of residential units to a maximum of 4,186 and no changes are proposed to Specific Plan 310. Also, changes in CEQA threshold guidelines, such as VMT and GHG thresholds, are not “new information”. (CEQA Guidelines § 15007(c); *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301; *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 532.) In the *Concerned Dublin Citizens* case, a project opponent argued that new threshold guidelines for GHG emissions came out after the EIR for the project was certified in 2002 and therefore constituted significant and new information requiring a supplemental EIR for a subsequent project. The court rejected the argument and found that the new threshold guidelines did not constitute “new information” requiring additional environmental review. Likewise, the new threshold guidelines that came to light after EIR 421 was certified for Specific Plan 310 do not justify the imposition of additional mitigation measures on development implementing the specific plan.

Unless and until there are “substantial changes” to Specific Plan 310 or “substantial new information” as defined in CEQA section 21166 and CEQA Guidelines section 15162, the County has no authority to impose the VMT Mitigation Fee or other mitigation measures in the Draft EIR as additional mitigation for development projects implementing Specific Plan 310.

B. *The Winchester Community Plan documents that comprise the Project evaluated by the Draft EIR have not yet been published.*

Under CEQA, a “project” is the whole of an action, specifically including amendment of local General Plans or elements thereof. A project does not mean each separate governmental approval. (CEQA Guidelines §§ 15378(a), (c).)

The Draft EIR's Project Description lists several proposed amendments to the General Plan, including, among other things:

- Amendments to the Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City Area Plan; and
- Corresponding amendments to General Plan Land Use and Circulation Elements, Design Guidelines and administrative and implementation programs.

The Draft EIR attempts to provide a brief summary of the Project's proposed amendments, but the summary is inconsistent throughout the EIR. For example, the Draft EIR's "Project Characteristics" section says that amendments are proposed to 4 of the General Plan's 19 area plans (Draft EIR p. 3-4, Item No. 4), but the "Area Plan Amendments" section says amendments are proposed to 3 area plans. (Draft EIR p. 3-6.)

As of the date of these comments, the text of the amendments proposed to the area plans and General Plan policies have not been published. Only the Design Guidelines have been published. The EIR is legally deficient because it does not provide sufficient information to analyze or mitigate the environmental impacts that may result from proposed amendments to policies and standards that may be incompatible with those in Specific Plan 310 and other approved projects.

As stated in *McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District* (202 Cal. App. 3d 1136, 1143), "An accurate project description is necessary for an intelligent evaluation of potential environmental effects of a proposed activity." An incomplete project description necessarily renders all further analyses and determinations ineffectual. Without a clear definition of the activities to be undertaken, the CEQA process cannot ensure that all impacts of the Winchester Community Plan Project have been mitigated to the extent feasible, because the ultimate extent of project activities is not fully defined.

It is critical that the Project Description be as clear and complete as possible so that the public is provided a meaningful opportunity to comment and the County and responsible agencies may make informed decisions regarding the proposed Project. ***For these reasons, we ask the County to extend the comment period on the Draft EIR for at least 45 days after the proposed amendments to the area plans and General Plan policies are published.***

C. *The Draft EIR fails to evaluate the Project's potential land use and environmental impacts on approved Specific Plans such as Specific Plan 310.*

A substantial portion of both the Winchester Policy Area and Highway 79 Policy Area is comprised of approved Specific Plans including Specific Plan 310. (See EIR Exhibits 3-8, 3-9.) Each specific plan identifies the maximum number of dwelling units it will accommodate, the variety of housing types it will include, and reserves space for open space and, in the case of Specific Plan 310, habitat, commercial and other non-residential complimentary uses to promote

a mixed-use community. Specific plans are a useful tool in affirmatively furthering fair housing by requiring that infrastructure be available for the entire development and facilitating the development of a variety of housing types and uses within a connected neighborhood rather than isolating uses. As described in the General Plan Housing Element, specific plans continue to be an integral part of development in Riverside County and will be used to facilitate the development of high-density housing to accommodate lower-income households near services and in areas with adequate infrastructure. (Riverside County 6th Cycle Housing Element Update, p. P-93.)

The Draft EIR fails to disclose and evaluate the proposed Winchester Community Plan update's potential land use inconsistencies with those approved specific plans. For example, the indefinite freeze on development proposed by Mitigation Measure VMT-1 interferes with Specific Plan 310's orderly development of housing, infrastructure and nearby employment opportunities and services. (See, Riverside County 6th Cycle Housing Element Update, p. P-97.) There may also be land use inconsistencies and other environmental impacts resulting from the yet-to-be-published proposed amendments to standards and policies in area plans and General Plan elements that are intended to implement the lifting of the 9% unit reduction, VMT standards and mitigation measures in the Draft EIR.

The County anticipates that the majority of the County's housing needs during the next eight years will occur within the sphere of influence areas of incorporated cities, and in areas for which specific plans or tract maps have been prepared. (Riverside County 6th Cycle Housing Element Update, pp. P-101.) As shown on Housing Element Table P-46, the Domenigoni-Barton Properties Specific Plan 310 accounts for 4,186 above-moderate housing units that the County is relying on to meet a portion of the County's Regional Housing Needs Assessment ("RHNA"). (Riverside County 6th Cycle Housing Element Update, p. P-132.)

Because the County relies on the development of Specific Plan 310 and other specific plans to achieve its RHNA, any proposed policy amendments and freeze on development that impairs development of approved specific plans creates inconsistency with the General Plan's Housing Element.

We appreciate the clear statements in the Design Guidelines confirming that the design guidelines within specific plans, including Specific Plan 310, apply more specifically to the uses within that document and that the Winchester Design Guidelines will not affect adopted specific plans nor will their associated design elements become non-conforming. (Draft Design Guidelines, pp. 2-3.) However, the Nexus Study is clear that the VMT Mitigation Fee "applies to new single-family residential entitlements within an existing adopted/approved Specific Plan". As a result, the freeze on residential development included in Mitigation Measure TRA-1 impairs development of Specific Plan 310 and other specific plans that the County is relying on to provide housing, infrastructure, employment opportunities and services to the area.

Given the importance of Specific Plan 310 and other specific plans to the area's housing and economic development, the County should exempt them from the VMT Mitigation Fee and development freeze under Mitigation Measure TRA-1.

D. *The Draft EIR's traffic impact analysis wrongly relies on the unfunded SR 79 Realignment Project.*

The MND's discussion of the transportation impacts resulting from the Project's proposed 9% increase in allowable dwelling units analyzes those Project impacts as though the SR 79 improvements have been completed. (Draft EIR pp. 3-8, 6-4.) CEQA does not allow evaluation of project impacts in light of "paper" mitigation measures; that is, mitigation measures that are simply planned, but are not incorporated into the current project. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 ("Vineyard"); *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 908, fn. 5).

In fact, although the SR 79 improvements have been in the planning process for decades and were formally approved over 5 years ago, the billion-plus price tag of the realignment project is not even funded, is not estimated to be funded for another 10 years according to the Riverside County Transportation Commission, and only then will acquisition of the necessary rights-of-way and implementation of the realignment project *begin*.

The Draft EIR's analysis of transportation impacts is similar to the analysis that the Riverside County Superior Court overturned in the Domenigoni-Barton Specific Plan's EIR originally approved by the County. In that case, the Court held that it was improper for the County to rely on non-existent "paper roads" to come to the conclusion that traffic impacts will be less than significant. The Court also held that the County's failure to make completion of the "paper roads" a condition of Project approval or mitigation measures enforceable through a mitigation monitoring program amounted to improper deferral of analysis and deferral of mitigation. (Court Decision, pp. 4-5.)

3. The Program EIR and Nexus Study Do Not Comply With the Informational Requirements of the Mitigation Fee Act and CEQA, and Cannot Support Legal Findings Required to Impose the VMT Fee.

The County proposes to impose the VMT Mitigation Fee on all new development within the Winchester Community Plan area, including development within approved specific plans, to fund one multi-modal (Metrolink) facility and one park and ride facility. (Nexus Study, pp. 1, 3.)

Impact fees such as the VMT Mitigation Fee must be adopted based on findings of a reasonable relationship between the development paying the fee, the size of the fee, and the use of fee revenues. As discussed above, there is no reasonable relationship between the proposed

fee and development within approved specific plans with approved CEQA documents paying the fee.

Additionally, the Draft EIR and Nexus Study fail to include a sufficient summary of the data upon which the County evaluated the costs to be funded by the VMT Mitigation Fee, in violation of both CEQA and the Mitigation Fee Act. (CEQA Guidelines § 15147.) Exacerbating the problem, the County failed to provide any supporting data to enable the public to independently access the comparable multi-modal transit and park and ride facilities constructed in nearby communities within Riverside County referenced at Nexus Study pages 2 and 3. (Gov. Code §§ 66016(a), 66016.5; CEQA Guidelines § 15148.)

The Draft EIR, Design Guidelines and Nexus Study do not include information about the size, location, facilities or other features of the park and ride and multi-modal center to be funded by the VMT Mitigation Fee. As a result, the Nexus Study does not provide substantial information needed to support the findings necessary to approve the fee.

Additionally, the \$8 million cost estimate for the proposed Metrolink facility “does not include land acquisition costs.” (Nexus Study p. 2.) The Nexus Study does not confirm the location or amount of land needed for the Metrolink facility and whether the land is already publicly owned for such purpose or other reason for omitting land acquisition costs. Of course, landowners whose land will be needed for the park and ride and multi-modal facilities could not be required to dedicate the land as a development exaction on their particular projects because the scope and amount of any such development exaction would far exceed their impacts (*Dolan v. City of Tigard*, 512 U.S. 374 (1994)). Rather, the landowners contributing land for such regional improvements are entitled to payment of just compensation.

Without access to the data and information upon which the EIR and Nexus Study base the VMT Mitigation Fee, the fee cannot be approved. ***The County should prepare a legally compliant Nexus Study including the backup data and information relied on for the facilities’ costs.***

4. **The VMT Fee Violates CEQA by imposing mitigation on Specific Plans such as Specific Plan 310 that already have approved CEQA documents and mitigation measures for traffic impacts.**

When a CEQA document has already been approved for a development project, CEQA prohibits the County from requiring additional environmental analysis unless there are substantial changes or substantial new information. (Pub. Res. Code § 21166.) The proposed Winchester Community Plan update unlawfully sidesteps this prohibition.

Additionally, amendments to the CEQA Guidelines, such as the VMT requirements of CEQA Guidelines section 15064.3, apply only prospectively. (CEQA Guidelines § 15007(b).) Any proposed new VMT Mitigation Fee would be irrelevant to Specific Plan 310 and cannot freeze development under the specific plan because when EIR No. 421 was certified, Level of

Service was the applicable threshold, not VMT. (CEQA Guidelines § 15007(c).) The use of the new VMT analysis as a threshold for evaluating traffic impacts does not affect the assessment of development projects in conformance with Specific Plan 310. (See, for example, *Concerned Dublin Citizens v. City of Dublin* (2013) 214 cal.App.4th 1301 [“However, the adoption of guidelines for analyzing and evaluating the significance of data does not constitute new information if the underlying information was otherwise known or should have been known at the time the EIR was certified”].)

The County should recalculate the fee based on new development over and above the maximum unit count approved in Specific Plan 310 and other approved specific plans and projects with approved CEQA documents.

5. The Proposal to Freeze Residential Development Pending Adoption of the VMT Fee Violates California Housing Laws.

Mitigation Measure TRA-1 requires the County to undertake a nexus study and adopt an ordinance creating a VMT Mitigation Fee for the Community Plan Area before residential development will be allowed to commence within the area. (EIR p. 4.17-23) TRA-1 has the effect of imposing an open-ended moratorium on residential development.

The state housing laws address the current housing crisis by encouraging residential development of projects that are consistent with approved land use and zoning such as Specific Plan 310. The Housing Crisis Act (SB 330) prohibits the County from enacting a development policy that would have the effect of imposing a moratorium or similar restriction or limitation on housing development other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium. (Gov. Code § 66300(b)(1)(B)(i).) Any freeze on development of housing within Specific Plan 310 under proposed Mitigation Measure TRA-1 would violate the Housing Crisis Act.

6. Conclusion.

For the reasons discussed above, the current Draft EIR and Nexus Study are vulnerable to successful legal challenge. Any development projects moving forward in reliance on the Draft EIR and VMT Mitigation Fee will be stuck in the litigation quagmire, unnecessarily delaying development of housing, infrastructure, employment centers and services to the area.

To remedy these problems, the County should:

- extend the comment period for the Draft EIR from September 23, 2022 to at least 45 days after the County makes available for public review: (1) the proposed text of the Winchester Community Plan update, and corresponding revisions to the General Plan’s Harvest Valley/Winchester, Sun City/Menifee, and Southwest

Area Plans, all of which are the subject of the Draft EIR; and (2) a legally compliant Nexus Study; and

- include an exemption from the proposed VMT Mitigation Fee (and the associated freeze on development until adoption of the fee) for projects implementing County-approved specific plans with CEQA documents that incorporated the 9% reduction policy (like the Domenigoni-Barton Specific Plan 310 and Final EIR No. 421), so that project applicants who wish to amend their specific plans to increase their density would pay the VMT fee only for the portion of density increased, and applicants who do not can proceed with the 9% reduction under their approved Specific Plans and CEQA documents.

Thank you for considering these comments.

Sincerely,



Michele A. Staples

Enclosure

Cc: Supervisor Chuck Washington (c.washington@rivco.org)*
Mr. Juan C. Perez, Chief Operating Officer (jcperez@rivco.org)*
Ms. Charissa Leach, TLMA Director (cleach@rivco.org)*
Mr. John Hildebrand, Planning Director (JHildebr@rivco.org)*
Mr. Mark Lancaster, Transportation Director (MLancaster@Rivco.org)*

*via email, with Enclosure

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

TITLE: Endangered Habitats League vs. County of Riverside	DATE & DEPT: 5/8/03 D-3	NUMBER: RIC369801
COUNSEL: None present	REPORTER: None	
PROCEEDING: STATEMENT OF DECISION		

The above-entitled cause came on regularly for hearing on November 25, 2002 in Department 3 of the above-entitled court, the Honorable E. Michael Kaiser, Judge, presiding. Carl T. Sedlack and Raymond W. Johnson of the law offices of Sedlack and Johnson appeared on behalf of petitioner, Endangered Habitats League, Inc. Rochelle Brown, Kelly A. Casillas and David M. Snow of the law offices of Richards, Watson & Gershon appeared on behalf petitioner, City of Temecula. Timothy L. Neufeld and Saul Jaffe of the law offices of Neufeld & Jaffe appeared on behalf of respondents, County of Riverside and Board of Supervisors. John C. Condas and Darren W. Stroud of the law offices of Jackson, DeMarco & Peckenpaugh appeared on behalf real party in interest, Domenigoni Properties.

Petitioners, Endangered Habitats League (EHL) and City of Temecula (Temecula), challenge the approval by respondent, County of Riverside (County) of a development project proposed by real party, Domenigoni-Barton Properties. The project is composed of the Domenigoni-Barton Specific Plan No. 312, Comprehensive General Plan Amendment No. 573, General Plan Amendment No. 451, and Zone Change No. 6359. The project site is approximately 1,735 acres in the southwestern portion of Riverside County which is part of the Southwest Area Community Plan ("SWAP") as designated by the County's General Plan. The project proposes 4,600 residential units, 215 acres of commercial development, 167 acres of mixed-use development, an 18-hole golf course, three schools, and park sites.

Two petitions have been filed challenging the project:

Petitioner EHL (Case No. RIC 369801) alleges that respondent County certified the EIR prepared for the project and approved the project on Dec. 18, 2001 despite the fact that the project would involve significant impacts, including impacts to land topography, biological resources, air quality, noise, traffic and circulation, and water and sewer service. Petitioner Endangered Habitats' petition contains 8 causes of action: 1) failure to address significant impacts, 2) failure to consider cumulative and growth inducing impacts, 3) mitigation measures improperly deferred, 4) failure to adopt feasible mitigation, 5) uncertain mitigation measures, 6) failure to evaluate adequacy of water supply, 7) improper rejection of environmentally superior alternatives, and 8) General Plan inconsistency.

Petitioner City of Temecula (Case No. RIC 369989) makes similar allegations. Temecula's first Amended Petition contains two causes of action seeking mandamus relief: 1) failure to comply with CEQA, and 2) violation of planning and zoning laws.

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The petitions are opposed by both respondent County and real party Domenigoni-Barton Properties. In addition to opposing the merits of the arguments made by petitioners, respondent and real party also argue a number of affirmative defenses. They contend that petitioners failed to exhaust administrative remedies, lack standing, and that the General Plan inconsistency claim is time-barred.

I. Petition by City of Temecula

Temecula's opening brief essentially raises two main points. First, in connection with its first cause of action, Temecula argues that respondent County violated CEQA because the EIR failed to adequately address traffic impacts. Temecula claims that the EIR improperly deferred environmental analysis of traffic impacts and failed to impose feasible mitigation measures. Secondly, in connection with its second cause of action, Temecula argues that project approval must be set aside because the project is inconsistent with the County's General Plan.

A. Affirmative Defenses:

The affirmative defenses raised by the oppositions do not have merit and are insufficient to defeat the petition.

1. Failure to exhaust administrative remedies:

The requirement of exhaustion of administrative remedies is codified under CEQA pursuant to Pub. Res. C. §21177. Similarly, Gov. C. §65009(b) requires exhaustion of administrative remedies for General Plan challenges. The oppositions, particularly from Respondent County, contend that Temecula failed to raise the factual and legal issues during the administrative process that it is now attempting to assert in this action.

First of all, CEQA's exhaustion requirement is not very strict. While exhaustion of administrative remedies is a jurisdictional prerequisite for maintaining an action (Coalition for Student Action v. City of Fullerton (1984) 153 Cal.App.3d 1194; Corona-Norco Unified Sch. Dist. v. City of Corona (1993) 17 Cal.App.4th 985), Pub. Res. C. §21177 allows any party who participated in the CEQA process to raise not only objections made by that party but any objections made by any other party. (Resource Defense Fund v. LAFCO (1987) 191 Cal.App.3d 886.) In addition, the objections do not have to be raised with the same specificity as in the trial briefs. It is enough that respondent was "fairly apprised" of the issues at the administrative level. (Save Our Residential Environment v. City of West Hollywood, (1992) 9 Cal.App.4th 1745.)

Temecula points out that its concerns regarding traffic impacts were raised by Temecula and others during the administrative proceedings. (Relying on 14 AR T112:5588-92; 15 AR T117:5714-16, 5765-67; 16 AR T134:6275-79, T149:6431; 22 AR T165:8012-13, 8000, 8128-29, 8140) Similarly, Temecula points out that its concerns regarding consistency with the General Plan were raised during the administrative proceedings. (16 AR T134:6275-79; 22 AR T165:8128-29, 8140-41.)

The court finds that exhaustion requirements have been met with respect to Temecula's petition.

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2. General Plan inconsistency claim is time-barred:

Respondent County claims that Temecula's General Plan inconsistency claim is time-barred. Respondent contends that Temecula's arguments are not actually challenges to the Domenigoni-Barton Specific Plan, but rather a disguised attack on the County's General Plan itself. The County argues that Gov. C. §65009(c)(1) requires that an action challenging a General Plan be brought within 90 days. (Napa Citizens for Honest Government v. Napa Bd. Of Supervisors (2001) 91 Cal.App.4th 342) Since the General Plan was adopted in 1984, respondent concludes that petitioner's action is 18 years too late.

However, it appears that Temecula's challenge is actually directed against the Domenigoni-Barton Specific Plan and project's General Plan amendments approved on Jan. 18, 2002. While petitioner does contend that there are inadequacies in the County's General Plan, the gravamen of its claim is that, because of those inadequacies, respondent cannot find that the amendments and the specific plan are consistent with the General Plan as required by Gov. C. §65454. (Save El Toro Assn. v. Days (1977) 74 Cal.App.3d 64.) To the extent that petitioner's attack is directed primarily at the specific plan and the General Plan amendments which comprise the project, its claim is not time-barred.

3. Standing:

Real Party Domenigoni-Barton Properties argues that petitioner must have a "geographical nexus" to challenge the project based on noncompliance with CEQA or General Plan inconsistency. (Waste Mgmt. of Alameda County, Inc. v. County of Alameda (2000) 79 Cal.App.4th 1223; City of Irvine v. Irvine Citizens Against Overdevelopment (1994) 25 Cal.App.4th 868.) Real party concludes that Temecula cannot satisfy such nexus because the project is not within the City's sphere of influence.

However, the cases cited by real party do not support the "nexus" argument. Instead, the appropriate test is whether petitioner is threatened with injury by the challenged action or whether petitioner may be harmed by the environmental effects of the project. (City of Irvine v. Irvine Citizens Against Overdevelopment, supra, 25 Cal.App.4th at 874; Bozung v. LAFCO (1975) 13 Cal.3d 263.) The subject project is located several miles from Temecula and the roadways impacted by the project run through Temecula. The EIR itself recognized the traffic impacts on Temecula by analyzing intersections within the City's sphere of influence. (25 AR T165:9063, 9299)

B. The Merits of Temecula's Petition:

The court grants Temecula's petition for writ of mandate as to its first cause of action asserting violation of CEQA. The court denies as to the second cause of action.

1. CEQA:

Petitioner claims that the EIR's analysis of the project's traffic impacts is inadequate and the County failed to mitigate significant adverse traffic impacts. Petitioner contends that the traffic study is based on proposed highways and local street systems that are non-existent or only dirt roads.

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Petitioner complains that the traffic study distributes project traffic onto these non-existent "paper roads" to come to the conclusion that the traffic impacts will be less than significant. Petitioner also criticizes respondent County's failure to make completion of the "paper roads" a condition of project approval or mitigation measures enforceable through a mitigation monitoring program.

Petitioner also argues that the EIR fails to disclose the project's cumulative impacts. Specifically, petitioner contends that the cumulative impact analysis failed to include and consider the impacts from other residential projects which were approved or are planned in the general vicinity of the subject project.

Petitioner also accuses respondent County of engaging in improper segmentation or "piecemealing." Petitioner contends that all the projects in the area should have been considered together as one whole project; i.e., respondent should not have allowed the project proponents for the Domenigoni-Barton Specific Plan and the other nearby projects to prepare separate EIRs.

While the court rejects petitioner's piecemealing argument, the court finds that respondent performed an inadequate analysis of traffic impacts, improperly deferred mitigation measures, and failed to undertake an adequate cumulative impact analysis. With respect to the piecemealing claim, it is true that CEQA prohibits segmenting or chopping a large project into smaller ones, each with less potential impact on the environment, such that assessment of impacts is hindered or prevented. (*Bozung v. LAFCO*, *supra*, 13 Cal.3d 263) But petitioner has no authority that respondent is required to somehow "consolidate" separate development projects submitted by different proponents simply because the projects are in the same area. Instead, where there are a number of similar but separate projects, what CEQA requires is an adequate cumulative impacts analysis to determine the combined impacts of all projects. (CEQA Guidelines §15130.)

Otherwise, Temecula's objections to the traffic analysis in the EIR have substantial merit. It is undisputed that the EIR's traffic studies distributed traffic through planned, but as yet non-existent roadways, and assumed the completion of planned, but as yet non-existent upgrades of existing roads. The problem is not so much that the EIR failed to analyze the project in terms of existing conditions. As both oppositions point out, the EIR admits that the project, and other development, cannot be accommodated by the existing circulation system. The traffic studies admit that significant off-site improvements and upgrades will be necessary to meet the County's Level of Service ("LOS") standards.

The problem is none of the measures to mitigate the very significant traffic impacts actually require the construction of the necessary improvements. Instead, the EIR calls for further traffic studies for phases of the project. (AR 9361.) It calls for (but does not require) the developer to establish an area-wide fee program to implement necessary traffic improvements called for by the future studies. [AR 5716] It calls for the County to monitor and administer compliance with standards. (AR 9361-63.) It does not call for any supplemental EIRs after any traffic study or after phases of the project are constructed.

Respondent and real party argue that a similar mitigation plan was approved in *Save Our Peninsula Comm. v. Monterey City Bd. Of Supervisors* (2001) 87 Cal.App.4th 99. But their reliance on that case is misplaced. That case involved specifically identified and required traffic mitigation.

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This case on the other hand, involves the very sort of “trust us, we’ll conduct studies and fix the problem later” approach disapproved in cases such as Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296 and Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182. The situation here presents a case of improper deferral of analysis and deferral of mitigation.

It also appears that respondent did not adequately analyze cumulative impacts. The EIR does identify other projects planned in the area. (21 AR T165:7907-09.) But the listing omits a number of projects that will generate over 6,800 new residential units and over 17,700 new residents. The oppositions point out that there is no requirement that the EIR specifically list by name every project in the area which may be approved. (CEQA Guidelines §15130.) They argue that the EIR properly used the Comprehensive Transportation Plan (“CTP”) model maintained and administered by the Southern California Association of Governments (“SCAG”) to make traffic projections. (22 AR T165:8252-54.)

It is true that Guidelines §15130 prescribes two methods to conduct a cumulative analysis. The first is the more common “list method” advocated by petitioners where a list of past, present, and probable projects is used in the analysis. (Guidelines §15130(a)(1).) The second is the “summary of projections” method. Guidelines §15130(a)(2) allows the lead agency to use for its discussion of cumulative impacts a “summary of projections contained in an adopted general plan or related planning document, or a prior EIR which described or evaluated regional conditions contributing to the cumulative impact.” However, it does not appear that the so-called CTP method used by respondent is a “summary of projections contained in an adopted general plan or related planning document” within the meaning of §15130(a)(2).

2. General Plan Inconsistency:

Petitioner's General Plan inconsistency argument is somewhat convoluted, but essentially, petitioner's claim is premised on the fact that a Specific Plan cannot be adopted unless it is consistent with the General Plan. (Gov. C. §65454.) Petitioner contends that Riverside's General Plan has an inadequate Land Use Element (“LUE”) such that it is impossible to determine the type of uses that are or are not authorized on the project site. Petitioner argues that it simply cannot be determined that the Domenigoni-Barton Specific Plan is consistent with the General Plan as required by Gov. C. §65454. As such, petitioner concludes that the Specific Plan is void. (Leshner Communications v. City of Walnut Creek, *supra*, 52 Cal.3d 531; Save El Toro Assn. v. Days, *supra*, 74 Cal.App.3d 64; Camp v. Bd. Of Supervisors (1981) 123 Cal.App.3d 334.)

Respondent argues that the General Plan appropriately designates permitted land uses and densities based on long-term goals, objectives and land use policies and standards. Respondent contends that for undesignated areas (such as the project site) the County has a Land Use Determination System (“LUDS”) to identify permitted land uses. (30 AR T254:10722-25.) More importantly, the project does not only involve the Domenigoni-Barton Specific Plan. The project also involves not one, but two General Plan Amendments to ensure that the project is consistent with the General Plan. These General Plan amendments support the finding of the project's consistency with the General Plan. In Leshner, *supra*, 52 Cal.3d 531, the Supreme Court found that a ballot initiative was inconsistent with the General Plan and could not be construed as an amendment to the General

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____ Portillo(re) _____, Clerk

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Plan. However, if the initiative could have been deemed an amendment to the General Plan, the inconsistency would have been resolved and the initiative would have been acceptable.

Petitioner insists that the LUDS is nothing more than a system for ad-hoc rationalizations to enable the County to approve whatever it wants. However, there is no legal requirement that the General Plan (other than the housing element) be regularly revised or updated. (Garat v. City of Riverside (1991) 2 Cal.App.4th 259) The practice of continually amending General Plans for development projects may arguably be unsatisfactory but petitioner has cited no authority for the proposition that a General Plan cannot be amended piecemeal in connection with development approvals.

II. Petition by Endangered Habitats

Before examining the merits of EHL's arguments, the court will again begin with the affirmative defenses raised by respondent County and real party which they contend precludes the court from even considering the merits of EHL's claims.

Both respondent and real party contend that EHL's petition is not properly verified and that EHL does not have standing to bring its action. They also argue that all of EHL's claims are barred by its failure to exhaust administrative remedies.

A. Affirmative Defenses:

The affirmative defenses raised by the oppositions do not appear to have merit.

1. Verification and standing:

Respondent County contends that EHL's petition is not properly verified as required by CCP §1086 because it is verified by EHL's attorney, Raymond Johnson. A pleading can be verified by an attorney when the parties are absent from the County where the attorney has his or her office. (CCP §446.) Respondent argues that it is inconceivable that not a single member of EHL was available within the County to verify the petition. Respondent concludes that the petition should be dismissed. (Suzanne J. v. Sup. Ct. (1996) 46 Cal.App.4th 785) Respondent has also brought a motion to strike the petition on this basis.

Petitioner, however, points out that EHL is a corporation. Verifications for corporations are required from an officer, not from members. (CCP §446(a).) Petitioner insists that the officer authorized to sign the verification was out of the County at the time the petition needed to be verified. Suzanne J., *supra*, 46 Cal.App.4th 785 relied upon by respondent, is not directly on point. The petition in that case was dismissed because the attorney could not produce evidence that petitioner had actually consented to the filing of the petition on her behalf or authorized the attorney to sign and file the petition. That is not the situation we have here. The court denies respondent's motion to strike.

Respondent and real party also argue that EHL lacks standing to bring the action. Real Party reiterates its contention that petitioner must have a "geographical nexus" to challenge the project

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based on noncompliance with CEQA. (Waste Mgmt. Of Alameda County, Inc. v. County of Alameda, *supra*, 79 Cal.App.4th 1223) Real party contends that after extensive discovery, it appears that EHL's members do not have the required ties with Riverside County. However, the cases cited by real party do not support the "nexus" argument. Instead, the appropriate test is whether petitioner may be harmed by the environmental effects of the project. In addition, CEQA cases have been very liberal regarding standing. (Bozung v. LAFCO *supra*, 13 Cal.3d 263) It appears that EHL is composed of numerous individuals and groups who will be affected by the project's impacts.

2. Failure to exhaust administrative remedies:

As with Temecula's petition, the oppositions contend that EHL failed to raise the factual and legal issues during the administrative process that it is now attempting to assert in this action.

As noted above, CEQA's exhaustion requirement is not very strict. Petitioner EHL points to numerous comments in the record by EHL and others which raise the points asserted in its petition. (3 AR T26:935, T28:947, T29:950, T31:956, T40:981; 8 AR T69:2798, T72:2805, T74:2818, T75:2829, T77:2837, T78:2851.) Real party raises a specific objection to the comments submitted by the Elsinore-Murrieta-Anza Resource Conservation District ("EMARCD") (15 AR T128:6033-35; 22 T165IX:8086-89.) Real party argues that the comments were untimely and "outside the scope of EMARCD's expertise." Real party concludes, without any authority that EHL cannot rely on EMARCD's comments. However, EHL points out that EMARCD's comments were included in the Final EIR (22 T165IX:8086-89.) As pointed out above, CEQA allows any party such as EHL which participated in the process to raise objections made by any other party. The defense of failure to exhaust administrative remedies has no merit.

B. The Merits of EHL's Petition:

The court grants EHL's petition only with respect to the claim that traffic mitigation was improperly deferred (third cause of action) and the claim that an environmentally superior alternative to the project was rejected without substantial evidence (seventh cause of action). Otherwise, the petition does not have merit.

It is undisputed that the court's standard of review with respect to respondent's compliance with CEQA is to determine whether respondent has proceeded in a manner required by law, and whether respondent's determinations are supported by substantial evidence. (See Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359.)

1. Cumulative and growth inducing impacts:

Petitioner first argues that respondent failed to comply with the requirements of CEQA in that the EIR failed to adequately consider cumulative impacts and growth inducing impacts of the project. Petitioner's opening brief makes reference to a laundry list of impacts such as land use, seismic & geology, flooding, noise, biological resources, cultural resources, traffic, water and sewer. For the most part petitioner's opening brief fails to explain why respondent's analysis regarding the cumulative or growth inducing impacts of the project was improper with respect to the above mentioned impacts. For most of the impacts mentioned, the objections are based on inadequacy of

____ KAISER _____, Judge

____ Portillo(re) _____, Clerk

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mitigation measures.

The opening brief also has a section entitled "Growth inducing impacts," but it is difficult to figure out what point petitioner is attempting to make. Petitioner contends that an EIR must discuss growth inducing impacts not only from the project, but also from other necessary components necessitated by the project. (San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713) Petitioner focuses on water storage facilities (21 AR T165IV: 7844), sewer facilities (21 AR T165IV: 7848), and roadway improvements.

But as noted above, the EIR does not commit to having off-site roadways built. It simply assumes they will be built. While water storage facilities will be built for the project, there is nothing which indicates they will be used by other projects or will otherwise induce growth. Finally, the reference to sewer facilities is equally perplexing because the EIR (at the portion of the record cited by petitioner) essentially states that "the Eastern Municipal Water District has indicated that existing and planned sewage treatment capacities are adequate to serve the project." It does not appear that additional sewer facilities (which may induce growth) will be necessitated by the project.

2. Failure to adopt mitigation measures:

Petitioner claims that respondent failed to adopt adequate mitigation measures. Again, petitioner's opening brief makes reference to a laundry list of impacts such as land use, seismic & geology, flooding, noise, biological resources, cultural resources, traffic, water and sewer. The only argument that has merit is the argument similar to the one made by Temecula regarding the mitigation measures for traffic.

3. Adequacy of water supply:

Petitioner points out that Water Code §10910 et seq. and CEQA Guidelines §15083.5 require that in residential developments of more than 500 units, the lead agency must notify the public water system serving the project and request that the water agency indicate whether the projected water demand associated with the project was included in its last urban water management plan and assess whether the total projected water supplies available will meet the projected water demand associated with the proposed project in addition to the system's existing and planned future use.

However, the record indicates that the Eastern Municipal Water District ("EMWD") responded to the County's queries and concluded that its current and projected levels of water supply were adequate to meet the long term needs of the project and future development in the area. (AR, 7843-44, 9256-58.) As a condition to each phase of the project, real party is required to provide a "will serve" letter from EMWD confirming the availability of water to the phase. (AR, 7849, 7616, 9956, 10053.) Accordingly, an adequate analysis of the water supply was conducted.

4. Project alternatives:

Petitioner claims that environmentally superior alternatives were rejected by respondent without substantial evidence in the record. Specifically, petitioner contends that Alternative "B"

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(Boulder Creek Plan alternative) was improperly rejected as being infeasible. (AR, 7979.)

The finding of the infeasibility of Alternative "B" does not meet the requirements of Citizens of Goleta v. Bd. Of Supervisors (1988) 197 Cal.App.3d 1167. The fact that an alternative may be more expensive or less profitable is not sufficient to show the alternative is financially infeasible. What is required is evidence that the additional costs are sufficiently severe as to render the alternative impractical. The record contains no data or analysis of the costs or the economic benefits of the Boulder Creek Plan alternative.

For the foregoing reasons, both the petitions are granted. It is ordered that peremptory writs of mandate issue directing that respondent set aside its approval of the project and the certification of the EIR, and that respondent prepare a supplemental or subsequent EIR which adequately reviews and addresses the project's traffic impacts/mitigation and the project's cumulative impacts, and which properly reconsiders Alternative "B".

Petitioners are hereby directed to submit and serve proposed judgments and proposed peremptory writs of mandate. Unless good cause is shown, the judgments shall contain the following language:

The court shall retain jurisdiction over the proceedings pursuant to Pub. Res. C. § 21168.9(b). Nevertheless, the court intends this to be a final, appealable judgment. Costs and attorney fees, if any, may be claimed pursuant to CRC 870, 870.2. Under Pub. Res. C. §21168.9(c), the Court does not direct respondent to exercise its lawful discretion in any particular way. Nothing in the judgment or peremptory writ should be construed as requiring respondent or real party to go forward with the project, or to re-approve the project, or to take any particular action other than as specifically set forth herein.

Respondent shall file a return to the peremptory writ no later than 90 days after the date of the issuance of the peremptory writ which shall state that an appeal from the judgment has or will be filed or that it has complied with the order to set aside its approval of the project.

Addendum

Ruling on Issues Raised at the May 5, 2003 Hearing

The request by Real Party in Interest for judicial notice of the legislative history by Public Resources Code §21168.9 is denied. The request to stay the project and sever the issues is denied.

Petitioners contend that Guidelines §§ 15162 and 15163 prevent the court from ordering a supplemental or subsequent EIR. The Guidelines are restriction on the activities of the lead agency, not the court.

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Public Resources Code § 21168.9 provides as follows:

“(a) If a court finds, as a result of a trial, hearing, or remand from an appellate court, that any determination, finding, or decision of a public agency has been made without compliance with this division, the court shall enter an order that includes one or more of the following:

[¶] . . . [¶]

(3) A mandate that the public agency take specific action as may be necessary to bring the determination, finding, or decision into compliance with this division.”

“Subdivision (a)(3), which has been understood to allow courts considerable flexibility in fashioning relief, was not amended in 1993.” (Guide to CEQA (1999) 10.Ed, p. 648)

____ KAISER _____, Judge

____ Portillo(re) _____, Clerk

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

☒ 4050 Main Street, Riverside, CA 92501
☐ 4175 Main Street, Riverside, CA 92501
☐ 880 N. State Street, Hemet, CA 92543
☐ 41002 County Center Dr. #100 Temecula, CA 92591
☐ 155 E. Hays Street, Banning, CA 92220
☐ 505 S. Buena Vista Ave., Corona, CA 91720
☐ 13800 Heacock #D201, Moreno Valley, CA 92553

CLERKS CERTIFICATE OF MAILING

PLAINTIFF: ENDANGERED HABITATS LEAGUE INC.

VS.

DEFENDANT: COUNTY OF RIVERSIDE

Case No. 369801

TO: JACKSON, DEMARCO & PECKENPAUGH
2030 MAIN ST
12TH FLOOR
IRVINE CA 92614

I, clerk of the above entitled court, do hereby certify I am not a party to the within action or proceeding; that on the date below indicated, I served a copy of the attached STATEMENT OF DECISION[by depositing said copy enclosed in a sealed envelope with postage thereon fully prepaid in the mail at Riverside, California addressed as above.

CLERK OF THE COURT

Dated: 05/12/03

By: R.E.

ROSE ESPARZA



Response No. 19

Michele A. Staples, Jackson Tidus, A Law Corporation

September 19, 2022

- 19-1 This comment serves as an introduction; it summarizes the main concerns addressed throughout the rest of the letter and provides background legal information relative to the Domenigoni-Barton properties. The commentor is representing the owners of the Domenigoni-Barton Specific Plan 310 (“Specific Plan 310”) for which Environmental Impact Report No. 421 (“EIR 421”) was certified by the County. The commentor generally expresses concern over the legality of the proposed project in light of the approved Specific Plan 310, which has already undergone environmental review with an adopted EIR. The commentor requests that the County exempt Specific Plan 310 from the VMT Mitigation Fee and other mitigation measures proposed by the Draft EIR because the County already approved EIR 421 and no changes are proposed to Specific Plan 310. Responses to individual comments are provided below.
- 19-2 The commentor describes concerns related to the Draft EIR’s evaluation of the potential increase in dwelling units, due to removal of the existing 9% reduction policy. The commentor goes on to express that approved projects such as Specific Plan 310 cannot undergo additional environmental analysis and mitigation measures unless there are substantial changes or new information and cites case law for substantiation (State CEQA Guidelines Section 007(c); *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301; *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 532.). The commentor re-states the opinion that future development projects implemented under Specific Plan 310 should not be subject to the VMT Mitigation Fee or other mitigation measures in the Draft EIR. In accordance with State CEQA Guidelines Section 15182, *Projects Pursuant to a Specific Plan*, certain residential, commercial, and mixed-use projects are exempt from CEQA if they are determined to be consistent with a specific plan for which an environmental impact report was certified. The Winchester Community Plan would not require modifications to projects that have already been entitled; however, it would apply to new single-family residential entitlements within existing adopted/approved Specific Plans as the VMT fee will be a new impact fee, same as any other development impact fee, that would apply to future entitlements. Nonetheless, the County of Riverside would review future development projects implemented under Specific Plan 310 to verify conformance and eligibility for CEQA exemption. Refer to Response 4-2 for a discussion regarding applicability of the VMT Mitigation Fee.
- 19-3 The commentor summarizes a few of the proposed amendments described in the Draft EIR. The commentor states that Section 3.3, *Project Characteristics* (Draft EIR page 3-4) describes four Area Plans to be amended, while the subsection in Section 3.3 titled “Area Plan Amendments” (Draft EIR page 3-5) describes only three. The project would amend four Area Plans, including the Harvest Valley/Winchester Area Plan, Sun City/Menifee Valley Area Plan, San Jacinto Valley Area Plan, and Southwest Area Plan. However, it would only modify the boundaries of the Harvest Valley/Winchester Area Plan, Sun City/Menifee Valley Area Plan



and Southwest Area Plan; refer to revised Draft EIR Exhibit 3-10, *Area Plan Amendments*. This correction is acknowledged and has been made to Draft EIR Exhibit 3-10, *Area Plan Amendments*, and is reflected in Final EIR Section 4.0, *Draft EIR Text Revisions*. This change provides a minor update, correction, or clarification and does not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

The commentor goes on to state that the text of amendments proposed have not yet been published, with the exception of the new Design Guidelines, and as such, opines that the Draft EIR’s Project Description is incomplete because the ultimate extent of project activities is not fully defined. The proposed changes to the General Plan are limited to those required to maintain internal consistency with the proposed project. As stated in Draft EIR Section 3.3, *Project Characteristics*, the proposed general plan amendment (GPA No. 1207) would amend the Riverside County General Plan by:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,143 23,153 acres of land within the General Plan’s Harvest Valley/Winchester Area Plan.
2. Amending the boundaries of the General Plan’s Harvest Valley/Winchester, Sun City/Menifee, and Southwest Area Plans so that the expanded Winchester Policy Area falls within the limits of the Harvest Valley/Winchester Area Plan only.
3. Revising General Plan Land Use Designations within the expanded Winchester PA, including Foundation Component amendments. Approximately 227 parcels totaling 1,480 acres would require Foundation Component Amendments that include changes from the Rural and Rural Community components to the Community Development component. Consistency zoning revisions would occur for approximately 921 parcels in the future as a result of the revised General Plan Land Use Designations proposed as part of the project, and are analyzed as part of the EIR.
4. Amending the General Plan’s Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to remove revise the existing Highway 79 Policy Area and therefore remove language by removing the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area. These revisions to remove the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address



the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.

The project also proposes the creation of new Design Guidelines for the Winchester Policy Area.

The project proposes planning policies and direction to guide change, promote quality development, and implement the community's vision for the area (State CEQA Guidelines Section 15124 [c]; intended uses of an EIR). The project includes amended General Plan Land Use and Circulation Elements, Design Guidelines, and administrative and implementation programs to encourage high-quality development within the community by addressing the following topics:

- Land use and housing
- Community character and design
- Preservation of natural resources
- Open space and recreation
- Mobility and transportation

As an implementing action of the project, future zoning consistency changes will be undertaken by the County as a result of the modified General Plan Land Use Designations proposed as part of the project. This effort would be limited to rezoning impacted parcels to create consistency between the General Plan Land Use and Zoning Designations. Future consistency zoning has been analyzed in sufficient detail in the Draft EIR, and the full text of the General Plan Amendment is not necessary for the County of Riverside to make an environmentally informed decision on the project. Thus, the County affirms that Draft EIR Section 3.0 adequately provides a general description of the project characteristics consistent with State CEQA Guidelines Section 15124 (c).

In addition, consistent with State CEQA Guidelines Section 15124 (a), Section 3.0 of the Draft EIR includes both a narrative description and corresponding exhibits on the precise location and boundaries of the proposed project; refer to Draft EIR Section 3.1, *Project Location and Setting*. Draft EIR Section 3.0 also includes a statement of the objectives sought by the proposed project consistent with State CEQA Guidelines Section 15124 (b); refer to Draft EIR Section 3.5, *Goals and Objectives*. Agencies expected to use the EIR in decision making and a list of anticipated permits and approvals are provided in Draft EIR Section 3.6, Discretionary Approvals, consistent with State CEQA Guidelines Section 15124 (c). As such, the Draft EIR has sufficiently described the project components in conformance with the provisions of State CEQA Guidelines Section 15124, *Project Description*, and the environmental analysis included in the Draft EIR is sufficient for the project as a community plan per State CEQA Guidelines Section 15183, *Projects Consistent with a Community Plan or Zoning*.



- 19-4 The commenter also opines that the Draft EIR fails to disclose and evaluate potential land use inconsistencies with approved specific plans, including Specific Plan 310. The General Plan Land Use changes proposed by the project are described on Draft EIR page 3-6, and the change between the existing Riverside County General Plan development potential and the project's development potential, as analyzed in the Draft EIR, is presented in Draft EIR Table 3-1, *Proposed General Plan Land Use Changes*, and depicted on Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*. Further, the County established the baseline date for the proposed project as the date of the Notice of Preparation (April 18, 2019). As Specific Plan 310 was approved in 2001 and predates the Notice of Preparation, it was considered in the environmental baseline for the Winchester Community Plan and was evaluated in the Draft EIR. Thus, the County affirms that the Draft EIR evaluates the project's land use impacts on approved specific plans, including Specific Plan 310.

The commentor opines that the "freeze on development" resulting from Mitigation Measure VMT would create an inconsistency with the County's Housing Element and would impair the development of housing, infrastructure, employment opportunities and services to the area. As noted in Draft EIR Table 3-2, *Project Development Potential*, the project will facilitate an additional 12,329 dwelling units above what the County's General Plan currently allows for the project area and the proposed General Plan Land Use Designation amendments will facilitate higher density residential projects, including mixed-use developments; thereby, aiding in achieving a greater variety and increased density in the housing stock for the area. The project's addition of the 12,329 dwelling units will also fulfill approximately 30 percent (30%) of the County's required 6th Cycle RHNA allocation of 40,647 dwelling units; refer to Draft EIR Section 4.14, *Population and Housing*. Refer to Response 4-2 and 19-2 for a discussion regarding applicability of the VMT Mitigation Fee.

- 19-5 The commentor states concerns related to the transportation impacts analysis conducted for the project, stating that the impacts rely on the Highway 79 Realignment Project, which is a separate approved, but incomplete project. The commentor refers to the Circulation Element discussion in Draft EIR Section 3.3, *Project Characteristics*, and the Removal of an Impediment to Growth discussion in Draft EIR Section 6.3, *Growth Inducing Impacts*.

The discussion in Draft EIR Section 3.3, *Project Characteristics*, is not an impact analysis, but rather a description of the proposed amendments and the reasons that they are being proposed. The reference of Highway 79 Realignment in this section is included to provide context of future growth and development within the project area, not to provide an analysis on environmental impacts.

The reference of Highway 79 Realignment in Draft EIR Section 6.3, *Growth Inducing Impacts*, discloses that the project would not remove an impediment for growth, because the realignment of Highway 79 is a separate approved project and not part of the Winchester Community Plan project. Therefore, the proposed project would not be removing an existing



impediment for growth. The discussion in Draft EIR Section 6.3 is not an analysis of transportation-related impacts.

The commentor inappropriately refers to *Endangered Habitats League vs County of Riverside (2003)*, in which the Court held that it was improper for the County to rely on “paper roads” to come to the conclusion that traffic impacts will be less than significant. This is not what occurred as part of the Draft EIR. The transportation impacts identified in Draft EIR Section 4.17, *Transportation* are based on the *Draft SB 743 Analysis* (VMT Analysis) prepared by Kimley-Horn and Associates, Inc., dated December 1, 2020; see Draft EIR Appendix E, *VMT Analysis*. The conclusions are supported by the County of Riverside General Plan and General Plan EIR (EIR No. 521). Impact TRA-1 (Draft EIR page 4.17-16) was found to be Less than Significant, due to its consistency with applicable plans and policies. Impact TRA-2 (Draft EIR page 4.17-18) was found to be Significant and Unavoidable with Mitigation Incorporated, based on the VMT analysis conducted which compared existing conditions to a variety of cumulative scenarios. Impact TRA-3 (Draft EIR page 4.17-23) was found to be Less than Significant, because the project would include design features that enhance public safety. Impact TRA-4 was found to be Less than Significant with Mitigation Incorporated, since future development within the project area would be required to prepare a Construction Transportation Plan (Mitigation Measure TRA-2), thus reducing impacts on emergency access to less than significant levels. Therefore, the County affirms that the Draft EIR’s transportation impact analysis does not rely on “paper roads” to come to the conclusion that traffic impacts will be less than significant .

- 19-6 The commentor generally states that the VMT Mitigation Fee outlined in Mitigation Measure TRA-1 is not based on sufficient data and that the relationship between the fee and the development required to pay the fee is not sufficiently outlined. The commentor also expresses concerns related to the Nexus Study published by the County, which outlines cost estimates and details regarding a Metrolink and a Park and Ride facility. Refer to Response 4-2.
- 19-7 The commentor states that since Specific Plan 310 is an approved project, it should not be subject to environmental review and mitigation under the Winchester Community Plan. Refer to Response 19-2.
- 19-8 The commentor generally states that Mitigation Measure TRA-1 causes a moratorium on residential development, pending adoption of the associated VMT Mitigation Fee. Refer to Response 4-2.
- 19-9 This comment contains conclusive remarks, summarizing the contents and statements of the letter. This comment is acknowledged and does not raise any new issues. As such, no further response is necessary.



September 19, 2022

Via E-Mail

Riverside County Planning Department
4080 Lemon St., 12th Floor
Riverside, CA 92501
Attn: Manuel Baeza; Paul Swancott
MBaeza@rivco.org
PSwancott@rivco.org

Riverside County Planning Department
4080 Lemon St., 12th Floor
Riverside, CA 92501
Attn: John Hildebrand
JHildebrand@rivco.org

Winchester Municipal Advisory Committee
Attn: Cindy Domenigoni and Andy Domenigoni
31851 Winchester Rd
Winchester, CA 92596
sky.canyon@verizon.net

Re: County of Riverside Winchester Community Plan EIR (Draft EIR”) – Assessor’s Parcel Numbers 465-180-037 and 465-200-020 on Domenigoni Parkway, Winchester, California (the “Property”)

All:

20-1

Please accept this correspondence on behalf of Lansing Industries, Inc. and Hemet 223, LLC (collectively, “Lansing”), which have acquired the right to purchase the Property. As you are aware, the Property’s land use under the existing general plan is designated as “Public Facilities” based on its prior use and ownership by Metropolitan Water District (“MWD”). It has come to Lansing’s attention that during the community plan update process and Draft EIR preparation phase properties adjacent to the Property, which are also designated as “Public Facilities”, have been included in the community plan update as “Mixed Use Area” and identified as such when completing the technical studies supporting the Draft EIR. While MWD opined on the update process in a formal letter, it failed to address potential land use changes to the Property at the time. Now that adjacent properties are set to have their land uses modified with the community plan update and Draft EIR, keeping the Property with the “Public Facilities” designation will make it inconsistent with surrounding uses and inconsistent with current zoning. Until this is resolved, Lansing

September 19, 2022

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would be opposed to the current Draft EIR and community plan update.

In light of these inconsistencies, Lansing is requesting the County include the Property in Draft EIR and community plan update with a general plan designation of “Light Industrial” or “Heavy Industrial” and a zoning designation of “Industrial Park” to support logistics and e-commerce uses. The Property is located adjacent to Domenigoni Parkway, a major transit corridor with adequate circulation facilities, and would provide economic growth and employment opportunities.

If you have any questions or concerns regarding the foregoing, please do not hesitate to contact us at any time.

Sincerely,

DocuSigned by:
Paul Pitingaro
C208C32BB6FF476...

By: _____

Paul W. Pitingaro, Esq.
Associate General Counsel



Response No. 20

Paul W. Pitingaro, Lansing Companies

September 19, 2022

- 20-1 The commentor is writing on behalf of owners of two parcels located on Domenigoni Parkway. They describe their understanding that adjacent properties would be updated to a General Plan Land Use Designation of Mixed Use Area. The commentor requests that the County revise the General Plan Land Use Designation of their parcels from Public Facilities to Light Industrial or Heavy Industrial, and revise the Zoning Designation to Industrial Park. This request will be provided to decision makers during project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted.

September 20, 2022

Manuel Baeza
Principal Planner
County of Riverside TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

RE: Draft Environmental Impact Report for the Winchester/Homeland Community Plan

Dear Mr. Baeza,

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Winchester Community Plan, as described below. Following the Project summary, the City of Menifee offers comments on the DEIR.

The County of Riverside ("County") proposes a General Plan Amendment through a project entitled "Winchester Community Plan" ("Project"). The Project is located to the east of the City of Menifee ("City"). The County prepared a Draft Environmental Impact Report ("DEIR") for the Project. The proposed project consists of General Plan Amendment No. 1207 (Winchester Community Planning and Highway 79 PA) to provide updated community design and policies as follows:

- The expansion of the existing Winchester Policy Area from the approximately 287 acres to approximately 23,153 acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
- Boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee and Southwest Area Plans will be modified so that the entire expanded Winchester Policy Area (PA) will fall within the boundaries of the Harvest Valley/Winchester Area Plan only.
- The modification of land use designations within the expanded Winchester PA, including Foundation Component amendments. Approximately 227 parcels (totaling 1,480-acres) are proposed for Foundation Component Amendments that include changes from the Rural and Rural Community components to the Community Development component. The environmental document also includes the analysis of consistency zoning revisions for approximately 921 parcels that will occur in the future because of the Project.
- Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to revise the existing Highway 79 Policy Area language by removing the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area. These revisions to the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address the transition

from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.

- Approval and adoption of Winchester Community Planning Design Guidelines

The City previously provided comments on the Notice of Preparation of a DEIR, in its May 20, 2019, letter to the County regarding the environmental analysis for the Project pertaining to Traffic, Air Quality, Greenhouse Gases, Land Use and Planning, Population and Housing, and Cumulative Impacts. The City's primary desire was for a thorough analysis of these factors. The City also desired (1) identification of off-site improvements in the DEIR, (2) for construction of off-site road improvements in the City, a condition of approval ("COA") that such improvements will be subject to the City's review and approval, including its required deposit, (3) coordination with the County to identify all approved and pending City projects for purposes of the cumulative analysis and traffic study, (4) coordination with the County on any mitigation measure of future improvements for roadways within the City, and (5) to receive subsequent notice on environmental documents.

Upon review of the DIER, the City of Menifee identifies following issue of concern related to the project description, proposed elimination of the Highway 79 Policy as a Circulation Element Amendment, Land Use Amendment, and specific CEQA section analyses, all summarized below:

Project Description

21-2

Exhibit 3-3 of the DEIR, depicts "Proposed Harvest/Winchester Area Plan Additions." The City notes that the addition identified as area 1, expands the boundary of the current Harvest Valley/Winchester Area plan by approximately 1,900 acres. This area is bounded by Old Newport Road to the north, Scott Road to the south, Briggs Road to the west and Leon Road to the east. As shown on Exhibit 3-10 of the DEIR, this proposed change takes all of this area east of the City of Menifee and currently within the Sun City/Menifee Valley Area Plan and places it into the Harvest Valley/Winchester Area Plan. The DEIR provides no discussion, support or analysis in either the Project Description or Land Use Section as to why this area should be added to the Area Plan. The City believes this area bears more relation to the City's future planning and less relation to the Winchester Community, as much of future development in this area will primarily be adjacent to development in Menifee, be accessed from the I-215 Freeway via City roadways (e.g., Scott, Garbani, Holland, and Newport Roads). Further, new residents in this area will primarily shop, eat, drink, work, and play in Menifee. Therefore, the City objects to expansion of the Winchester/Harvest Valley Area plan west beyond its current boundary and requests that this area remain in the Sun City/Menifee Valley Area Plan.

21-3

In general, there is lack of clarity on how the General Plan and Community Plan is specifically being amended. The proposed project is called the Winchester Community Plan; however, the County has not produced or made available a draft community plan for public review. Rather, based on information provided by County staff and as far as we can determine, the plan consists of revisions to the existing Winchester Harvest Valley Area Plan of the County General Plan, which cannot be clearly seen because they have not been made available for review. Instead, the plan amendments are only described in the DEIR.

While proposed Exhibit 3-11 shows where land use changes will occur and what the proposed future land uses for these areas will be, the DEIR fails to show how each area is specifically changing in terms

of existing and proposed General Plan land use for each area, and only provides overall changes for each land use category for the planning area. The DEIR provides existing land use (generic land use categories and existing zoning) but does not provide an exhibit showing existing General Plan land use.

21-4

Since the Winchester Community Plan consists of a General Plan amendment to the Harvest Valley/Winchester Area Plan, it's not clear why the boundaries of the Winchester Community Plan differ from the Harvest Valley/Winchester Plan which consists of a larger area extending north of State Route SR-74. Does the Winchester Community Plan intend to divide an established community that consists of the larger Harvest Valley/Winchester Area Plan?

21-5

Without a clear project description, questions remain regarding the adequacy of the CEQA analysis, which should be based on the Project. We respectfully request all project documents/amendments be provided for adequate public review.

Highway 79 Policy Circulation Element Amendment

Page 3-8 of the DEIR states:

21-6

"the project proposes to amend the County's Circulation Element by revising the existing Highway 79 Policy Area language. Highway 79 is a State highway and is an important north-south regional transportation link that runs through the project area and connects multiple jurisdictions both north and south of the project area. This policy area was established by the County in an effort to address transportation infrastructure capacity within the policy area. In 2003, when the County adopted the General Plan, the necessary roadway infrastructure for Highway 79 did not exist to accommodate the amount of growth that was slated for the corridor. Therefore, the Highway 79 Policy Area was added to the General Plan, placing a nine percent reduction on new residential developments within the affected area. This nine percent reduction is taken from the midpoint density of the underlying General Plan land use designation.

In 2016, Caltrans issued a Record of Decision establishing a preferred alternative for the realignment of Highway 79. This alternative would realign and widen Highway 79 throughout the project area; thereby, providing improved circulation and traffic capacity for the area. As a result of the future improved capacity given the Caltrans Record of Decision and recent constructed and planned transportation projects in the area, the nine percent residential reduction policy area language would be amended, and the General Plan would be updated accordingly. As such, the amended Policy would expand and allow for full development of residential uses throughout the Highway 79 Policy Area, increasing residential development capacity within by nine percent."

In addition, revisions to several policies within the Circulation Element are a part of the project to address the transition from LOS to VMT thresholds in environmental assessments.

The City has the following concerns with the proposed Circulation Element amendments:

A Caltrans Record of Decision for a preferred alternative for realignment and widening of Highway 79 is not an approved or funded realignment and widening project. The proposed amendment relies on a future improved capacity that currently does not exist and will likely not exist for many years to come or at all. As a result, the amended policy to increase the residential development capacity by 9 percent is

premature given that the necessary roadway infrastructure for Highway 79 still does not exist to accommodate the amount of growth that was slated for the corridor. Furthermore, there is no guarantee if, or when the future realignment and widening will occur. In addition, future development will use routes/facilities other than Highway 79 that are not improved appropriately to handle the increase. Therefore, the City respectfully requests reconsideration or additional analysis and mitigation of the resulting density increases.

General Plan Land Use Changes/Land Use Section

Per Table 3-1: Proposed General Plan Land Use Change, significant changes to General Plan land use are proposed with the project. Notably, the lowest density rural land use designations (e.g., Rural Residential, Rural Mountainous, and Rural Community EDR (RC-EDR)) would be reduced by roughly 1,700 acres, and higher density and intensity land uses (e.g., Medium High Density Residential (MHDR), Light Industrial (LI), Business Park (BP) and Mixed-Use Planning Area (MUA)) would be increased by more than 750 acres (see highlighted in Table 3-1 below).

Table 3-1: Proposed General Plan Land Use Changes

Land Use Designation	Acreage		
	Existing	Proposed	Change
Agricultural Foundation Component			
Agriculture (AG)	80	80	0
Rural Foundation Component			
Rural Residential (RR)	1,173	894	-279
Rural Mountainous (RM)	1,622	1,590	-32
Rural Community Foundation Component			
Rural Community - EDR (RC-EDR)	1,424	13	-1,411
Rural Community - LDR (RC-LDR)	0	421	421
Open Space Foundation Component			
Conservation (OS-C)	987	1,043	56
Conservation Habitat (OS-CH)	3,000	3,016	16
Water (OS-W)	2,705	2,705	0
Open Space Recreation (OS-R)	1,617	1,607	-10
Community Development Foundation Component			
Estate Density Residential (EDR)	741	741	0
Very Low Density Residential (VLDR)	314	182	-132
Low Density Residential (LDR)	500	388	-112
Medium Density Residential (MDR)	4,404	4,407	3

Medium-High Density Residential (MHDR)	456	724	268
High Density Residential (HDR)	164	164	0
Very High Density Residential (VHDR)	30	30	0
Highest Density Residential (HHDR)	33	33	0
Commercial Retail (CR)	504	394	-110
Commercial Tourist (CT)	496	584	88
Light Industrial (LI)	288	465	177
Business Park (BP)	152	676	524
Public Facilities (PF)	1,656	1,579	-77
Mixed-Use Planning Area (MUA)	797	1,407	610
Total	23,143	23,143	--
Note: Numbers may not add due to rounding.			

The City has the following concerns with the proposed Land Use Element amendments:

In addition to the proposed amendment to the Highway 79 Policy Area language, the project includes General Plan land use changes that will increase residential densities for several hundred acres throughout the project area further increasing the total projected number of units and population by 21 percent for the project area. For the Winchester Policy Area plus the Highway 79 Policy Area (CEQA Project):

- Total number of residential units will increase by 12,329 units from 59,141 units to 71,470 units (a 21 percent increase).
- Total population will increase by 35,139 from 168,551 to 203,690 (a 21 percent increase).

As previously stated above, Exhibit 3-11 below shows where land use changes will occur and what the proposed future land uses for these areas will be, but fails to show how each area is specifically changing in terms of existing and proposed General Plan land use for each area. In particular, the following changes would occur immediately east of the City:

- Proposed Mixed-Use Area (MUA) land use at Briggs and Case Road immediately east of the City's Heritage Lakes community. Per the existing County General Plan Land Use Element and the Harvest Valley/Winchester Area Plan, it appears that the existing land use for this area is Commercial Retail. The proposed change to MUA would allow for a mixture of residential, commercial, office, entertainment, educational, and/or recreational uses, or other uses; however, it's not clear from the General Plan what the maximum intensity and density is for the MUA designation and the City would like to have a better understanding of how the intensity of the MUA designation will differ in this regard from the CR land use.
- The Medium-High Density Residential (MHDR) proposed along Briggs Road between Simpson and Domenigoni Roads and MHDR proposed further east along Case Road and Grand Avenue. Per the existing County General Plan Land Use Element and the Harvest Valley/Winchester Area

Plan, it appears that the existing land use for this area is Medium Density Residential (MDR). This change will increase residential densities from the 2 to 5 dwelling units per acre (MDR) to 5 to 8 dwelling units per acre. These are sizable areas where the changes will increase and concentrate land use intensity and densities in areas near Menifee where there is lack of roadway improvements and infrastructure.

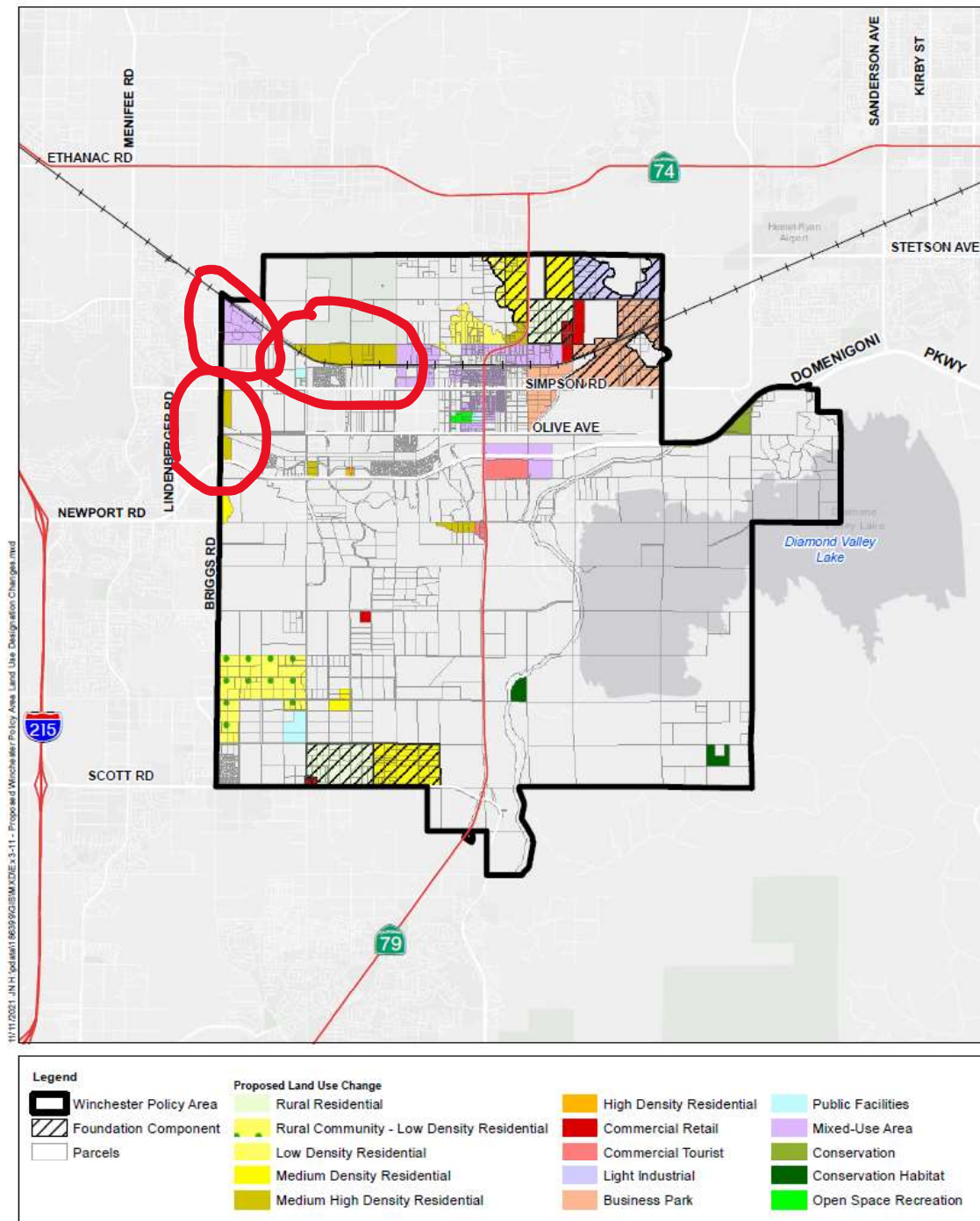


Exhibit 3-11

CEQA Analysis

- 21-8 The City provides the following additional comments specific to the analysis and mitigation of the DEIR by impact area.

Significant and Unavoidable Impacts

The DEIR describes significant and unavoidable impacts that would result from the Project (i.e., impacts that, cannot be reduced to less than significant levels through mitigation measures). The impact areas that would be significant and unavoidable include, Agricultural, Air Quality, Greenhouse Gas, Land Use and Planning, Noise and Vibration, and Transportation. Impacts should only be significant and unavoidable after exhausting all feasible mitigation; however, there are no mitigation measures for certain "Significant and Unavoidable" impact areas, including:

- 21-9
- AG-1, Conversion of Important Farmland. The analysis for this impact area is inadequate in that it provides no discussion on how impacts might be reduced through mitigation or, if mitigation is not feasible, why it is not feasible. It merely concludes that no mitigation measures are required, yet impacts would be significant and unavoidable.
 - AG-2, Williamson Act Contract. The analysis for this impact area is inadequate in that it provides no discussion on how much land within the County of Riverside Agricultural Preserve (pursuant to the Williamson Act and County Resolution No. 84-526) or number of properties with current Williamson Act contracts would convert from agricultural to urban land uses resulting from the proposed land use changes. Impacts in this area would be significant and unavoidable because any change of land use to urban land use for a property subject to a Williamson Act contract would conflict with the Williamson Act, as such property cannot be developed for urban land uses until such time that non-renewal of or cancellation of a Williamson Act contract is completed. However, there is no clear analysis of the extent of the impact, and the DEIR fails to provide any discussion on how impacts might be reduced through mitigation or, if mitigation is not feasible, why it is not feasible. The analysis merely concludes that no mitigation measures are required, yet impacts would be significant and unavoidable.
 - AQ-1, Short-Term (Construction) Air Emissions. There are a multitude of feasible mitigation measures that could be included to lessen short-term air emissions impacts, yet none are provided, and impacts are found to be significant and unavoidable.
 - LU-2, Land Use Plans. While the Mitigation Measures column of Table ES-1 (Summary of Project Impacts and Mitigation Measures) refers to Section 4.2 (Agriculture and Forestry Resources), and 4.7 (Geology and Soils) for mitigation measures for this impact area, no mitigation measures can be found for these sections. Where and what are the mitigation measures for this impact area?

Land Use and Planning

- 21-10 **General comment:** As indicated above, it is not clear from the General Plan what the maximum intensity and density is for the MUA designation, as it appears that none exists for that designation. Therefore, it

is unknown how the intensity of the MUA designation differs from the CR land use. Without knowing what the limitations are for this land use and its corresponding MUA Zone, the DEIR cannot adequately analyze the impacts of this change. Per State law, the intent of CEQA is to fully disclose the details of the project and its impacts, and to do so it is necessary that the County clearly show, specifically how the existing plan is changing.

21-11 | **Land Use - LU-1, Page 4.11-10:** Item LU-1 defers evaluation of when a project will divide an existing community to the future CEQA review for that project.

21-12 | **Transportation:** The City is concerned with the amount of traffic the Project might generate on corridors which run through City boundaries. Specifically, impacts to Simpson Road, Domenigoni Parkway/Newport Road, Holland Road, Garbani Road, and Scott Road. The City requested opportunity for input on the traffic analysis in the City's May 20, 2019 comment letter to the County for the Notice of Preparation; however, the City was not provided that opportunity. The City requested input into road improvements in the City, and mitigation of impacts to the City; however, the City was not provided that opportunity. The City also requested that off-site improvements be identified in the DEIR; however, the DEIR defers those improvements to project-specific review.

Regarding deferral of CEQA review for future projects in the Land Use and Transportation impacts indicated above, when such projects would involve off-site improvements in the City of Menifee (e.g., roadway improvement/expansion projects), such off-site improvements are subject to City review and approval and applicable administrative fees. As such, the Project/DEIR needs to address and require conditions of approval on future projects as necessary, for review and approval of such improvements by the affected local agency/jurisdiction including payment of administrative fees and that such development/improvements will otherwise be subject to the local land use and planning authority.

Existing Street System

- 21-13 |
- **State Route SR-74:** State Route SR-74 (SR-74) is oriented east-west across the northern portion of the project (Highway 79 Policy Area). Spanning the project area's width, SR-74 is classified as an expressway with a 184- to 220-foot right-of-way (ROW) per the County General Plan Circulation Element. SR-74 is currently a four-lane roadway with a center two-way left turn lane. The Expressway classification per the City's General Plan Circulation Element is generally 200 – 216 feet ROW with 6 to 8 lanes travel way and a raised or graded median. Is the County proposing to modify the cross-sections for Expressways?
 - **Briggs Road:** Briggs Road is oriented north-south along the western edge of the project area and is classified as a Major Roadway (118-foot ROW) per the County General Plan Circulation Element. Briggs Road within the project area is a two-lane undivided roadway. Improving Briggs to a Major Road cross section is infeasible at the intersection of Briggs and Case/Matthews Roads. The DEIR does not discuss how the County proposes to accommodate the expected large traffic volumes on Briggs Road at build-out of the planning area and does not consider that Briggs Road will not be able to be improved to its ultimate capacity per the Circulation Element of the County General Plan. While recent legislation, Senate Bill (SB) 743, eliminated auto delay, LOS, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts under CEQA; however, SB 743 does not prevent a city or county from continuing to analyze delay or LOS as part of other plans (i.e., the general plan), studies, or

ongoing network monitoring. Consistent with the current County General Plan LOS goals and policies, the County needs to appropriately analyze the impacts, identify and condition necessary improvements to other routes/roadways to accommodate increased traffic that cannot be accommodated on Briggs Road.

- **Existing Bicycle and Pedestrian Facilities:** Bikeway and Trails in adjacent local jurisdictions connecting to trails in the planning area should be included in analysis for impacts. Especially trails within Menifee south of Scott Road, north of Keller Road, between Lindenberger and Leon Roads. The County should consider connections to regional trails outside the planning area along Salt Creek.

The DEIR identifies the roadway classification of the facilities within the County; however, as noted above, most of these roadways cross the City of Menifee Boundary. The DEIR should consider the consistency of these classifications across the boundaries of the County and the City of Menifee. For example, traffic will increase on Holland and Garbani Roads in the City of Menifee, due to development in the unincorporated areas. The DEIR does not analyze or mitigate increased traffic impacts on these roadways, yet the project must consider how the traffic will be accommodated and coordinated not only with the project area boundaries, but beyond the project area in neighboring jurisdictions.

21-14

VMT Analysis On Page 4.17-19: The City of Menifee is aware of SB 743 and the transition of transportation impacts from Level of Service (LOS) to Vehicle Miles Travelled (VMT). The City of Menifee performs both VMT and LOS traffic studies for development projects to satisfy SB 743 and the City's General Plan Policy C-1.2: "Require development to mitigate its traffic impacts and achieve a peak hour Level of Service (LOS) D or better at intersections, except at constrained intersections at close proximity to the I-215 where LOS E may be permitted." The City of Menifee recognizes the correlation between roadway and intersection congestion and the decrease in traffic safety. The City of Menifee requests that all future development proposals include a traffic LOS study be performed to include City of Menifee General Plan Circulation Element roadways and intersections where 50 or more peak hour trips are projected to be generated from the Project consistent with the City's General Plan Policy.

21-15

Mitigation Measure TRA-1, Page 4-17-23 (VMT Mitigation Fee Nexus Study): This Mitigation Measure states that, "prior to commencement of residential development within the Winchester PA and Highway 79 Policy Area (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation fee shall consist of a flat fee to be applied to new development in the Winchester Policy Area and Highway 79 Policy Area to fund the development of a transit station and park and ride facility in the downtown core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development in the Downtown Core)."

Since the VMT Mitigation Fee and Nexus Study, will be limited to a transit station or park and ride facility in the downtown core, this will provide no mitigation or funding for impacted streets outside of the County's planning area. Beyond the VMT mitigation fee, the City would like to know what other fees or funding will be available for impacted streets outside the County's planning area? The City of Menifee has made significant investments improving collectors to major streets such as Garbani, Holland and Scott Roads. Another funding mechanism beyond VMT Mitigation Fees is needed for improvements to offset impacts to Menifee roadways due to increased traffic loads from the proposed Plan.



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21-16

We appreciate your consideration of these comments and thank you again for the opportunity to provide comments. We respectfully look forward to discussing these items further prior to this project moving forward to public hearing. If you have questions, please contact Doug Darnell, Senior Planner at 951-723-3744 or by e-mail at ddarnell@cityofmeniffee.us

Sincerely,

Cheryl Kitzerow

Cheryl Kitzerow, AICP
Community Development Director

Nicolas Fidler

Nicolas Fidler
Director of Public Works & Engineering

Cc: John Hildebrand, Planning Director, County of Riverside
Paul Swancott, Project Manager, County of Riverside
Orlando Hernandez, Planning Manager, City of Meniffee
Daniel Padilla, Deputy Public Works Director, City of Meniffee
Armando Villa, City Manager, City of Meniffee



Response No. 21

Cheryl Kitzerow & Nicolas Fidler, City of Menifee

September 20, 2022

- 21-1 This comment provides a general introduction and summary of the commentor's understanding of the project. Responses to specific comments are provided below.
- 21-2 The commentor refers to Draft EIR Exhibits 3-3, *Winchester Policy Area and Highway 79 Policy Area* and 3-10, *Area Plan Amendments*, which show the previous and proposed area plan boundaries. The commentor notes that the project proposes to expand the Harvest Valley/Winchester Area Plan by approximately 1,900 acres, which would be removed from the Sun City/Menifee Valley Area Plan. The commentor opines that the area is more connected to the City of Menifee than the Winchester Community, and expresses disagreement with the proposed change. The commentor states that the Draft EIR is lacking a discussion on why the area should be removed from the Sun City/Menifee Valley Area Plan and added to the Harvest Valley/Winchester Area Plan; further, the City objects to expansion of the Winchester/Harvest Valley Area plan west beyond its current boundary and requests that this area remain in the Sun City/Menifee Valley Area Plan. Several important planning studies and actions have taken place in recent years that have facilitated the proposed project and provide the basis for why the project is currently being proposed; refer to Response 6-2. The Winchester Community Plan is the result of years' worth of community outreach, including periodic presentations and workshops at Winchester-Homeland Municipal Advisory Council (WHMAC) meetings. An initial presentation was held on February 9, 2017, public workshops occurred on May 11, 2017, September 14, 2017, February 8, 2018, and October 11, 2018, and a project update presentation was held on April 14, 2022. The presentation slides and meeting notes are provided for public access on the County's website for the project. As elaborated in the meeting notes, a resounding theme of project outreach was that residents consider the project area a distinct community separate from the surrounding cities of Murrieta, Menifee, Hemet, and Temecula. For this reason, no changes to the Draft EIR Exhibits 3-3 or 3-10 are necessary nor required in this regard.
- 21-3 The commentor states that there is lack of clarity on how the General Plan and Community Plan are being amended, specifically regarding proposed General Plan Land Use Designations. The Draft EIR is an environmental analysis of the impacts expected by the project and is intended to provide information to the public regarding the environmental impacts associated with the project. While the General Plan Amendment No. 1207 documents were not published concurrent with the Draft EIR, the Draft EIR is based on four proposed actions outlined in Draft EIR Section 3.0, *Project Description*. Refer to Response 19-3.

Detailed exhibits and tabulations of the project's proposed General Plan Land Use Designation changes are provided in Draft EIR Table 3-1, *Proposed General Plan Land Use Changes*, and Draft EIR Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*. As such, the County affirms the Draft EIR has sufficiently described the project



components in conformance with the provisions of State CEQA Guidelines Section 15124, *Project Description*. Further, the Draft EIR has analyzed the environmental impacts associated with Land Use conflicts in Draft EIR Section 4.11, *Land Use*, and in Draft EIR Section 5, *Cumulative Impacts*.

- 21-4 The commentor states that it is unclear why the Winchester Community Plan boundaries differ from the Harvest Valley/Winchester Area Plan and asks if the project intends to divide the established Harvest Valley/Winchester Area Plan community. The Winchester Community Plan Project (project) boundaries are not equivalent to the Harvest Valley/Winchester Area Plan. Refer to Response 21-3 for a description of the components of the proposed project, as well as Draft EIR Exhibit 3-2, *Local Vicinity*, for a depiction of the project area.
- 21-5 The commentor states that the project description is not clear, and requests for project documents to be provided for public review. Refer to Responses 6-2, 19-3, and 21-3.
- 21-6 The commentor cites the discussion of the Highway 79 Policy Circulation Element Amendment on Draft EIR page 3-8 and expresses concern that the proposed amendment to increase residential development by 9 percent may be premature given that the infrastructure for the Highway 79 realignment does not yet exist. The City requests reconsideration or additional analysis and mitigation of the resulting density increases. As stated in Response 19-3, the project has been revised to remove the Highway 79 Policy Area. Removal of the Highway 79 Policy Area would allow for full development of residential uses throughout the Highway 79 Policy Area, increasing residential development capacity within by nine percent. However, no General Plan Land Use Designation changes are proposed and the amendment is limited to removing the development restriction on residential uses. It is important to note that feasible future development under the project is assumed to occur through 2040; thus, any increase in demand for infrastructure would occur incrementally. Further, future development facilitated by the project would not conflict with an adopted program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; refer to Draft EIR Section 4.17, *Transportation*. No additional analysis or mitigation is necessary nor required in this regard.
- 21-7 Concerning the General Plan Land Use Changes discussion in Section 4.11, *Land Use and Planning*, the commentor cites concerns with the proposed Land Use Element amendments, specifically that the General Plan Land Use Designation changes will increase residential densities for several hundred acres throughout the project area further increasing the total projected number of units and population by 21 percent for the project area. The commentor includes a copy of Draft EIR Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*, and expresses concern that the exhibit shows where General Plan Land Use Designation changes would occur and what the proposed future General Plan Land Use Designations for these areas will be, but fails to show how each area is specifically changing in terms of existing and proposed General Plan Land Use Designations for each area. The General Plan Land Use Designation changes have been adequately described and



analyzed in the Draft EIR pursuant to State CEQA Guidelines Section 15168, *Program EIR*; refer to Response 21-3.

21-8 This comment introduces the remaining paragraphs of the comment letter which include additional comments (see Responses 21-9 to 21-18 below), which are specific to the analysis and mitigation of the Draft EIR by impact area. See responses below.

21-9 Concerning significant and unavoidable effects discussed in Draft EIR Section 6.0, *Other CEQA Considerations*, the commentor states that the Draft EIR describes significant and unavoidable impacts that would result from the project (Agricultural, Air Quality, Greenhouse Gas, Land Use and Planning, Noise and Vibration, and Transportation) and that impacts should only be significant and unavoidable after exhausting all feasible mitigation. However, there are no mitigation measures for certain “Significant and Unavoidable” impact areas, including: AG-1, Conversion of Important Farmland; AG-2, Williamson Act Contract; AQ-1, Short-Term (Construction) Air Emissions; and LU-2, Land Use Plans.

As described in Draft EIR Section 4.2, while the project could result in the conversion of farmland to non-agricultural uses, it should be noted that the farmlands proposed to be redesignated are being changed from the Rural Community to Community Development land use. While future development has the potential to convert farmland to a non-agricultural use, the existing Rural Community land use imposed in the Winchester PA already limits agricultural uses to non-industrial, which permits less intensive agricultural uses than those allowed under the Agricultural General Plan Land Use. Therefore, the assumed conversion of approximately 814 acres of Important Farmland, is conservative.

Further, all future development within the project area would be subject to compliance with the existing regulatory framework, which includes provisions intended to preserve Important Farmlands. Implementing projects would also be required to comply with Riverside County Ordinance No. 625, Right-to-Farm Ordinance, the intent of which is to reduce the loss of agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance. The ordinance protects existing agricultural uses from nuisance complaints often generated by encroaching nonagricultural uses and reduces legal nuisance liabilities by requiring new properties within 300 feet of any land zoned primarily for agricultural. Despite the conservative analysis and existing regulatory protections in place to protect agricultural uses, impacts are identified as significant and unavoidable.

Similarly, Within the Winchester PA, there are approximately 10,451 acres of agriculturally zoned lands, approximately 6,538 acres of land were utilized as farmland in 2019, and approximately 5,282 acres of County of Riverside Agricultural Preserve (pursuant to the Williamson Act and County Resolution No. 84-526). As noted previously, the project proposes to redesignate land uses throughout the Winchester PA that could currently support agricultural uses. Where the amendment involves redesignation from a land use that permits agricultural uses to a land use that prohibits agricultural uses (totaling a net loss of approximately 882 acres), project implementation could conflict with existing agricultural zoning, agricultural use, or land within a Riverside County Agricultural Preserve.



All future development within the project area would be required to comply with existing regulations intended to avoid/minimize potential conflicts concerning agriculturally designated and zoned lands; refer to Draft EIR Section 4.2.2, *Regulatory Setting*. However, these regulations would not prevent the conversion of lands currently in an agricultural use to non-agricultural use.

General Plan EIR No. 521 currently includes a mitigation measure requiring that a mitigation bank be established to offset impacts to agricultural lands. However, conservation easements are not considered to reduce impacts to agricultural resources to less than significant, per *King and Gardiner Farms, LLC v. County of Kern et al. (2020) 45 Cal.App.5th 814*, which found that:

“Entering into a binding agricultural conservation easement does not create new agricultural land to replace the agricultural land being converted to other uses. Instead, an agricultural conservation easement merely prevents the future conversion of the agricultural land subject to the easement. Because the easement does not offset the loss of agricultural land (in whole or in part), the easement does not reduce a project’s impact on agricultural land. The absence of any offset means a project’s significant impact on agricultural land would remain significant after the implementation of the agricultural conservation easement.”¹

In the recent *V Lions Farming, LLC v. County of Kern (2024) 100 Cal.App.5th 412* – agricultural conservation easements were found to qualify as “compensatory mitigation, even though they do not replace or otherwise offset the acres of agricultural land converted by the project—that is, they do not ensure the project results in no net loss of agricultural land.” *Id* at p. 418.

Therefore, conservation easements would not reduce impacts to less than significant based on recent caselaw, and no additional project-specific mitigation measures have been identified. Therefore, a significant unavoidable impact would occur.

Concerning the project’s significant and unavoidable impacts identified for Draft EIR Impact AQ-1, Short-Term (Construction) Air Emissions, the combined emissions from the project’s buildout would exceed SCAQMD project-level construction and operational thresholds (refer to discussion under Draft EIR Impact Statement AQ-2) and implementation of all SCAQMD rules, regulations, and control measures may not be feasible for future developments. Nonetheless, several mitigation measures are proposed to reduce construction related air quality impacts associated with future development proposals. Mitigation Measure AQ-1 would require preparation of an air quality analyses in accordance with SCAQMD guidance for all projects subject to CEQA review (meaning, non-exempt). Projects estimated to exceed SCAQMD significance thresholds would be required to implement mitigation measures in order to reduce air pollutant emissions to the greatest extent possible per General Plan Policy AQ 4.7. Mitigation Measures AQ-2 through AQ-6 would reduce fugitive dust emissions

¹ *King & Gardiner Farms, LLC v. Cnty. of Kern*, 45 Cal.App.5th 814, 875 (Cal. Ct. App. 2020)



generated at future construction sites by requiring dust abatement measures. State Vehicle Code Section 23114 requires all trucks hauling excavated or graded material to the prevention of such material spilling onto public streets. Additionally, all building demolition activities would be required to adhere to SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). However, due to the unknown nature of future construction activities associated with the future development facilitated by the project, the potential exists for SCAQMD thresholds to be exceeded. Therefore, the project's construction-related air quality impacts would be considered significant and unavoidable due to the potential magnitude of construction that could occur from project implementation.

The project impacts related to land use and planning are related to the project's significant and unavoidable air quality and greenhouse gas emissions impacts. As detailed in Draft EIR Table 4.11-2, the proposed project would be consistent with most relevant and applicable policies of the 2020-2045 RTP/SCS. However, the project would be inconsistent with Goal 5 of the 2020-2045 RTP/SCS based on its potential to result in significant and unavoidable impact related to air quality and GHG emissions, despite implementation of the mitigation measures detailed above.

Buildout accommodated by the project is speculative in nature, and accordingly, analysis of the above-referenced resources will be more appropriately and accurately addressed on a project-by-project basis. This allows for a more up-to-date and accurate data for developers and policymakers to use during the individual project development process. As such, an analysis of agricultural, air quality, and land use impacts is provided in an appropriate level of detail for a programmatic level analysis. A more detailed analysis is not provided in the Draft EIR to avoid speculation, which can be misleading. Instead, impacts in this regard are potentially significant and future development projects that require environmental review would conduct site-specific environmental impact analyses based on individual parameters of the site. Further, the Draft EIR does not identify specific land use development projects and does not permit subsequent development. Therefore, the nature of the Draft EIR mitigation measures are programmatic in accordance with State CEQA Guidelines Section 15168, *Program EIR*. Thus, the County of Riverside affirms the Draft EIR includes an adequate environmental analysis to support its significance determinations and to allow for informed decision making under CEQA.

- 21-10 Concerning land use and planning, the commentor states it is not clear from the General Plan what the maximum intensity and density is for the MUA Designation, as it appears that none exists for that General Plan Land Use Designation. Therefore, it is unknown how the intensity of the MUA Designation differs from the CR Land Use. The intent of the MU Zone is to implement the mixed-use area (MUA) Land Use Designation of the General Plan, which assists the county in accommodating its share of the regional housing needs assessment (RHNA) allocation pursuant to the Riverside County Housing Element. The MU Zone applies to land designated as MUA in the General Plan and may apply to land within an approved specific plan; refer to Riverside County Ordinance No. 348 for additional details regarding the differences between areas zoned Mixed Use and Commercial.



- 21-11 The commentor opines that in Draft EIR Section 4.11, *Land Use and Planning* (page 4.11-10) defers evaluation of when a project will divide an existing community to the future CEQA review for that project. Refer to Response 21-9.
- 21-12 The commentor expresses concern with the amount of traffic the project might generate on corridors which run through City boundaries and further states that the Draft EIR needs to address and require conditions of approval on future projects as necessary, for review and approval of improvements that may impact adjacent jurisdiction roadways, by the affected local agency/jurisdiction, including payment of administrative fees and that such development/improvements will otherwise be subject to the local land use and planning authority. As discussed in the Regulatory Setting subsection of Draft EIR Section 4.17, *Transportation*, future implementing projects must comply with County of Riverside General Plan policies that address both conditions of approval (Policy C 2.4) and the payment of fees (Policy C 2.5) to mitigate transportation impacts. Also refer to Response 4-2.

In addition, the County of Riverside Board of Supervisors and cities within western Riverside County have enacted the Transportation Uniform Mitigation Fee (TUMF) to fund the mitigation of cumulative regional transportation impacts resulting from future development. The mitigation fees collected through the TUMF program are utilized to complete transportation system capital improvements necessary to meet the increased travel demand and to sustain current traffic levels of service. The TUMF program was developed with the specific intent to mitigate regional traffic impacts such as those expressed by the City.

It should be noted that, in September 2013, the Governor's Office of Planning and Research (OPR) signed Senate Bill (SB) 743 into law, starting a process that fundamentally changes the way transportation impact analysis is conducted under CEQA. SB 743 identifies vehicle miles traveled (VMT) as the most appropriate CEQA transportation metric and eliminates auto delay, level of service (LOS), and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts. In December 2018, the California Natural Resources Agency certified and adopted the CEQA statute (14 California Code of Regulations Section 15064.3). Per the CEQA statute, the VMT guidelines became effective statewide beginning July 1, 2020. For this reason, the Draft EIR does not include an analysis on LOS-based transportation impacts.

- 21-13 Concerning State Route 74, Briggs Road, and trails within Menifee south of Scott Road, north of Keller Road, between Lindenberger and Leon Roads, the commentor states that most of these roadways cross the City of Menifee Boundary and that the Draft EIR should consider the consistency of these classifications across the boundaries of the County and the City of Menifee. Refer to Responses 21-6 and 21-9.
- 21-14 The commentor requests that all future development proposals include a traffic LOS study be performed to include City of Menifee General Plan Circulation Element roadways and



intersections where 50 or more peak hour trips are projected to be generated from the project consistent with the City's General Plan Policy. Refer to Response 21-12.

21-15 The commentor states that, since the VMT Mitigation Fee will be limited to a transit station or park and ride facility in the downtown core, this will provide no mitigation or funding for impacted streets outside of the County's planning area. Beyond the VMT mitigation fee, the commentor requests to know what other fees or funding will be available for impacted streets outside the County's planning area. Refer to Response 4-2.

21-16 This comment provides concluding remarks and contact info for questions or further discussion. This comment is acknowledged and does not raise any additional environmental issues. No further response is necessary.



City of Temecula

City Manager's Office

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September 23, 2022

Ms. Kecia Harper
Riverside County Clerk of the Board
4080 Lemon Street, 12th Floor, Suite 127
Riverside, CA 92502-1629

Subject Winchester Community Plan Draft Programmatic Environmental Impact Report
Comment Letter

Dear Ms. Harper:

On behalf of the City of Temecula (City), we submit the following comments on the County of Riverside's Winchester Community Plan Draft Program EIR (PEIR), dated July 2022. The comments are based on the PEIR, the California Environmental Quality Act (CEQA) (Public Resources Code sections 21000-21189), the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 – 15387), and recent CEQA court decisions.

22-1 As outlined in detail below, the City has significant concerns regarding the County's lack of outreach to the City – including as required by law – related to the CEQA process, as well as concerns with the PEIR and its failure as an informational document.

The City is equally concerned with the County's attempt to unilaterally terminate the 2005 "Cooperative Agreement Between the City of Temecula and the County of Riverside to Mitigate Traffic Impacts in Western Riverside County" (Cooperative Agreement) by virtue of proposals in the Winchester Community Plan and PEIR. Specifically, the Cooperative Agreement calls for the County to mitigate the impact of new housing development on City and County arterial roads and highways within the I-215 Policy Area; the proposed General Plan Amendment amends the boundary and therefore purports to change and invalidate the Cooperative Agreement.¹

¹The City separately is requesting a full accounting and status of units and density by acreage in the I-215 Policy Area. The City is also requesting a status on the completion and funding of all infrastructure as identified in Exhibit C of the Cooperative Agreement.

For all of the reasons set forth below, the City strongly urges the County to cease further work on this project until such time as the County can consult with the City on the Cooperative Agreement, and until proper environmental review is conducted.

FAILURE OF THE COUNTY TO FULFILL ITS TRAFFIC ANALYSIS AND TRAFFIC MITIGATION OBLIGATIONS UNDER THE COOPERATIVE AGREEMENT WITH THE CITY OF TEMECULA

On April 12, 2005 the City and County entered into the Cooperative Agreement that imposes upon the County very specific and profound obligations for the mitigation of traffic impacts in the Western Riverside County.

22-2 In developing the Winchester Community Plan and the Draft PEIR the County has completely ignored its obligations under the Cooperative Agreement that will directly result in adverse traffic impacts upon the City, the Winchester Community Plan Area and the cities surrounding the Winchester Community Plan Area. There is no plan to finance the remaining Major Arterial Roads described in the Cooperative Agreement that are needed to mitigate the traffic impacts of residential units in the area under the existing General Plan. The County has not conducted a Freeway Study nor come up with a traffic mitigation plan for the additional 33,000 residential units in the new Winchester Community Plan in violation of the Cooperative Agreement.

Amendment No. 1 to the Cooperative Agreement was approved on January 30, 2007. Copies of the Cooperative Agreement and Amendment No. 1 are attached as Exhibits A and B.

The County Failed to Fulfill its Obligation Under the Cooperative Agreement to Work Cooperatively with the City to Improve the Highway Infrastructure and Traffic Impacts of Existing and Future Development in Western Riverside County

On November 5, 2003, the City filed a Petition for Writ of Mandate in Riverside Superior Court challenging the legality and validity of the County's General Plan and the DEIR. The action is entitled "*City of Temecula v. County of Riverside; Board of Supervisors of the County of Riverside*," Riverside County Superior Court Case No. RIC 402766 ("Litigation").

22-3 Sections 1.6 and 1.7 of the Cooperative Agreement express in clear and unequivocal terms the obligations of the County and the City to cooperate in the development of infrastructure in Western Riverside County:

"1.6 Despite their differences in the Litigation, the City and County desire to cooperatively work together in an effort to improve the highway infrastructure in Western Riverside County for the benefit of all current and future residents of the County. The City and County acknowledge that providing adequate traffic infrastructure for Western Riverside County involves complex engineering, environmental and financial challenges requiring the full cooperation of all federal, state and local governmental agencies, but will provide substantial public benefits for the City, County and the people living and working in the City and the County."

"1.7 This Agreement sets forth the framework for a major cooperative effort by the City and the County to provide the traffic infrastructure required for new housing development in Western Riverside County before the creation of actual traffic impacts."

Despite its legal commitment to cooperate with the City in the development of traffic infrastructure in Western Riverside County, the County has completely ignored the cities in Western Riverside County in its development of the Winchester Community Plan or the traffic infrastructure necessary to support the Winchester Community Plan.

The County has failed to consult and cooperate with the City in developing the Winchester Community Plan as required by Section 15086 of the CEQA Guidelines and Section 2.3.6 of the Cooperative Agreement. The County failed to provide even the most minimal notice of its proposal in violation Section 15086 of the CEQA Guidelines and Section 2.3.6 of the Cooperative Agreement.

Despite three years of work on the Winchester Community Plan, the County never solicited input or comments from the City on traffic impact or invited the City to participate in the development of the Winchester Community Plan. Section 1.7 of the Cooperative Agreement clearly requires the provision of traffic infrastructure before the traffic impacts are created. This has not been done. The County is now required to start the process over and provide meaningful opportunities in good faith for the City and the other cities to comment on the Winchester Community Plan and develop traffic mitigation for the Winchester Community Plan's proposed 33,000 additional residential units.

The Cooperative Agreement Provides that the County May Not Issue Building Permits Under the Proposed Winchester Community Plan Until Such Time as it has Identified Road and Freeway Improvements to Mitigate the Traffic Impacts Resulting from the Additional 36,000 Residential Units Within the Winchester Community Plan

Sections 2.1, 2.2 and 2.3.3 of the Cooperative Agreement require the County to amend its General Plan to condition all Land Use Applications, including General Plan Amendments, to prohibit the issuance of building permits until such time as there is in place an appropriately formed and fully funded financing mechanism to build the Major Arterial Roads :

22-4

"2.1 The County shall use its best efforts to amend the General Plan so that it contains: (1) a policy indicating that the Major Arterial Roads within the 1-215 Policy Area shall be constructed and completed concurrently with the construction of the dwelling units creating the demand for the Major Arterial Roads; and (2) a requirement that all land use applications approved by the County within the 1-215 Policy Area ("County Land Use Applications") shall contain a condition, in addition to all other appropriate conditions, that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays its full proportionate share of the required improvements to the County in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the County otherwise funds or constructs

the required improvements using money from other sources. The General Plan Amendments described in this section shall be known as the "County General Plan Amendment."

"2.2 All County Land Use Applications approved by the County after the effective date of this Agreement shall contain a condition of approval requiring that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays his/her/its full proportionate share of the required improvements to the County in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the County otherwise funds or constructs the required improvements using money from other sources.

"2.3.3 As used in this Agreement, County Land Use Applications shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which would authorize, or conditionally authorize, the construction of dwelling units within the 1-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits. County Land Use Applications shall not include any applications for parcel maps that would result in the creation of four or fewer parcels, provided that the parcels created could not be further subdivided without a General Plan amendment. County Land Use Applications shall also not include any applications for minor changes to approved tentative tract maps that would add only one residential unit to the maps."

The County does not have a fully funded financing mechanism to fund the construction of Major Arterial Roads within the 1-215 Policy Area. In developing the Winchester Community Plan and the Draft PEIR, the County has completely ignored its obligations under the Cooperative Agreement that will directly result in adverse traffic impacts upon the City, the Winchester Community Plan Area and the cities surrounding the Winchester Community Plan Area as the County has not planned for, or financed, the Major Arterial Roads that will need to be constructed and/or widened to move the significant number of new residents that are expected to live in the Winchester Community Plan Area in and out of the Winchester Community Plan Area.

The County Failed to Initiate and Fulfill its Obligation to Develop the Freeway Strategic Study and Action Plan

22-5

The County has failed to fulfill its obligation under the Cooperative Agreement to cooperate with the City, other Western Riverside County Cities and private and public stakeholders to request the preparation of a Freeway Strategic Study and develop a Freeway Action Plan. Sections 4.1 to 4.4 of the Cooperative Agreement provide:

“4.1 The City and the County shall jointly request that the Riverside County Transportation Commission (“RCTC”) prepare a Freeway Strategic Study for the Western Riverside County Area which shall examine the freeway capacity, set specific goals for the development of the freeway capacity necessary to accommodate the trips generated by new housing development and establish the framework for the joint efforts of the City, County and other federal, state and local agencies to implement the goals and establish the necessary freeway capacity. The Joint Request for the Freeway Strategic Study shall ask that the Freeway Strategic Study be completed within four (4) months of the date of submittal of the Joint Request. The Joint Request shall be submitted to RCTC within thirty (30) days of the effective date of this Agreement. The parties authorize the Mayor of the City and the Chairperson of the Board of Supervisors to execute the Joint Request on behalf of their respective agencies.”

“4.2 The Freeway Strategic Study shall specifically study and analyze the following issues: (1) the current capacities of the freeways within Western Riverside County Area (“Freeways”); (2) the projected traffic growth projections for the Freeways as of January 1 in the years 2010, 2015, 2020, 2025 and 2030, based upon assumptions concerning the build-out of new housing as described in Exhibit E; (3) the percentage of traffic growth for the Freeways in those years attributable to new housing development in the Western Riverside County Area; (4) the currently proposed improvements for the Freeways; (5) the current funding options for the currently proposed improvements for the Freeways; and (6) the potential funding sources for improvements necessary to meet the projected traffic growth for the Freeways at build-out of the Western Riverside County Area.”

“4.3 The City and the County shall share equally in the costs incurred by RCTC in preparing the Freeway Strategic Study.

4.3.1 The County shall invoice the City for the City’s share of the RCTC costs and the City shall pay such invoice within thirty (30) days of the date the invoice is deemed given under Section 6.7 of this Agreement.

4.3.2 During the course of RCTC's work on the Freeway Strategic Study, the City, the County and RCTC staff shall meet monthly to discuss the progress of the work and to review any additional work which may need to be undertaken by the consultant.”

“4.4 Following completion of the Freeway Strategic Study, the City and County shall meet and negotiate in good faith to develop a Freeway Action Plan for funding the freeway improvements necessary to meet the expected demand as determined by the Freeway Strategic Study. As part of the development of the Freeway Action Plan, the City and the County shall also form a Freeway Task Force composed of private and public stakeholders to build consensus and secure participation of other Western Riverside County Area Cities in the Freeway Action Plan. The Freeway Task Force shall specifically include, but shall not be limited to, a representative from each of the following: the City and the County, RCTC, the Western Riverside Council of Governments (“WRCOG”), the development community and the environmental community.”

In these sections, the County committed itself, with the assistance of the City, to initiate a Freeway Strategic Study to evaluate expected freeway traffic demands through 2030. Significantly, in Section 4.4 the County agreed to:

“... meet and negotiate in good faith to develop a Freeway Action Plan for funding the freeway improvements necessary to meet the expected demand as determined by the Freeway Strategic Study. As part of the development of the Freeway Action Plan, the City and the County shall also form a Freeway Task Force composed of private and public stakeholders to build consensus and secure participation of other Western Riverside County Area Cities in the Freeway Action Plan.”

Once again, the County has failed to fulfill its obligation under the Cooperative Agreement to cooperate with the City, other Western Riverside County Cities and private and public stakeholders for the Freeway Strategic Study and the development of the Freeway Action Plan. Despite having over seventeen years to undertake the Freeway Strategic Study and the Freeway Action Plan, the County failed to undertake any study, let alone cooperate with Temecula and the other cities.

Moreover, the County did not even undertake a study to determine the traffic impacts upon the freeways in Western Riverside County resulting from the Winchester Community Plan's addition of 33,000 residential units. The DEIR simply does not analyze the significant and severe traffic impacts resulting from the addition of 33,000 new residential units in the Winchester Community Plan Area upon the roads and freeways in Western Riverside County.

The County's failure to fulfill these obligations will directly result in adverse traffic impacts upon the City, the Winchester Community Plan Area and the cities surrounding the Winchester Community Plan Area.

CEQA Noticing Failure

- The City of Temecula has only recently been made aware of the Draft PEIR for the Winchester Community Plan, and has not received any of the required CEQA notices (such as Notice of Preparation (NOP) or Notice of Availability (NOA)/Notice of Completion (NOC)), nor any notices for the scoping meetings. Section 15086(c) of the CEQA Guidelines requires that the lead agency consult with local municipalities adjacent to the proposed project area. The Draft PEIR acknowledges the fact that the City is immediately adjacent to the southern boundary of the proposed community plan. Yet, there is no evidence that the County even attempted to comply in any respect with its obligations to include the City in this process.

Executive Summary/Introduction

Project Objectives

- Page 1-3: The PEIR lists a variety of project objectives for the Winchester Community Plan. Most of the objectives are noble, but lack enough specificity to allow the reader to

understand what the actual objectives entail. Much more specificity is needed. The project objectives are repeated again in Section 3.0.

- Page 1-3: The project objectives do not explain why the Winchester Community Plan is being proposed now when there are several existing area plans and specialized policy area overlays covering the entire proposed plan area that would achieve the same planning outcome. There is no mention in the PEIR objectives of consolidating aging planning documents into a comprehensive and cohesive community plan, which should be the primary objective of the Community Plan. Please add a description of this objective.
- Page 1-3: Several of the project objectives are irrelevant, and do not relate to the creation of a Riverside County Area or Community Plan. This is particularly true given that there is no land use plan provided against which the objectives can be reviewed. For example, it is unclear, and there is no explanation, as to how the objective of “providing better access to fresh healthy foods” relates to the formulation of community plan policies and land use designations. Please clarify.

Project Description

- Page 1-3: The project description includes a discussion of existing land uses and land use designations within the proposed Winchester Community Plan, but it does not include any mention of the actual proposed Winchester Community Plan policies, or include the proposed land use and circulation plan. This is the most basic project information that must be included as part of the project description for any meaningful environmental analysis to occur. In the absence of this critical information, there is no way to conduct the required environmental analysis. Please revise the project description and associated environmental analysis to include this critical base information.

Project Alternatives

- Page 1-3: The PEIR proposes four alternatives to the proposed project. CEQA requires a reasonable range of alternatives that meet most of the basic project objectives be proposed to reduce or eliminate identified environmental impacts. No explanation is provided for how the number of residents, dwelling units and non-residential square footages are calculated for each alternative. It is difficult to understand how each alternative’s anticipated number of residents, dwelling units and non-residential square footages were determined since the Winchester Community Plan project description itself does not contain a proposed land use plan or a proposed land use summary table. As a result, it is impossible to determine if an alternative would reduce environmental impacts as compared to the proposed project and/or the other alternatives.

Project Description

- Page 3-1: CEQA Guidelines Section 15124 requires a stable, clear, and concise project description, upon which the environmental impact analysis, required mitigation measures, and project alternatives are based. The project description is neither stable, clear, nor concise, and as a result needs to be revised to accurately reflect the proposed project. There is no way to determine the actual proposed land use distribution based upon the confusing information provided in the PEIR.
- Page 3-1: The Riverside County General Plan is apportioned into land use Foundation designations and individual Area Plans. It is unclear why the proposed plan is referred to as a “Community Plan” instead of matching the exiting county Area Plan nomenclature. Please explain.
- The project description is unclear. There are numerous existing planning documents that are located within the proposed Community Plan area. These include:
 - Southwest Area Plan
 - Harvest Valley/Winchester Area Plan
 - Highway 79 Policy Area
 - Interstate 15 Policy Area
 - Interstate 215 Policy Area
 - Winchester Policy Area
 - Winchester Land Use Study
 - Winchester Policy Area Design Guidelines
 - Riverside County Housing Element (2021-2029)
 - Caltrans Record of Decision – Highway 79 Realignment EIS
 - Cooperative Agreement and Settlement Agreement between the County of Riverside and the City of Temecula

The PEIR makes no effort to synthesize the relationships and overlapping planning policies between the above documents that all apparently factor into the development of the proposed Winchester Community Plan. The project description needs to be rewritten to clarify how the above documents relate to the proposed Community Plan. There appears to be substantial confusion between the Winchester Policy Area and the Winchester Community Plan, which is the actual proposed project.

- Page 3-1: The project description includes a discussion of existing land uses and land use designations within the proposed Winchester Community Plan, but it does not include any mention of the actual proposed Winchester Community Plan policies, or include the proposed land use and circulation plan. This is the most basic project information that must be included as part of the project description for any meaningful environmental analysis to occur. In the absence of this critical information, there is no way to conduct the required environmental analysis. Please revise the project description and associated environmental analysis to include this critical base information.

- Page 3-2: The PEIR uses both “project site”, “project area” and “PA” to describe the area within the boundary of the proposed Winchester Community Plan, which creates confusion. There are several figures with differing planning area boundaries, which need to be consolidated into one understandable proposed land use plan .
- Page 3-2: The PEIR indicates that “most of the Winchester PA” is comprised of agricultural and undeveloped lands, without defining the actual acreage or what is meant by “most”. Please clarify.
- Page 3-4: The project characteristics section indicates that the existing Winchester Policy Area will be expanded from 287 acres to 23,153 acres within the Harvest Valley/Winchester Area Plan, without any reasoning provided for why this massive change is proposed. To implement this change, the boundaries and land uses of the surrounding Area Plans (Sun City/Menifee and Southwest Area Plan) are proposed to be modified, although acreage statistics and graphic depictions of these changes are not provided. The project description does not document the requirements or schedule for amending the surrounding Area Plans required to create the proposed Winchester Community Plan. Please include this information.
- Page 3-4: The PEIR describes 227 parcels (1,480 acres) that are proposed for General Plan Foundation Component amendments from Rural and Rural Community to Community Development without any explanation of why the change is proposed that will result in additional development intensity. The section goes on to state that 921 parcels will require future zone changes as a result of the foundation component changes, and that these future unknown zone changes are somehow evaluated in the PEIR. This analysis is not actually included in the PEIR, nor is there any commitment for future environmental review as would be required if the environmental review is not occurring at this time.
- Page 3-4, #4: The PEIR now inserts a new Area plan (San Jacinto Valley Area Plan) and the Highway 79 Policy Area into the mix, but these were not previously mentioned as requiring amendment to accommodate the proposed Winchester Community Plan. The PEIR goes on to state that the revisions to the Highway 79 Policy Area include removing the “9% density reduction for residential projects”, without any context for why that is proposed or justified, and what that means in terms of the proposed Winchester Community Plan land use plan. Please explain where this 9% reduction came from and why is it required to accommodate the proposed Winchester Area Plan.

In addition, the 9% residential intensity reduction is part of the Cooperative Agreement, which was a settlement agreement between the City and the County to mitigate environmental impacts associated with future residential development within the Highway 79 Policy Area, and it cannot be unilaterally removed from the Highway 79 Policy Area. The County is in violation of the Cooperative Agreement by proposing to remove the 9% residential intensity reduction from the Policy Area document.

The PEIR claims that the removal of the 9% reduction requirement from the Highway 79 Policy Area will be replaced by a new “fee” on newly entitled dwelling units to mitigate Vehicle Miles Traveled (VMT) impacts and fund mobility improvements within the downtown Winchester core area. A proposed fee for improvements within the downtown Winchester area has nothing to do with the basis of the Cooperative Agreement, and was not what either the County or the City agreed to in order to mitigate impacts to the City. The entire discussion regarding the 9% reduction in residential density in the Highway 79 Policy Area needs to be removed from the PEIR and must be factored into the ultimate Winchester Area Plan land use plan densities and unit totals. Without the consideration of the 9% reduction in the formulation of the Winchester Community Plan land use plan, the entire land use plan must be revised. The PEIR goes on to state that the Highway 79 Policy Area is 50,061 acres, without any explanation of how that acreage relates to the other Area Plan and Policy acreages, or its relevance.

- Page 3-5: The PEIR now introduces several new components of General Plan Amendment (GPA) No. 1207, including design guidelines, an amended General Plan Circulation Element, and “administrative and implementation programs” without defining what those programs are or how they fit in with the proposed Winchester Community Plan. Please revise and clarify.
- The County proposes to expand the existing Winchester Policy Area to include 23,143 acres. Page 3-4 indicates that the Policy Area is 23,153 acres. Please provide the correct acreage and make consistent throughout the PEIR. In addition, please confirm which number was used throughout the PEIR’s analysis.
- Page 3-6: The PEIR attempts to explain the required acreage and land use changes to the individual surrounding Area Plans required to create the new Winchester Community Plan, and this information is purportedly summarized in Tables 3-1 and 3-2, and shown in Exhibits 3-1 through 3-11. Table 3-1 lists the General Plan Foundation changes without any reference to where the changes are located or with which of the four Area Plans the acreages are being exchanged. As a result, it is impossible to understand the location of the proposed land use changes. Table 3-2 summarizes the land use acreage changes to the Winchester Policy Area and the Highway 79 Policy area, and totals both, but does not quantify any of the underlying Area Plan land use acreage changes. As a result, it is again impossible to tell what the ultimate proposed Winchester Area Plan land use acreages, density or units (increases or decreases) are and how they will be used to determine environmental impacts and required mitigation measures.
- Page 3-8: The description of the General Plan Circulation Element amendment is lacking a description of what is being proposed, and also contains incorrect information. Revising the Highway 79 Policy Area language (which is incorrect) does not in and of itself result in an amendment to the Circulation Element. The Circulation Element amendment should describe the proposed changes to the existing circulation system and policies as a result of

the proposed Winchester Community Plan, including (for example) the realignment of Highway 79, as approved by Caltrans. The PEIR text states that the 9% residential density reduction requirement contained within the Highway 79 Policy area would be amended to allow for full development within the policy area and the proposed Winchester Community Plan. This statement is incorrect and the 9% reduction in residential density has no relationship to the realignment of Highway 79. The residential reduction included in the Highway 79 policy area was required to ensure that a variety of transportation and circulation facilities were constructed in a timely manner to accommodate the growth associated within the policy area. These facilities have not been constructed to date.

- Page 3-8: The text goes on to state that “No land use designation changes are proposed and the amendment is limited to removing the development restrictions on residential uses.” This is false. There are numerous General Plan Foundation and Area Plan land use changes proposed as part of the Winchester Community Plan, and removal of the 9% reduction in residential development intensity is not applicable to the Circulation Element amendment, as it is part of the Cooperation Agreement.
- Page 3-10: The PEIR lists a variety of project objectives for the Winchester Community Plan, but fails to explain why the Winchester Community Plan is being proposed now. Most of the objectives are noble, but lack enough specificity to allow the reader to understand what the actual objectives entail. Much more specificity is needed. Please revise.
- The objective to promote higher density housing to achieve the County’s 6th Cycle Regional Housing Needs Assessment (RHNA) goal and to eliminate the 9% residential unit intensity reduction is in direct opposition to the Cooperative Agreement which mandates a 9% reduction in residential densities.
- Page 3-11: The Discretionary Approvals section includes the adoption of GPA No. 1207, but fails to mention the Circulation Element amendment. Please include and explain what the required Circulation Element amendment includes.
- Exhibit 3-1 and 3-2: Why does the proposed Community Plan boundary cut through Lake Skinner?
- Exhibit 3-3: The graphic line work/legend is difficult to understand and it is impossible to tell which boundary line applies to which Area Plan or Policy Area. There is nothing in the legend to explain what the red numbers signify. Please revise.
- Exhibit 3-1 through 3-11: None of the figures show the proposed Winchester Community Plan land use plan. The proposed Community Plan land uses are the most basic component of the Community Plan and PEIR project description and they are missing from the PEIR project description.

- The PEIR references a Vehicle Miles Traveled (VMT) Nexus Study and fee. It is unclear if the 33,000 + residential units are included in the RIVTAM model. The Nexus Study includes \$11 million for a transit center and Park & Ride facility with no analysis of the mandated reduced VMT or trips. The VMT Nexus Study should be included in the PEIR Appendix and revised to reflect the actual number of units proposed in the Community Plan.

PEIR Section 4.0 Topical Environmental Issue Areas

- The PEIR includes an evaluation of 20 topical environmental issue areas including: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise and Vibration, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems and Wildfire. Detailed comments are provided below.
- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in Section 4.0 of the PEIR is flawed due to the inadequacy of the project description.
- Much of the analysis in PEIR Section 4.0 avoids the evaluation of all feasible mitigation measures and jumps to the conclusion that the impacts are either less than significant without mitigation or are significant and unavoidable without the application of feasible mitigation measures. CEQA Guidelines Section 15041(a) requires that a lead agency for a project require feasible changes in the project, or impose feasible mitigation, to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law. The PEIR has not done this.

Aesthetics

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the aesthetics section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of aesthetic impacts cannot be completed without an accurate project description. Please revise the project description.

Air Quality

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon

an adequate project description. As a result, the analysis contained in air quality section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of air quality impacts cannot be completed without an accurate project description. Please revise the project description.

- **Impact Statement AQ-1: The Project Would Conflict With or Obstruct Implementation of the Applicable Air Quality Plan (PEIR pp. 4.3-22 to 4.3-24)**

The PEIR analysis of consistency with the 2016 AQMP is inadequate, and should be revised in the following ways:

- (1) To determine whether proposed project construction would result in increases in the frequency or severity of existing air quality violations or new violations or delays in timely attainment of air quality standards, the County should perform modeling of daily construction emissions based on buildout of the proposed project's development potential and compare those emissions to SCAQMD's construction thresholds (presented in PEIR Table 4.3-4).
- (2) Similarly, the determination of whether proposed project operations would result in increases in the frequency or severity of existing air quality violations or new violations or delays in timely attainment of air quality standards should be based on modeled operational emissions presented under Impact Statement AQ-2 (PEIR Table 4.3-6) compared to SCAQMD operational thresholds.
- (3) The County's contradictory statements that the proposed project would exceed the SCAG population projections used in the 2016 AQMP by 35,139 persons, and yet would be "within SCAG's forecasted population for the County" need to be clarified and corrected. The County's assertion later in this section that the increase in population and housing growth "is not considered substantial in the context of the County overall" (p. 4.3-24) needs to be supported with substantial evidence, and connected to the consistency criterion of the SCAQMD's CEQA Handbook to analyze "(w)hether a project will exceed the assumptions in the AQMP."
- (4) Several assertions need to be revised to be supported with substantial evidence, including claims of proposed project consistency with RTP/SCS goals to reduce VMT and air pollution, and that "implementation of all SCAQMD rules, regulations, and control measures may not be feasible for future developments." (PEIR p. 4.3-24) Which rules, regulations, and control measures may not be feasible, and why?
- (5) CEQA requires that all feasible mitigation measures be identified for significant environmental impacts. The PEIR's conclusion that "(n)o mitigation measures are required" for this "significant and unavoidable" impact violates CEQA because the

County has not even attempted to determine what mitigation is feasible or enforceable for an impact that exists, as discussed above.

- **Impact Statement AQ-2: Project Implementation Result in a Cumulative Considerable Net Increase of Any Criteria Pollutant for Which the Project Region is Non-Attainment Under an Applicable Federal or State Ambient Air Quality Standard**

The PEIR's claim that it is infeasible to estimate construction emissions of the proposed project is not supported by substantial evidence. Modeling of construction air pollutant emissions is routinely included in programmatic CEQA analysis for plans similar to the proposed project, such as general plans, regional plans, area plans, and community plans. The PEIR should be revised to estimate future daily construction emissions under buildout of the proposed project's development potential. This analysis should be based on reasonably foreseeable estimates for the rate of future development and timing of ultimate buildout under the proposed project. This additional information is needed so that the PEIR discloses the potential magnitude of pollutant emissions relative to SCAQMD thresholds under the proposed project and the associated health effects, which in turn will inform the development of mitigation measures and project alternatives to avoid or substantially lessen the impacts.

The PEIR's unsupported assertions about how General Plan policies affect proposed project air emissions need to be supported by substantial evidence explaining the effects of the policies on emissions-generating activities of the proposed project.

The PEIR should be revised to provide an explanation of the assumptions and inputs used to model the proposed project's operational emissions, which are shown in Table 4.3-6. The PEIR should also be revised to provide additional detail correlating the proposed project's emissions, which would greatly exceed SCAQMD thresholds, with potential health effects. For example, the PEIR shows that PM10 emissions would be 85 times higher than the threshold amount; PM2.5 emissions would be over 100 times higher than the threshold. An adequate air quality analysis requires a reasonable effort to substantively connect a project's air quality impacts to likely health consequences, or a meaningful detailed explanation of why it is not feasible to provide such an analysis. (See *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502.)

- **Air Quality Mitigation Measures Do Not Meet CEQA Requirements**

The PEIR air quality mitigation measures violate CEQA requirements by improperly deferring important details until a future time, without providing sufficient benchmark standards. To meet CEQA's requirements for adequate mitigation, the PEIR air quality mitigation measures need to be revised to include:

- A commitment to the mitigation.

- Adopted performance standards for what the mitigation must achieve.
- A menu of potential actions that can feasibly achieve the performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measures.

Biological Resources

22-12

The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the biological resources section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of biological resources impacts cannot be completed without an accurate project description. Please revise the project description.

Cultural Resources

22-13

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in cultural resources section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of cultural resources impacts cannot be completed without an accurate project description. Please revise the project description.

Energy

22-14

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the energy section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of energy impacts cannot be completed without an accurate project description. Please revise the project description.

Geology and Soils

22-15

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in geology and soils section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of geology and soils impacts cannot be completed without an accurate project description. Please revise the project description.

Greenhouse Gas Emissions

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in greenhouse gas emissions section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of greenhouse gas impacts cannot be completed without an accurate project description. Please revise the project description.

- **Section 4.8.3 Impact Thresholds and Significance Criteria**

On page 4.8-25, the PEIR references the Environmental Checklist form provided in Appendix G to the CEQA Guidelines, and states that, “a project may create a significant adverse environmental impact if it would: (g)enerate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (refer to Impact Statement GHG-1); and (c)onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gas (refer to Impact Statement GHG-2)”

- **Impact Statement GHG-1: Greenhouse Gas Emissions Generated by the Project Could Have a Significant Impact on Global Climate Change**

The analysis provided for Impact Statement GHG-1 is inadequate on several fronts. For one, the PEIR fails to clearly explain how it uses the GHG-1 “impact statement” to determine the significance of the proposed project’s GHG emissions impacts. It only offers that “the effects of the proposed project have been categorized as either a ‘less than significant impact’ or ‘potentially significant impact’” based on the language of Impact Statement GHG-1 (PEIR page 4.8-25). At a minimum, the PEIR should be revised to clearly describe the criteria used by the County to measure compliance with this impact statement and determine the significance of the proposed project’s GHG emissions impacts. The PEIR should be revised to provide a clear, internally consistent description of the thresholds of significance for GHG emissions impacts. The PEIR should also explain how compliance with the threshold(s) used means that the proposed project’s impacts would be less than significant. CEQA Guidelines Section 15064(b)(2). As part of this explanation, the PEIR should clarify its statement that, “the impact analysis for this project relies on guidelines, analyses, policy, and plans for reducing GHG emissions established by the California Air Resources Board (CARB).” (PEIR pp. 4.8-1 to 4.8-2). Which guidelines, analyses, policies and plans? Please explain.

Without understanding the County’s criteria for determining significance, it is not possible for the reader to understand the nature or severity of the significant GHG emissions impacts identified for the proposed project, and therefore, also not possible to evaluate the adequacy of the mitigation measures identified in the PEIR for avoiding or substantially lessening the significant impacts.

The analysis presented under Impact Statement GHG-1 is divided into two sections, one addressing construction-related impacts and the other addressing operational impacts. These two components of the GHG-1 impact analysis are addressed separately below.

- **The Inadequate Analysis of Construction-Related GHG Emissions Impacts Needs to be Revised**

The analysis of construction impacts provides a high-level description of generic types of construction activities that generate GHG emissions; there is no attempt to qualitatively analyze the timing or magnitude of construction-related GHG emissions that would result from the substantial amount of development allowed to occur under the proposed project. The PEIR goes on to assert, in back-to-back sentences, that quantifying construction related GHG emissions is both “not possible” and that precise quantification is “impractical.” It concludes by asserting, without evidence or explanation, that although certain “current policies” and mitigation measures recommended for Impact Statement AQ-2 in PEIR Section 4.3, Air Quality, would minimize construction-related GHG emissions, the proposed project could result in future development that exceeds South Coast Air Quality Management District (SCAQMD) thresholds of significance, which are not named or identified.

The PEIR analysis of construction-related GHG emissions impacts must be revised in several ways. First, the County must make a good-faith effort to quantify and disclose estimated construction-related GHG emissions that would result from the proposed project. The PEIR’s assertion that “quantifying precisely” is “impractical” is not a basis to exclude this information from the PEIR. Moreover, the PEIR’s assertion that is “not possible” to quantify the proposed project’s GHG emissions is not supported by substantial evidence. In fact, the County’s own Climate Action Plan, with its modeling of off-road equipment GHG emissions for all of the unincorporated County areas for decades into the future, shows that it is possible, and indeed feasible, to prepare a programmatic estimate of GHG emissions from construction equipment without knowing site- or project-specific information (County CAP). In addition, any discussion of current policies that minimize the construction-related GHG emissions of the proposed project must be supported with substantial evidence showing how such policies would reduce emissions. Also, the impact analysis should first determine the significance of the proposed project’s GHG emissions under the threshold being used, before analyzing the effect of air quality mitigation measures identified elsewhere in the PEIR on the proposed project’s GHG emissions impacts. And finally, if the PEIR is evaluating construction-related GHG emissions against certain “SCAQMD thresholds of significance” as it implies, then the PEIR needs to clearly describe what those thresholds are, explain why they are appropriate to use for the proposed project, and provide an analysis, supported by substantial evidence, that compares the proposed project’s GHG emissions to those thresholds. The PEIR also needs to clearly identify feasible mitigation measures that address the construction-related GHG emissions that would be generated by the proposed project.

- **The Inadequate Analysis of Operational GHG Emissions Impacts Needs to be Revised**

Initially, the PEIR explains that the proposed project's operational GHG emissions are "qualitatively evaluated" based on "compliance with the long-term State reduction targets." (PEIR page 4.8-26) The PEIR does not offer a description of how this qualitative evaluation of target compliance will be performed, and does not identify the State reduction targets used in the analysis. The PEIR also appears to describe an additional method used to evaluate operational GHG emissions, explaining that, "future development that would occur under project buildout (new development) was assessed based on the capacity to effectively reduce GHG emissions sources from project-specific operations within the project area." (PEIR page 4.8-26) The PEIR offers no explanation of what it means for future development to have "capacity to effectively reduces GHG emissions sources from project-specific operations."

The impact analysis for GHG-1 presents a comparative analysis of annual GHG emissions under the proposed project as compared to development under the current County General Plan, which shows that the proposed project would increase annual GHG emissions by 68,588 MTCO₂e relative to development allowed under the current General Plan (PEIR Table 4.8-1). The PEIR provides no interpretation or analysis of how the annual GHG emissions increase relates to the proposed project's GHG emissions impact being analyzed. It also does not provide any information about the timing of when such annual rates of GHG emissions would be expected to occur. Moreover, on page 4.8-24, the PEIR explains that "this EIR quantifies total annual GHG emissions for informational purposes," although it does not clearly explain what this means, and it does not explain why total annual emissions are included in the impact analysis for GHG-1. This wording suggests that the GHG emissions are not intended to be reliable, thereby undercutting the value of the data for CEQA purposes.

The PEIR then provides a high-level description, asserting that certain objectives of the proposed project would generally "reduce GHG emissions" although it is not clear to what the asserted reduction in emissions is being compared. The PEIR also asserts that several County General Plan policies would "minimize GHG impacts" but does not provide substantial evidence explaining how the policies would affect the proposed project's emissions.

The analysis then presents two mitigation measures, GHG-1 and GHG-2, and describes their purported effect on the proposed project's GHG emissions. The PEIR presents these mitigation measures without first determining the significance of the proposed project's impacts, thereby skipping a critical step. The analysis concludes by asserting that it is not feasible to analyze future development under the proposed project because timing and project-specific details are unknown, and therefore, the County's thresholds could be exceeded, but it does not identify or describe the "County thresholds" being referenced.

Moreover, the conclusion that future development cannot be analyzed in any regard is incorrect; even a programmatic EIR still must contain a certain level of information.

The PEIR analysis of operational GHG emissions impacts should be revised in several ways. First, it needs to clearly identify the criteria being used to evaluate the proposed project's GHG emissions under Impact Statement GHG-1. Similarly, the PEIR needs to clearly address whether estimates of annual GHG emissions resulting from the proposed project, including comparisons of estimated annual GHG emissions under the current General Plan, are used in the evaluation of the significance of the proposed project's GHG emissions, and if so, how. If the proposed project's total annual GHG emissions are in fact presented only for "informational purposes" as stated in the PEIR, then the PEIR must explain what this means and why the estimates are not used in the impact analysis. Moreover, before any discussion of mitigation measures, the impact analysis must first clearly analyze whether the GHG emission impacts would be potentially significant, i.e., address whether or not the threshold being applied would be exceeded or not. If the threshold would be exceeded and the impact would be potentially significant, then all feasible mitigation measures to reduce the impact to less than significant must be identified and proposed to be imposed. Also see below for comments on PEIR Mitigation Measures GHG-1 and GHG-2.

- **Impact Statement GHG-2: Implementation of the Proposed Project Could Conflict with an Applicable Greenhouse Gas Reduction Plan, Policy, or Regulation**

The analysis provided for Impact Statement GHG-2 is inadequate on several fronts. For one, the PEIR does not clearly identify the criteria being used to evaluate the proposed project under this threshold of significance. For example, the PEIR discussion of impact thresholds and significance criteria explains that "The project's GHG impacts are evaluated by assessing the project's consistency with applicable local, regional, and statewide GHG reduction plans and strategies." (PEIR p. 4.8-24) It then identifies the 2020-2045 RTP/SCS and the 2017 Scoping Plan as the two GHG reduction plans applicable to the project. The County's Climate Action Plan (CAP) is not identified as an applicable plan, or even referenced in this section. Later, in the impact analysis for GHG-2 (PEIR p. 4.8-30), a discussion of the County's CAP is provided, but the proposed project is not analyzed for potential conflicts with the County's CAP, and the relevance of the discussion provided to the PEIR impact analysis and significance conclusion for Impact Statement GHG-2 is unclear. The PEIR does assert that the proposed project would be "consistent with the emissions reductions targets set by the (County's) CAP" (p. 4.8-36), but offers only unsubstantiated statements that the proposed project would not conflict with growth projections and would reduce VMT and be "consistent with appropriate CAP measures" (which are addressed later in this comment letter).

The PEIR must be revised to include an analysis of the proposed project for consistency or conflicts with the County's Climate Action Plan. It must provide the criteria used to evaluate the proposed project for consistency or conflicts with the County's CAP, and

support its analysis with substantial evidence. In addition, the PEIR needs to assess the significance of the proposed project's GHG emissions impact under Impact Statement GHG-2 before considering the role of mitigation measures in reducing a potentially significant impact. (PEIR p. 4.8-39) As part of this revised analysis, the PEIR should clarify statements, like the one on page 4.8-29, asserting that all future development under the proposed project "would demonstrate compliance with the State's GHG reduction targets." Substantial evidence is needed to support this assertion, including the regulatory requirements and other processes that would achieve this outcome, as well as the specific GHG reduction targets being referenced.

Consistency with the County's Climate Action Plan

The County's CAP is based on anticipated growth using the County's 2015 General Plan, including the number of residential households and commercial/industrial jobs (County CAP Table 3-3). The PEIR explains that the proposed project would allow development that decreases the number of jobs in the project area by 10,055, and increases the number of residential dwelling units by 12,329, when compared to the existing General Plan Land Use Designations (PEIR Table 3-2). The PEIR fails to directly analyze whether the increase in residential development potential resulting from the proposed project would conflict with the County's ability to meet its GHG reduction targets through the measures set forth in its CAP. Similarly, the PEIR does not explain how it is that future development under the proposed project could be found to be consistent with the County's CAP under CEQA Guidelines Section 15183.5, when the anticipated growth of the proposed project is not accounted for in the County's CAP. As the County admits later in the GHG section, "Project consistency with population growth projections is one of the criteria for determining consistency with GHG reduction plans." (PEIR p. 4.8-36)

Consistency with SCAG's Connect SoCal 2020-2045 RTP/SCS

The analysis of the proposed project's consistency with the Connect SoCal 2020-2045 RTP/SCS (PEIR pp. 4.8-30 to 4.8-33) must be revised to analyze whether the changes in development potential under the proposed project, including an increase of over 12,000 residential dwellings and reduction of over 10,000 jobs, would adversely affect SCAG's ability to meet its passenger vehicle GHG reduction target for 2035. The analysis should also be revised to provide additional details and evidence supporting assertions that the proposed project would reduce VMT by "facilitating development opportunities for greater housing variety and density" and "facilitat(ing) a sustainable multi-modal transportation network that includes walkable, bicycle-friendly environments with increased accessibility via transit." (PEIR p. 4.8-31) The PEIR contends that, "(T)he County has no control over vehicle emissions," which ignores the many strategies within the County's control and influence to reduce vehicle emissions, including its ability to support conversion of the vehicle fleet to zero emissions vehicles (ZEVs), installation of charging and fueling infrastructure for ZEVs, and its ability to reduce VMT through regulation of land use patterns and circulation improvements.

In addition, the analysis of proposed project consistency with the five key SCS strategies of the 2020-2045 RTP/SCS (Table 4.8-2, PEIR p. 4.8-31) must be revised to fully evaluate the proposed project's consistency with each of the strategies; the current analysis is incomplete in that it does not address several components of the five key SCS strategies. Moreover, the analysis must be revised to include support and evidence for the conclusions of consistency with SCS strategies.

Consistency with Growth Projections

In Table 4.8-3: Project Consistency with Applicable CARB Scoping Plan Measures (PEIR p. 4.8-34), the County asserts that development under the proposed project would be "consistent with the growth projections in the RTP/SCS." Given that the PEIR reports elsewhere (e.g., PEIR Table 3-2) that the proposed project would allow development that decreases the number of jobs in the project area by 10,055, and increases the number of residential dwelling units by 12,329 when compared to the existing General Plan Land Use Designations, the County must provide additional information and explanation supporting its conclusion that the growth resulting under the proposed project is consistent with growth projections used in the RTP/SCS, which was adopted in September 2020. As the County itself states in Section 3.14, Population and Housing, "General Plan growth projections form the basis of SCAG's planning and policy documents, including regional growth forecasts." (PEIR p. 4.14-9)

The PEIR also references Section 3.14 to conclude that the project would not conflict with County or regional growth projections because "although it would directly increase population through housing development, it would also directly decrease population through development of less-employment generating land uses." (PEIR p. 4.8-36) It is unclear how the County reached the conclusion that the proposed project's increase of 12,329 residential units and decrease of 10,055 jobs, relative to the adopted General Plan, is consistent with the growth projections used in the County's CAP and in SCAG's 2020-2045 RTP-SCS. PEIR Section 3.14 (p. 4.14-9) attempts several arguments to support this conclusion, which are summarized below, but none of these contentions actually supports the conclusion of proposed project consistency with 2020-2045 RTP/SCS growth projections (which, according to the County, are based on the County General Plan) or the County's CAP (which are based on the County's 2015 General Plan).

The GHG analysis includes these flawed assumptions:

- The PEIR asserts that the proposed project would not exceed planned growth projections because the rate of population increase between the proposed project and adopted General Plan, 21%, is lower than the 33% rate of population growth that SCAG has projected for Riverside County between 2021 and 2045.
- The PEIR references the County-wide residential vacancy rate of 13%.

- The PEIR asserts that growth under the proposed project “would occur incrementally through 2045,” housing under the proposed project would be “dispersed...over approximately 50,000 acres,” and that some unspecified amount of population would decrease the proposed project would allow for fewer additional jobs than the adopted General Plan. Please identify the number of units, and projected population.

GHG Mitigation Measures

- PEIR Mitigation Measures GHG-1 and GHG-2 would require that new discretionary developments under the proposed project implement CAP measures equivalent to at least 100 points (according to the CAP’s Screening Tables). It asserts that the mitigation would “ensure GHG emissions from new development are reduced to levels necessary to meet California State targets.” (PEIR p. 4.8-29) This statement is inadequate for the following reasons.

First, as described in the above comments, the PEIR does not provide substantial evidence supporting its conclusion that the development potential of the proposed project, which results in substantial changes to development potential of residential and employment land uses under the adopted General Plan, is accounted for in the growth projections of the County’s CAP. Because the proposed project’s development potential differs substantially from the General Plan growth projections on which the CAP is based, additional analysis is needed to determine whether the County could still meet its CAP targets when requiring development under the proposed project to “garnish at least 100 points” of CAP measures. Moreover, Mitigation Measures GHG-1 and GHG-2 have been crafted to only apply to new “discretionary development” that results from the proposed project. Additional analysis is needed to understand the degree to which development under the proposed project would be processed through ministerial instead of discretionary processes, and by extension, not required to implement CAP measures that reduce GHG emissions. Disclosure of this information is needed to understand the effectiveness of mitigation measures GHG-1 and GHG-2.

In addition, the County must revise the PEIR to reconcile the conflicting statements that the GHG emissions impacts of future development “would be analyzed on a project-by-project basis” (p. 4.8-28) and “would be required to undergo project-specific CEQA review, including analysis of potential operational GHG emissions” (p. 4.8-29), with the language in mitigation measure GHG-2 that projects will be required to implement CAP measures that achieve at least 100 points “in lieu of a project-specific analysis.” If future environmental review will is not anticipated, then significantly more detailed review is required at this juncture. Alternately, if the County intends to tier off of this document for future review, then the County must clearly state that future, project-level analysis will occur.

Hazards and Hazardous Materials

22-17

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in hazards and hazardous waste section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of hazard and hazardous material impacts cannot be completed without an accurate project description. Please revise the project description.

Hydrology and Water Quality

22-18

The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the hydrology and water quality section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of hydrology and water quality impacts cannot be completed without an accurate project description. Please revise the project description.

Land Use and Planning

22-19

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in land use and planning section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of aesthetic impacts cannot be completed without an accurate project description. Please revise the project description.
- Page 4-11-1: The Land Use and Planning Section is entirely inadequate. It does not mention the Western Riverside Council of Governments (WRCOG) as the regional planning agency for the project area, let alone provide any analysis of regional impact within Western Riverside County, or WRCOGs subregional Climate Action Plan GHG reduction measures. Further, the Land Use and Planning section does not acknowledge the proposed Winchester Community Plan and simply refers to all of the existing Area Plans and overlays that will be modified to create the proposed plan.

Mineral Resources

22-20

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in mineral resources section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of mineral resource impacts cannot be completed without an accurate project description. Please revise the project description.

Noise and Vibration

22-21

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in noise and vibration section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of noise and vibration impacts cannot be completed without an accurate project description. Please revise the project description.

Population and Housing

22-22

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in population and housing section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of population and housing impacts cannot be completed without an accurate project description. Please revise the project description.

Public Services

22-23

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the public services section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of public services impacts cannot be completed without an accurate project description. Please revise the project description.

Recreation

22-24

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the recreation section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of recreation impacts cannot be completed without an accurate project description. Please revise the project description.

Transportation

22-25

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the transportation section of the PEIR is flawed due to the inadequacy of the project description. An adequate

analysis of transportation impacts cannot be completed without an accurate project description. Please revise the project description.

Regulatory Setting

- Page 4.17-7 and 4.17-8: The regulatory setting includes LOS-based policies and programs. CEQA documents can no longer base a significance determination on an automobile delay-based analysis, such as LOS; it is therefore unclear why this information is included in the regulatory settings. The document is not precluded from including a LOS analysis for disclosure purposes, such as General Plan Circulation Element or Congestion Management Plan consistency, but the analysis cannot be used as a basis for determining a significant environmental impact. Please clarify the County's approach here.

Impact Analysis

- TRA-1 (Construction Impacts): This impact notes that "site-specific Traffic Management Plans (TMPs) would be required to be implemented for each individual implementing project." However, there is no implementation mechanism mentioned or cross-referenced that would ensure implementation of such plans. How does the County intend to ensure that this implementation occurs?
- TRA-2: TRA-1 (Operational Impacts) notes that the project would result in modifications to Caltrans facilities and other roadways but does not state what those changes would be. If there would be any roadway widening associated with the project, consistent with guidance in the OPR Technical Advisory, induced demand/VMT needs to be analyzed within impact TRA-2.
- TRA-2: The VMT thresholds for retail and other customer land uses shown in Table 4.17-1 are listed as "net regional change." That is not a threshold, which is a metric. The analysis needs to be revised to state what the threshold is for both of these land uses (e.g., no net increase in regional VMT).
- TRA-2: The impact states that "the RIVTAM Model maintains a base year condition of 2012 which, for purposes of this analysis, is considered to be representative of existing conditions." There is no explanation given as to why or how this is representative of existing conditions. Additionally, an updated version of RIVTAM has been released since the completion of this analysis and includes a base year of 2018. Use of the updated and refined model should be considered. The updated RIVTAM model needs to be used for the PEIR traffic analysis, or an explanation included as to why the current version of RIVTAM was not used.
- TRA-2: The impact analysis shows a very high level VMT evaluation in Tables 4.17-2 and 4.17-3, but there is no discussion or disclosure of what land use assumptions were included for any of the modeling. Please provide this.

- TRA-2 (Mitigation): The statement that, “Although many of the VMT reducing design principles, policies, and improvements that are described above may ultimately mitigate and/or potentially reduce the VMT impacts outlined...” is speculative and misrepresents the VMT analysis findings. With the level of VMT increases across the board, it is highly unlikely that any of the VMT impacts would be able to be mitigated to a less than significant level.
- TRA-2 (Mitigation): VMT-reducing design principles incorporated in the Draft Winchester Design Principles are incorrectly presented as mitigation. If these are part of the proposed project, they should be incorporated into the analysis and not included as mitigation. Generally, it is unclear what portion of that which is presented as mitigation is actually part of the project as opposed to being true mitigation.
- TRA-2 (Mitigation): There is no quantification of the proposed VMT mitigation. It is also unclear if all feasible VMT mitigation has been proposed. Please revise and provide the quantification, as well as a more robust discussion of VMT mitigation.
- TRA-3: If there are no existing requirements for construction traffic management, it cannot be assumed that a temporary traffic control plan would be implemented, and associated impacts reduced to a LTS level.

Draft VMT Mitigation Fee Ordinance/Nexus Study

- The County has indicated that the draft VMT Mitigation Fee Ordinance/Nexus Study has been prepared to mitigate traffic impacts in the Winchester Community Plan Area through the development and implementation of a VMT mitigation fee. The draft Ordinance/Nexus study is purportedly required by PEIR mitigation measure TRA-1. The fee appears to be based upon an assumption that two measures (Park and Ride facility and a Metrolink multi-modal facility) will mitigate **all** VMT impacts associated with the proposed Winchester Community Plan. A total of \$11,000,000 is arbitrarily assigned to the cost of facility construction, without consideration of current and ongoing supply chain issues and inflation. Then, a total of 33,569 residential units is assumed (without any basis or support) to be developed within the proposed Winchester Community Plan area, divided by the unrealistically low cost of \$11,000,000 to come up with a per unit VMT mitigation fee of \$328/unit. In short, there is no support for the conclusions that are reached. The VMT Mitigation Fee Ordinance and Nexus Study incorrectly assumes that the 9% residential intensity reduction policy can be eliminated and an unsupported and overstated residential unit count is assumed for analysis purposes.

The VMT Mitigation Fee Ordinance/Nexus Study is purportedly evaluated in the PEIR, although no mention if it can be found in the body of the PEIR text. In addition, there is no mention of 33,569 residential units anywhere in the PEIR. The conclusion of the VMT Mitigation Fee Ordinance/Nexus Study, namely, that the proposed VMT mitigation fee

will mitigate all proposed Winchester Community Plan VMT impacts, is not supported by any substantial evidence or analysis in the PEIR. Please provide an adequate analysis of VMT impacts and a realistic mitigation program, supported by evidence, to demonstrate how proposed Winchester Community Plan VMT impacts would be reduced to less than significant.

Tribal Cultural Resources

- 22-27
- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in tribal and cultural resources section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of tribal cultural resources impacts cannot be completed without an accurate project description. Please revise the project description.

Utilities and Service Systems

- 22-28
- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in utilities and service systems section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of utilities and service systems impacts cannot be completed without an accurate project description. Please revise the project description. A Water Supply Assessment is required to evaluate the long term viability of water supplies to serve the proposed community plan, especially as relates to worsening drought conditions. Please provide.

Wildfire

- 22-29
- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the wildfire section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of wildfire impacts cannot be completed without an accurate project description. Please revise the project description.

Mandatory Findings of Significance

- 22-30
- Section 4.21 lists 10 environmental issue areas that cannot be reduced to less than significant and remain significant and unavoidable. This section summarizes the findings of the purported "analysis" contained Section 4.0 of the PEIR, which is flawed due to the inadequacy of the project description. An adequate analysis of impacts cannot be

completed without an accurate project description. Please revise the project description, and address all other comments accordingly.

Cumulative Impacts

- Table 5-1 (Cumulative Projects List) contains a grand total of 10 projects (1,187 residential units and 10,283,987 square feet of non-residential uses that embody the entirety of cumulative projects in the vicinity of the proposed Winchester Community Plan. The cumulative projects map (Exhibit 5-3) in the PEIR is blank. It is incomprehensible that only those 10 projects comprise the entire cumulative project list, given the size of the project area and the fact that the project area is one of the fastest developing areas within Riverside County and the State of California.
- Throughout the cumulative impact section, level of significance statements are made without any supporting analysis.

Other CEQA Considerations

- The conclusion of the growth inducing impacts section is that the proposed Winchester Community Plan would not induce growth. Nothing could be further from the truth, as the Plan proposes to eliminate the 9% cap on residential units and proposes numerous general plan amendments to increase residential density within the Plan area. The conclusion is not just incorrect, it is contradicted by the Cooperative Agreement to which the County is a party. This discussion and conclusion must be revised to accurately state what the County is attempting to do.

Alternatives to the Proposed Project

- The PEIR proposes four alternatives to the proposed project. CEQA requires a reasonable range of alternatives that meet most of the basic project objectives be proposed to reduce or eliminate identified environmental impacts. No explanation is provided for how the number of residents, dwelling units and non-residential square footages are calculated for each alternative. It is difficult to understand how each alternative's number of residents, dwelling units and non-residential square footages were determined since the Winchester Community Plan project description does not contain a proposed land use plan or a proposed land use summary table. As a result, it is impossible to determine if an alternative would reduce environmental impacts as compared to the proposed project and/or the other alternatives. Under the existing analysis, it is impossible to identify the environmentally preferred alternative. Again – the project description needs to be adequately prepared to properly understand the formulation of alternatives.

Conclusion and Written Request for Notices

Based on these defects and inadequacies in the Draft PEIR, the City requests that the County suspend any further consideration of the project until a Draft PEIR that fully complies with CEQA is prepared and recirculated for public review and comment. The City objects to any further County action on the project until the necessary environmental review has been completed.

22-34

The City requests that written responses to each of the following comments be provided in accordance with CEQA Guidelines Section 15088.

Pursuant to Public Resources Code section 21092.2(a), the City intends that this letter serve as a written request for a copy of all notices that may be issued or filed related to this project or any part or component thereof. Please direct all such notices to me at the address on this letter.

Sincerely,



Luke Watson
Deputy City Manager

cc: Chuck Washington, County Supervisor
Jeffrey Van Wagenen, Riverside County Administrator
Juan Perez, Chief Operating Officer
John Hildebrand, Planning Director County of Riverside
Evan Langan, Project Planner County of Riverside

Aaron Adams, City Manager
Kevin Hawkins, Assistant City Manager
Patrick Thomas, Director of Public Works

Matthew Bassi, City of Wildomar
Karen Brindley, City of Lake Elsinore
Cheryl Kitzerow, City of Menifee
Jim Morrissey, City of Canyon Lake
Jarrett Ramaiya, City of Murrieta

Attachments: Exhibit A, Cooperative Agreement
Exhibit B, Amendment No.1 to the Cooperative Agreement
Exhibit C, Settlement Agreement

Exhibit A:

**Cooperative Agreement Between the City of Temecula and the County of Riverside to
Mitigate Traffic Impacts in Western Riverside County**

**COOPERATIVE AGREEMENT BETWEEN THE CITY OF
TEMECULA AND THE COUNTY OF RIVERSIDE TO
MITIGATE TRAFFIC IMPACTS IN WESTERN
RIVERSIDE COUNTY**

This Agreement is made and entered into as of April 12, 2005 by and between the City of Temecula, a municipal corporation ("City"), and the County of Riverside, a public subdivision of the State of California ("County"). In consideration of the mutual promises set forth herein, the City and County agree as follows:

ARTICLE 1

RECITALS

This Agreement is made for the following purposes and with respect to the following facts, which the City and County agree to be true and correct:

1.1 Since 1999, the County has been engaged in a project known as the Riverside County Integrated Project (the "RCIP"), which initially consisted of proposals for the Community and Environmental Transportation Acceptability Process (the "CETAP"), the Western Riverside County Multi-Species Habitat Conservation Plan ("MSHCP"), and an updated general plan to replace the County general plan adopted in 1984. The CETAP has not yet been adopted. The MSHCP has been adopted by the County and the member agencies. The State and Federal agencies have also approved the MSHCP and issued the necessary permits for the MSHCP.

1.2 On October 7, 2003, the County adopted its Resolution No. 2003-487, approving a new General Plan (the "General Plan") to replace the prior general plan approved in 1984 and adopted Resolution No. 2003-488 adopting and certifying a Final Environmental Impact Report for the General Plan ("FEIR"). The General Plan designates land uses for the unincorporated areas of the County. The General Plan also describes the infrastructure necessary to serve the designated land uses.

1.3 The City is located in southwestern Riverside County. Two major highways traverse the City, State Route 79 North (Winchester Road) and State Route 79 South, and connect to Interstate 15. The City has improved these roads from two lanes to six lanes in order to accommodate the growth within the City. These roads also serve the unincorporated areas of the County surrounding the City.

1.4 During the public hearing process, the City commented extensively on the proposed General Plan. The City contends, among other things, that the General Plan fails to adequately provide for construction of the traffic improvements required to serve the dwelling units proposed by the General Plan and, therefore, fails to mitigate the traffic impacts created by the General Plan; that the General Plan deficiencies are of particular concern to the City because traffic generated in the Southwest area of the County will severely impact the City unless certain

traffic improvements are built concurrently with the proposed dwelling units; and that no adequate mechanism exists in the General Plan to ensure that traffic mitigation measures identified in the General Plan and the FEIR are in place before the dwelling units creating the need for the mitigation measures are constructed. The County disputes the City's contentions.

1.5 On November 5, 2003, the City filed a Petition for Writ of Mandate in Riverside Superior Court challenging the legality and validity of the General Plan and the FEIR. The action is entitled "*City of Temecula v. County of Riverside; Board of Supervisors of the County of Riverside*," Riverside County Superior Court Case No. RIC 402766 ("Litigation"). The County disputes the City's contention that the General Plan and FEIR are invalid.

1.6 Despite their differences in the Litigation, the City and County desire to cooperatively work together in an effort to improve the highway infrastructure in Western Riverside County for the benefit of all current and future residents of the County. The City and County acknowledge that providing adequate traffic infrastructure for Western Riverside County involves complex engineering, environmental and financial challenges requiring the full cooperation of all federal, state and local governmental agencies, but will provide substantial public benefits for the City, County and the people living and working in the City and the County.

1.7 This Agreement sets forth the framework for a major cooperative effort by the City and the County to provide the traffic infrastructure required for new housing development in Western Riverside County before the creation of actual traffic impacts.

1.8 This Agreement specifically addresses impacts of the General Plan on Major Arterial Roads in Southwest Riverside County in the specific area to be known as the "I-215 Policy Area." This Agreement also specifically addresses impacts of the General Plan on freeways in the "Western Riverside County Area". For the purposes of this Agreement, the "I-215 Policy Area" shall be the area described in and shown on Exhibit A and the "Western Riverside County Area" shall be the area described in and shown on Exhibit D.

1.9 The terms described below shall have the following meanings unless otherwise noted in the Agreement:

1.9.1 "Appropriately formed and fully funded financing mechanism" is defined in Section 2.3.4 and Section 3.3.4 and shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed and which is fully funded to provide for the immediate construction of the Major Arterial Roads required to mitigate project-related traffic impacts. "Appropriately formed financing mechanism" is defined in Section 2.3.4 and Section 3.3.4 and shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed to provide for the construction of the Major Arterial Roads required to mitigate project-related traffic impacts.

1.9.2 "Best efforts" County is defined in Section 2.3.2 and Section 2.3.7. As used in Section 2.3.2, "best efforts" shall mean that the County shall initiate proceedings to amend the General Plan as described in Section 2.1 and shall diligently process the proposed

General Plan Amendment to completion in accordance with all applicable laws, subject to the County's legislative discretion as more particularly described in Section 2.3.5. As used in Section 2.3.7, "best efforts" shall mean that the County shall, at the time an appropriately formed financing mechanism is in place and sufficient funds are available, diligently undertake, without unnecessary delay, all the actions required to enable construction of the Major Arterial Roads, including, but not limited to, preparing and processing the required environmental documentation, design documentation and plans and specifications. As used in Section 2.3.7, "best efforts" shall further mean that the County shall, at the time an appropriately formed and fully funded financing mechanism is in place, diligently initiate and complete construction of the Major Arterial Roads.

1.9.3 "Best efforts" City is defined in Section 3.3.2, and shall mean that the City shall initiate proceedings to amend the General Plan as described in Section 3.1 and shall diligently process the proposed General Plan Amendment to completion in accordance with all applicable laws, subject to the City's legislative discretion as more particularly described in Section 3.3.6.

1.9.4 "City" shall mean the City of Temecula.

1.9.5 "City General Plan Amendment" shall mean the proposed amendment to the Temecula General Plan described in Section 3.1.

1.9.6 "City Land Use Applications" is defined in Section 3.3.3 and shall mean any applications on which the City Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the City, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

1.9.7 "County" shall mean the County of Riverside.

1.9.8 "County General Plan Amendment" shall mean the proposed amendment to the Riverside County General Plan described in Section 2.1.

1.9.9 "County Land Use Applications" is defined in Section 2.3.3 and shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the I-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

1.9.10 "Effective date of this Agreement" shall mean the date described in Section 6.11.

1.9.11 "General Plan" shall mean the Riverside County General Plan approved by Resolution No. 2003-487 of the Board of Supervisors of Riverside County on October 7, 2003.

1.9.12 "Freeways" shall mean the I-15 Freeway and the I-215 Freeway within the Western Riverside County Area.

1.9.13 "Freeway Action Plan" shall mean the action plan described in Section 4.4 which shall be negotiated by the City and County following receipt of the Freeway Strategic Study.

1.9.14 "Freeway Strategic Study" shall mean the study described in Section 4.1 to set specific goals for the development of the freeway capacity necessary to meet the traffic generated by new housing development in the Western Riverside County Area and to establish the framework for the joint efforts of the City, County, and other federal, state and local agencies to implement the goals and establish the necessary freeway capacity.

1.9.15 "I-215 Policy Area" is defined in Section 1.8 and shall mean the area in Southwest Riverside County described in and shown on Exhibit A.

1.9.16 "Litigation" shall mean the Petition for Writ of Mandate filed by the City on November 5, 2003 in Riverside Superior Court, entitled "*City of Temecula v. County of Riverside; Board of Supervisors of the County of Riverside,*" Riverside County Superior Court Case No. RIC 402766, challenging the legality and validity of the General Plan and the FEIR.

1.9.17 "Major Arterial Roads" is defined in Section 2.3.1 and Section 3.3.1 and shall mean those roadway projects identified in Exhibit B.

1.9.18 "Priority Phasing Program" shall mean the program described in Exhibit C.

1.9.19 "Western Riverside County Area" shall mean the area described in and shown on Exhibit D.

ARTICLE 2

MEASURES TO MITIGATE THE IMPACT OF NEW HOUSING DEVELOPMENT ON COUNTY ARTERIAL ROADS AND HIGHWAYS

2.1 The County shall use its best efforts to amend the General Plan so that it contains: (1) a policy indicating that the Major Arterial Roads within the I-215 Policy Area shall be constructed and completed concurrently with the construction of the dwelling units creating the demand for the Major Arterial Roads; and (2) a requirement that all land use applications approved by the County within the I-215 Policy Area ("County Land Use Applications") shall contain a condition, in addition to all other appropriate conditions, that building permits shall not

be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays its full proportionate share of the required improvements to the County in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the County otherwise funds or constructs the required improvements using money from other sources. The General Plan Amendments described in this section shall be known as the "County General Plan Amendment."

2.2 All County Land Use Applications approved by the County after the effective date of this Agreement shall contain a condition of approval requiring that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays his/her/its full proportionate share of the required improvements to the County in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the County otherwise funds or constructs the required improvements using money from other sources.

2.3 The County, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the County General Plan Amendment as set forth in Section 2.1 and the County shall diligently process the County General Plan Amendment, including necessary environmental actions without unnecessary delay.

2.3.1 As used in this Agreement, "Major Arterial Roads" shall mean those roadway projects identified in Exhibit B.

2.3.2 As used in Sections 2.1, "best efforts" shall mean that the County shall initiate proceedings to amend the County General Plan as described in Section 2.1 and shall diligently process the proposed Amendment to completion in accordance with all applicable laws, subject to the County's legislative discretion as more particularly described in Section 2.3.5.

2.3.3 As used in this Agreement, County Land Use Applications shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the I-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

2.3.4 As used in this Agreement, "appropriately formed and fully funded financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed and which is fully funded to provide

for the immediate construction of the Major Arterial Roads required to mitigate project-related traffic impacts.. As used in this Agreement, "appropriately formed financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed to provide for the construction of the Major Arterial Roads required to mitigate project-related traffic impacts..

2.3.5 The Parties understand and acknowledge that, in the context of processing the County General Plan Amendment and the County Land Use Applications, the County cannot guarantee the ultimate outcome of any public hearings before the County Planning Commission or the County Board of Supervisors or other public bodies of the County, nor prevent any opposition thereto by members of the public or other agencies affected by or interested in the County General Plan Amendment and the County Land Use Applications. The Parties further understand and acknowledge that land use regulations involve the exercise of the County's police power and, at the time of executing this Agreement, it is settled California law that government may not contract away its right to exercise its police power in the future. Avco Community Developers Inc. v. South Coast Regional Com., 17 Cal.3d 785, 800 (1976); City of Glendale v. Superior Court, 18 Cal.App.4th 1768 (1993). The parties further understand and acknowledge that the approval of the County General Plan Amendment and the County Land Use Applications may be subject to procedural or substantive obligations under the California Environmental Quality Act, the State Planning and Zoning Law, or other laws potentially applicable to such approvals. Nothing in this Agreement is intended to constrain the County's consideration of the County General Plan Amendment and the County Land Use Applications in light of the information obtained or developed pursuant to these laws and the County retains the discretion to approve, conditionally approve, or disapprove the County General Plan Amendment and the County Land Use Applications in light of such information. Subject to the foregoing, the County, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the County General Plan Amendment as set forth in this section, and the County shall diligently process the County General Plan Amendment, including all necessary environmental actions without unnecessary delay.

2.3.6 The County shall send to the City a public hearing notice for all County Land Use Applications that require a hearing before the County Planning Commission or the County Board of Supervisors.

2.3.7 The County shall use its best efforts to complete the Major Arterial Roads pursuant to the Priority Phasing Program, attached hereto as Exhibit C. As used in this section, "best efforts" shall mean that County shall, at the time an appropriately formed financing mechanism is in place and sufficient funds are available, diligently undertake, without unnecessary delay, all the actions required to enable construction of the Major Arterial Roads, including, but not limited to, preparing and processing the required environmental documentation, design documentation and plans and specifications. As used in this, section "best efforts" shall further mean that the County shall, at the time an appropriately formed and fully funded financing mechanism is in place, diligently initiate and complete construction of the Major Arterial Roads.

ARTICLE 3

MEASURES TO MITIGATE THE IMPACT OF NEW HOUSING DEVELOPMENT ON CITY ARTERIAL ROADS AND HIGHWAYS

3.1 The City shall use its best efforts to amend the City's General Plan so that it contains: (1) a policy indicating that the Major Arterial Roads within the City shall be constructed and completed concurrently with the construction of the dwelling units creating the demand for the Major Arterial Roads; and (2) a requirement that land use applications approved by the City within the City ("City Land Use Applications") shall contain a condition, in addition to all other appropriate conditions, that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays its full proportionate share of the required improvements to the City in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the City otherwise funds or constructs the required improvements using money from other sources. The City General Plan Amendments described in this section shall be known as the "City General Plan Amendment."

3.2 All City Land Use Applications approved by the City after the effective date of this Agreement shall contain a condition of approval which requires that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays his/her/its full proportionate share of the required improvements to the City in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the City otherwise funds or constructs the required improvements using money from other sources.

3.3 The City, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the City General Plan Amendment as set forth in Section 3.1, and the City shall diligently process the City General Plan Amendment, including necessary environmental actions without unnecessary delay.

3.3.1 As used in this Agreement, "Major Arterial Roads" shall mean those roadway projects identified in Exhibit B.

3.3.2 As used in Sections 3.1, "best efforts" shall mean that the City shall initiate proceedings to amend the City General Plan as described in Section 3.1 and shall diligently process the proposed Amendment to completion in accordance with all applicable laws, subject to the City's legislative discretion as more particularly described in Section 3.3.5.

3.3.3 As used in this Agreement, City Land Use Applications shall mean any applications on which the City Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the City, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

3.3.4 As used in this Agreement, "appropriately formed and fully funded financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed and which is fully funded to provide for the immediate construction of the Major Arterial Roads required to mitigate project-related traffic impacts. As used in this Agreement, "appropriately formed financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed to provide for the construction of the Major Arterial Roads required to mitigate project-related traffic impacts..

3.3.5 The Parties understand and acknowledge that, in the context of processing the City General Plan Amendment and the City Land Use Applications, the City cannot guarantee the ultimate outcome of any public hearings before the City Planning Commission or the City Council or other public bodies of the City, nor prevent any opposition thereto by members of the public or other public agencies affected by or interested in the City General Plan Amendment and the City Land Use Applications. The Parties further understand and acknowledge that land use regulations involve the exercise of the City's police power and, at the time of executing this Agreement, it is settled California law that government may not contract away its right to exercise its police power in the future. Avco Community Developers Inc. v. South Coast Regional Com., 17 Cal.3d 785, 800 (1976); City of Glendale v. Superior Court, 18 Cal.App.4th 1768 (1993). The parties further understand and acknowledge that the approval of the City General Plan Amendment and the City Land Use Applications may be subject to procedural or substantive obligations under the California Environmental Quality Act, the State Planning and Zoning Law, or other laws potentially applicable to such approvals. Nothing in this Agreement is intended to constrain the City's consideration of the City General Plan Amendment and the City Land Use Applications in light of the information obtained or developed pursuant to these laws and the City retains the discretion to approve, conditionally approve, or disapprove the City General Plan Amendment and the City Land Use Applications in light of such information. Subject to the foregoing, the City, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the City General Plan Amendment as set forth in this section, and the City shall diligently process the City General Plan Amendment, including all necessary environmental actions without unnecessary delay.

3.3.6 The City shall send to the County a public hearing notice for all City Land Use Applications that require a hearing before the City Planning Commission or the City Council.

ARTICLE 4

MEASURES TO MITIGATE THE IMPACT OF NEW HOUSING DEVELOPMENT ON WESTERN RIVERSIDE COUNTY AREA FREEWAYS

4.1 The City and the County shall jointly request that the Riverside County Transportation Commission ("RCTC") prepare a Freeway Strategic Study for the Western Riverside County Area which shall examine the freeway capacity, set specific goals for the development of the freeway capacity necessary to accommodate the trips generated by new housing development and establish the framework for the joint efforts of the City, County and other federal, state and local agencies to implement the goals and establish the necessary freeway capacity. The Joint Request for the Freeway Strategic Study shall ask that the Freeway Strategic Study be completed within four (4) months of the date of submittal of the Joint Request. The Joint Request shall be submitted to RCTC within thirty (30) days of the effective date of this Agreement. The parties authorize the Mayor of the City and the Chairperson of the Board of Supervisors to execute the Joint Request on behalf of their respective agencies.

4.2 The Freeway Strategic Study shall specifically study and analyze the following issues: (1) the current capacities of the freeways within Western Riverside County Area ("Freeways"); (2) the projected traffic growth projections for the Freeways as of January 1 in the years 2010, 2015, 2020, 2025 and 2030, based upon assumptions concerning the build-out of new housing as described in Exhibit E; (3) the percentage of traffic growth for the Freeways in those years attributable to new housing development in the Western Riverside County Area; (4) the currently proposed improvements for the Freeways; (5) the current funding options for the currently proposed improvements for the Freeways; and (6) the potential funding sources for improvements necessary to meet the projected traffic growth for the Freeways at build-out of the Western Riverside County Area.

4.3 The City and the County shall share equally in the costs incurred by RCTC in preparing the Freeway Strategic Study.

4.3.1 The County shall invoice the City for the City's share of the RCTC costs and the City shall pay such invoice within thirty (30) days of the date the invoice is deemed given under Section 6.7 of this Agreement.

4.3.2 During the course of RCTC's work on the Freeway Strategic Study, the City, the County and RCTC staff shall meet monthly to discuss the progress of the work and to review any additional work which may need to be undertaken by the consultant.

4.4 Following completion of the Freeway Strategic Study, the City and County shall meet and negotiate in good faith to develop a Freeway Action Plan for funding the freeway improvements necessary to meet the expected demand as determined by the Freeway Strategic Study. As part of the development of the Freeway Action Plan, the City and the County shall also form a Freeway Task Force composed of private and public stakeholders to build consensus

and secure participation of other Western Riverside County Area Cities in the Freeway Action Plan. The Freeway Task Force shall specifically include, but shall not be limited to, a representative from each of the following: the City and the County, RCTC, the Western Riverside Council of Governments ("WRCOG"), the development community and the environmental community.

4.5 In the event a third party files litigation concerning the Freeway Strategic Study or the Freeway Action Plan, or any portion thereof, the City and the County shall share equally in the costs of defending the litigation, provided the City's share shall not exceed the maximum sum of one hundred fifty thousand dollars (\$150,000.00).

4.6 Ad hoc subcommittees of the City Council and the County Board of Supervisors, along with their staffs, shall meet monthly to review the progress of the proposed General Plan Amendment (Section 2.1), the conditions of approval for the County and City Land Use Applications (Section 2.2 and Section 3.2) and the Freeway Strategic Study (Section 4.1).

ARTICLE 5

SETTLEMENT OF LITIGATION

5.1 The City shall dismiss without prejudice the Litigation within twenty- five (25) days of the effective date of this Agreement, subject to the City's right to refile the Litigation as provided in this Agreement.

5.2 The City shall have the right to refile the Litigation, subject to the provisions of Sections 5.2.1 through 5.2.6, inclusive, in the event that: (1) the County does not, within three (3) months of the effective date of this Agreement, complete the staff work required for the County General Plan Amendment, including necessary environmental documentation, and set a public hearing date before the Planning Commission; (2) the County does not, for any reason, adopt the County General Plan Amendment within nine (9) months of the effective date of this Agreement; or (3) the County does not adopt the jointly developed Freeway Action Plan described in Section 4.4 within one (1) year after completion of the Freeway Strategic Study described in Section 4.2.

5.2.1 The City's right to refile the Litigation shall expire one (1) year and thirty (30) days after completion of the Freeway Strategic Study. As used in this Agreement, "completion of the Freeway Strategic Study" shall mean the date RCTC transmits the final version of the Freeway Strategic Study to the City Council and the County Board of Supervisors.

5.2.2 In the event the City exercises its right to refile the Litigation, the refiled lawsuit shall not challenge the General Plan except with respect to the analysis of traffic impacts, including mitigation measures associated with such impacts, within the Third Supervisorial District of the County, as that District was configured on the effective date of this Agreement.

5.2.3 The prayer clause in the refiled Litigation shall request relief only with respect to the General Plan as it applies and relates to traffic impacts within the Third

Supervisory District. The prayer clause shall specifically state that the City does not request that the Court set aside the General Plan in its entirety. All pleadings, briefs, arguments and proposed orders filed by the City addressing the scope of relief, including proceedings pursuant to Public Resources Code Section 21168.9, shall be consistent with this provision.

5.2.4 The County specifically agrees that the City shall have the right to refile the Litigation pursuant to the terms of this Agreement notwithstanding the applicable statute of limitations governing legal challenges to the General Plan and agrees to toll the statute of limitations for a legal challenge to the General Plan so as to enable the City to exercise its rights under this Agreement. Pursuant to this Agreement, the County does not toll or waive the defense of the statute of limitations as to any persons, agencies or entities other than the City.

5.2.5 The County further agrees, on behalf of itself and any successors or assigns, that in the event the Litigation is refiled the County will not raise any applicable statute of limitations as a defense to the refiled Litigation and will allow the City to proceed with prosecution of the refiled Litigation subject to the restrictions set forth in this Agreement.

5.2.6 Subject to the restrictions set forth in Section 5.2.2 and Section 5.2.3, nothing herein is intended to, nor shall it be construed to, prohibit the City from challenging a project approved by the County on the grounds that the project fails to comply with the California Environment Quality Act, or other laws.

5.3 If the County adopts the jointly developed Freeway Action Plan, then, and only then, shall Sections 5.3.1 through 5.3.6 become operative. As used in this Agreement, "adopts the jointly developed Freeway Action Plan" shall mean the County adopts a resolution approving the Freeway Action Plan. The County is not required to adopt or otherwise implement the specific measures described in the Freeway Action Plan in order to obtain the benefits conferred by Sections 5.3.1 through 5.3.6.

5.3.1 Within twenty (20) days after the County adopts the jointly developed Freeway Action Plan, the City shall file with the Court a request for dismissal, with prejudice, of the Litigation.

5.3.2 Each party shall bear its own attorney fees and expenses in the Litigation.

5.3.3 In consideration of the promises of the parties specified in this Agreement and the satisfaction of the conditions for settlement, the parties shall fully and forever release, acquit, and discharge each other, their officers, elected officials, attorneys, sureties, agents, servants, representatives, employees, subsidiaries, affiliates, partners, predecessors, successors-in-interest, assigns, and all persons acting by, through, under or in concert with them of and from any and all past, present, or future claims, demands, obligations, actions, causes of action, including those for damages, injunctive or declaratory relief, or for relief by way of writ of mandate, for costs, losses of service, expenses, liability, suits, and compensation of any nature whatsoever, whether based on tort, contract, or other theory of recovery, known or unknown, that they now have, have had, asserted or could have asserted in the Litigation or otherwise relate to the alleged actions or inactions of the County with respect to the Litigation. Nothing contained

herein shall relieve any party hereto of its continuing obligations imposed by law or by the provisions of this Agreement, including, without limitation, the Judgment in the case of *Endangered Habitats League v. County of Riverside (Domenigoni-Barton Properties)*, Riverside County Superior Court Case No. RIC 369801, consolidated with *City of Temecula v. County of Riverside (Domenigoni-Barton Properties)* Riverside County Superior Court Case No. RIC 369989.

5.3.4 The parties hereto acknowledge that they are familiar with Section 1542 of the California Civil Code which provides:

"A general release does not extend to claims which a creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

The parties being aware of the aforesaid code section, each hereby expressly waives any rights they might have hereunder. This release shall not operate to release any claims the parties may later have for the enforcement of the obligations created by this Agreement.

5.3.5 The City warrants and represents to the County that it has not assigned, conveyed or otherwise transferred any of its rights to the claims described in or arising out of the Litigation to any other person, entity, firm or corporation not a party to this Agreement, in any manner, including by way of subrogation or operation of law or otherwise. In the event that any claim, demand or suit is made or instituted against the County because City made an actual assignment or transfer, City agrees to indemnify and hold the County harmless against such claim, and to pay and satisfy any such claim, including necessary expenses of investigation, reasonable attorneys' fees and costs.

5.3.6 The County warrants and represents to the City that the execution and delivery of this Agreement by County will not (i) violate any judgment, order, injunction, decree, regulation or ruling of any court or governmental entity or (ii) conflict with, result in a breach of, or constitute a default under any material agreement or instrument to which the County is a party or by which the County may be bound.

ARTICLE 6

MISCELLANEOUS

6.1 This Agreement contains the complete expression of the whole agreement between the parties hereto, and there are no promises, representations, agreements, warranties or inducements, either expressed verbally or implied, except as are fully set forth herein. This Agreement cannot be enlarged, modified, or changed in any respect except by written agreement between the parties.

6.2 Each and all of the covenants, conditions and restrictions in this Agreement shall

inure to the benefit of and shall be binding upon the parties, their successors-in-interest, agents, representatives, assignees, transferees.

6.3 No person or entity shall be deemed to be a third party beneficiary hereof, and nothing in this Agreement (either expressed or implied) is intended nor shall it be construed to confer upon any person or entity, other than the City and the County, any rights, remedies, obligations or liabilities under or by reason of this Agreement.

6.4 In entering into this Agreement, the parties represent that they have relied upon the legal advice of their attorneys, who are the attorneys of their own choice, and that these terms are fully undertaken and voluntarily accepted by them. The parties further represent that they have no question with regard to the legal import of any term, word, phrase, or portion of this Agreement, or the Agreement in its entirety, and accept the terms of this Agreement as written.

6.5 The parties hereto represent and warrant to each other that they have full authority to execute this Agreement.

6.6 The headings employed to identify the provisions contained herein are solely for the convenience of the parties to this Agreement. If any ambiguity appears in either the headings or the provisions attendant thereto, such ambiguity shall not be construed against any party to this Agreement on the grounds that such party drafted this Agreement.

6.7 Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this Agreement or by law to be served on or given to either party to this Agreement by the other party shall be in writing and shall be deemed duly served and given when personally delivered to the party to whom it is directed or to any officer of that party, or, in lieu of personal service, on the third business day following deposit in the United States mail, certified, postage prepaid, addressed to:

County of Riverside
County Administrative Center
4080 Lemon Street
Riverside, California 92501
Attention: Transportation Land Management Agency Director

City of Temecula
Post Office Box 9033
43200 Business Park Drive
Temecula, California 92589-9033
Attention: City Manager

6.8 If any litigation is commenced between the parties to this Agreement concerning the rights and duties of either in relation to this Agreement, the prevailing party shall be entitled to, in addition to any other relief that may be granted in the litigation, reasonable attorneys fees as determined by the court presiding over the dispute.

6.9 The following Exhibits to this Agreement are incorporated herein as though set forth in full:

Exhibit A	I-215 Policy Area
Exhibit B	Major Arterial Roads
Exhibit C	Priority Phasing Program
Exhibit D	Western Riverside County Area
Exhibit E	Assumptions of Build-Out of I-215 Policy Area

6.10 This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

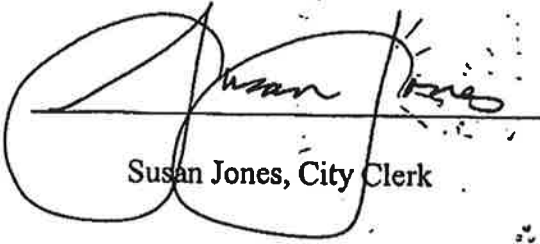
6.11 The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.

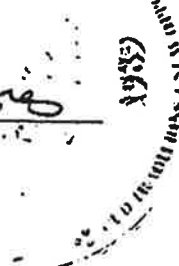
IN WITNESS WHEREOF, the undersigned have executed this Agreement in the State of California.

CITY OF TEMECULA


Mike Naggar
Mayor Pro Tempore

Attest:

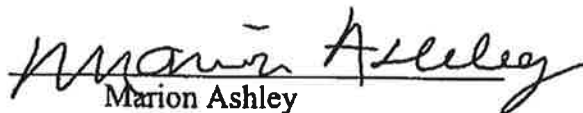

Susan Jones, City Clerk




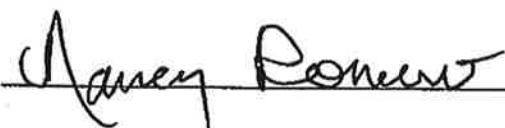
Approved as to Form


Peter M. Thorson
City Attorney

COUNTY OF RIVERSIDE


Marion Ashley
Chairman, Board of Supervisors

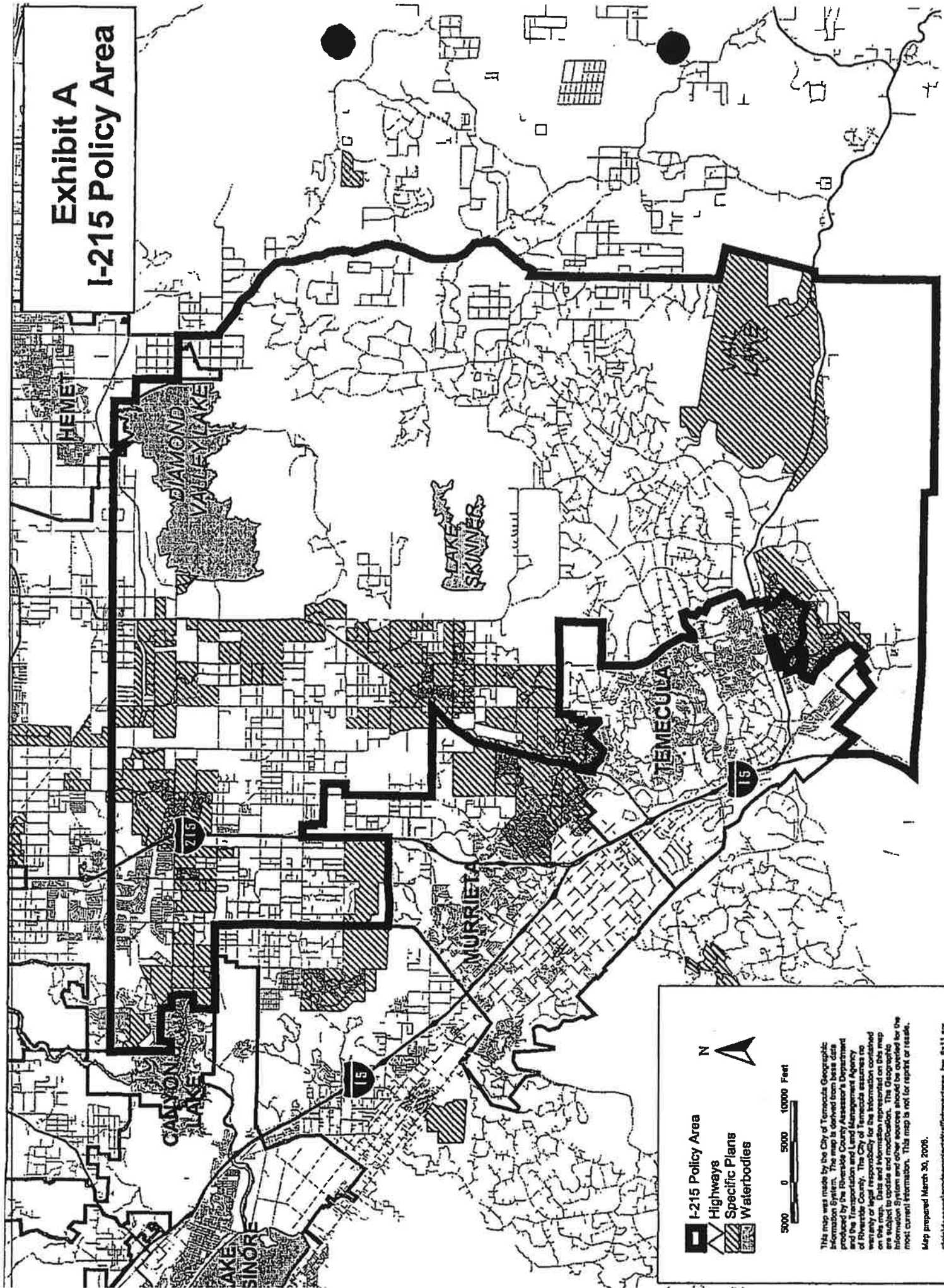
Attest:
Nancy Romero, Clerk to Board of Supervisors


By: 
Deputy Clerk

Approved as to Form
William C. Katzenstein, County Counsel

By: 
Katherine Lind
Deputy County Counsel

Exhibit A I-215 Policy Area



- I-215 Policy Area
- Highways
- Specific Plans
- Waterbodies

5000 0 5000 10000 Feet



This map was made by the City of Temecula Geographic Information System. The map is derived from base data produced by the Riverside County Assessor's Department and the Transportation and Land Management Agency of Riverside County. The City of Temecula assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map are subject to updates and changes. The City of Temecula is not responsible for any errors or omissions, including but not limited to, the most current information. This map is not for reprint or resale.

Map prepared March 30, 2006.

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EXHIBIT "B"

MAJOR ARTERIAL ROADS

Newport Road, including Interchange at I-215 and roadway improvements from Goetz Road to Winchester Road (SR 79S).

Scott Road, including Interchange at I-215 and roadway improvements from I-15 to Winchester Road (SR 79N).

Clinton Keith Road, including Interchange at I-15 and roadway improvements from I-15 to Winchester Road (SR 79N).

Winchester Road Phase I, from Murrieta Hot Springs Road to Domenigoni Parkway to 4 lanes.

Winchester Road Phase II, 4 to 6 lanes.

Winchester Road Phase III, 6 to 8 lanes.

Exhibit "C"

Southwest Riverside County Transportation Strategic Plan

Priority	Anticipated Permits 2,000 du's/yr	Estimated Year of Completion	Transportation Improvement	Cost of Improvement (\$Millions)			Funding Sources
				Highway	Interchange	Total	
1		2009	Newport Road, including Interchange at I-215 and roadway improvements from I-215 to Winchester Road (SR 79S).	19.8	14.5	34.3	CFD Forined
			Scott Road, including Interchange at I-215 and roadway improvements from I-15 to Winchester Road (SR 79N).	27.9	14.0	41.9	Proposed CFD
			Clinton Keith Road, including Interchange at I-15 and roadway improvements from I-15 to Winchester Road (SR 79N).	32.6	13.0	45.6	Proposed CFD
			Winchester Road Phase I, from Murrieta Hot Springs Road to Domenigoni Parkway to 4 lanes.	38.6		38.6	Proposed CFD
2		2012	French Valley Interchange at I-15, including 6 lanes from I-15 to Winchester Road (SR 79N).		100.0	100.0	Measure A, TUMF
3		2015	Eastern By-Pass, construct 4 lanes to a new interchange on the I-15 south of SR 79S.	111.2	29.0	140.2	TUMF, Measure A, CFD Proposed
4		2012	Freeway Widening Phase IA, I-215, 4 to 6 lanes, CETAP Corridor		250	250	Measure A, State, FED
5		2016	Winchester Road Phase II, 4 to 6 lanes.	70		70	Measure A, TUMF
6		2025	Winchester Road Phase III, 6 to 8 lanes.	100		100	Measure A, TUMF
7		2020	Freeway Widening Phase IB, I-15, 8 to 10 lanes	200		200	Measure A, State, FED
8		2025	Freeway Widening Phase II, I-215 from 6 to 8 lanes, I-15, from 10 to 12 lanes	400		400	Measure A, State, FED
9		2030	Freeway Widening Phase III, I-215 from 8 to 10 lanes, I-15, from 12 to 14 lanes	TBD			

Note: The Freeway Widening Projects will be refined with the completion of the Freeway Strategic Study and Implementation Plan

Exhibit "D"



Exhibit "E"
Assumptions of Build-out of I-215 Policy Area

Dwelling Units	Study Area Outside CFDs	CFDs	Total (County Study Area)
Areas in Acres	78,314 (72% of Area)	31,003 (28% of Area)	109,317
Build-Out	72,066 (64% of Units)	39,934 (36% of Units)	112,000
Built Units (Includes un-Built Recorded and Large Lots for CFDs)	19,929 (71% of Built Units)	8,185 (29% of Built Units)	28,114
Units Remaining to be Built	52,137 (62% of Remaining Units)	31,749 (38% of Remaining Units)	83,886

County unincorporated area

Exhibit B:

**First Amendment to the Cooperative Agreement Between the City of Temecula and the
County of Riverside to Mitigate Traffic Impacts in Western Riverside County**

**AMENDMENT NO. 1
TO THE
COOPERATIVE AGREEMENT BETWEEN THE CITY OF
TEMECULA AND THE COUNTY OF RIVERSIDE TO
MITIGATE TRAFFIC IMPACTS IN WESTERN
RIVERSIDE COUNTY**

This Amendment is made and entered into as of November 14, 2007⁶ by and between the City of Temecula, a municipal corporation ("City"), and the County of Riverside ("County"), a public subdivision of the State of California ("County").

ARTICLE 1

RECITALS

This Agreement is made for the following purposes and with respect to the following facts, which the City and County agree to be true and correct:

On April 12, 2005, the City and the County of Riverside entered an agreement entitled: "COOPERATIVE AGREEMENT BETWEEN THE CITY OF TEMECULA AND THE COUNTY OF RIVERSIDE TO MITIGATE TRAFFIC IMPACTS IN WESTERN RIVERSIDE COUNTY" ("COOPERATIVE AGREEMENT").

The COOPERATIVE AGREEMENT calls, among other things, for the City and the County to implement certain measures to mitigate the impact of new housing development on City and County arterial roads and highways within the boundaries of the I-215 Policy Area. ("The Measures").

The Measures call for the County to condition all County Land Use Applications authorizing the construction of residential dwelling units to be part of an appropriately funded financing mechanism (such as a Community Facilities District - CFD) that will build the major arterial road components identified in the COOPERATIVE AGREEMENT.

The County has been imposing conditions of approval that implement the requirements of the COOPERATIVE AGREEMENT.

Now that the City and the County have been implementing the terms of the COOPERATIVE AGREEMENT for over a year, they have identified modifications to the COOPERATIVE AGREEMENT that will facilitate implementation and enhance the timely delivery of transportation infrastructure.

In light of the above, the City and the County hereby wish to amend the COOPERATIVE AGREEMENT as follows:

ARTICLE 2

COOPERATIVE AGREEMENT AMENDMENTS

Section 1. Exhibit A to the COOPERATIVE AGREEMENT, referenced in Section 1.8 thereof, is amended as shown in "Revised Exhibit A", which is attached hereto and incorporated herein by this reference. Revised Exhibit A modifies the boundaries of the original I-215 Policy Area to include the following sub-areas:

- Newport Road/I-215 Interchange CFD – Sub-area A
- Scott Road/I-215 Interchange CFD – Sub-area B
- Clinton Keith Road Extension CFD – Sub-area C
- Washington Street Construction – Sub-area D
- Clinton Keith Road Extension Fee Payment – Sub-area E
- Newport Road Extension CFD – Sub-area F
- Newport Road Realignment CFD – Sub-area G

The County shall use these sub-areas as a guideline in determining how County Land Use Applications should be conditioned.

Section 2. Section 1.9.9 of the COOPERATIVE AGREEMENT is amended to read as follows:

"1.9.9 'County Land Use Applications' is defined in Section 2.3.3 and shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which would authorize, or conditionally authorize, the construction of dwelling units within the I-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits. County Land Use Applications shall not include any applications for parcel maps that would result in the creation of four or fewer parcels, provided that the parcels created could not be further subdivided without a General Plan amendment. County Land Use Applications shall also not include any applications for minor changes to approved tentative tract maps that would add only one residential unit to the maps."

Section 3. Section 2.3.3 of the COOPERATIVE AGREEMENT is amended to read as follows:

"2.3.3 As used in this Agreement, County Land Use Applications shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which would authorize, or conditionally authorize, the construction of dwelling units within the I-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits. County Land Use Applications shall not include any applications for parcel maps that would result in the creation of four or fewer parcels, provided that the parcels created could not be further subdivided without a General Plan amendment. County Land Use Applications shall also not include any applications for minor changes to approved tentative tract maps that would add only one residential unit to the maps."

Section 4. A new Section 1.9.19 is added to the COOPERATIVE AGREEMENT to read as follows:

"1.9.19 'Subdivision map extension application' shall mean an application to extend the time available to record a final map."

Section 5. A new Section 1.9.20 is added to the COOPERATIVE AGREEMENT to read as follows:

"1.9.20 'TUMF' shall mean the Transportation Uniform Mitigation Fee adopted by the Western Riverside Council of Governments and its member jurisdictions (including the City and the County), as subsequently amended."

Section 6. Existing Section 1.9.19 is renumbered Section 1.9.21.

Section 7. A new Section 2.2.1 is added to the COOPERATIVE AGREEMENT to read as follows:

"2.2.1 To facilitate the formation of financing mechanisms, the County has implemented Section 2.2 of the COOPERATIVE AGREEMENT such that subdivision maps are required to comply therewith prior to recordation of a final map. Notwithstanding the County's implementation procedure, the City and County recognize that certain subdivision maps were tentatively approved prior to adoption of the COOPERATIVE AGREEMENT, but have not recorded for a variety of reasons. Recognizing that substantial time and money have been invested in these maps and that their recordation may be further delayed by the requirements of the COOPERATIVE AGREEMENT as implemented by the County, the County has developed the alternative procedure set forth in Section 2.2.2 that will allow these maps to record while still securing the funding necessary for the needed transportation improvements."

Section 8. A new Section 2.2.2 is added to the COOPERATIVE AGREEMENT to read as follows:

"2.2.2 In considering a subdivision map extension application for any map tentatively approved prior to the effective date of the COOPERATIVE AGREEMENT (April 12, 2005), the County may, at the request of the subdivider, conditionally approve the application to require the subdivider to pay (a) the applicable TUMF at the earliest date allowed by the TUMF Ordinance and (b) an early recordation fee, which shall be 50% of the TUMF in effect at the time of recordation. The County shall earmark the early recordation fee for use only on the major arterial road that most benefits the subdivision, as determined by the County. This alternative procedure is purely voluntary and any subdivider choosing not to request it shall be subject to all other terms of the COOPERATIVE AGREEMENT as implemented by the County."

Section 9. Section 5.2 of the COOPERATIVE AGREEMENT is amended to read as follows:

"5.2 The City shall have the right to refile the Litigation, subject to the provisions of Sections 5.2.1 through 5.2.6, inclusive, in the event that: (1) the County

does not, within four (4) months of the effective date of Amendment No. 1 to the COOPERATIVE AGREEMENT, complete the staff work required for the County General Plan Amendment, including necessary environmental documentation, and set a public hearing date before the Planning Commission; (2) the County does not, for any reason, adopt the County General Plan Amendment within eight (8) months of the effective date of Amendment No. 1 to the COOPERATIVE AGREEMENT; or (3) the County does not adopt the jointly developed Freeway Action Plan described in Section 4.4 within one (1) year after completion of the Freeway Strategic Study described in Section 4.2."

ARTICLE 3

MISCELLANEOUS

The parties hereto represent and warrant to each other that they have full authority to execute this Agreement.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.

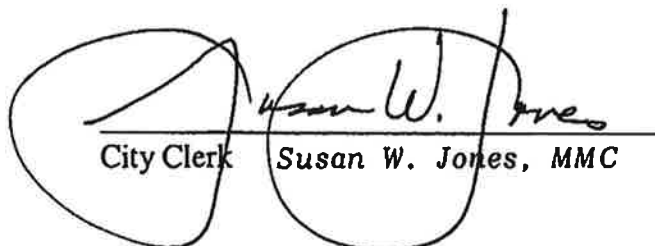
IN WITNESS WHEREOF, the undersigned have executed this Agreement in the State of California.

CITY OF TEMECULA



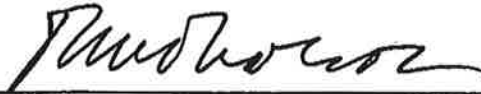
Mayor Ron Roberts

Attest:



City Clerk Susan W. Jones, MMC

Approved as to Form



City Attorney *Peter M. Thorson*

COUNTY OF RIVERSIDE




JOHN TAVAGLIONE
CHAIRMAN, BOARD OF SUPERVISORS

Attest:

Nancy Romero, Clerk of the Board of Supervisors

By: 
Deputy Clerk

Approved as to Form
Joe Rank, County Counsel

By: 
Katherine A. Lind
Principal Deputy County Counsel

REVISED EXHIBIT A

I-215 Policy Area

PRINTED August 3, 2006

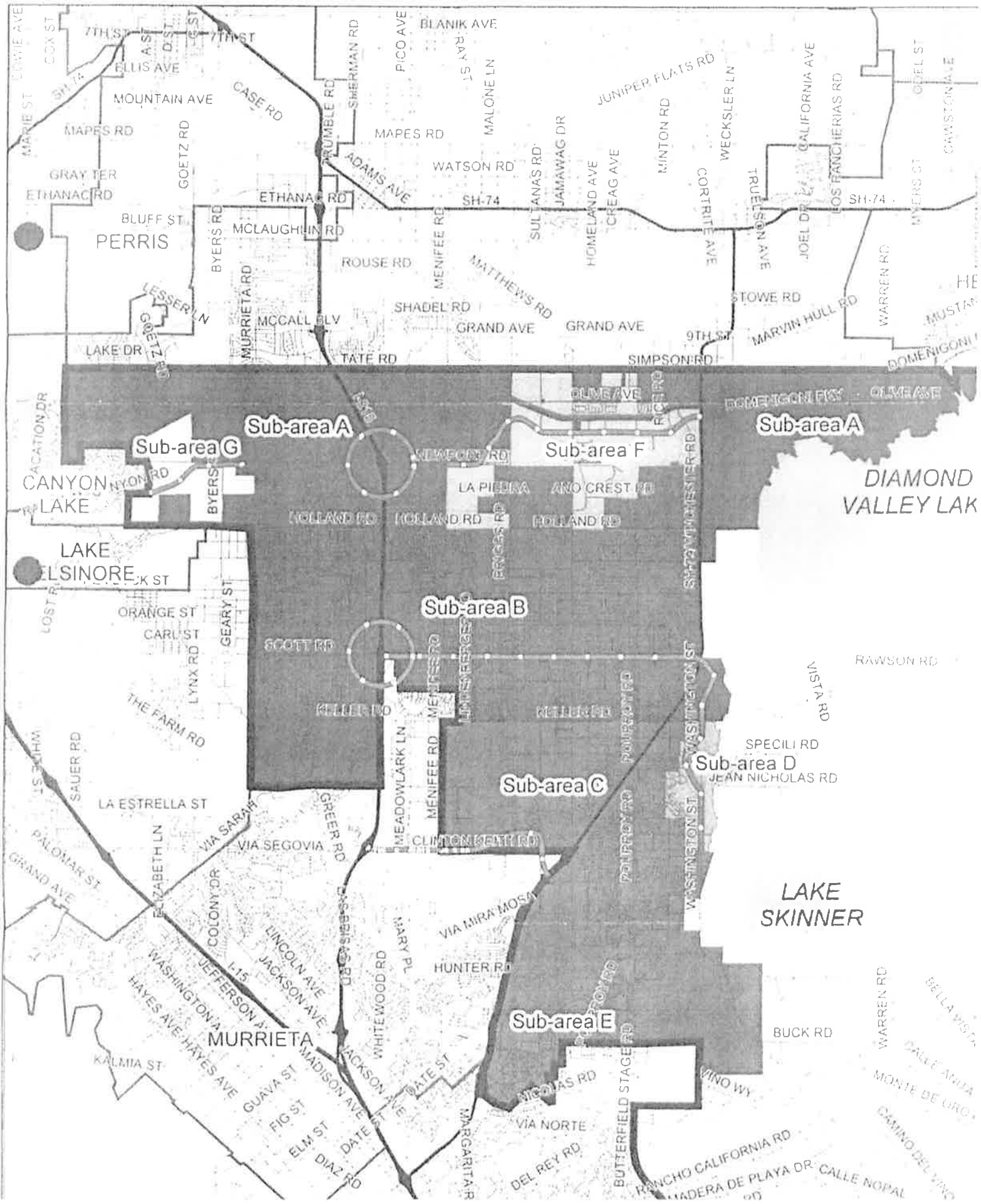


Exhibit C:

**Settlement Agreement among NNP_Spencer's Crossing, LLC, The City of Temecula, and the
County of Riverside**

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into by and among NNP-Spencer's Crossing, LLC ("Developer"), the City of Temecula ("City"), and the County of Riverside ("County") effective as of January 14, 2003.

RECITALS

- A. On July 6, 2001, the City of Temecula filed a Petition for Writ of Mandate against the County of Riverside ("County"), as Case No. 360766 (the "Lawsuit"), contesting the County's certification of Final EIR No. 411 (the "EIR") and adoption of (1) Resolution No. 2001-135 approving *inter alia* General Plan Amendment No. 472, (2) Resolution No. 2001-111 approving Specific Plan No. 312 (French Valley), and (3) Ordinance No. 348.3996 approving Zone Change No. 6383 (collectively the "Approvals"). The Approvals authorize development of the real property depicted on Exhibit A hereto ("French Valley") with 1,793 residential dwelling units and 1.7 acres of commercial uses. Developer is the successor in interest to the original applicant for the Approvals (Tucalotta Hills Associates and French Valley Association) and is now fee owner of French Valley and a real party in interest in the Lawsuit.
- B. The City contends, *inter alia*, that the County violated CEQA and the Planning and Zoning Law in connection with the Approvals and that the significant adverse traffic impacts of the Approvals must be mitigated by the construction of roadway construction and improvements identified in the EIR. Developer and County dispute the City's claims, but Developer recognizes that certain roadway improvements are necessary to provide adequate circulation to the development of the 1,793 residential dwelling units allowed in French Valley by the Approvals.
- C. As directed by the California Environmental Quality Act, City and Landowner have met to discuss the issues raised in the Lawsuit, and explore potential for settlement of those issues.
- D. Through settlement discussions, the City expressed concerns that French Valley will develop without the completion of improvements to Clinton Keith Road connecting SR 79 to I-215 ("Clinton Keith Road"). Without the completion of Clinton Keith Road, traffic from unincorporated areas in the County north of the City will adversely burden SR 79 (Winchester Road) through the City to I-15. At the same time, Developer recognizes that Clinton Keith Road is needed to provide an adequate circulation system to serve the French Valley development.
- E. Clinton Keith Road is an important regional circulation system improvement with or without development of French Valley. Finding a way to cause Clinton Keith Road to be built expeditiously is a transcendent goal for the City and French Valley.
- F. Successfully designing, funding, constructing and opening Clinton Keith Road requires dedicated and determined participation by motivated property owners, and support by governmental entities, including the City, the County, and the City of Murrieta. Developer has

taken the lead in pursuing private landowner and political support for Clinton Keith Road, and is best situated to provide the continued private landowner leadership required to successfully complete Clinton Keith Road.

G. The cost of designing and constructing Clinton Keith Road is such that it cannot be privately funded and completed, even in substantial part, prior to any development proceeding. Revenues from development are a critical element of successfully funding Clinton Keith Road. However, City believes development should be linked in phase with discrete milestone events in the accomplishment of Clinton Keith Road, so that development is at least coincident with reasonable certainty of the completion of Clinton Keith Road on a reasonable timetable.

H. The more private and public funds invested in completing Clinton Keith Road, the more likely it is that Clinton Keith Road will be built.

I. As a result of the settlement discussions between City and Developer, and in light of the foregoing recitals, the parties have agreed upon a schedule of milestone events and corresponding residential unit phasing plan, which will avoid the necessity of bringing the Lawsuit to a hearing, and instead result in its dismissal. Accordingly, the parties now wish to resolve the dispute embodied in the Lawsuit without further litigation and without admission of the merits of the contentions of any party by any other party on the terms set forth below.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and agreements contained herein, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. Unit Phasing with Circulation System Improvements. In consideration for City's dismissal of the Lawsuit with prejudice, Developer agrees that it will phase residential unit development in French Valley in accordance with the milestone schedule attached hereto as Exhibit B. As depicted on Exhibit B, as each milestone event or set of events is satisfied, building permits may be issued for one hundred (100) dwelling units. The parties understand that while the milestone events are identified on Exhibit B in the order it is anticipated they will occur, the order in which they are listed on Exhibit B is not material to this Agreement; provided, however, that building permits for (1) the first 100 units will not be issued until a park and ride facility is completed as described in milestone "A," and (2) not more than 500 units will be released prior to accomplishment of milestone "F": securing funding for Clinton Keith Road. "Clinton Keith Road" as used in this Agreement means a road with a minimum of four traffic lanes between the French Valley Project and I-215 and the improvements, or interim improvements, to the I-215 and Clinton Keith Interchange necessary to accommodate traffic from the French Valley Project. The park and ride described in milestone "A" shall be open and available to the public and maintained by Developer, its successors, or by an assignee of Developer approved by the City, which approval shall not be unreasonably withheld provided the assignee is capable of maintaining the facility. ✓

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2. French Valley Development Agreement. In order to justify the up-front costs Developer will be incurring for Clinton Keith Road and other improvements and the risks inherent in the Exhibit B phasing program and milestone schedule, and to implement the Exhibit B phasing program and milestone schedule, Developer will apply to the County for approval of a Development Agreement for French Valley that will incorporate the Exhibit B phasing program and milestone schedule as a project requirement, and provide a process for verifying the accomplishment of each milestone event(s). City agrees to support Developer's application for such a development agreement so long as the development agreement contains the phasing plan described in Exhibit B to this Agreement, provides a reasonable method for monitoring development and determination of accomplishment of the milestones, and does not increase overall the density and intensity of development in French Valley allowed by the Approvals. The County shall use its best efforts to expeditiously process and consider approval of the development agreement. The portion of the development agreement conditioning the issuance of building permits on the accomplishment of the milestones described in Exhibit B of this Agreement shall be enforceable by the City against the County, Developer and then-current owners of the affected portions of French Valley. In the event the County declines to approve the Development Agreement application, or attaches conditions to the Development Agreement that are unacceptable to Developer, Developer agrees that it will nonetheless provide evidence reasonably satisfactory to City of the accomplishment of each milestone event or package of events prior to obtaining the corresponding allocation of building permits, and that any dispute concerning the accomplishment of one or more milestone events shall be subject to non-binding, expedited arbitration by a mutually acceptable member of JAMS.

3. Continued Support for Clinton Keith Road/French Valley Development. City agrees that so long as the overall intensity and density of development of French Valley is not greater than as allowed pursuant to the Approvals, and is phased in accordance with this Agreement, City shall not oppose future development of French Valley. City agrees to support County's expedited processing of Clinton Keith Road as an important regional circulation system improvement, and in so doing to use reasonable efforts to enlist the support of the City of Murrieta for improvements to Clinton Keith Road within its jurisdiction.


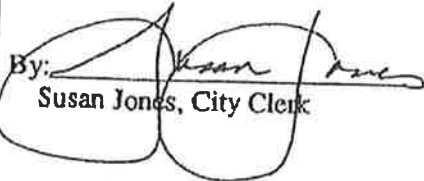



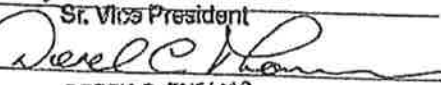
4. Dismissal, Release and Enforcement. Concurrently with the execution of this Agreement, City agrees to execute for filing and file a dismissal of the Lawsuit with prejudice. Upon execution of this agreement and dismissal of the lawsuit, City shall have the right to enforce the terms and provisions of this Agreement against French Valley as contractual obligations of the Developer. Developer agrees to advise any subsequent buyer of all or any portion of French Valley of the existence and obligations of this Agreement, which obligation will be satisfied upon execution and recordation of a Development Agreement as provided in Paragraph 2 above. In the event Developer applies for approval of a subdivision map for all or any portion of French Valley prior to County action on the Development Agreement, or thereafter if no Development Agreement is executed and recorded for French Valley, Developer shall immediately notify the City of the filing of the application for the subdivision map, and Developer and County agree that the subdivision map shall be conditioned to comply with the milestones and phasing established by Exhibit B to this Agreement, and shall recite that the condition shall be enforceable by the City as a contractual right flowing from the settlement of the Lawsuit. County will place a copy of this Agreement in the Specific Plan file for French Valley.

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[Signature]

5. General Provisions.

- a. If any dispute arises out of or concerning this Settlement Agreement and/or the Mutual Release, the prevailing party shall be entitled to recover, in addition to any damages and/or equitable relief, its reasonable attorneys fees in that dispute.
- b. This Agreement and the exhibits hereto contain the entire agreement and understanding between the parties concerning the subject matter of this settlement and supersede and replace all prior negotiations, proposed agreements and agreements, written or oral.
- c. This Agreement and the exhibits hereto may be amended or modified only by a written instrument signed by all parties or their successors in interest.
- d. This Agreement and the exhibits hereto shall be interpreted, enforced and governed by the laws of the State of California.
- e. This Agreement and the exhibits hereto shall be construed as if the parties jointly prepared them and any uncertainty or ambiguity shall not be interpreted against any one party.
- f. If any provision of this Agreement or the exhibits hereto shall be deemed unenforceable for any reason, the remaining provisions will be given full force and effect.
- g. This Agreement and the exhibits hereto may be executed in counterparts which when taken together constitute the entire agreement among the parties hereto.
- h. The person(s) signing this Agreement on behalf of any specified party represents that he or she has full authority to execute this Agreement on behalf of such party.
- i. This Agreement shall inure to the benefit of, and be binding upon, the heirs, successors in interest, and assignees of the respective parties. All heirs, successors and assignees shall be bound by the duties of the parties arising under this Agreement.
- j. In the event that Clinton Keith Road is significantly delayed, City and Developer agree to meet and confer in good faith on possible additional circulation system improvements that may be feasible, and provide similar congestion relief to City, as a potential substitute to the milestone events listed on Exhibit B.
- k. The waiver of any provision of this Agreement shall be invalid unless evidenced by a writing signed by the party to be charged therewith. The waiver of, or failure to enforce, any provision of this Agreement shall not be a waiver of any further breach of such provision or of any other provision hereof. The waiver by any party of the time for performing any act shall not be a waiver of the time for performing any other act or acts required under this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

<p>"CITY" City of Temecula</p> <p>By: <u></u> Jeff Stone, Mayor</p> <p>ATTEST:</p> <p>By: <u></u> Susan Jones, City Clerk</p> <p>APPROVED AS TO FORM:</p> <p>By: <u></u> Peter Thorson, City Attorney</p>	<p>"COUNTY" County of Riverside</p> <p>By: _____</p> <p>ATTEST:</p> <p>By: _____</p> <p>APPROVED AS TO FORM:</p> <p>By: _____</p>
<p>"DEVELOPER" NNP-Spencer's Crossing, LLC  a Delaware limited liability company</p> <p>By: <u></u> Its: <u>LaDonna K. Monsees</u> Sr. Vice President</p> <p>By: <u></u> Its: <u>DEREK C. THOMAS</u> SR. VICE PRESIDENT</p>	

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EXHIBIT A
DEPICTION OF FRENCH VALLEY

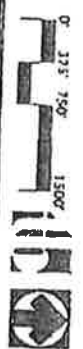
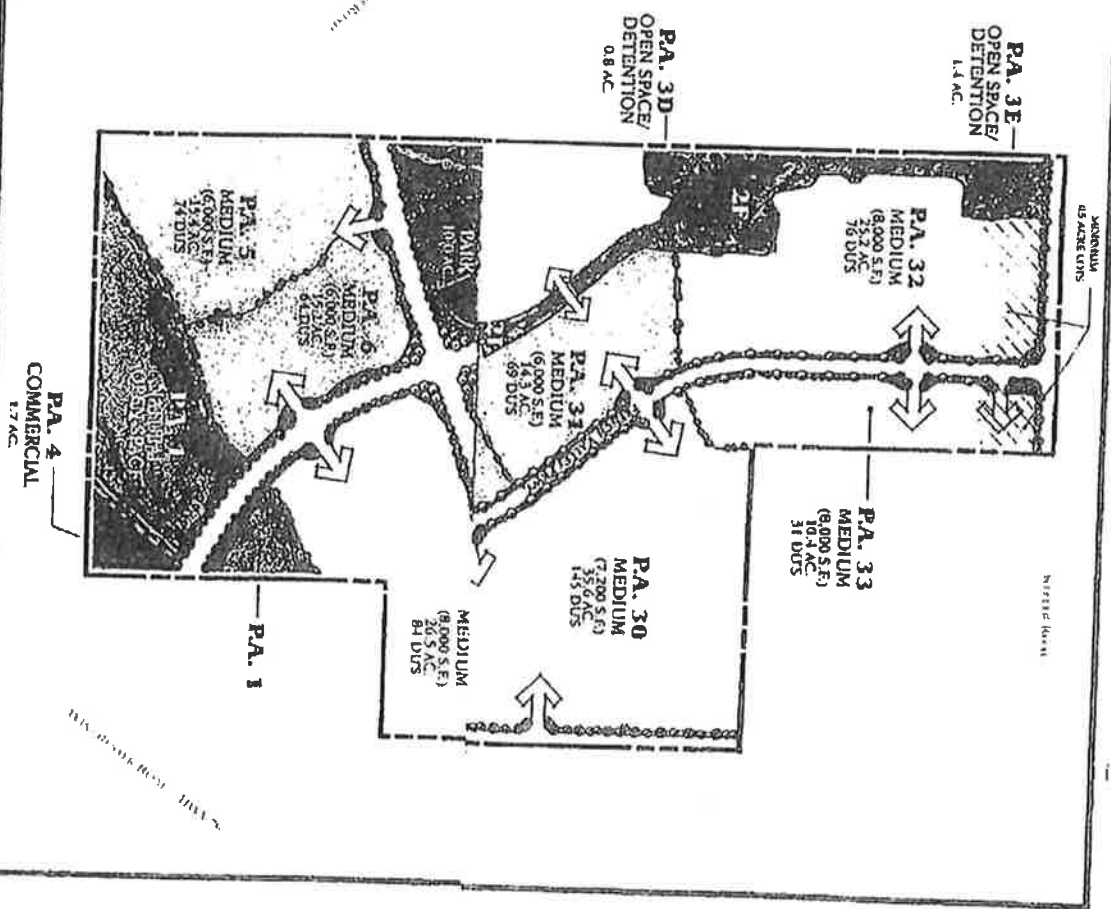
LAND USE SUMMARY

LAND USE	ACRES	DENSITY	DUS
Medium Residential - 6,000 s.f.	74.4	10	28
Medium Residential - 7,200 s.f.	218.4	10	87
Medium Residential - 6,000 s.f.	156.6	4.5	698
Residential Medium	443.4	4.0	1,793
Public	14.0	-	-
Open Space/Defension	11.2	-	-
Elementary School	20.0	-	-
Open Space/Expanded Pathways	66.1	-	-
Commercial	1.7	-	-
Major Roads	41.3	-	-

FIGURE III.A-1
SPECIFIC PLAN
LAND USE PLAN

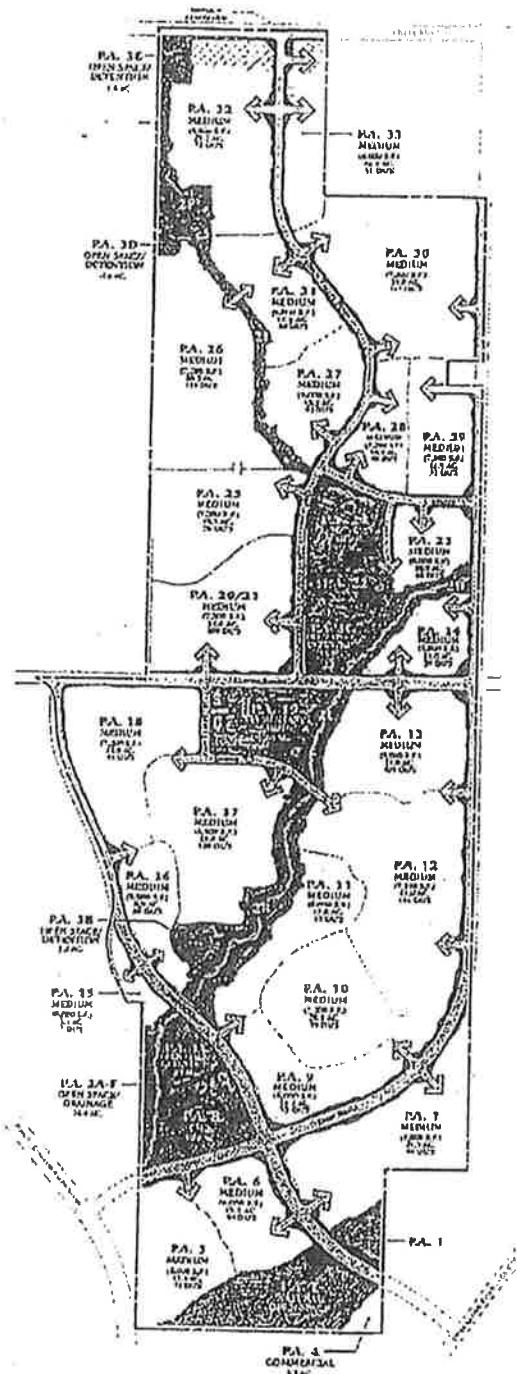
French Valley

TUCALOTA HILLS ASSOCIATES LLC
 19800 MACARTHUR BLVD. SUITE 700
 IRVINE, CA 92612



LAND USE SUMMARY

LAND USE	ACRES	DENSITY	DU'S
Medium Residential - 8,000 s.f.	74.4	3.0	224
Medium Residential - 7,200 s.f.	218.4	4.0	871
Medium Residential - 6,000 s.f.	156.6	4.5	698
Residential Subtotal	449.4	4.0	1,793
Parks	16.0	—	—
Open Space/ Detention	13.3	—	—
Elementary Schools	20.0	—	—
Open Space/Expanded Pathways	66.1	—	—
Commercial	1.7	—	—
Major Roads	11.3	—	—
Nonresidential Subtotal	158.4	—	—
Project Totals	607.8	3.3	1,793



LAND USE PLAN

French Valley

TUCALOTA HILLS ASSOCIATES LLC
19800 MACARTHUR BLVD. SUITE 700
IRVINE, CA 92612

FIGURE III.A-2



EXHIBIT B

CLINTON KEITH ROAD MILESTONE SCHEDULE

Building permits for 100 units will be released upon the accomplishment of each of the following milestone events for the completion of Clinton Keith Road ("CKR"). "Clinton Keith Road" as used in this Agreement means a road with a minimum of four traffic lanes between the French Valley Project and I-215 and the improvements, or interim improvements, to the I-215 and Clinton Keith Interchange necessary to accommodate traffic from the French Valley Project.

A. 100 units at:	<ul style="list-style-type: none"> • execution of an agreement for preliminary design and environmental clearances for CKR; and • approval by the Board of Supervisors of the expanded boundaries and the funding levels of the Southwest Area Road and Bridge Benefit District ("RBBD") for CKR
B. 100 units at:	<ul style="list-style-type: none"> • completion of a 250-space park-and-ride facility either on-site or off-site north of the Temecula City limits open and available for public use.
C. 100 units at:	<ul style="list-style-type: none"> • circulation to the public of the draft environmental document for CKR
D. 100 units at:	<ul style="list-style-type: none"> • execution of the "at Risk" final design contract for CKR
E. 100 units at:	<ul style="list-style-type: none"> • Certification of the final environmental document by lead agency pursuant to CEQA and, if applicable, NEPA for CKR; and • award of the CKR bridge structural design contract; and • identification of CKR right-of-way ("ROW") requirements (i.e., completion of 35% of CKR roadway design)
F. 100 units at:	<ul style="list-style-type: none"> • funds for the completion of CKR are available pursuant to the financing plan
G. 100 units at:	<ul style="list-style-type: none"> • finalization of ROW requirements and completion of ROW appraisals for CKR
H. 100 units at:	<ul style="list-style-type: none"> • 95% completion of the CKR roadway and bridge design • completion of ROW acquisition for CKR
I. 100 units at:	<ul style="list-style-type: none"> • completion of final roadway design, including final structural design of the CKR bridge; and • receipt of all environmental clearances; and • award of contracts for construction of CKR
J. Remaining units at:	CKR completed and open for public use



Response No. 22

Luke Watson, Deputy City Manager, City of Temecula

September 23, 2022

22-1 This comment serves as an introduction; the commentor expresses concerns regarding a lack of outreach related to the CEQA process and concerns with the Draft EIR and its failure as an information document. On April 18, 2019, a Notice of Preparation was mailed to the City of Temecula and on July 5th, 2022, a Notice of Availability, Notice of Completion, and a copy of draft documents were mailed to the City of Temecula, in the care of the Planning Department, at 41000 Main Street, Temecula, CA 92590. The City also received a notice regarding the project's public review extension, as well as a notification that the Draft Nexus Study was available for public review. The County will continue to notify the City of Temecula Planning Department with project updates using the abovementioned address.

In addition, the commentor cites an attempted termination of the 2005 "Cooperative Agreement between the City of Temecula and the County of Riverside to Mitigate Traffic Impacts in Western Riverside County" (Cooperative Agreement) by virtue of proposals in the Winchester Community Plan and Draft EIR. Specifically, the Cooperative Agreement calls for the County to mitigate the impact of new housing development on City and County arterial roads and highways within the I-215 Policy Area, stating that the proposed General Plan Amendment associated with the project amends the boundary, and therefore, purports to change and invalidate the Cooperative Agreement. Further, the commentor urges the County to cease further work on the proposed project until the County can consult with the City on the cooperative agreement. This comment does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR's environmental analysis under CEQA. Therefore, no further response is warranted.

22-2 The commentor opines that there has been a failure of the County to fulfill its traffic analysis and traffic mitigation obligations under the Cooperative Agreement, and that the Cooperative Agreement was not taken into consideration during the analysis conducted in preparing the Draft EIR. Refer to Response 22-1.

22-3 This comment is a continuation of the commentor's discussion regarding the Cooperative Agreement, provides a background and history of the Cooperative Agreement, and cites sections from the Cooperative Agreement in which the County's obligation to develop transportation infrastructure prior to new housing development in Western Riverside County is discussed. Refer to Response 22-1.

22-4 This comment cites sections from the Cooperative Agreement which require the County to amend its General Plan to condition all Land Use Applications, including General Plan Amendments, to prohibit the issuance of building permits until such time as there is in place an appropriate formed and fully funded financing mechanism to build the Major Arterial roads described in the Cooperative Agreement. Refer to Response 22-1.



- 22-5 This comment is a continuation of the commentor's discussion regarding the Cooperative Agreement and cites sections from the Cooperative Agreement in which the County's obligation to coordinate with the Riverside County Transportation Commission (RCTC) in the preparation of both a Freeway Strategic Study and a Freeway Action Plan is discussed. Refer to Response 22-1.
- 22-6 The commentor incorrectly states there was a CEQA noticing failure and that none of the required CEQA notices for the project were received. The comment is duly noted; however, on April 18, 2019, a Notice of Preparation was mailed to the City of Temecula and on July 5th, 2022, a Notice of Availability, Notice of Completion, and a copy of draft documents were mailed to the City of Temecula, in the care of the Planning Department, at 41000 Main Street, Temecula, CA 92590. The City also received a notice regarding the project's public review extension, as well as a notification that the Draft Nexus Study was available for public review. The County will continue to notify the City of Temecula Planning Department with project updates using the abovementioned address.
- 22-7 This comment cites several concerns regarding Draft EIR Section 1.0, *Executive Summary*, and Section 2.0, *Introduction*, including the following subsections:
- Project Objectives: The commenter expresses concern regarding the lack of specificity and relevancy of the project objectives and suggests adding "consolidating aging planning documents into a comprehensive and cohesive community plan" as an objective. The objectives identified were prepared in accordance with State CEQA Guidelines Section 15124(b), which requires a project description to include a statement of the objectives sought by the proposed project to help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives was prepared to identify the underlying purpose of the project and expected project benefits to the Community Plan area. The courts have determined a lead agency has broad discretion to formulate its own project objectives and general statements of vagueness from the City of Temecula does not negate that right. See *California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227.
 - Project Description: The commenter states the Project Description fails to mention the proposed Winchester Community Plan policies and to include the proposed land use and circulation plan. The land use plan associated with the proposed project is provided in Draft EIR Section 3.0, *Project Description*, on Exhibit 3-11, *Land Use Designation Changes*. This exhibit serves as the project's land use plan and Draft EIR Table 3-1, *Proposed General Plan Land Use Changes*, represents the change between the existing Riverside County General Plan development potential and the project's development potential, as analyzed in the Draft EIR. As such, the County affirms the Draft EIR has sufficiently described the project components in conformance with the provisions of State CEQA Guidelines Section 15124, *Project Description*.



There is no stand-alone circulation plan associated with the project because the project proposes to amend the County's General Plan Circulation Element by removing the existing Highway 79 Policy Area. As described on Draft EIR page 3-8, revisions to several policies within the Circulation Element are a part of the project in order to address the transition from LOS to VMT thresholds in environmental assessments such as the Draft EIR.

- Project Alternatives: The commenter states there is a lack of explanation for how the number of residents, dwelling units, and non-residential square footages were calculated for each alternative. The methodology for determining the number of residents, dwelling units, and non-residential square footages is provided in the discussions under each of the four Alternative subsections within Draft EIR Section 7.0, *Alternatives to the Proposed Project*. As stated on Draft EIR page 7-5, Alternative A: No Project Alternative, assumes the project area's land use, population, and employment growth projections at buildout in 2040, consistent with the existing General Plan. Specifically, the following assumptions were made for all four Alternatives, as discussed on Draft EIR pages 7-6, 7-13, 7-19, and 7-25, respectively:
 - Residential unit development intensity is per Riverside County General Plan EIR Appendix E-2 (Table E-3 and Table E-4).
 - Jobs are derived based on Institute for Transportation Engineers (ITE) Trip Generation Manual, 10th Edition employment factors.
 - Population is derived based on the average persons per household, as averaged for the four Area Plans within the Project area; see Riverside County General Plan EIR Appendix E-2, Table E-2: Average Household Size by Area Plan.

Furthermore, Draft EIR Section 7.0, *Alternatives to the Proposed Project*, describes the process undertaken by the County in order to decide which project alternative would be the most appropriate for the County, both environmentally and through its attainment of the project objectives. Ultimately, through the Alternatives Analysis process, the Winchester Community Plan project as proposed was determined to be the preferred project. As described on Draft EIR pages 7.0-3 and 7.0-4, the County used three criteria to determine if a proposed alternative would satisfy the project's objectives. An alternative was evaluated based on whether or not the alternative could meet the following:

- Ability to Achieve Project Objectives. In selecting alternatives to the project, the County, as Lead Agency, is to consider alternatives that could feasibly attain most of the basic project objectives and avoid or substantially lessen one or more of the significant impacts. For purposes of the alternatives analysis, each alternative herein assessed was evaluated to determine the extent to which it could attain the project's goals and objectives.
- Elimination/Reduction of Significant Impacts. The alternatives that were analyzed have been selected because they are anticipated to avoid and/or reduce one or more significant project impacts. The project's potentially significant



environmental impacts are evaluated in Draft EIR Sections 4.1 through 4.20. With implementation of existing laws, ordinances, regulations, and Mitigation Measures identified for each issue area, many of the potentially significant impacts resulting from project implementation would be reduced to less than significant.

- **Feasibility.** Each alternative was evaluated for its feasibility. Factors that were considered when determining the feasibility of the alternatives included site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether proponents can reasonably acquire, control, or otherwise have access to the alternative site. Although these factors do not present a strict limit on the scope of reasonable alternatives to be considered, they help establish context in which “the rule of reason” is measured against when determining an appropriate range of alternatives sufficient to establish and foster meaningful public participation and informed decision-making.

Each alternative’s success at satisfying project objectives was then evaluated against the environmental impacts that would result from the alternative, in comparison to the project as proposed. The range of alternatives provided in the Draft EIR is governed by the “rule of reason,” as required by the State CEQA Guidelines Section 15126.6(f), which requires the EIR to set forth the alternatives “necessary to permit a reasoned choice.” Per the State CEQA Guidelines, the County reviewed those alternatives that could “feasibly attain most of the basic objectives of the project” and would “avoid or substantially lessen any of the significant effects of the project.” As supported by case law, the lead agency has the discretion to determine what, and how many, alternatives constitute a reasonable range of alternatives. As described in Draft EIR Section 7.0, *Alternatives to the Proposed Project*, the Environmentally Superior Alternative for the proposed Project was the Alternative A: No Project Alternative. However, it was determined that this alternative does not adequately address significant adverse effects to aesthetics, given the proposed project’s design guidelines, a beneficial impact, would not occur. Also, Alternative A would be environmentally inferior to the project concerning transportation, given it would generate greater VMT than the proposed project.

Additionally, it was determined that this alternative only meets two out of the five project objectives described previously. Through this process, it was determined that the project as proposed was the preferred project through its satisfaction of the project objectives while minimizing environmental impacts. Therefore, the analysis of alternatives, and the determination that the project as written is the preferred project, is pursuant to the requirements set forth by CEQA.

22-8 This comment cites several concerns regarding Draft EIR Section 3.0, *Project Description*, including the following:



- Page 3-1: The commenter opines the lack of stable, clear, and concise project description results in an inability to determine the actual proposed land use distribution. Refer to Response 21-3 and Response 22-7.
- Page 3-1: The commenter expresses confusion regarding the project title/nomenclature (why it is referred to as a “Community Plan” instead of an “Area Plan” like the other Area Plans). This comment does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR’s environmental analysis under CEQA. Therefore, no further response is warranted.
- Page 3-1: a lack of discussion regarding the project’s relationship to overlapping existing planning documents and how they factor into the development associated with the project, including;
 - Southwest Area Plan
 - Harvest Valley/Winchester Area Plan
 - Highway 79 Policy Area
 - Interstate 15 Policy Area
 - Interstate 215 Policy Area
 - Winchester Policy Area
 - Winchester Land Use Study
 - Winchester Policy Area Design Guidelines
 - Riverside County Housing Element (2021-2029)
 - Caltrans Record of Decision – Highway 79 Realignment EIS
 - Cooperative Agreement and Settlement Agreement between the County of Riverside and the City of Temecula

A discussion regarding the project’s background and history within the context of most of the planning documents mentioned in the bullet list above is provided in Draft EIR Section 3.2, *Background and History*. It is also explained in Draft EIR Section 4.14, *Land Use and Planning*, that the proposed project is the result of several planning studies and public engagement that have taken place in recent years, including the Winchester Land Use Study, the recently adopted 6th Cycle Housing Element and the California Department of Transportation’s Record of Decision regarding the Highway 79 Realignment, with a specific analysis of the project’s relationship to the Riverside County Regional Housing Needs Allocation (RHNA) in Impact PHE-1 (see Draft EIR pages 4.14-8 through 4.14-9), in consideration that one of the project objectives is to fulfill a portion of the County’s 6th Cycle RHNA housing goals. In addition, the “Area Plan Amendments” subsection within Draft EIR Section 3.3, *Project Characteristics*, describes the proposed amendments to within the Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan. The Interstate 15 Policy Area and Interstate 215 Policy Area are not relevant to the project’s environmental analysis and thus are not included in the Project Description.



- Page 3-1: The commenter reiterates that the Project Description excludes a proposed land use and circulation plan. Refer to Response 22-7.
- Page 3-2: The commenter expresses concern regarding the differing names used to refer to the project (i.e., “project site,” “project area,” and “PA”) and differing project boundaries on some of the exhibits. The comment regarding the project nomenclature does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR’s environmental analysis under CEQA. Therefore, no further response is warranted. The County of Riverside affirms that the project boundaries depicted on the exhibits included in the Project Description are an accurate depiction of the project limits. It is noted that Draft EIR Exhibit 3-10, *Area Plan Amendments*, was updated to show that the project would only modify the boundaries of the Harvest Valley/Winchester Area Plan, Sun City/Menifee Valley Area Plan and Southwest Area Plan; refer to revised Draft EIR Exhibit 3-10, *Area Plan Amendments*. This correction is acknowledged and has been made to Draft EIR Exhibit 3-10, *Area Plan Amendments*, and is reflected in Final EIR Section 4.0, *Draft EIR Text Revisions*. This change provides a minor update, correction, or clarification and does not represent “significant new information” as defined in State CEQA Guidelines Section 15088.5.
- Page 3-2: The commenter states that a clarification is needed of the acreage of agricultural/undeveloped lands in the project area. Within the project area, the change between the existing Riverside County General Plan development potential and the project’s development potential, as analyzed in the Programmatic EIR, is presented in Draft EIR Table 3-1, *Proposed General Plan Land Use Changes*. A complete discussion—including acreages—of agricultural lands within the project area is provided in Draft EIR Section 4.2, *Agriculture and Forestry Resources*; refer to Draft EIR pages 4.2-1 and 4.2-2.
- Page 3-4: The commenter opines that there is a lack of reasoning, i.e. why this massive change is proposed, for the substantial expansion of the project area acreage, and a lack of documentation of the requirements and timing for amending the surrounding Area Plans. Several important planning studies and actions have taken place in recent years that have facilitated the proposed project and provide the basis for why the project is currently being proposed; refer to Response 6-2.
- Page 3-4: The commenter opines that there is a lack of analysis of future zone changes as a result of foundation component changes and lack of explanation as to why the change is proposed (227 parcels/1,480 acres amendment from Rural and Rural Community to Community Development). Several important planning studies and actions have taken place in recent years that have facilitated the proposed project and provide the basis for why the project is currently being proposed; refer to Response 6-2.
- Page 3-4: The commenter opines that there is a lack of explanation, context, or justification for the elimination of the nine percent density reduction for residential projects and where the reduction came from. The commentor further states the nine



percent density reduction should be removed from the Draft EIR altogether because the Cooperative Agreement mandates the reduction. A detailed explanation of the history of the nine percent density reduction is included in the “Circulation Element Amendment” subsection of the Project Description; refer to Response 19-3. Since release of the Draft EIR, the project has been revised to remove the existing Highway 79 Policy Area. Highway 79 is a State highway and is an important north-south regional transportation link that runs through the project area and connects multiple jurisdictions both north and south of the project area. This policy area was established by the County in an effort to address transportation infrastructure capacity within the policy area. In 2003, when the County adopted the General Plan, the necessary roadway infrastructure for Highway 79 did not exist to accommodate the amount of growth that was slated for the corridor. Therefore, the Highway 79 Policy Area was added to the General Plan, placing a nine percent reduction on new residential developments within the affected area. This nine percent reduction is taken from the midpoint density of the underlying General Plan Land Use Designation.

- Page 3-5: The commenter opines that there is a lack of a description of the “administrative and implementation programs.” The County of Riverside affirms that the Project Description includes sufficient information to satisfy State CEQA Guidelines Section 15124 requirements. Additional information regarding the administrative and implementation programs tied to the project is not necessary for the County of Riverside to make an environmentally informed decision on the project. Further, CEQA discourages extensive detail beyond that needed for evaluation and review of the environmental impact; see State Guidelines Section 15124.
- Page 3-4: The commenter identifies a typo for the project acreage number, specifically, it states 23,153 acres of land instead of 23,143 acres of land. 23,143 acres of land is used throughout the Draft EIR document, and this is considered a typo. This correction is acknowledged and has been made to Draft EIR pages 3-4 and 3-11 and is reflected in Final EIR Section 4.0, *Draft EIR Text Revisions*.

Draft EIR Section 3.3, *Project Characteristics*, Page 3-4

Overall, the proposed general plan amendment (GPA No. 1207) would amend the Riverside County General Plan by:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,143 23,153 acres of land within the General Plan’s Harvest Valley/Winchester Area Plan.



Draft EIR Section 3.6, *Discretionary Approvals*, Page 3-11

- Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,143 23,153 acres of land within the General Plan's Harvest Valley/Winchester Area Plan.

This change provides a minor update, correction, or clarification and does not represent "significant new information" as defined in State CEQA Guidelines Section 15088.5.

- Page 3-6: The commenter opines clarification is needed of the data in Draft EIR Tables 3-1 and 3-2 and Exhibit 3-1 through 3-11, relative to acreage and General Plan Land Use Designation changes to surrounding Area Plans. They state that Table 3-1, *Proposed General Plan Land Use Changes*, lists the General Plan Foundation changes without reference to where the changes are located or with which of the four Area Plans the acreages are being exchanged. The commenter continues by stating that Table 3-2, *Project Development Potential*, does not quantify any of the underlying Area Plan land use acreage changes. The General Plan Land Use Designation changes proposed by the project are described on Draft EIR page 3-6, and the change between the existing Riverside County General Plan development potential and the project's development potential, as analyzed in the Draft EIR, is presented in Draft EIR Table 3-1, *Proposed General Plan Land Use Changes*, and depicted on Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*. Detailed tables which quantify the underlying Area Plan land use acreage changes are not necessary for the County of Riverside to make an environmentally informed decision on the project.
- Page 3-8: The commenter states that the description of the General Plan Circulation Element amendment is lacking a description of what is being proposed, and also contains incorrect information. The commenter erroneously states that revising the Highway 79 Policy Area language does not in and of itself result in an amendment to the Circulation Element. As described above, the project has been revised to remove the existing Highway 79 Policy Area. The County of Riverside affirms that the Project Description includes sufficient information to satisfy State CEQA Guidelines Section 15124 requirements. Additional information regarding the Circulation Element amendment is not necessary for the County of Riverside to make an environmentally informed decision on the project. Further, CEQA discourages extensive detail beyond that needed for evaluation and review of the environmental impact; see State Guidelines Section 15124.

The commenter concludes by stating that the Circulation Element amendment should describe the proposed changes to the existing circulation system and policies as a



result of the project. Refer to Response 22-7 regarding the project's changes to the Circulation Element.

- Page 3-8: In the Circulation Element amendment discussion, the text that states, “No land use designation changes are proposed and the amendment is limited to removing the development restrictions of residential uses.” The commenter incorrectly states that this statement is false and that there are numerous changes proposed under the Circulation Element amendment. As described in detail on Draft EIR page 3-8, no land use designation changes are proposed and the amendment is limited to removing the development restriction on residential uses for lands within the Winchester Policy Area. Additionally, revisions to several policies within the Circulation Element are a part of the project in order to address the transition from LOS to VMT thresholds in environmental assessments such as this document.
- Page 3-10: The commenter inaccurately opines that there is a lack of an explanation for the timing of this proposal and also reiterates the lack of specificity of the project objectives discussed in Comment 22-7 above. As stated throughout the Draft EIR, buildout accommodated by the proposed project is anticipated to occur incrementally through 2040. The year 2040 was chosen as it is consistent with existing planning documents applicable to the project area (i.e., the County of Riverside General Plan and associated Area Plans). Refer to Response 22-7 for a discussion regarding the project objectives.

The commenter continues by stating that the objective is to promote higher density housing to achieve the County's 6th Cycle Housing Element RNHA and to eliminate the nine percent unit density reduction in direct opposition to the Cooperative Agreement. The comment regarding the Cooperative Agreement does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR's environmental analysis under CEQA. Therefore, no further response is warranted.

- Page 3-11: The commenter incorrectly states that the Circulation Element amendment was omitted from the discussion in Draft EIR Section 3.6, *Discretionary Approvals*. However, the Circulation Element amendment is included as the fourth bullet point in the list on Draft EIR page 3-11.
- Exhibit 3-1 and 3-2: The commenter opines that there is a lack of explanation as to why the project boundary cuts through Lake Skinner. As noted, the project has been revised to remove the existing Highway 79 Policy Area. The County of Riverside affirms that the Project Description includes sufficient information to satisfy State CEQA Guidelines Section 15124 requirements. Additional information regarding the project area is not necessary for the County of Riverside to make an environmentally informed decision on the project. Further, CEQA discourages extensive detail beyond that needed for evaluation and review of the environmental impact; see State CEQA Guidelines Section 15124.



- Exhibit 3-3: The commenter states that clarification is needed of the graphic line work and legend and an explanation for what the red numbers signify. The legend clearly states that areas with a red outline indicate additions to the Harvest Valley/Winchester Area Plan. These are labeled as “1” and “2”, since there are two distinct areas being added.
- Exhibits 3-1 through 3-11: The commenter opines that none of the exhibits in the Project Description reflect the proposed land use plan. Refer to the response under the first bullet point of Response 22-8 above.
- The commentator reiterates the lack of clarity regarding the Draft VMT Mitigation Fee Ordinance/Nexus Study, specifically, that whether the 33,000+ residential units are included in the RIVTAM model should be identified and that the study should be included in Draft EIR Appendices and revised to reflect the actual number of units proposed. The County of Riverside affirms that the Project Description includes sufficient information to satisfy State CEQA Guidelines Section 15124 requirements. Additional information regarding the VMT Mitigation Fee in the Project Description is not necessary for the County of Riverside to make an environmentally informed decision on the project.

22-9 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, the entirety of Draft EIR Section 4.0, *Environmental Analysis*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8 above. Refer to Response 22-8.

The commentator also states that the Draft EIR avoids the evaluation of all feasible mitigation measures and jumps to conclusions that impacts are either Less Than Significant without mitigation or Significant and Unavoidable without the application of feasible mitigation measures. However, the County disagrees that the Draft EIR failed to analyze all environmental impacts and incorporate feasible mitigation suitable for this level of review. CEQA does not require a lead agency to analyze every imaginable mitigation measure. Instead, the lead agency shall focus on mitigation measures that are feasible, practical, and effective. The Draft Program EIR analyzes the environmental effects of the proposed project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the State CEQA Guidelines. The analysis considers the activities associated with the project to determine the short-term and long-term effects associated with their implementation. This Program EIR discusses both the direct and indirect impacts of this project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects at a programmatic level. As clearly stated in Section 2.2 of the Draft EIR, the County of Riverside will use this Program EIR analysis to focus later CEQA documents prepared for future projects through the use of tiering. State CEQA Guidelines Section 15152(c) states that when a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, to a project-specific CEQA document. For future projects, the County will determine the appropriate



CEQA document (e.g., EIR or Negative Declaration) that would evaluate the environmental impacts of the project being proposed at that time. Future environmental documents analyzing the project being proposed will incorporate this Program EIR by reference and will concentrate on the site-specific issues related to the particular project (State CEQA Guidelines Section 15152). Refer to Response 21-9.

22-10 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.1, *Aesthetics*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 above for a discussion regarding the Project Description. The commenter is incorrect and attempts to raise inconsistencies that either do not exist or are not essential to the suitable evaluation of the project's potential impacts. The Project Description is accurate, stable, and consistent and contains sufficient detail to fully evaluate all the potential impacts to a sufficient level of detail for a planning project of this size. It does not need to include extensive detail beyond that needed for an evaluation and review of the project's impacts; refer to State CEQA Guidelines Section 15124. See also *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437.

22-11 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.3, *Air Quality*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description.

In addition, the commentor further cites the following inadequacies relative to Draft EIR Section 4.3, *Air Quality*: 1) the analysis of consistency with the 2016 AQMP is inadequate and the commentor lists several ways it should be revised; 2) the Draft EIR's claim that it is infeasible to estimate construction emissions is not supported by substantial evidence and is routinely done for other programmatic CEQA documents such as general plans, regional plans, community plan, etc.; and the proposed air quality mitigation measures violate CEQA requirements by improperly deferring important details until a future time, without providing sufficient benchmark standards. Refer to Response 21-9 and Response 22-9.

22-12 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.4, *Biological Resources*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the biological resources section is inadequate under CEQA.



- 22-13 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.5, *Cultural Resources*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the cultural resources section is inadequate under CEQA.
- 22-14 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.6, *Energy*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the energy section is inadequate under CEQA.
- 22-15 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.7, *Geology and Soils*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the geology section is inadequate under CEQA.
- 22-16 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.8, *Greenhouse Gas Emissions*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the greenhouse gas section is inadequate under CEQA.

The commenter goes on to state that Section 4.8 refers to the Environmental Checklist form provided in Appendix G to the CEQA Guidelines, and states that, "a project may create a significant adverse environmental impact if it would: (g)enerate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (refer to Impact Statement GHG-1); and (c)onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gas (refer to Impact Statement GHG-2)." The commenter opines that the Draft EIR's analysis of construction and operational GHGs is inadequate and needs to be revised. The analysis presented on GHG emissions is



based on land use data entered into California Emissions Estimator Model version 2016.3.2 (CalEEMod), a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. CalEEMod was developed in collaboration with the air districts of California, who provided data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) to account for local requirements and conditions. The model is considered by the SCAQMD to be an accurate and comprehensive tool for quantifying air quality and GHG impacts from land use projects throughout California.

As discussed in Draft EIR Impact Statement GHG-1, quantifying individual future development's GHG emissions from short-term, temporary construction-related activities is not possible as part of the program EIR due to project-level variability and uncertainties concerning locations, detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown. Since these parameters can vary so widely (and individual project-related construction activities would occur over time dependent upon numerous factors), quantifying precise construction-related GHG emissions and impacts would be impractical. With current policies regarding construction waste diversion, anticipated continued advancement in equipment technology, Climate Action Plan (CAP) implementation, and the mitigation measures included for Impact Statement AQ-2 in Draft EIR Section 4.3, *Air Quality*, construction GHG emissions would be minimized. However, depending on how development proceeds, construction-related GHG emissions associated with future development could exceed SCAQMD thresholds of significance.

As indicated in Draft EIR Table 4.8 1, the project's operational GHG emissions would total 2,222,730 MTCO₂e, or an additional 68,588 MTCO₂e over existing General Plan emissions. However, as noted in Draft EIR Impact Statement GHG-1, the types of development patterns facilitated by the project (i.e., higher density housing and local non-residential uses) would reduce VMT, promote walkability, and contribute to a jobs/housing balance. Higher density housing and local serving uses reduce the need to travel long distances for some residents. These project objectives would reduce GHG emissions.

In addition, future development would be subject to a host of regulatory requirements, including Title 24 and applicable General Plan policies in place to minimize GHG impacts; refer to Draft EIR page 4.8-28. To further reduce GHG emissions from new development, future development activities would be subject to conformance with Mitigation Measures GHG-1 and GHG-2. Mitigation Measure GHG-1 would require all new discretionary development to comply with the Implementation Measures of the Riverside County CAP or provide comparable custom measure backed by a project GHG study (for example, using CalEEMod modeling) demonstrating achievement of the same target. In lieu of a project-specific GHG Study, Mitigation Measure GHG-2 would ensure future discretionary projects pursuant to the Riverside County General Plan incorporate operational features and/or Implementing Measures from the County CAP into the project design, in such a manner as to garnish at least 100 points, or the appropriate metric at the time of CEQA review.



Following compliance Mitigation Measures GHG-1 and GHG-2, as well as the established regulatory framework, the project's long-term GHG impacts would be reduced. However, as future development facilitated by project implementation would be analyzed on a project-by-project basis, it is not feasible to determine the extent of each development's potential contribution to global climate change and appropriate mitigation measures specific to each development at the time of this writing. Thus, due to the uncertainty of timing of future development as well as project-specific details, future development could exceed the County's thresholds. Therefore, impacts are considered significant and unavoidable.

- 22-17 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.9, *Hazards and Hazardous Materials*, section is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the hazards and hazardous materials section is inadequate under CEQA.
- 22-18 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.10, *Hydrology and Water Quality*, section is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the hydrology and water quality section is inadequate under CEQA.
- 22-19 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.11, *Land Use and Planning*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the land use section is inadequate under CEQA.

The commenter continues by stating the Land Use and Planning section is inadequate since it does not mention the Western Riverside Council of Governments (WRCOG) as the regional planning agency for the project area, let alone provide any analysis of regional impact within Western Riverside County, or WRCOGs subregional Climate Action Plan GHG reduction measures. As described in Draft EIR Section 4.8 and Impact LU-2 of Section 4.11, development within unincorporated County of Riverside, including future development proposals within the project area, is subject to compliance with the County's CAP, which outlines County's efforts to meet GHG reduction strategies. A discussion on the WRCOG and



their subregional Climate Action Plan GHG reduction measures is not necessary nor required to be included in Draft EIR Section 4.11 in this regard.

Further, the commenter states the Land Use and Planning section does not acknowledge the proposed Winchester Community Plan and simply refers to all of the existing Area Plans and overlays that will be modified to create the proposed plan. This comment is incorrect. The Winchester Community Plan is the proposed project; thus, every reference to “project” in Section 4.11 and the balance of the Draft EIR is a reference to the Winchester Community Plan.

- 22-20 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.12, *Mineral Resources*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the mineral resources section is inadequate under CEQA.
- 22-21 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.13, *Noise and Vibration*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the noise and vibration section is inadequate under CEQA.
- 22-22 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.14, *Population and Housing*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the population and housing section is inadequate under CEQA.
- 22-23 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.15, *Public Services*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore



flawed. The comment lacks any support or detail as to how or why the public services section is inadequate under CEQA.

22-24 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.16, *Recreation*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the recreation section is inadequate under CEQA.

22-25 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.17, *Transportation*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the transportation section is inadequate under CEQA.

However, the commenter does raise concerns about the regulatory setting and the impact analysis for TRA-1 through TRA-3. Specifically, the commenter requests whether the project applies a Level of Service (LOS) or Vehicle Miles Travelled (VMT) based transportation impact analysis. As discussed on Draft EIR page 4.17-1, the transportation section is based on the *Draft SB 743 Analysis* (VMT Analysis) prepared by Kimley-Horn and Associates, Inc., dated December 1, 2020; see Draft EIR Appendix E, *VMT Analysis*. Impacts to VMT are described in Draft EIR Impact Statement TRA-2, and no LOS analysis is provided nor necessary pursuant to SB 743 requirements.

For Impact TRA-1, the commenter requests clarification on how site-specific Traffic Management Plans (TMPs) would be required to be implemented for each individual implementing project. As elaborated in Impact TRA-3, future implementing projects of the Winchester Community Plan would be required to prepare a Construction Transportation Plan (CTP) for County review and approval in accordance with Mitigation Measure TRA-2. A CTP would include measures designed to reduce the impact of temporary construction traffic and any necessary lane/road closures or detours. Such measures could include provisions for 24-hour access by emergency vehicles; traffic speed limitations in construction zones; and flag persons or other methods of traffic control. The County affirms that this measure is commonly applied for site-specific development and would be feasible and fully enforceable pursuant to State CEQA Guidelines Section 15041 requirements.

For Impact TRA-2, the commenter notes that if there would be any roadway widening associated with the project with the potential to impact Caltrans facilities, consistent with guidance in the OPR Technical Advisory, induced demand VMT needs to be analyzed. As



stated in Impact TRA-1, the project does not propose site-specific development (including roadway widening). However, it does propose land use and policy changes that would facilitate development within the project area. Future development facilitated by the project could include modifications to Caltrans facilities, and thus, would be required to conduct site-specific traffic impact analyses relative to Caltrans facilities and comply with Caltrans requirements.

The commenter continues by stating that the VMT thresholds included for Impact TRA-2 for retail and other customer land uses shown in Table 4.17- 1 are listed as "net regional change." That is not a threshold, which is a metric. The analysis needs to be revised to state what the threshold is for both of these land uses (e.g., no net increase in regional VMT). Net regional change is appropriate, as the Draft EIR consistently evaluates net change from existing to proposed buildout of the Winchester Community Plan. Refer to Draft EIR Table 3-2, *Project Development Potential*, which outlines the net change the proposed project would result in related to increased non-residential square-footage, jobs, dwelling units, and population.

The commenter is concerned Impact TRA-2 uses a RIVTAM Model base year condition of 2012 which, for purposes of this analysis, is considered to be representative of existing conditions, and states there is no explanation given as to why or how this is representative of existing conditions. Additionally, an updated version of RIVTAM has been released since the completion of this analysis and includes a base year of 2018. The commenter opines that the use of the updated and refined model should be considered, or an explanation included as to why the current version of RIVTAM was not used. Refer to Response 19-4 for a discussion on the environmental baseline used for the Draft EIR.

The commenter requests discussion or disclosure of what land use assumptions were included for any of the modeling related to Draft EIR Tables 4.17-2 and 4.17-3. As stated on Draft EIR Threshold TRA-2, since the project is comprised of a series of policy documents and policy revisions, and includes multiple land uses within the Winchester PA (residential, office, retail, etc.), the threshold of significance is based on all the categories listed in VMT thresholds of significance for Riverside County are summarized in Table 4.17-1, *VMT Thresholds of Significance*. Refer also to Draft EIR Appendix E, *VMT Analysis*.

The commenter opines that the Impact TRA-2 statement that, "Although many of the VMT reducing design principles, policies, and improvements that are described above may ultimately mitigate and/or potentially reduce the VMT impacts outlined ... " is speculative and misrepresents the VMT analysis findings. With the level of VMT increases across the board, it is highly unlikely that any of the VMT impacts would be able to be mitigated to a less than significant level. The County disagrees with this statement. Refer to the host of VMT Reducing Design Principles, Policies, and Improvements identified on Draft EIR page 4.17-21. The project would reduce distances between housing, workplaces, commercial uses, and other amenities and destinations. The project would promote more compact development and land use synergy (e.g., residents provide patrons for commercial uses, which provide amenities for residents), as well as create a sustainable multi-modal transportation network that includes walkable, bicycle-friendly environments with increased accessibility via transit, resulting in reduced transportation costs. The types of development patterns facilitated by



the project (i.e., higher density housing and local non-residential uses) would reduce VMT, promote walkability, and contribute to a jobs/housing balance. Higher density housing and local serving uses reduce the need to travel long distances for some residents. Further, future development within the project area would locate a mix of residential, commercial (retail and office), and other land uses near public transportation. Increased use of public transportation, walking, and biking would help reduce VMT. Nonetheless, in aggregate, it is likely that the Draft EIR VMT analysis represents a worst-case scenario given that it does not fully represent the beneficial effects of planned VMT reducing design principles or the effects that targeted mitigation measures could ultimately have on future development projects. Based on the above VMT analysis, the project would result in a significant unavoidable impact concerning the Winchester PA's residential land uses in aggregate exceeding the threshold under all plus project scenarios.

The commenter argues VMT-reducing design principles incorporated in the Draft Winchester Design Principles are incorrectly presented as mitigation Impact TRA-2. If these are part of the proposed project, they should be incorporated into the analysis and not included as mitigation. The VMT Reducing Design Principles, Policies, and Improvements identified on Draft EIR page 4.17-21 are considered to be the regulatory framework in which future projects would be evaluated against for consistency/applicability. There are no mitigation measures included in Impact TRA-2 that identify Draft Winchester Design Principles. The only mitigation measure included in Impact TRA-2 requires the County to undertake a nexus study and adopt an ordinance creating a VMT Mitigation Fee for the Community Plan Area (see Draft EIR Mitigation Measure TRA-1).

The commenter opines that there is no quantification of the proposed VMT mitigation. It is also unclear if all feasible VMT mitigation has been proposed. They request that the Impact TRA-2 is revised and a quantification is provided, as well as a more robust discussion of VMT mitigation. Consistent with State CEQA Guidelines Section 15147, *Technical Detail*, which states that placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR, a more robust discussion on VMT mitigation is provided in Draft EIR Appendix E.

It should be noted that specific future development projects could perform better or worse than the overall VMT impacts determined by the Draft EIR's programmatic-level analysis. The County affirms that the Winchester Community Plan's EIR incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. No feasible mitigation measures or alternatives have been identified to reduce VMT impacts that would mitigate the significant and unavoidable adverse effects of the project and still meet the project objectives; refer to Draft EIR Section 4.17 and Section 7.0, *Alternatives to the Proposed Project*.

Last, the commenter states that if there are no existing requirements for construction traffic management, it cannot be assumed that a temporary traffic control plan would be implemented, and associated impacts reduced to a LTS level for Impact TRA-3. Mitigation Measure TRA-2 is included in Impact TRA-3 to require future implementing projects of the



Winchester Community Plan to prepare a CTP for County review and approval; refer to the response above.

- 22-26 The commentor again expresses concern regarding the Draft VMT Mitigation Fee Ordinance/Nexus Study, stating that the \$11 million to be collected through a \$328/unit mitigation fee is not sufficient to mitigate all VMT impacts. Refer to Response 4-2. Draft EIR Section 4.17 clearly states that, given the lack of specific information available for this community level plan, it is not possible to fully account for the effect of specific design principles, policies, and improvements that would reduce VMT as part of the analysis. Although many of the VMT reducing design principles, policies, and improvements that are described in Draft EIR Section 4.17 and Appendix E may ultimately mitigate and/or potentially reduce the VMT impacts outlined, necessary details to assure implementation and appropriately evaluate their effect are not yet available. As discussed in Draft EIR Impact TRA-2, the proposed community plan has the potential to result in residential development that would exceed residential VMT thresholds. To reduce the impact associated with residential uses, Mitigation Measure TRA-1 would require the County to establish an ordinance creating an impact fee program for all residential units built in the Winchester Community Plan Boundary, excluding units developed in the Downtown Core. The fee shall be developed through a nexus study process and shall be used to fund the development of a transit station and Park and Ride facility in the Downtown Core. Due to the lack of project-specific details of future development, even with the implementation of Mitigation Measure TRA-1, impacts would remain significant and unavoidable for residential development.
- 22-27 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.18, *Tribal Cultural Resources*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commentor is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the tribal cultural resources section is inadequate under CEQA.
- 22-28 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.19, *Utilities and Service Systems*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commentor is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the utilities and service systems section is inadequate under CEQA.

The commentor inaccurately asserts that a Water Supply Assessment is required for the proposed project. Pursuant to Senate Bill 610, water supply assessments are required for any project that is subject to the California Environmental Quality Act and proposes commercial



development of more than 250,000 square feet of floor space, a retail center with more than 500,000 square feet of floor space, or more than 500 dwelling units. As a programmatic land use planning document, the project is not subject to Senate Bill 610 or SB 221. However, future development accommodated by the project would be reviewed on a case-by-case basis to identify if the project satisfies the State CEQA Guidelines Section 15155 definition of a “water demand project” and would be subject to a water supply assessment.

The California courts have provided specific guidance with respect to the requirements of a water supply analysis that is undertaken for a long-range development project or other long-range land use planning decision, such as a general plan update. In particular, the courts have drawn a clear distinction between long-term development projects and planning decisions, on the one hand, and short-term project-specific approvals, on the other hand. In drawing this distinction, the courts have consistently upheld the rule that far less water supply certainty is required at the early stages of planning and development in comparison to the higher degree of certainty that is required at the point of authorizing a specific land use entitlement, such as a tentative tract map.

In this regard, the California Supreme Court has stated: “Requiring certainty when a long-term, large-scale development project is initially approved would likely be unworkable, as it would require water planning to far outpace land use planning. Examination of other state statutes specifically addressing the coordination of land use and water planning supports our conclusion [that] CEQA should not be understood to require assurances of certainty regarding long-term future water supplies at an early phase of planning for large land development projects”. See *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*, 2007, 40 Cal.4th 412, 432. The court further stated: “[T]he burden of identifying likely water sources for a project varies with the stage of project approval involved; the necessary degree of confidence involved for approval of a conceptual plan is much lower than for issuance of building permits.” Indeed, it added, to “interpret CEQA itself as requiring such firm assurances of future water supplies at relatively early stages of the land use planning and approval process would put CEQA in tension with these more specific water planning statutes.”

In light of these rules, the court found that: “CEQA does not demand such certainty at the relatively early planning stage involved here...to satisfy CEQA, an EIR for a specific plan need not demonstrate certainty regarding the project’s future water supplies.” Without question these standards articulated by the Vineyard Court apply to water supply analyses prepared for purposes of the community planning process, as that stage of land use planning is even more preliminary than the specific plan stages of land use decision-making addressed by Vineyard. For additional cases supporting the distinction between project- specific actions versus large planning projects, see also *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App. 4th 1059; *Sonoma County Water Coalition v. Sonoma County Water Agency* (2010) 189 Cal.App.4th 33.

- 22-29 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.20, *Wildfire*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the



Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the wildfire section is inadequate under CEQA.

- 22-30 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.21, *Mandatory Findings of Significance*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 22-10 above for a discussion regarding the Project Description.
- 22-31 The commentor states that Draft EIR Section 5.0, *Cumulative Impacts*, is deficient because the 10 projects listed in Table 5-1, *Cumulative Projects List*, do not comprise the entirety of cumulative projects; because Draft EIR Exhibit 5-3 is blank, and that the level of significance statements are made without supporting analysis. In accordance with State CEQA Guidelines Section 15130(b), the Draft EIR's discussion of cumulative impacts is guided by the standards of practicality and reasonableness. As a County of Riverside long range planning document, the cumulative projects identified in Draft EIR Table 5-1, *Cumulative Projects List*, are known County of Riverside-sponsored projects that have the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The implementation of each project represented in Table 5-1 was determined to be reasonably foreseeable. It should be noted that the Draft EIR does not include an Exhibit 5-3. However, Draft Exhibit 5-1, *Cumulative Projects*, depicts the projects identified on Draft EIR Table 5-1 and is available for viewing in the Draft EIR at <https://planning.rctlma.org/winchester-communityplan>.
- 22-32 The commentor states that the conclusions made in Draft EIR Section 6.0, *Other CEQA Considerations*, are incorrect; specifically, the commentor opines that the project is growth-inducing and that the conclusion is contradicted by the Cooperative Agreement. Refer to Response 7-4 and Response 22-1.
- 22-33 The commentor reiterates their concern regarding the lack of an explanation for how the number of residents, dwelling units, and non-residential square footages were calculated for each alternative, in Draft EIR Section 7.0, *Alternatives to the Proposed Project*. Refer to Response 18-7.
- 22-34 This comment contains conclusory remarks, summarizing the contents and statements of the letter. This comment is acknowledged and does not raise any new issues. As such, no further response is necessary.



CITY OF MURRIETA

September 23, 2022

Manuel Baeza, Principal Planner
4080 Lemon Street, 12th Floor,
Riverside, CA 92501

Draft Environmental Impact Report (EIR), State Clearinghouse No. 2019049114, for General Plan Amendment 1207 (GPA 1207), Winchester Community Plan project

Dear Mr. Baeza,

We are writing to you regarding the Draft Environmental Impact Report (EIR), State Clearinghouse No. 2019049114, for General Plan Amendment 1207 (GPA 1207), Winchester Community Plan project. During some emergencies, the City of Murrieta may provide services within the Plan area both now and in the future. The City takes pride in being a regional partner to provide emergency services and appreciates the County being a regional leader in emergency services for both fire and police. Adding new residents that will reside in a substantial number of new dwelling units will impact the City's services locally in the northern part of our City and also regionally. The City of Murrieta has concerns regarding the lack of analysis under the EIR for regional public services, including fire services, sheriff services and school services and potential impacts related to wildfire.

The proposed project proposes increases in density for residential development adjacent to the City's sphere of influence area on Scott Road. Specifically, this area along Scott Road that is proposed for an increase in density is located closer to a City of Murrieta Fire Station (#4), about five miles by road, than the nearest County of Riverside Fire Stations (#83 French Valley or #34 Winchester Station), about six miles by road in either scenario. There has been significant residential development with the proposed Winchester Plan Area in the past decade. The County's response time in the plan area from 2015 listed in the EIR is likely out of date considering the number of new dwelling units that have been built and are under construction in the area now in 2022. The response time is also likely to get worse adding more dwelling units in the Plan area, especially along the existing road network. The City is concerned that the County should be adequately planning and building the infrastructure for public services, including fire services, sheriff services and school services in advance of potential development and not after more development occurs within the area, especially in areas that may already be underserved with for example, poor response time for fire. In light of the recent wildfire that occurred within the eastern side of the proposed Plan area, fire services should be something that is carefully considered with this proposed project among other public services given the susceptibility to wildfire in the area and other emergencies that could occur.

Section 4.15 Public Services and 4.20 Wildfire of the EIR make mention that approximately 12,329 dwelling units are being added to the project area, which will incrementally increase demand for fire protection services. However, project implementation would decrease demand for protection services on non-

residential development as that area is being reduced within the plan. How was it determined that demand would decrease? Was this studied under the project, what data analysis confirms this?

23-3 The project area is a large area, comparable to the size of a City in the Southwest Riverside County region. There are only three fire stations located within the Plan area and they are not located near all of the planned areas for increases in residential density with new dwelling units. Even if the proposed increase in density for residential development is in the same locations as the previous non-residential development that was previously proposed, the impacts for residential development on public services compared to non-residential development may be very different and should be analyzed. If the area proposed for increase in density is not currently adequately served by public services, including fire services, those impacts should be considered under the EIR. If services are not adequate, then a fire station(s) may need to be built in advance of development in the plan area that is underserved.

23-4 Collecting a development impact fee with a building permit is a good idea to increase the amount of funds for critical infrastructure and may potentially provide funds for a future fire station, sheriff station or schools depending on how the funds are chosen to be used by the County. Collecting a fee does not provide fire protection for a structure, such as a new dwelling unit in the areas with increased density, when it is under construction or newly constructed after this plan is approved. Therefore new structures or people in the plan area resulting from the proposed Plan may be placed in harms way related to a lack of emergency services and wildfire on day one. Collecting a fee may eventually provide fire service, but only relying on the fee at this time could potentially put people at risk of wildfire in the gap of time between when a fee is collected and when the County determines it has enough funds to build a new fire station, which could be years.

23-5 The project should prepare a public facilities and wildfire analysis to determine what the current response time and services are throughout the project area to determine if the areas proposed for increases in density are currently adequately served. The analysis should consider the existing scenario and the proposed scenario and look at impacts locally and regionally. If not adequately served, potential impacts should be carefully considered in the fire service area and any potential mitigation measures should be considered. Impacts should be addressed prior to any new development being proposed. The project proposes to assess potential impacts on a case by case basis, however the project increases density and therefore should assess the impacts at this time, particularly in areas where density is being increased as a result of this Plan.

23-6 The project should analyze whether the County's Fire Stations and service response are adequate to serve the area and particularly the area with an increase in density, given the existing response times and significant development that has occurred within the area. The project should analyze the regional impacts of the project on a cumulative level considering the significant amount of recent residential development within and adjacent to the Winchester Plan Area, such as the development along Winchester Road/HWY 79 and Domenigoni Pkwy/Newport Road. Considering these residential developments within the Plan area cumulatively, what are the potential impacts likely to be? This should be analyzed with the project.

23-7 A proposed mitigation measure of the project could be that a new fire station(s) is built in the areas that need fire service in order to allow future development, prior to building permits being issued for any dwelling units in order to avoid placing people or structures at risk of a lack of emergency services and potential dangers from wildfire. The County could pay back the cost of the needed fire station(s) after they are built using the funds being collected through impact fees as development occurs.

23-8

The City of Murrieta appreciates the opportunity to comment on the Draft EIR and looks forward to continuing to work with the County regionally on emergency services. Should you need to reach the City of Murrieta regarding these comments, you may contact Senior Planner, Carl Stiehl directly by phone: (951) 461-6063 or email: cstiehl@murrietaca.gov

Sincerely,

David Chantarangsu

David Chantarangsu, AICP, Director
Development Services Department

cc: City of Murrieta

Bernard Molloy II, Fire Chief, Murrieta Fire & Rescue bmolloy@murrietaca.gov

Doug Strosnider, Fire Marshal, Murrieta Fire & Rescue dstrosnider@murrietaca.gov

Carl Stiehl, Senior Planner, Development Services Department cstiehl@murrietaca.gov



Response No. 23

David Chantarangsu, Development Services Director, City of Murrieta

September 23, 2022

- 23-1 This comment provides a general introduction and cites concerns regarding the lack of analysis under the Draft EIR for regional public services, including fire services, sheriff services and school services and potential impacts related to wildfire that could result from residential development that would be facilitated by the project, in particular, that would be located adjacent to the City's sphere of influence area on Scott Road. The City is concerned that the County should be adequately planning and building the infrastructure for public services, including fire services, sheriff services and school services in advance of potential development and not after more development occurs within the area.

As discussed in Draft EIR Section 4.15, *Public Services*, the project area would be served by Riverside County Fire Department (RCFD) and Riverside County Sheriff Department (RCSD); thus, project implementation is not anticipated to impact City of Murrieta resources (i.e., Murrieta Fire Department and Murrieta Police Department). To offset impacts to RCFD and RCSD, future development would be subject to compliance with General Plan Policy LU 10.1 and Ordinance No. 659, *Development Impact Fees*, which require that new development pay Development Impact Fees to ensure that certain facility obligations are met to reasonably serve the subject development. Such obligations include the construction of new fire and sheriff facilities. The County requires payment of developer mitigation fees prior to Building and Safety Department final inspection for any residential dwelling, mobile home, commercial retail establishment, business park office, or light industrial facility. The fees would serve for the construction and acquisition of public facilities. Payment of these fees would assist in the funding and construction of new RCFD and RCSD facilities and would minimize the project's operational impacts to fire and sheriff protection services to the greatest extent practicable.

Concerning school services, the project area is served by the Hemet Unified School District (HUSD) and Menifee Unified School District (MUSD), and thus would not Murrieta Valley Unified School District. As discussed in Draft EIR Section 4.15, it is the County's policy to monitor public services in coordination with applicable school districts to ensure that growth does not exceed acceptable levels of service (Policy LU-5.2). Any future housing development facilitated by the project would be subject to compliance with SB 50 requirements, which allow school districts to collect impact fees from developers of new residential projects to offset the cost of new development. Pursuant to SB 50, payment of fees to the applicable school district is considered full mitigation for project impacts, including impacts related to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for schools. Therefore, individual development projects occurring under the proposed project would be required to pay the required SB 50 statutory fees, so that school facilities can be constructed/expanded, if necessary, to accommodate the impact of project-generated students, reducing impacts to a less than significant level.

Impacts related to wildfire are addressed in Draft EIR Section 4.20, *Wildfire*. As shown in Draft EIR Exhibit 4.20-1 and Draft EIR Exhibit 4.20-2, portions of the project area are in or near lands classified Very High Fire Hazard Severity Zone (VHFHSZ) and portions of the project area are in or near a State Responsibility Area (SRA). The project proposes land use and



policy changes that would facilitate development within the project area. Therefore, development facilitated by the project could be in or near an SRA and/or lands classified VHFHSZ. As concluded in Draft EIR Section 4.20, project impacts related to wildfire would be less than significant given the extensive regulatory environment and regulatory processes in place to reduce risk of wildfire hazards. The County has outlined information, policies, and regulations regarding fire and other hazards in the Safety Element. The project's adherence to State regulations (see Draft EIR Section 4.20.2, *Regulatory Setting*, for California Codes, California Emergency Services Act, and SEMS), and County regulations (Ordinance No. 787 and RCFD Strategic Plans, Safety Element Chapter 5, and applicable RCFD Standards pertaining to human health and safety). The County would review all project plans to ensure compliance with these regulations.

Additionally, the commentor notes that the County's response time in the plan area from 2015 listed in the Draft EIR is likely out of date considering the number of new dwelling units that have been built and are under construction in the area now in 2022. As stated in Draft EIR Section 4.15, depending on the future development's location and opening year, future development could impact fire protection services response times to the project area, which could warrant construction of new fire protection facilities. Therefore, project implementation could result in adverse physical impacts associated with the provision of a new or physically altered fire protection facility. The actual need for a new fire station or alteration to an existing station would be verified and dependent upon RCFD's response times and capacities at the time the entitlement application is submitted to the County. Future construction and operation of a new fire station would be subject to environmental review pursuant to CEQA to determine whether adverse physical effects on the environment would occur. In addition, future development would be subject to compliance with General Plan Policy LU 10.1 and Ordinance No. 659, which require that new development pay Development Impact Fees to ensure that certain facility obligations and response times are met to reasonably serve the subject development. A less than significant impact would occur, and no mitigation is required.

- 23-2 The commentor states that the proposed project may result in incremental increase in demand for fire protection services, as analyzed in Draft EIR Section 4.15, *Public Services*, and 4.20, *Wildfire*. Refer to Response 23-1.

The commentor also requests further information/data analysis on how it was determined that demand for fire protection services on non-residential development would decrease (since the project proposes to reduce buildout potential of non-residential development). Draft EIR Table 3-2, *Project Development Potential*, outlines the change the proposed project would result in related to increased non-residential square-footage, jobs, dwelling units, and population. As shown in Draft EIR Table 3-2, the project would decrease non-residential development by 7,529,664 square feet. This is how it was determined that non-residential demands for fire protection services would decrease with project implementation.

- 23-3 This comment states that the project area is a large area, comparable to the size of a City in the Southwest Riverside County region. There are only three fire stations located within the Plan area and they are not located near all of the planned areas for increases in residential density with new dwelling units. The commentor opines that even if the proposed increase in density for residential development is in the same locations as the previous non-residential development that was previously proposed, the impacts for residential development on public



services compared to non-residential development may be very different and should be analyzed. Further, the commentor states that if services are not adequate, then a fire station(s) may need to be built in advance of development in the plan area that is underserved. Refer to Response 23-1.

23-4 With regard to the development impact fee for fire protection services discussed in Draft EIR Section 4.15, *Public Services*, the commentor states that collecting a fee may eventually provide fire service, but only relying on the fee at this time could potentially put people at risk of wildfire in the gap of time between when a fee is collected and when the County determines it has enough funds to build a new fire station, which could be years. Refer to Response 23-1.

23-5 The commentor states that the project should prepare a public facilities and wildfire analysis to determine what the current response time and services are throughout the project area to determine if the areas proposed for increases in density are currently adequately served. The analysis should consider the existing scenario and the proposed scenario and look at impacts locally and regionally. The commentor acknowledges that the project proposes to assess potential impacts on a case-by-case basis, however, states that impacts should be assessed now rather than at the time of future development due to the project's density increase.

Buildout accommodated by the project is speculative in nature, and accordingly, analysis of the public facilities and wildfire is more appropriately and accurately addressed on a project-by-project basis. This allows for a more up-to-date and accurate data for developers and policymakers to use during the individual project development process. As such, an analysis of public facilities and wildfire impacts is provided in an appropriate level of detail for a programmatic level analysis. A more detailed analysis is not provided in the Draft EIR to avoid speculation, which can be misleading. Instead, future development projects that require environmental review would conduct site-specific environmental impact analyses based on individual parameters of the site. Further, the Draft EIR does not identify specific land use development projects and does not permit subsequent development. Therefore, the nature of the Draft EIR's analysis is programmatic. The Draft EIR has extensive analysis to support its environmental conclusions and to allow for informed decision making under CEQA.

23-6 The commentor states that the project should analyze whether the County's Fire Stations and service response are adequate to serve the area and particularly the area with an increase in density, given the existing response times and significant development that has occurred within the area. Additionally, the project should analyze the regional impacts of the project on a cumulative level considering the significant amount of recent residential development within and adjacent to the Winchester Plan Area, such as the development along Winchester Road/Highway 79 and Domenigoni Parkway/Newport Road. Refer to Response 23-1 and Response 23-5.

23-7 The commentor suggests that a proposed mitigation measure of the project could be that a new fire station(s) is built in the areas that need fire service in order to allow future development, prior to building permits being issued for any dwelling units in order to avoid placing people or structures at risk of a lack of emergency services and potential dangers from wildfire, and that the County could pay back the cost of the needed fire station(s) after they are built using the funds being collected through impact fees as development occurs. Refer to Response 23-1.



- 23-8 The commentor offers concluding remarks, including contact information in case of any questions regarding the comment letter. The comment does not raise a specific issue regarding the adequacy of the Draft EIR or its environmental analysis, and no further response is warranted.

September 23, 2022

Via E-Mail

Riverside County Planning Department
4080 Lemon St., 12th Floor
Riverside, CA 92501

Attn: Manuel Baeza

MBaeza@rivco.org

Attn: John Hildebrand

JHildebrand@rivco.org

Re: County of Riverside Winchester Community Plan General Plan Amendment 1207 EIR (Draft EIR) - Assessor's Parcel Numbers 466-210-021 through 024 located at the southwest corner of Garbani and Leon Roads, Winchester, California

All:

In 2021 we processed a Pre-Application Review, PAR210002, on the above reference parcels for the development of a single family residential project consisting of 88 single family lots

The current general plan land use for this property is Rural Community-Estate Density Residential (RC-EDR) and is in the Estate Density Residential and Rural Residential Policy Area.

GPA 1207 is proposing a land use for this property of Rural Community-Low Density Residential (RC-LDR.)

This project is directly east of the La Ventana Specific Plan 1129 under construction consisting of 511 single family homes. Our project is proposing a similar single family residential product. It is also directly north of the recently completed Perris Union's Liberty High School.

We have met with the Winchester-Homeland Town Association's Land Division Committee on this proposal and they are supportive of the proposed Project based on it being compatible with the developed adjacent properties and the in-fill nature of this project.

We respectfully request the General Plan Designation for this property be revised to Community Development - Medium Density Residential (MDR) along with the removal from the Estate Density Residential and Rural Residential Policy Area.

If you have any questions or concerns regarding the foregoing, please do not hesitate to contact us at any time.

Sincerely,

Grant and Marsha Becklund
30811 Garbani Road
Winchester, CA 92596
(951) 288-0601
grantbecklund@gmail.com



Response No. 24

Grant and Marsha Becklund, Residents

September 23, 2022

- 24-1 The commentor is the owner of APNs 466-210-021 through -024, located at the southwest corner of Garbani Road and Leon Road. The commentor states that the parcels are currently designated under the General Plan as Rural Community – Estate Density Residential (RC-EDR). Under General Plan Amendment 1207, the property is proposed to have a General Plan Land Use Designation of Rural Community-Low Density Residential (RC-LDR). The commentor requests for the County to consider a proposed General Plan Land Use Designation of Community Development – Medium Density Residential. This request will be provided to decision makers during project deliberations. This comment does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR’s environmental analysis under CEQA. Therefore, no further response is warranted.



MEMORANDUM

TO: Riverside County Planning Department
Manny Baeza/Paul Swancott

FROM: Joel Morse, T&B Planning, Inc.

DATE: September 26, 2022

RE: Comments on Winchester Community Plan – Highway 79 VMT Nexus Study

25-1 We appreciate the opportunity to review and comment on the Winchester Community Plan Highway 79 VMT Nexus Study ("Study"). Please see below for T&B Planning's formal comments on the Study, dated September 2022. This Comment Memo identifies specific language from the Study, followed by our comments and questions.

25-2 1. **From the Winchester Community Plan (Nexus Study for Fees) on Page 1.**

"This fee does not apply to the identified Downtown Core/Town Center area or commercial/industrial entitlement/uses."

T&B Comment:

In as much as the area within the Downtown Core/Town Center are exempt from the fee, it would be useful to include an exhibit clearly showing the boundaries of this exclusion area in the Ordinance.

25-3 2. **From the Winchester Community Plan (Nexus Study for Fees) on Page 1.**

"The Mitigation Fee is applicable to all new single-family residential development for each unit/parcel that is entitled/approved after the adoption/effective date of this Ordinance."

"Specific Plans: This fee applies to new single-family residential entitlements within an existing adopted/approved Specific Plan."

a. T&B Comments:

1. What exactly is meant by the term "entitled" in this context? For example:
 - a. Are approved units within an existing adopted Specific Plan considered "entitled", whether included on an approved Tentative Map or not?
 - b. Are units only considered entitled within a Specific Plan when also approved on a Tentative Tract Map?
 - c. Are units entitled within a Specific Plan when an approved on a Tentative Tract Map?

- d. If an approved Tentative Tract Map is modified, is the fee payable on all of the units on the Tentative Tract Map, or would the fee be payable only on the units requested above the previously approved unit count?

3. From the Winchester Community Plan (Nexus Study for Fees) on Page 1 & 2.

"TRA-1: Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core)."

a. T&B Comments:

1. At what point in the entitlement process would the fee assessed?
2. At what point in the entitlement process would the fee be payable?

4. From the Winchester Community Plan (Nexus Study for Fees) on Page 3:

"The total combined costs from the estimates above for a multi-modal transit station and one (1) Park and Ride facilities is \$11 million. As outlined in the EIR, it is estimated the Winchester Community Plan will potentially generate 33,569 new residential dwelling units."

"\$11 million ÷ 33,569 DU= \$328/DU"

"Therefore, it is recommended that a \$328 fee be applied to all new residential development within the Highway 79-Policy Area including the Winchester Policy Area to fund future transit and park and ride improvements in the Downtown Core/Town Center area."

T&B Comments:

- i. Once the multi-modal transit station and Park and Ride facilities are completed, will the VMT Mitigation Fee be rescinded?
 - a. What is the mechanism for rescinding the Fee?
 - b. for all future developments be exempt from the Fee? If not, please clarify what is intended to occur with the VMT Mitigation Fee once these facilities are completed.



Response No. 25

Joel Morse, T&B Planning, Inc.

September 26, 2022

- 25-1 This comment provides a general introduction. Responses to specific comments are provided below.
- 25-2 The commentor refers to the Draft Nexus Study published by the County on the Winchester Community Plan web page. They express that an exhibit or figure would be useful to show the boundaries of the Downtown Core/Town Center area that is exempt from the VMT Mitigation Fee. The comment is acknowledged. This comment does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR's environmental analysis under CEQA. Therefore, no further response is warranted.
- 25-3 The commentor refers to the Draft Nexus Study published by the County on the Winchester Community Plan web page and asks for clarification on what is meant by "entitled" or "entitlements" when used in context of the VMT Mitigation Fee. Refer to Response 4-2.
- 25-4 The commentor refers to the Draft Nexus Study published by the County on the Winchester Community Plan web page and asks about the VMT Mitigation Fee, specifically at which points in the entitlements process that a fee would be assessed and payable. Refer to Response 4-2.
- 25-5 Concerning the Draft Nexus Study, the commentor asks whether the VMT Mitigation Fee would be rescinded once the Transit Station and Park and Ride are built. Refer to Response 4-2.



4.0 DRAFT EIR TEXT REVISIONS

This section contains revisions to the text of the Winchester Community Plan Project Draft EIR dated July 2022. As provided in State CEQA Guidelines Section 15088(d), responses to comments may take the form of a revision to a Draft EIR or may be a separate section in the Final EIR. This section complies with the latter of these two guidelines and provides changes as a result of clarifications to, and comments received on, the Draft EIR. It includes minor revisions to the Draft EIR resulting from minor corrections or updates to Draft EIR information, including minor revisions made in response to several public comments submitted on the Draft EIR.

The following revisions are hereby made to the text of the Draft EIR. These changes do not add significant new information to the Final EIR that would require Draft EIR recirculation under State CEQA Guidelines Section 15088.5. For example, they do not disclose or suggest new or substantially more severe significant environmental impacts of the proposed project, nor do they disclose a new feasible mitigation measure or alternative considerably different than those analyzed in the Draft EIR that would clearly lessen the proposed project's significant effects. Revised or new language is underlined. All deletions are shown with a line through the text.

SECTION 1.0, EXECUTIVE SUMMARY

SECTION 1.3, PROJECT SUMMARY

Page 1-1

4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Meniffee Valley Area Plan to remove ~~revise the existing Highway 79 Policy Area language by removing and thereby remove~~ the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area. These revisions to remove the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.

SECTION 1.7, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Page 1-19, Table ES-1, Summary of Project Impacts and Mitigation Measures

GHG-2 In lieu of a project-specific GHG analysis, a future discretionary project pursuant to the Riverside County General Plan shall incorporate into the project design,



operational features and/or Implementing Measures from the County Climate Action Plan, in such a manner as to garnish at least 100 points or the appropriate CAP metric at the time of CEQA review. The point values within the Climate Action Plan's Screening Tables constitute GHG emission reductions.

SECTION 3.0, PROJECT DESCRIPTION

SECTION 3.3, PROJECT CHARACTERISTICS

Page 3-4

Overall, the proposed general plan amendment (GPA No. 1207) would amend the Riverside County General Plan by:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,143 ~~23,153~~ acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Meniffee Valley Area Plan to remove ~~revise~~ the existing Highway 79 Policy Area and therefore remove ~~language by removing~~ the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area. These revisions to remove the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.



Table 3-1: Proposed General Plan Land Use Changes

Land Use Designation	Acreage		
	Existing	Proposed	Change
Agricultural Foundation Component			
Agriculture (AG)	80	80	0
Rural Foundation Component			
Rural Residential (RR)	1,173	894 <u>603</u>	-279 <u>-570</u>
Rural Mountainous (RM)	1,622	1,590	-32
Rural Community Foundation Component			
Rural Community – EDR (RC-EDR)	1,424	43 <u>165</u>	-1,411 <u>-1,259</u>
Rural Community – LDR (RC-LDR)	0	421	421
Open Space Foundation Component			
Conservation (OS-C)	987	1,043	56
Conservation Habitat (OS-CH)	3,000	3,046 <u>3,015</u>	46 <u>15</u>
Water (OS-W)	2,705	2,705	0
Open Space Recreation (OS-R)	1,617	1,607 <u>1,608</u>	-10 <u>11</u>
Community Development Foundation Component			
Estate Density Residential (EDR)	741	741	0
Very Low Density Residential (VLDR)	314	182	-132
Low Density Residential (LDR)	500	388	-112
Medium Density Residential (MDR)	4,404	4,407 <u>4,539</u>	3 <u>135</u>
Medium-High Density Residential (MHDR)	456	724 <u>725</u>	268 <u>269</u>
High Density Residential (HDR)	164	164	0
Very High Density Residential (VHDR)	30	30	0
Highest Density Residential (HHDR)	33	33	0
Commercial Retail (CR)	504	394 <u>395</u>	-110 <u>-109</u>
Commercial Tourist (CT)	496	584 <u>592</u>	88 <u>96</u>
Light Industrial (LI)	288	465 <u>467</u>	177 <u>179</u>
Business Park (BP)	152	676 <u>682</u>	524 <u>530</u>
Public Facilities (PF)	1,656	1,579	-77
Mixed-Use Planning Area (MUA)	797	1,407 <u>1,400</u>	640 <u>603</u>
Total	23,143	23,143	--
Note: Numbers may not add due to rounding.			



Page 3-8

The project proposes to amend the County's Circulation Element by removing ~~revising~~ the existing Highway 79 Policy Area ~~language~~. Highway 79 is a State highway and is an important north-south regional transportation link that runs through the project area and connects multiple jurisdictions both north and south of the project area. This policy area was established by the County in an effort to address transportation infrastructure capacity within the policy area. In 2003, when the County adopted the General Plan, the necessary roadway infrastructure for Highway 79 did not exist to accommodate the amount of growth that was slated for the corridor. Therefore, the Highway 79 Policy Area was added to the General Plan, placing a nine percent reduction on new residential developments within the affected area. This nine percent reduction is taken from the midpoint density of the underlying General Plan land use designation.

As previously mentioned, in 2016, Caltrans issued a Record of Decision establishing a preferred alternative for the realignment of Highway 79. This alternative would realign and widen Highway 79 throughout the project area; thereby, providing improved circulation and traffic capacity for the area. As a result of the future improved capacity given the Caltrans Record of Decision and recent constructed and planned transportation projects in the area, the Highway 79 Policy Area would be removed, the nine percent residential reduction policy area language would be amended, and the General Plan would be updated accordingly. As such, the amended Policy would expand and allow for full development of residential uses throughout the Highway 79 Policy Area, increasing residential development capacity within by nine percent. No land use designation changes are proposed and the amendment is limited to removing the development restriction on residential uses.

SECTION 3.6, DISCRETIONARY APPROVALS

Page 3-11

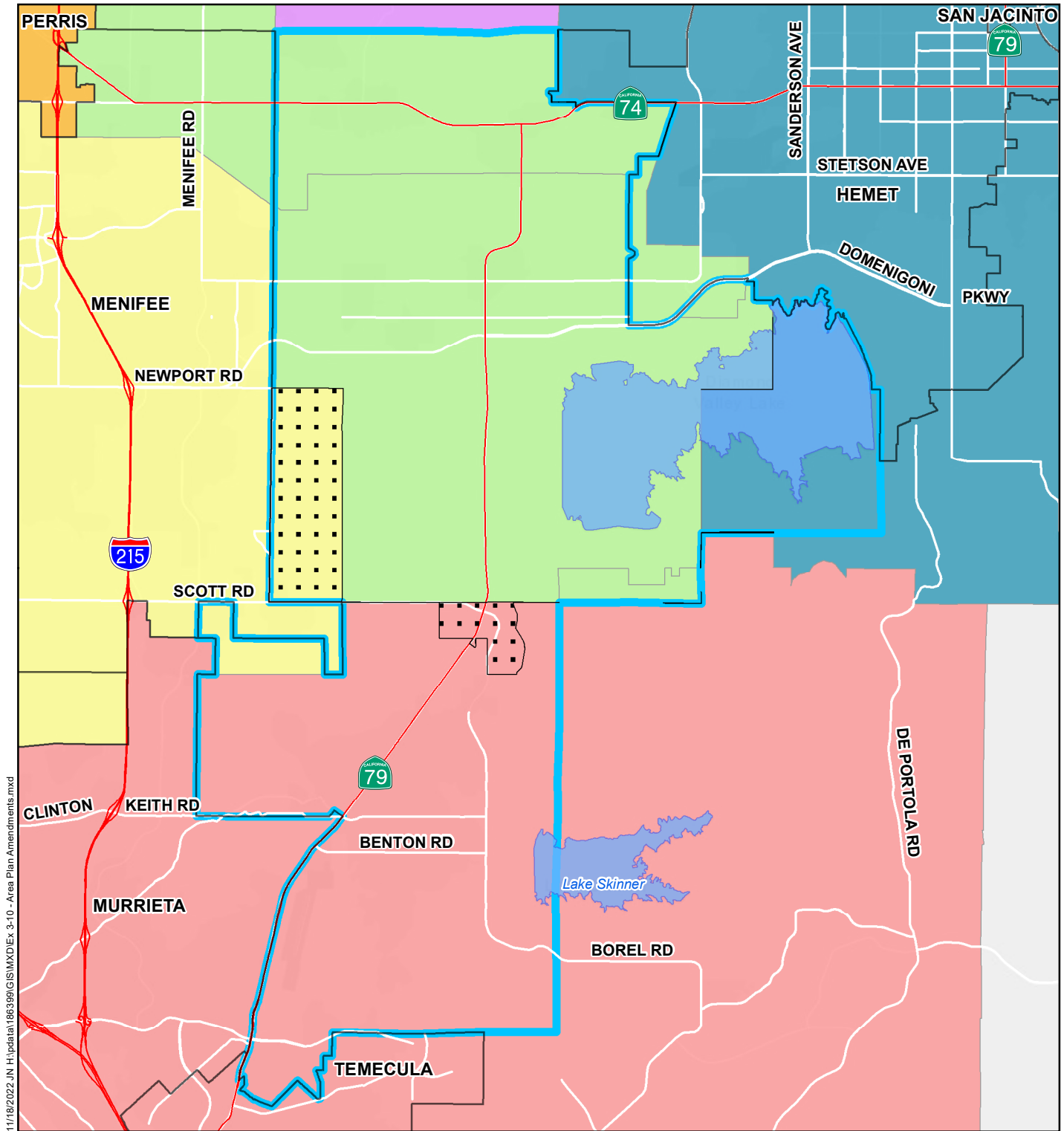
- The expansion of the existing Winchester Policy Area from the approximately 287 acres to approximately 23,143 ~~23,153~~ acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
- Boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee and Southwest Area Plans will be modified so that the entire expanded Winchester Policy Area will fall within the boundaries of the Harvest Valley/Winchester Area Plan only.
- The modification to land use designations within the expanded Winchester PA, including Foundation Component amendments. Approximately 227 parcels (totaling 1,480-acres) are proposed for Foundation Component Amendments that include changes from the Rural and Rural Community components to the Community Development component. The environmental document will also include the analysis of consistency zoning revisions for approximately 921 parcels that will occur in the future as a result of the project.
- Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to remove ~~revise~~ the existing Highway 79 Policy Area ~~language by removing and thereby remove~~ the 9%



reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area. These revisions to remove the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.

Page 3-22, Exhibit 3-10, Area Plan Amendments

See next page.



Legend

	Highway 79 Policy Area		Harvest Valley / Winchester		San Jacinto Valley
	City Boundary		Lakeview / Nuevo		Southwest Area
	Waterbodies		Mead Valley		Sun City / Menifee Valley
			Areas added to the Harvest Valley/Winchester Area Plan		

Note: This exhibit has been revised to correctly denote the areas added to the Harvest Valley/Winchester Area Plan.



0 1 2 Miles

Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN ENVIRONMENTAL IMPACT REPORT Area Plan Amendments

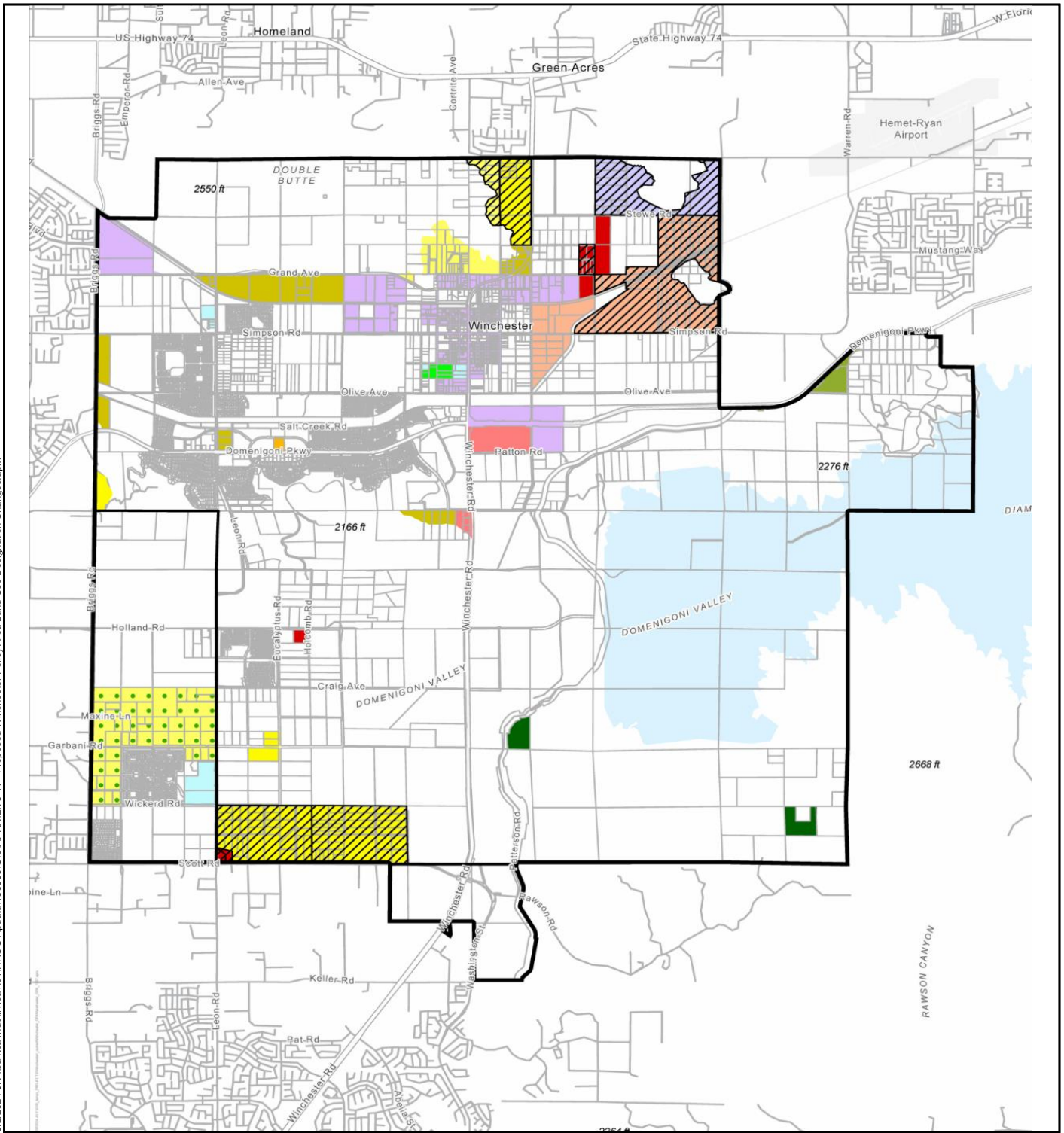
Exhibit 3-10





















Page 3-23, Exhibit 3-11, Proposed Winchester Policy Area Land Use Designation Changes

See next page.

8/2/2024 J:\sanctuary\huviv\161\HROOT\data\186398\GIS\APR\EX 3-11 - Proposed Winchester Policy Area Land Use Designation Changes.aprx



Legend			
	Winchester Policy Area		Rural Residential
	Foundation Component		Rural Community - Low Density Residential
	Parcels		Low Density Residential
			Medium Density Residential
			Medium High Density Residential
			High Density Residential
			Commercial Retail
			Commercial Tourist
			Light Industrial
			Business Park
			Public Facilities
			Mixed-Use Area
			Conservation
			Conservation Habitat
			Open Space Recreation



NOT TO SCALE

Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
ENVIRONMENTAL IMPACT REPORT
Proposed Winchester Policy Area
Land Use Designation Changes



SECTION 4.8, GREENHOUSE GAS EMISSIONS

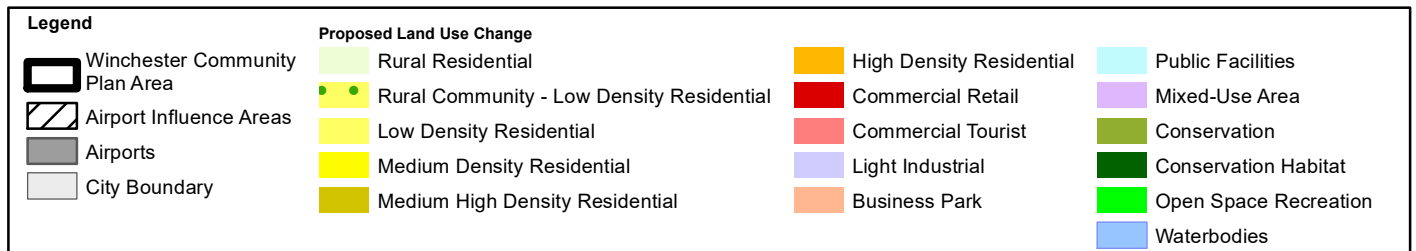
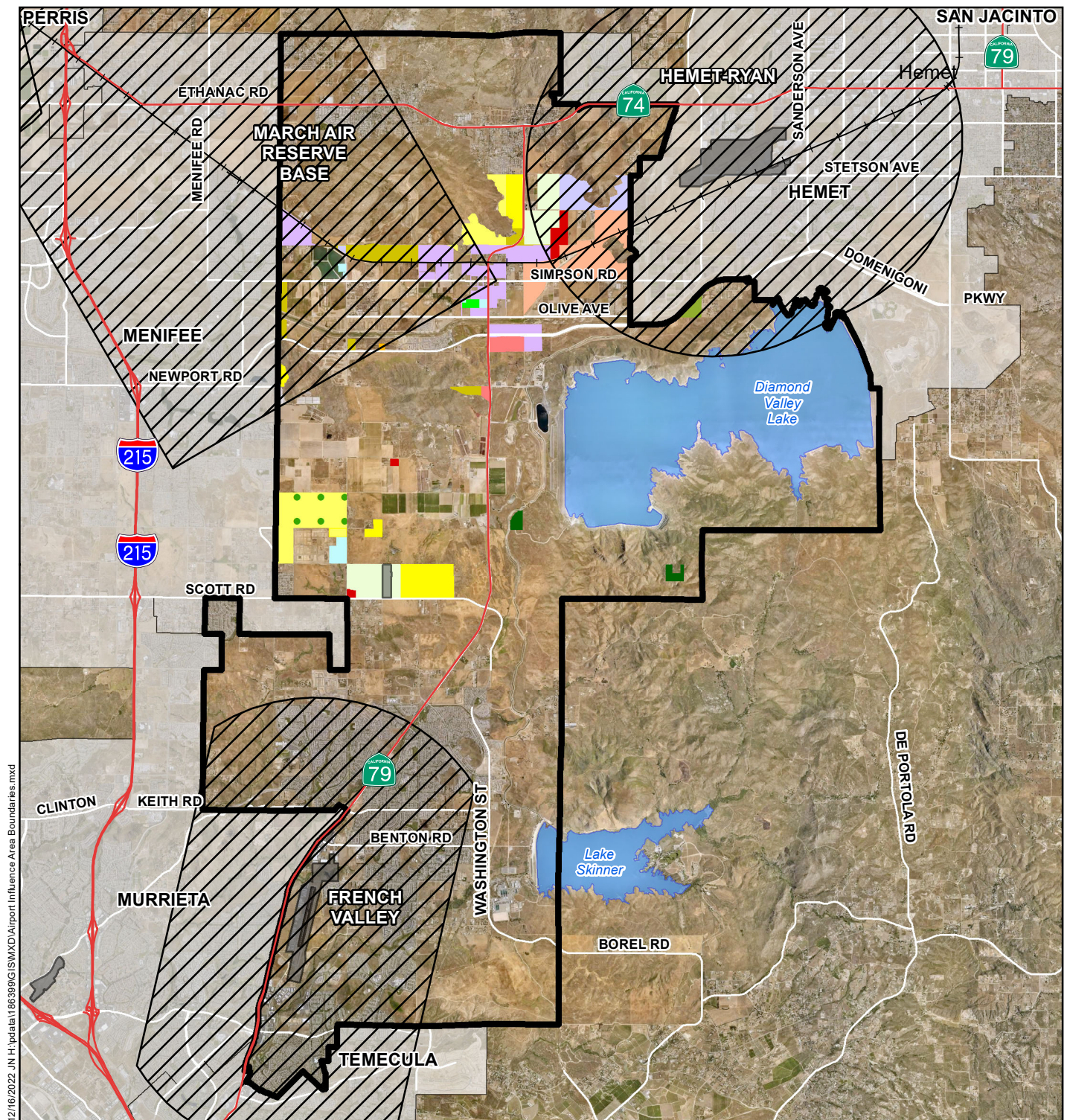
Page 4.8-29, Mitigation Measures

GHG-2 In lieu of a project-specific GHG analysis, a future discretionary project pursuant to the Riverside County General Plan shall incorporate into the project design, operational features and/or Implementing Measures from the County Climate Action Plan, in such a manner as to garnish at least 100 points or the appropriate CAP metric at the time of CEQA review. The point values within the Climate Action Plan's Screening Tables constitute GHG emission reductions.

SECTION 4.9, HAZARDS AND HAZARDOUS MATERIALS

Page 4.9-31, Exhibit 4.9-1, Airport Influence Area Boundaries

See next page.



Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN ENVIRONMENTAL IMPACT REPORT

Airport Influence Area Boundaries

Exhibit 4.9-1



SECTION 4.17, TRANSPORTATION

SECTION 4.17.4, IMPACTS AND MITIGATION MEASURES

Page 4.17-16

The project would amend the HVWAP, SWAP, SCMVAP, and SJVAP of the General Plan to remove revise the current Highway 79 Policy Area (PA) language ~~by removing and thereby remove~~ the nine percent reduction in density for residential projects. Revisions to remove the Highway 79 PA language would be carried throughout the General Plan document, where necessary, for internal consistency. Additionally, revisions to several policies within the Area Plans would occur as part of the project in order to address the transition from LOS to VMT thresholds in environmental assessment

Page 4.17-17

County of Riverside General Plan. The General Plan Circulation Element's intent, among others, is to provide a plan to achieve a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the General Plan's rural, suburban, or urban context. As discussed in Section 3.0, Project Description, the project proposes to amend the existing HVWAP, SWAP, SCMVAP, and SJVAP to remove revise the current Highway 79 PA language ~~by removing and thereby remove~~ the nine percent reduction in density for residential projects. The removal of this policy area would allow for full development of residential uses throughout the Highway 79 PA, increasing the potential residential development capacity within by nine percent. No land use designation changes are proposed associated with the amendment; it is limited to removing the development restriction on residential uses. Revisions to remove the Highway 79 PA language would be carried throughout the General Plan document, where necessary, for internal consistency.

SECTION 6.3, GROWTH INDUCING IMPACTS

Page 6-4

In addition, the project area is also served by a network of existing streets with regional access provided by major highways. Regional access to the project area is provided by the State Route 74 and 79 (SR-74 and SR-79); refer to Section 4.17. Highway 79 is a State highway and is an important north-south regional transportation link that runs through the project area and connects multiple jurisdictions both north and south of the project area. In 2003, when the County adopted the General Plan, the necessary roadway infrastructure for Highway 79 did not exist to accommodate the amount of growth that was slated for the corridor. Therefore, the Highway 79 Policy Area was added to the General Plan, placing a nine percent reduction on new residential developments within the affected area. In 2016, Caltrans issued a Record of Decision establishing a preferred alternative for the realignment of Highway 79. This alternative would realign and widen Highway 79 throughout the project area; thereby, providing improved circulation and traffic capacity for the area. The amended Policy would remove ~~expand for full~~



~~development of residential uses throughout the Highway 79 PA, increasing residential development capacity within by nine percent. Therefore, implementation of the proposed project would not remove an existing impediment to growth through the provision of new access to an area.~~

SECTION 7.0, ALTERNATIVES TO THE PROPOSED PROJECT

SECTION 7.1, PROJECT SUMMARY

Page 7-2

4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan and Sun City/Menifee Valley Area Plan to remove ~~revise the current Highway 79 PA and therefore remove language by removing the~~ 9% reduction in density for residential projects. Revisions to remove the Highway 79 PA language would be carried throughout the General Plan document, where necessary, for internal consistency. This policy area covers approximately 26,908 acres. Additionally, revisions to several policies within the Area Plans to address the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.